



WORK SESSION AGENDA

BOARD OF CLALLAM COUNTY COMMISSIONERS

223 East 4th Street Room 160

Port Angeles, Washington

Monday, May 13, 2024 – 9:00 a.m.

Board of Clallam County Commissioner meetings will also be available virtually at:

If you would like to participate in the meeting via Zoom audio only, call 253-215-8782 and use meeting ID: 875 561 7844 and passcode: 12345

If you would like to participate in the meeting via Zoom video conference, visit <https://zoom.us/j/8755617844> and use meeting ID: 875 561 7844 and passcode: 12345

This meeting can be viewed on a live stream at this link: <https://www.clallamcountywa.gov/669/Live-Archived-Meetings-Online>

Public comment can be directed to the Clerk of the Board at 360-417-2256 or Loni.Gores@clallamcountywa.gov

Modification

Modification to add item 13

Administration ? 9 a.m.

1. Calendar/Correspondence
2. Pre-application questionnaire with Washington State Administrative Office of the Courts for therapeutic courts in Courts of Limited Jurisdiction for FY2025

Pre-application questionnaire

Public Works

3. Agreement with Department of Ecology for Water Resources Streamflow Restoration Program

Agreement

Community Development

4. Discussion and next steps regarding the McDonald Creek Irrigation and Fish Passage Improvement Project bid received on May 7, 2024

Discussion and next steps

5. Pre-application questionnaire with Department of Fish and Wildlife for Habitat Strategic Initiative

Pre-application questionnaire

6. Briefing and call for hearing to be held on Tuesday, June 4, 2024 at 10:30 a.m. regarding amending Clallam County Code Title 21, Building and Construction Code

Briefing and notice for hearing 

7. Discussion regarding a draft ordinance establishing performance standards for agricultural accessory uses in Clallam County and resource zones

Discussion 

Budget

8. Memorandum of understanding amendment 2 with City of Forks for Opportunity Fund Program ? Waste Water Treatment Facility Project

MOU 

9. Discussion regarding Clallam Public Defender 1st quarterly report 2024 and upcoming changes

Discussion 

10. Discussion on proposed budget revisions to be considered on May 28 (4a)*

Budget revisions 

11. Discussion of proposed supplemental appropriations to be considered on May 28 (4b)*

Supplemental appropriations 

12. Discussion of proposed debatable emergencies to be considered on May 28 (4c)*

Debatable emergencies 

Board of Commissioners

13. Discussion and next steps regarding the Home Electrification and Appliance Rebates (HEAR) Program grant award

Discussion & next steps - added on 5-10-24 

General Discussion/Items for Future Agendas

- A. Department of Transportation Highway 101 Project Discussion (June 10 at 9 a.m.)
- B. Department of Natural Resources Meeting (June 17 at 1 p.m.)
- C. Department of Natural Resources Meeting (August 19 at 1 p.m.)
- D. Department of Transportation Highway 101 Project Discussion (September 9 at 9 a.m.)
- E. Joint Meeting with Port of Port Angeles (October 28 at 11 a.m. ? hosted at BOCC)
- F. Department of Natural Resources Meeting (November 18 at 1 p.m.)

- G. Department of Transportation Highway 101 Project Discussion (December 9 at 9 a.m.)
- H. CASA Update (TBD)
- I. Fair Rodeo Update (TBD)
- J. Clallam Conservation District Update (TBD)
- K. Hearing Examiner Update (TBD)

EXECUTIVE SESSION - May 13, 2024 at 1 p.m.

The Board of County Commissioners, pursuant to RCW 42.30.080, has scheduled a special meeting to be held at 1 p.m., Monday, May 13, 2024 in the Commissioner's Board Room, 223 East 4th Street, Port Angeles, Room 160.

The purpose of the special meeting is to facilitate an Executive Session with the Prosecuting Attorney's Office, per RCW 42.30.110. No virtual option will be available.

The Executive Session is to discuss the following item(s):

The purchase or sale of real estate

The Board of County Commissioners will take no action while in Executive Session but reserves the right to take action at the conclusion of the Executive Session once it is back in open session.

The Board may recess into Executive Session to consider employment or dismissal of personnel, to review the performance of a public employee, to consult with legal counsel, to consider the position to be taken in collective bargaining, to consider acquisition or sale of real estate, or other matters per RCW 42.30.110

Executive Session

- Other items may be added at the discretion of the Board and additional Work Sessions may be scheduled if more time is needed to allow for adequate discussion.
- Written testimony presented by members of the public during the Board meeting is considered a public document and must be submitted to the Clerk of the Board.
- Copies of public documents from Board meetings are available by contacting the Public Records Department.

MEMORANDUM

LONI GORES
Clerk of the Board

May 10, 2024



TO: Board of Commissioners, Administrator Mielke

RE: Agenda Modification(s)

FILE: A14.09.18

- The following item has been added to the May 13, 2024 work session agenda:

Board of Commissioners

- 13 Discussion and next steps regarding the Home Electrification and Appliance Rebates (HEAR) Program grant award



AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

MAY 13 2024

Department: District Court I

WORK SESSION ☒ Meeting Date: 05/13/2024

REGULAR AGENDA ☐ Meeting Date:

Required originals approved and attached? ☐
Will be provided on:

Item summary:

- | | |
|---|---|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # |
| ☐ Resolution | ☐ Proclamation ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance ☒ Other Discussion re: Grant Application |

Documents exempt from public disclosure attached: ☐

Executive summary: District Court I intends to apply for a renewal of funding from the Washington State Administrative Office of the Courts (AOC) for continuing grant funding support of Mental Health Court. A County grant application questionnaire and copy of AOC's grant application are attached for reference.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) If a budget action is required, has it been submitted and a copy attached? ☐ N/S

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?) Approve the grant application

County Official signature & print name: David Neupert David Neupert

Names of Relevant Departments/Employees/Stakeholders attending meeting:

Marrissa Williams, Court Administrator

Date submitted: May 8th, 2024

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Clallam County

Grant Application Information

DEPARTMENT: **District Court I**

DATE SUBMITTED TO W/S: **May 8th, 2024**

GRANT NAME: **Therapeutic Courts in Courts of Limited Jurisdiction**

APPLICATION DEADLINE: **05/17/2024**

ISSUING AGENCY: **Washington State Administrative Office of the Courts**

IS THIS A RENEWAL? **Yes**

LENGTH OF GRANT: **1 year**

RENEWAL POSSIBLE? **Yes**

TOTAL AWARD: **TBD**

ANNUAL AMOUNT : **TBD**

MATCH REQUIRED? **No**

MATCH AMOUNT: **N/A**

DESCRIPTION OF GRANT AND PURPOSE:

Grant funding is being offered to support new and existing therapeutic courts in Courts of Limited Jurisdiction for FY2025

EXPLAIN HOW THIS GRANT WILL BE USED FOR THE GOOD OF CLALLAM COUNTY CITIZENS:

Grant funds will be used to support District Court I's Mental Health Court Program. Mental health courts are specialty courts that were established to improve the response to individuals with serious mental illnesses who have come into contact with the criminal justice system.

DOES THE GRANT ACTIVITY FURTHER THE DEPARTMENT'S MISSION OR CORE FUNCTIONS? HAS IT BEEN A PART OF LONG TERM DEPARTMENT OR COUNTY GOALS?

Yes. District Court I started Mental Health Court in 2022. Grant funding would be used to continue the support of the program through a reimbursement model that would be at no cost to the county.

DOES THE GRANT ACTIVITY INCREASE AN EXISTING SERVICE OR ADD A NEW SERVICE? TO WHAT DEGREE? IF THE GRANT WERE NOT AVAILABLE, WOULD THE SERVICE HAVE BEEN NECESSARY?

Grant funds will be used to maintain and, depending on amount, potentially expand Mental Health Court's resources offerings. The program is an invaluable asset to Clallam County and on that should continue as a necessary complement to the criminal justice system, regardless of grant funding.

WHAT MEASUREMENTS (PERFORMANCE MEASURES) WILL BE USED TO EVALUATE THE SUCCESS OF THE ACTIVITIES PROVIDED BY THE GRANT? WILL PERFORMANCE MEASURES BE DEVELOPED?

Mental Health court employs the use of performance measures (e.g., % participants housed, appointment attendance, program participation, employment, ect.) to gauge success.

DOES THE GRANT ACTIVITY CREATE A NEW SERVICE OR LEVEL OF SERVICE WHICH IS EXPECTED TO BE CONTINUED FROM LOCAL FUNDING AT THE END OF THE GRANT PERIOD?

The county formally supported the establishment of Mental Health Court prior to 2022 successful application by District Court I to AOC for grant funding to support the program. In the event grant funding ceases to be available, unspent Hargrove funds monies can be used to do so.

IF MATCHING FUNDS ARE REQUIRED, WHERE WILL THEY COME FROM? DOES THE DEPARTMENT HAVE EXISTING RESOURCES TO COVER MATCH REQUIREMENTS? FROM WHERE?

The grant does not require a match.

WILL THE ACTIVITY IN THIS GRANT HAVE IMPACTS ON OTHER DEPARTMENTS? HAS THIS BEEN DISCUSSED? DO OTHER DEPARTMENTS HAVE SUFFICIENT RESOURCES TO DEAL WITH ADDITIONAL IMPACTS?

Mental Health Court impacts the operation of the Prosecuting Attorney's Office and Clallam County Public Defenders. These impacts have been previously discussed and both offices continue to support the operation of the program.

WILL NEW POSITIONS BE ADDED? IF SO, HOW MANY AND WHAT TYPE ARE EXPECTED? ARE ALL WAGES AND BENEFITS PAID IN THE GRANT? WHAT WILL HAPPEN TO THE POSITIONS WHEN THE GRANT PERIOD ENDS?

The feasibility of any new positions would be dependent upon available funding (grant or otherwise) and would first be discussed with the county.

DOES YOUR DEPARTMENT HAVE SUFFICIENT RESOURCES TO ADMINISTER THE GRANT? PROVIDE FOR TIMELY REIMBURSEMENT AND ACTIVITY REPORTS?

Yes.

ARE THERE IMPACTS TO THE COUNTY IF THE GRANT IS NOT RECEIVED? WHAT ARE THEY?

No, even without grant funding, unspent Hargrove fund monies could be used to support the continued operation of the program.

ARE INDIRECT COSTS ALLOWABLE ON THIS GRANT? IF SO, ARE THERE LIMITATIONS? WILL THEY BE CHARGED AND ALLOCATED AS INDIRECT?

I do not believe so.

ARE THERE OTHER ACTIVITIES (GRANT OR OTHERWISE) THAT ARE BUDGETED FOR THIS YEAR THAT WILL NOT BE COMPLETED IF THIS GRANT IS APPROVED?

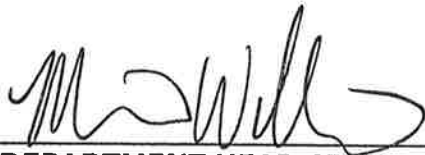
No.

WHAT BUDGET CHANGES ARE NECESSARY? INCLUDE REVENUES AND EXPENDITURES.

Any monies received as a result of this grant application will be reimbursed to the county for grant covered expenses/activities.

OTHER COMMENTS

Your ongoing support of Mental Health Court is appreciated.



ELECTED OFFICIAL/DEPARTMENT HEAD SIGNATURE

Todd Mielke, ADMINISTRATOR

APPROVAL

Submit in **duplicate** to the Board of Commissioners for Work Session discussion and approval by the Administrator prior to application for any grant. The approved form must be included with the grant contract when it is submitted to the Board for approval. Refer to Administrative Policies 120 and 562.

SFY2025 Application & Renewal Form

Please submit to CLJTherapeuticCourtsApplications@courts.wa.gov

SECTION 1 – CONTACT INFORMATION

Please enter contact information for person(s) completing this application or renewal

1. Court Name: Clallam County District Court
2. Court Mailing Address: 223 East 4th street Port Angeles, WA 98362
3. Applicant Name: Marrissa Williams (Court Administrator)
4. Applicant Email: Marrissa.williams@clallamcountywa.gov
5. Applicant Phone: 360-417-2453

Please enter contact information for signing agent(s) or person(s) who can authorize acceptance of funds, if approved

6. Signatory Name: David Neupert (Presiding Judge)
7. Signatory Email: David.neupert@clallamcountywa.gov
8. Signatory Phone: 360-417-2453

SECTION 2 – PROGRAMMATIC DETAILS

1. Please select the category that best represents your request. Please select only one for each application

☐ New Therapeutic Court

- Program Type (e.g. Community Court, Veteran's Court, Mental Health/Behavioral Health Court, SUD/Drug Court etc.):

Existing Therapeutic Court, adding a new court/program type

- New Program Type:

☐ Existing Therapeutic Court, but not currently funded through the AOC CLJ Therapeutic Court Program

X Existing Therapeutic Court, exists under the CLJ Therapeutic Court Funding administered by the AOC and are renewing funding agreement

- **STOP HERE and COMPLETE SECTION 4 ONLY**

2. Please briefly describe the following:

- a) The number of participants you currently serve or plan to serve in a contract year (July – June)
- b) Referral process (how do/will participants enter the program)
- c) Entry Criteria (allowable legal charges, must have a diagnosis, etc.)
- d) Risk-Needs Assessment Tools – if no tools are being used, please describe which one you may utilize (see resources pgs. 9-10)

- e) Please describe any formal agreements your court has with behavioral health agencies that provide evidence-based treatment and intervention (e.g. Moral Reconciliation Therapy (MRT), Acceptance and Commitment Therapy, etc. See resources pgs. 9-10) *Please note: if chosen for funding, evidence-based and/or best practice standards will be required.*
- f) Substance use testing process

SECTION 3 – ADMINISTRATIVE DETAILS

This section is to inform the AOC of the possible technical assistance or training opportunities we can provide. A “no” answer will not jeopardize a funding decision. Please answer the following questions **using 350 words or fewer**.

1. Does your program track data? If yes, how is it tracked? What data do you track?
As a requirement of this funding source, courts must complete the Washington Therapeutic Court Evaluation and Review (WATER) tool. *Support from the AOC will be provided.*
2. Has your program built and implemented a policies and procedures manual? If so, please include it with your application. If not, when do you anticipate completion? *The AOC can support you in the completion of this requirement.*

3. Equity and inclusion means ensuring equitable access, services, and outcomes for all sociodemographic and sociocultural groups. Does your program have a diversity, equity, and inclusion plan? If so, please include it with your application. If not, describe your intention to create a plan and please include a timeline. *The AOC will require that courts receiving funding under this program develop an equity and inclusion plan tailored to their therapeutic court program.*
4. Please list community partners (e.g. behavioral health agencies, law enforcement, social services agencies, etc.) your court collaborates with or plans to collaborate with to address the needs of your target population. Please include copies, if available, of the Memorandums of Understanding (MOUs) or letter of support.
5. What sources of funding currently contribute to the operations of your therapeutic court?
6. Have you submitted application for other funding? If yes, please state the funding source, the dollar amounts awarded or sought, the operations supported, and when/if the funding begins.
- X No
- ☐ Yes, already awarded funds
- ☐ Yes, we have an application under consideration

SECTION 4 – EXISTING THERAPEUTIC COURTS

Please provide your budget with justification below or attach to this application.

Answer the following question **using 600 words or fewer.**

1. What steps have to taken to improve your best practices during the SFY2024 contract?

We have taken the following steps to work on improving our best practices:

Training- Our Mental Health Court staffing team has a member each from Peninsula Behavioral Health and its R.E.A.L team, Jamestown S’Klallam Tribe Healing Clinic, Olympic Personal Growth, Clallam County jail Mental Health Case Manager, Clallam County Prosecutor’s office and Clallam Public Defender. In addition to the training available to each through their employment, 5 members of our staffing team participated at WSADCP in October, 2023. 4 members of our staffing team are enrolled for the ALLRISE national conference in May, 2024. These conferences provide essential education regarding best practices, including newly-developed standards for mental health courts.

Collaboration: Our staffing team meets once each week before Mental Health Court. We also gathered twice this year 2 outside of court days to review best practices and share ideas how to improve our program. Ours is a rural community and we must rely on each other’s insight and expertise to meet the needs of our program and its participants. This collaboration was crucial for us to determine a better solution for incentives and sanctions for our program participants. For example, we now provide for participants in compliance with program requirements to draw for a prize each week. This was a big morale lift for our participants; not because of the token value of the prizes, but for the shared enthusiasm it gives for our program. Our participants have grown from a collection of individuals to a group that now looks out for one another.

The Presiding Judge and Court Administrator have presented to the local law enforcement agencies, gaining their feedback and support, while increasing their awareness of our program. We arranged with AOC to visit us in July, 2024 to see

who we are and our program for themselves. We look forward to their assessment and welcome their recommendations for how we may build the program's success for our participants. The Presiding Judge is an active member of the Therapeutic Courts Committee of the District and Municipal Court Judges Association. This provides ongoing opportunity to establish relationships with, and to learn from, other courts including those also in rural areas.

Peninsula Behavioral Health provides four studio apartments exclusively for program participants who are both compliant with our program and their individual mental health and SUD treatment requirements. This affordable housing is a tremendous incentive to succeed in our Mental Health Court as its availability is keyed to a participant's accountability and willingness to build healthy relationships.

Clallam County District Court I
Mental Health Court funding request justification

Personnel Costs: \$150,000 for salary and benefits of our Mental Health Court Manager, and cost of a Judge pro tem to cover District Court I each week.

Staff Equipment and Technology: \$7,000 for the cost of our computer data system exclusive for Mental Health court case management, computer equipment, Case Manager cell phone, and office supplies.

Team Training/Travel: \$25,000 for the cost of allowing 5 staffing team members to attend both ALLRISE and WSADC conferences to stay current with new best practices. This will also cover sending 2 members to a risk assessment training conference.

Treatment Services: \$15,000 for the cost of UA lab testing, testing supplies, plus recommended treatment that is that is not covered by a program participant's insurance.

Recovery Support: \$10,000 to support program participants with transportation, hygiene items, parenting classes, housing assistance, planners, and program-related supplies.

Total request: \$207,000



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AGENDA ITEM SUMMARY

MAY 13 2024

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: Public Works

WORK SESSION ☒ **Meeting Date: 05-13-2024**

REGULAR AGENDA ☒ **Meeting Date: 05-21-2024**

Required originals approved and attached? ☒
Will be provided on:

Item summary:

- | | | |
|---|---|--------------------------------------|
| ☐ Call for Hearing | ☒ Contract/Agreement/MOU - Contract # Contract #334.19.010B | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary: The current grant contract with the Washington State Department of Ecology for work supporting the Dungeness Off-Channel Reservoir project is for \$4,092,854 and set to expire January 31, 2025. This amendment will extend the deadline to March 31, 2026 and will transfer money (\$1.6 million) from an unexecuted grant agreement with Ecology to this grant in order to increase the total award amount to \$5,692,854. The grant will continue to provide funding to support land acquisition, design, permitting, water rights work, outreach, project management activities, as well as a year of surface water quality monitoring. Approximately 60% of the grant has been spent to date on this project.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

None. There is no match on this grant.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)

The department recommends approval of this grant contract amendment.

County Official signature & print name: Steve Gray

A handwritten signature in blue ink, appearing to read "Steve Gray", written over a horizontal line.

Names of Relevant Departments/Employees/Stakeholders attending meeting: Public Works – Steve Gray, Deputy Director; Rhiana Barkie, Project Coordinator

Date submitted: 05-01-2024

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

**WRSRP-2019-CICoCD-00083****WATER RESOURCES STREAMFLOW RESTORATION PROGRAM****BETWEEN THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY****AND****Clallam County**

This is a binding Agreement entered into by and between the State of Washington, Department of Ecology, hereinafter referred to as "ECOLOGY" and the Clallam County hereinafter referred to as the "RECIPIENT" to carry out with the provided funds, the activities described herein.

GENERAL INFORMATION

Project Title: Dungeness Flow Restoration and Aquifer Recharge Off-Channel Reservoir

Total Cost:	\$ 5,692,854
Total Eligible Cost:	\$ 5,692,854
Ecology Share:	\$ 5,692,854
Recipient Share:	\$0
The Effective Date of this Agreement is:	04/1/2019
The Expiration Date of this Agreement is no later than:	03/31/2026
Project Type:	Water Supply/Land Acquisition

Project Short Description: (500-character limit, includes spaces)

The Dungeness Off-Channel Reservoir would capture high flows in climate-resilient storage for late summer mainstem flow restoration, exempt well mitigation, and small stream restoration via managed aquifer recharge. The project would restore 17-25 cfs of Dungeness River flows by substituting irrigation water supply (typically diverted from the river) with reservoir water. This agreement includes three initial project phases: Land Acquisition, Detailed Design, and Permitting.

Project Long Description: (8,000-character limit, includes spaces)

This phase of the Dungeness Flow Restoration and Aquifer Recharge Off-Channel Reservoir project will complete land acquisition, detailed design and permitting for the proposed 88-acre off-channel reservoir, to store approximately 1,600 AF. The future constructed off-channel reservoir would provide a viable irrigation alternative in late summer, allow for expansion of an exempt well mitigation program, and restore upwards of 25 cfs of late summer flow in the Dungeness River. WRIA 18 (Elwha-Dungeness), the Dungeness portion, is a prioritized funding basin (ESSB 6091-Section 208.2) for the Streamflow Restoration Act.

This project addresses priorities in many established strategies including the 2012 Instream Flow Rule and 2005 Elwha-Dungeness Watershed Plan and is listed as an ESSB 6091 prioritized basin in SRF Interim Funding Guidelines. Extensive planning and preliminary design establish merits and costs. As the project will restore up to 25 cfs of Dungeness flows indefinitely, this project reflects a quantity of flow restoration unavailable through traditional water acquisition with the additional potential benefit of managed aquifer recharge (MAR) to improve late season flows. Clallam County and partners provide the needed staff capacity to complete this important project.

The multiple benefits of this project include:

- *Dungeness River late summer flows increased by 20-50%
- *Increased capacity for MAR storage
- *Viable irrigation alternative supply to late-season river diversion
- *Public recreation at new park on site
- *Climate change resiliency

Aquifer Recharge:

The Dungeness Water Exchange (DWE) operates an exempt well mitigation program within the Dungeness Instream Flow Water Rule Area (Chapter 173-518 WAC), which relies on managed aquifer recharge (MAR) infiltration with water purchased from and conveyed by the Dungeness Water Users Association (DWUA), an association of seven irrigation purveyors in the valley. The 2012 purchase from DWUA provides the existing MAR program with 130 AFY of water to support independent stream flow mitigation and 45 AF for mainstem flow mitigation. In addition, 5 of the 6 MAR sites are used to infiltrate the purchased water to offset new uses. All six sites are used to augment baseflows in small streams and the mainstem utilizing Maximum Allocation (173-518-090) water. This project would allow for design of an off-channel reservoir that could store aquifer recharge water sourced from the Maximum Allocation (173-518-090), high flow water, available by annual permit from Ecology under the instream flow rule. The storage of this water would allow for release and additional augmentation of independent stream and the mainstem base flows to later in the season, for MAR sites east of river. East of Dungeness is where two-thirds of existing DWE mitigation obligations are held.

Reservoir Operations:

The design will allow for water diversion from the Dungeness via the Highland irrigation system (HID) at river mile 10.9 when river flows are high and stored in the reservoir. Roughly August to September of each year, irrigators on the east side of the Dungeness will use the stored water instead of diverting 17-25 cfs) from the river in the critical low flow period.

This amount represents 30-50% of streamflow during drought years. In drought years, pumping reservoir water to the upper Highland irrigation system would result in additional reductions in stream diversions during critical flow. This is a source substitution project, altering a point of diversion from the river to the reservoir that is consistent with and would not expand irrigators' current water rights. The east Dungeness irrigation purveyors would seek Ecology changes to their

water rights to allow for diversion from the HID Point of Diversion (POD), as well as earlier capture than the current irrigation season start of April 15. Additional infrastructure changes will be made to HID POD as well as connecting the reservoir outlet to existing irrigation infrastructure, by means of a Bureau of Reclamation WaterSMART grant. Historic diversion and river gage data on the Dungeness dating as far back as 1923 would be monitored to demonstrate the flow restoration achieved.

The surrounding land of the reservoir site would be used to create a new County Park. Clallam County has recognized the Off-Channel Reservoir as its top water resources priority because of benefits to community, development, water resources, and salmon recovery.

Land Acquisition:

Project proponents have identified two key parcels which are currently owned by the Washington Department of Natural Resources (DNR). DNR is a willing seller having supported this trust land transfer (TLT) of the River Road site and included it on the TLT 2017-2019 list submitted to the legislature.

Design:

A conceptual design and project proposal were developed by Anchor QEA in 2016 based on the River Road site. This project will support project design, including the reservoir and any necessary connections/upgrades to irrigation infrastructure. 30% design will enable Clallam County to pursue permits. 90% design will allow the County to pursue bids for construction of the project.

Permitting:

The project will obtain all permits related to the construction of the project.

Overall Goal: (1,000-character limit, includes spaces)

The long-term goal of the Dungeness Off-Channel Reservoir project is to improve late summer Dungeness River flows in the lower 11 miles by more than 20 cfs by providing east of the Dungeness River irrigation purveyors an alternative water supply in late summer, provide climate resilient infrastructure, support aquifer recharge to small streams, reduce flood risk to Sequim, and provide a new local park. The design of the 1,600 AF reservoir will allow for water to be stored during periods of high river flows when snow melt is abundant. Stored water will be used as a substitute for late-summer irrigation diversions when streamflow is regularly below minimum instream flow, and within the irrigators' legal water right.

RECIPIENT INFORMATION

Organization Name: Clallam County

Contacts

Project Manager	Rhiana Barkie Clallam County Public Works 223 E Fourth Street, Suite 6 360-417-2424 rhiana.barkie@clallamcountywa.gov
Billing Contact	Hilary Steeby 223 E. 4th Street, Suite 6 Port Angeles, Washington 98362 (360) 417-2370 (360) 417-2513 hilary.steeby@clallamcountywa.gov
Authorized Signatory	Mark Ozias Commissioner 223 East 4th Street Port Angeles, Washington 98362 (360) 417-2000 mark.ozias@clallamcountywa.gov

ECOLOGY INFORMATION

Mailing Address: Department of Ecology
Water Resources
PO BOX 47600
Olympia, WA 98504-7600

Physical Address: Water Resources
300 Desmond Drive
Lacey, WA 98503

Contacts

Project Manager	Angela Johnson Email: angela.johnson@ecy.wa.gov Phone: 360-742-6743
Financial Manager	Brandy Reynecke Email: brandy.reynecke@ecy.wa.gov
Technical Advisor	Matt Rakow Email: matt.rakow@ecy.wa.gov

AUTHORIZING SIGNATURES

RECIPIENT agrees to furnish the necessary personnel, equipment, materials, services, and otherwise do all things necessary for or incidental to the performance of work as set forth in the Scope of Work.

RECIPIENT agrees to read, understand, and accept all information contained within this entire Agreement. Furthermore, RECIPIENT acknowledges that they have reviewed the terms and conditions of this Agreement, Scope of Work, attachments, all incorporated or referenced documents, as well as all applicable laws, statutes, rules, regulations, and guidelines mentioned in this agreement.

This Agreement contains the entire understanding between the parties, and there are no other understandings or representations other than as set forth, or incorporated by reference, herein.

This Agreement shall be subject to the written approval of Ecology's authorized representative and shall not be binding until so approved.

The signatories to this Agreement represent that they have the authority to execute this Agreement.

Washington State Department of Ecology

Clallam County

Program Manager

Date

Ria Berns

Water Resources

Mark Ozias

Date

Commissioner

Approved as to form only by



Bert Dee Boughton
Civil Deputy Prosecuting Attorney
Clallam County

SCOPE OF WORK

Task Number: 1

Task Cost: \$ 385,877

Task 1 Title: Project Administration/Management

Task Description (3500-character limit, includes spaces):

- A. The RECIPIENT will administer the project. Responsibilities will include, but not be limited to: maintenance of project records; submittal of requests for reimbursement and corresponding backup documentation, progress reports and recipient closeout report; submittal of required performance items; and compliance with applicable procurement and contracting requirements.
- B. The RECIPIENT will, along with each request for reimbursement, prepare and submit a progress report to ECOLOGY's project manager through Ecology's Administration of Grants and Loans (EAGL) on line grant management system. The reports shall include, at a minimum, the following information:
- A comparison of actual accomplishments to the objectives established for the reporting period.
1. The reasons for any delays if the project does not meet established objectives.
 2. Plan and schedule of activities for the upcoming two months.
 3. Analysis and explanations of any cost overruns.
 4. Any additional pertinent information.
- C. The RECIPIENT shall submit a Recipient Closeout Report encompassing the entire project with their last payment request. The RECIPIENT shall submit the final payment request and Recipient Closeout Report within 30 days of the end of this agreement.
- D. The RECIPIENT must manage and carry out this project in accordance with any completion dates outlined in this agreement.

Task Goal Statement (1500-character limit, includes spaces):

Properly managed project that meets agreement and Ecology administrative requirements.

Task Expected Outcome: (1,500-character limit, includes spaces):

* Timely and complete submittal of requests for reimbursement, quarterly progress reports and recipient closeout report.

* Properly maintained project documentation Recipient Task Coordinator: Rhiana Barkie

Project Administration/Management**Deliverables**

Number	Description	Due Date
1.1	Progress Reports	
1.2	Recipient Closeout Report	03/31/2026

Task Number: 2

Task Cost: \$75,000

Task Title: Property Appraisal Due Diligence

Task Description (3500-character limit, includes spaces):

The purpose of this task is to ensure that reasonable steps are taken to satisfy the legal requirements of purchasing a property.

- A. Prior to accessing funds for the purchase of the property, the RECIPIENT must document fair market value by self-contained appraisals performed in accordance with the "Uniform Standards of Professional Appraisal Practice" (USPAP). A State-Certified General Real Estate Appraiser must conduct an appraisal that complies with the USPAP for the property to be purchased. The RECIPIENT may obtain an appraisal update if there are significant findings in the environmental audit conducted in this Agreement. A State-Certified or licensed review appraiser must then conduct an independent review appraisal of the appraisal(s). The appraisal(s) and review appraisal must be submitted to ECOLOGY and approved in writing by ECOLOGY before funds may be used to purchase the property. The ECOLOGY share of the acquisition will not be greater than the current market value, as determined by the appraisal and review appraisal. Documentation shall consist of identification and approval of the property and a USPAP, self-contained appraisal (i.e., expanded appraisal report) with review appraisal. The appraisal must be reported in a fully self-contained appraisal report format that meets the requirements outlined in the most current USPAP. The report must describe in detail the information analyzed and the reasoning and methodology that supports any analyses, opinions, and conclusions. The report will be subject to review by ECOLOGY and the appraiser will be required to clarify any issues in writing. Failure to do so may result in the report being considered unacceptable by ECOLOGY.
- B. The RECIPIENT shall inspect, investigate, and conduct an environmental audit of the proposed acquisition site for the presence of hazardous substances, as defined in RCW 70A.305.020(13). If there are significant finding or recommendations in the environmental audit, ECOLOGY may request the audit report be provided to the appraiser for consideration to determine whether the findings would affect the appraised value of the property. If the findings or recommendations will not be addressed prior to acquiring the property, the RECIPIENT assumes all risks and must provide ECOLOGY with a plan to address the findings or recommendations in the future.

Nothing in this provision alters the RECIPIENT's duties and liabilities regarding hazardous substances as set forth in RCW 70A.305. The RECIPIENT will defend, protect, and hold harmless ECOLOGY and any and all of its employees and/or agents, from and against any and all liability, costs, attorneys' fees, and any and all loss of any nature from any and all claims or suits resulting from the presence of, or the release or threatened release of, hazardous substances on the property the RECIPIENT is acquiring.

Nothing in this grant agreement shall be construed as giving rise to any right or ability in ECOLOGY to exercise physical or managerial control over the day-to-day operations of the Property, or any of the RECIPIENT's activities on the Property, or otherwise to become an owner or operator with respect to the Property within the meaning of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), or Model Toxics Control Act ("MTCA"). The RECIPIENT and ECOLOGY agree that ECOLOGY is not liable for any hazardous substances located on the Dungeness Off-Channel Reservoir project site, within the meaning of CERCLA and MTCA.

Task Goal Statement: (1,500 Character Limit)

The RECIPIENT will complete all appraisal requirements, environmental review, and other due diligence as needed to comply with local, state, and federal law.

Task Expected Outcome: (1,500 Character Limit)

The outcome of this task will be the negotiation of mutually acceptable terms for the acquisition of the proposed property in order to protect and restore streamflow in the Dungeness River.

Recipient Task Coordinator: Rhiana Barkie

Deliverables

Number	Description	Complete	Due Date
2.1	Appraisal from a State Certified General Real Estate Appraiser. Upload to EAGL and notify ECOLOGY Project Manager upon completion.	X	
2.2	Appraisal updates, as necessary, from a State Certified General Real Estate Appraiser. Upload to EAGL and notify ECOLOGY Project Manager upon completion.	X	
2.3	Independent review of the appraisal. Upload to EAGL and notify ECOLOGY Project Manager upon completion.	x	
2.4	ECOLOGY approval of appraisal and review appraisal. Upload to EAGL.	x	
2.5	Environmental Audit Report(s) for the property to be acquired.	x	
2.6	Plan for addressing environmental audit findings and recommendations for property to be acquired, if applicable.	x	

Task Number: 3**Task Cost:** \$2,900,300**Task Title:** Detailed Design**Task Description (3500-character limit, includes spaces):**

- A. The RECIPIENT will develop and submit 30%, 60%, 90%, and final design packages. The final design package will be signed and stamped by a licensed professional engineer.
- B. The RECIPIENT will submit a copy of the final design and bid package to ECOLOGY for acceptance by the ECOLOGY Project Manager prior to advertising the project. The package will include project plans, specifications, licensed engineer's opinion of cost including a schedule of eligible costs, a construction quality assurance plan, and project construction schedule.
- C. The RECIPIENT will ensure that the project design will meet the requirements of ECOLOGY's Dam Safety Office (DSO) design standards.
- D. The RECIPIENT will obtain a DSO Dam Construction Permit at the completion of design to allow for the future construction of the project, which will be regulated as part of dam inventory in Washington State.
- E. The RECIPIENT will ensure that the project design will meet the requirements of ECOLOGY's Water Quality Program State Fiscal Year 2025 Funding Guidelines for the Water Quality Combined Funding Program Stormwater Financial Assistance Grants (<https://apps.ecology.wa.gov/publications/documents/2310020.pdf>). The RECIPIENT will ensure that the project design is consistent with ECOLOGY's Water Quality Program's stormwater management manuals, and that the necessary requirements will be identified in design and permitting.
- F. The RECIPIENT will collect geotechnical data, water quality data (Task 7), and perform modeling (Task 5) to inform the design of the project.

Design development activities that will be completed under this task include:

- i. Topographic survey of the proposed storage site.
- ii. Additional geotechnical investigation, including completion of additional borings, additional seismic study additional laboratory analysis of soils to determine final design requirements for embankment side-slopes, dimensions, materials, and configuration.
- iii. Wetland and other environmental surveys.
- iv. Detailed evaluation of reservoir inflows, outflows, operational controls, Highland diversion and main canal capacity.
- v. Evaluation/identification of conveyance system upgrades downstream of reservoir to effectively connect and serve irrigators from the reservoir.
- vi. Additional analysis to further evaluate peak stormwater flows and develop design requirements for stormwater conveyance, sediment retention, and control facilities.
- vii. Development of detailed drawings and technical specifications.
- viii. Refinement of the opinion of probable construction costs to reflect the detailed design.
- ix. Additional design to address any potential negative impacts to water quality and aquatic species as determined by monitoring in Task 7.

- x. Cultural resources surveys (as described in Task 8 of this Agreement).
- xi. Operations and Maintenance Plan framework (DSO requirement)

Task Goal Statement (1500-character limit, includes spaces):

The RECIPIENT will obtain final, construction-ready design which maximizes the potential storage for irrigation source substitution in late summer as well as managed aquifer recharge year-round. At the completion of final design, a complete package of both design and permits will be ready to move forward on construction of the Dungeness Flow Restoration and Aquifer Recharge Off -Channel Reservoir.

Task Expected Outcome: (1,500 Character Limit)

The RECIPIENT will obtain:

30% Design from which to pursue permits.

60% Design

90% Design

Final Design which is ready to submit for bids for reservoir construction.

Recipient Task Coordinator: Rhiana Barkie

Deliverables

Number	Description	Due Date
3.1	30% design	12/31/2021
3.2	60% design	08/30/2025
3.3	90% design	11/30/2025
3.4	Memo describing how ECOLOGY's Water Quality Program requirements are addressed in design.	11/30/2025
3.5	Memo summarizing DSO review comments, and how they were addressed.	11/30/2025
3.6	ECOLOGY Dam Safety Office Dam Construction Permit approval	01/31/2026

3.7	Final design with detailed drawings, signed and stamped by a licensed professional engineer. Upload to EAGL and notify ECOLOGY when upload is complete.	02/01/2026
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Task Number: 4

Task Cost: \$156,727

Task Title: Permitting

Task Description (3500-character limit, includes spaces):

The RECIPIENT will ensure the following items are completed and provide the associated deliverables to ECOLOGY. The RECIPIENT must approve all materials prior to submitting them to ECOLOGY for acceptance.

- A. The RECIPIENT will comply with State Environmental Policy Act provisions and provide Ecology with the final threshold determination and any a subsequent SEPA documentation.
- B. The RECIPIENT is responsible for application of, receipt of, and compliance with all required local, state, tribal and federal permits, licenses, easements, or property rights necessary for the project.
- C. The RECIPIENT will apply for and secure all necessary permits for implementation of designs developed under this agreement. The issuance of permits by agencies will be documentation of acceptance of project plans by permitting agencies.
- D. The RECIPIENT will coordinate with regulatory agencies, including ECOLOGY's Dam Safety Office, ECOLOGY's Water Quality Program, and other permitting agencies to verify permit and design requirements.
- E. The RECIPIENT will obtain permits necessary to perform debris removal on the acquired property, including SEPA review, grading permit, and construction stormwater general permit.

Application and/or acquisition of the following permits will be pursued: Section 404 permit; WDFW Hydraulic Permit; Section 401 Water Quality Certification; Ecology Reservoir Storage Permit, Ecology Water Right Change Permit for storage of late spring flows, Ecology Water Right Permit(s) for storage of storm flows, Ecology NPDES Construction Permit, and Ecology Dam Construction Permit; DNR Forest Practices Permit; SEPA; Clallam County Critical Area and Building, Construction, Clearing and Grading Permits; and, Clallam County Zoning and Conditional Use Permit, County Comprehensive Plan Land Use and Zoning Map Amendment, Shoreline Permit (if construction within shoreline jurisdiction), and On-Site Septic System for restroom facility (if planned), and other permits identified as necessary.

Task Goal Statement (1500-character limit, includes spaces):

The RECIPIENT will complete the State Environmental Policy Act review process in a timely manner. The RECIPIENT will correctly and completely identify and secure all required permits for the construction of the reservoir project.

Task Expected Outcome: (1,500 Character Limit)

The project will meet the requirements set forth by the State Environmental Policy Act, and all other applicable federal, state, and local laws, and regulations. At the completion of this grant period, the RECIPIENT will acquire or have in process all required permits from the Permit List. Necessary permits will be attained to complete debris removal and move forward on construction phase of this project.

Recipient Task Coordinator: Rhiana Barkie

Deliverables

Number	Description	Due Date
4.1	SEPA Final Threshold Determination. Upload to EAGL and notify ECOLOGY when upload is complete.	08/31/25
4.2	List of permits acquired and environmental review documents. Upload to EAGL and notify ECOLOGY when upload is complete.	01/31/26

Task Number: 5**Task Cost: \$334,950**

Task Title: Outreach/Coordination, Water Rights, Legal Service

Task Description (3500-character limit, includes spaces):

- A. The RECIPIENT will coordinate of all Dungeness Reservoir Work Group stakeholder meetings to provide project feedback, comment and inform the project. Recipient or assigned will undertake a public process of at minimum 3 public meetings to present the project to the community and secure comment/public feedback.
- B. The RECIPIENT will evaluate water rights subject to change, prepare the change applications, and seek other necessary approvals to submit to Ecology for processing.
- C. The RECIPIENT will secure legal services to support the project.
- D. The RECIPIENT will prepare public outreach materials including but not limited to a website, handouts, agendas, notes from public meetings, and press releases.
- E. The RECIPIENT will develop and submit a Quality Assurance Project Plan (QAPP), which will guide all water budget modeling activities, to the ECOLOGY Project Manager. This plan will go through a review process and must be approved and signed by both ECOLOGY and the RECIPIENT. Any activities conducted before the QAPP receives final approval may not be eligible for reimbursement. ECOLOGY will only consider such exceptions under very limited circumstances and decisions are at the sole discretion of ECOLOGY.
- F. The RECIPIENT will prepare a water budget model using the Water Evaluation and Planning System (WEAP) software to inform design, outreach, and water rights work.

Task Goal Statement (1500-character limit, includes spaces):

Effectively coordinate among all those responsible for tasks under the SRA funded project elements.

Consistently engage Dungeness Reservoir Working Group stakeholders in informing them on the project. Inform, receive, and address public feedback about the project.

Coordinate with Highland Irrigation District (HID) and Dungeness Water Users as well as Ecology to secure the necessary approvals for water right change and for reservoir storage and release.

Assigned legal counsel will provide review/development of stakeholder MOA; change applications and agreements necessary to legally effectuate the storage of water in the new reservoir.

Task Expected Outcome: (1,500 Character Limit)

Monthly meetings of Dungeness Reservoir Work Group or Dungeness River Management Team (DRMT), atleast 3 public meetings with good community participation, timely coordination of task and summarize meetings in quarterly progress report.

Other individual or subcommittee meetings with project partners and stakeholders needed to address and reach agreement on project issues and water rights.

Change applications prepared and signed by HID; approved ROE by ECOLOGY. MOA and change applications are reviewed and water agreements are developed.

Recipient Task Coordinator: Rhiana Barkie**Deliverables**

Number	Description	Due Date
5.1	RECIPIENT will report on stakeholder meetings and preparation for meetings in quarterly progress reports.	
5.2	RECIPIENT will report on public meetings in quarterly progress reports.	
5.3	Water right change applications	08/31/2025
5.4	QAPP. Submit to the ECOLOGY PM for review and approval. Upload a copy of the final approved and signed QAPP into EAGL.	09/30/2024
5.5	Memo summarizing results of WEAP model and how design, outreach, and water right information was informed by results.	12/31/2024

Task Number: 6

Task Cost: \$1,765,000

Task Title: Property Acquisition and Site Cleanup

Task Description (3500-character limit, includes spaces):

The purpose of this task is to acquire property for construction of an off-channel reservoir and Clallam County park that will result in permanent streamflow restoration and protection.

The site of the proposed reservoir is owned by the Washington Department of Natural Resources (DNR). The proposed reservoir property encompasses two parcels totaling 396 acres:

*319-Acre Parcel West of River Road in Sequim WA Parcel 043036-210000

*77-Acre Parcel East of River Road in Sequim WA Parcel 043036-130000

- A. The RECIPIENT will acquire the property and ensure that property records and conveyance documents (e.g., deed, easement, deed of right) are recorded in the RECIPIENT's name and with the county auditor's office. The RECIPIENT understands that the purchase price of the property shall not be reimbursed prior to receipt of documentation of sale, but funds may be requested to be transferred directly into escrow to go towards the property closing. This must be requested at least 30 days in advance of the estimated closing date and is contingent upon completion of all required forms and documentation as required by ECOLOGY. The RECIPIENT will submit copies of all the property records and executed conveyance documents after closing to ECOLOGY.

The property must be deed-restricted to ensure that it remains in use for streamflow restoration purposes outlined in this agreement and is not modified to another use without approval from ECOLOGY.

- B. The RECIPIENT shall not, at any time, transfer ownership, or convert real property (including interest therein) purchased pursuant to this Agreement to uses other than the purposes for which funds were approved without prior approval of Ecology.
- C. The RECIPIENT will submit a preliminary title report that identifies encumbrances, and the type of ownership interest for the property that will be acquired and will include a boundary map. The RECIPIENT will purchase and submit the title insurance policy.
- D. The RECIPIENT will develop a site cleanup plan to address debris removal on the property. The RECIPIENT will submit a draft to the Ecology Project Manager for review and approval prior to any cleanup activities taking place. The plan must describe goals, strategies, and budget for debris removal. The RECIPIENT shall not use grant funds for contaminated soil removal or remediation, cleanup of hazardous substances, or monitoring related to hazardous substances cleanup.

Task Goal Statement:

Two parcels will be transferred between DNR and the RECIPIENT to complete the 1,600 AF reservoir project and establish a county park. The RECIPIENT will complete debris removal on the property following acquisition.

Task Expected Outcome:

Completed transfer of two parcels totaling 396 acres. Debris removal on a 1-acre plot within the 396 acre property.

Recipient Task Coordinator: Rhiana Barkie

Property Acquisition and Stewardship Deliverables

Number	Description	Due Date (leave blank)
6.1	Complete a purchase and sale agreement and submit to Ecology for review.	3/29/2024
6.2	Develop deed restriction language/documentation to meet covenant requirements under RCW 39.33.015. Submit to Ecology for review and approval prior to recording.	8/31/2024
6.3	Submit preliminary title report to Ecology for review.	2/28/2024
6.4	Signed and recorded deed. Upload copy of signed and recorded document to EAGL.	12/31/2024
6.5	Final title insurance policy. Upload to EAGL and notify ECOLOGY Project Manager upon completion.	12/31/2024
6.6	Recorded legal survey and boundary line adjustment, if necessary.	12/31/2024
6.7	Preliminary Title Report that shows the type of ownership interest and boundary map for the property that will be acquired. Upload to EAGL and notify ECOLOGY Project Manager upon completion.	12/31/2024
6.8	Signed settled statement to verify purchase price and date of sale.	12/31/2024
6.9	Assignment of Rights, as needed.	12/31/2024
6.10	Three maps of varying scale, from small to large scale, including location within the state, specific location map, parcel, or plat map.	12/31/2024
6.11	GIS Shapefile for each property acquired.	12/31/2024
6.12	Debris removal cleanup plan	01/31/2024

Task Number: 7**Task Cost:** \$70,000

Task Title: Water Quality Monitoring Quality Assurance Project Plan and Site Monitoring

Task Description (3500-character limit, includes spaces):

The RECIPIENT will conduct a surface water quality monitoring program to provide information for design and to identify any concerns of water quality impacts to irrigators. The program will ascertain water quality in the irrigation systems including at the Dungeness River HID point of diversion and overland flow in the irrigation ditches.

- A. The RECIPIENT will develop and submit a Quality Assurance Project Plan (QAPP), which will guide all environmental monitoring activities to the ECOLOGY Project Manager. This plan will go through a review process and must be approved and signed by both ECOLOGY and the RECIPIENT. Any monitoring activity conducted before the QAPP receives final approval may not be eligible for reimbursement and any data collected may not be eligible to be submitted under an approved QAPP. ECOLOGY will only consider such exceptions under very limited circumstances and decisions are at the sole discretion of ECOLOGY.
- B. The RECIPIENT will, in accordance with the approved QAPP, conduct surface water quality monitoring to provide information for design and provide baseline water quality conditions.
- C. The RECIPIENT must submit all environmental monitoring data into ECOLOGY's Environmental Information Management (EIM) database annually.
- D. The RECIPIENT will purchase and install all monitoring equipment. Due to normal attrition of existing equipment, the RECIPIENT will repair, replace, or purchase additional monitoring equipment as necessary to facilitate monitoring and provide accurate data.

Task Goal Statement (1500-character limit, includes spaces):

This project task will provide information for design and to identify any concerns of water quality impacts to irrigators. This task will ascertain water quality in the irrigation systems including at the Dungeness River HID point of diversion and overland flow in the irrigation ditches.

Task Expected Outcome: (1,500 Character Limit)

An Ecology approved QAPP. Informed design concerning water quality from the HID point of diversion into the Dungeness Reservoir. Baseline water quality information obtained from the irrigation systems including at the Dungeness River HID point of diversion and overland flow in the irrigation ditches to address water quality concerns of the irrigators. Data from in-situ water sampling will be uploaded to EIM.

Recipient Task Coordinator: Rhiana Barkie

Deliverables

Number	Description	Due Date
7.1	QAPP. Submit to the ECOLOGY PM for review and approval. Upload a copy of the final approved and signed QAPP into EAGL prior to any monitoring activities.	08/31/2024
7.2	Data collection in accordance with approved QAPP. Include photos and summary in final report.	12/31/2025
7.3	Monitoring data. Submit into ECOLOGY's EIM database annually. Notify the ECOLOGY PM once data has been successfully uploaded.	01/31/2026
7.4	Final monitoring report. Submit a draft monitoring report to the ECOLOGY PM, at least 30 days prior to the agreement end date, for review and approval. Upload the final, approved report to EAGL.	01/31/2026

Task Number 8

Task Cost \$5,000

Task Title: Cultural Resources Review

Task Description (3500-character limit, includes spaces):

- A. The RECIPIENT must ensure the following items are completed and provide the associated deliverables to ECOLOGY. The RECIPIENT must approve all materials prior to submitting them to ECOLOGY for acceptance.
- B. The RECIPIENT must comply with Governor's Executive Order (GEO) 21-02 concerning archeological and cultural resources. To initiate cultural resources review, the RECIPIENT must:
 1. Submit to ECOLOGY a completed Ecology Cultural Resources Review form (ECY 070-537; rev. 6/2021). All submitted materials must conform to the Department of Archeology and Historic Preservation's *Washington State Standards for Cultural Resource Reporting*.
 2. Submit a signed landowner agreement, if applicable.
 3. Submit to ECOLOGY a completed Ecology Inadvertent Discovery Plan (IDP) (ECY 070-560; rev. 6/2021). The RECIPIENT must ensure that all contractors, subcontractors, and volunteers have a copy of the completed IDP prior to and while working on-site. The RECIPIENT must ensure the IDP is immediately available onsite, be implemented to address any discovery, and be available by request by any party.
 4. If the RECIPIENT would like to request review and adoption of existing Cultural Resources Review(s), submit to ECOLOGY a completed and signed Cultural Resources Review Adoption Checklist (provided by the ECOLOGY Project Manager). Submission of an adoption proposal must be for the same work in the same project area and ECOLOGY reserves the right to require additional work under this task and/or to deny external adoption. The RECIPIENT must submit any supplemental cultural resources documentation (copies of any associated survey or monitoring reports, project communication with the Department of Archaeology and Historic Preservation and Tribal Consultation, documentation of final determination, and any other relevant materials) to the ECOLOGY Project Manager.
- C. The RECIPIENT and all contractors, subcontractors, and volunteers performing work onsite must review the following Ecology video prior to proceeding with work onsite: "Inadvertent Discovery of Cultural Resources of Human Remains" (<https://www.youtube.com/watch?v=cV3BppQTx9Q>; 12:44 minutes).
- D. The RECIPIENT must receive written notice from ECOLOGY prior to proceeding with any work with potential impacts to cultural resources. Work done prior to written notice to proceed will not be eligible for reimbursement. This includes geotechnical work.

Task Goal Statement (1500-character limit, includes spaces):

The RECIPIENT will comply with Governor's Executive Order (GEO) 21-02 concerning archeological and cultural resources.

Task Expected Outcome: (1,500 Character Limit)

The project will be implemented in compliance with Washington State Governor's Executive Order (GEO) 21-02 concerning archeological and cultural resources.

Recipient Task Coordinator: Rhiana Barkie

Cultural Resource Review Deliverables

8.1	Submit via email a completed ECY 070-537 (CRR) form and any supplemental cultural resources documentation to the ECOLOGY Project Manager. Do not upload to EAGL.
8.2	Upload to EAGL a signed landowner agreement for each site, if applicable.
8.3	Upload to EAGL a completed ECY 070-560 (IDP) form and notify the ECOLOGY Project Manager when upload is complete. The Project Manager and RECIPIENT must review the IDP during a project kickoff or pre-construction meeting.
8.4	Submit via email a completed Cultural Resources Review Adoption Checklist and any supplemental cultural resources documentation to the ECOLOGY Project Manager, if applicable. Do not upload to EAGL.
8.5	Submit an email to the ECOLOGY Project Manager confirming the RECIPIENT and all contractors, subcontractors, and volunteers performing work onsite have viewed the video.
8.6	Upload to EAGL email(s) from ECOLOGY with Notice(s) to Proceed.

BUDGET SUMMARY

Funding Distribution

Funding Title: Dungeness Flow Restoration and Aquifer Recharge Off-Channel Reservoir
 Funding Type: Grant
 Funding Effective Date: 04/01/2019
 Funding Expiration Date: 03/31/2026
 Funding Source: State – Streamflow Restoration 2022 (Watershed Restoration and Enhancement Bond Account)

Description: To fund projects using tax exempt bonds. Projects include acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure designed to provide access to new water supplies, with priority given to projects in watersheds developing specified plans and watersheds participating in the defined pilot project.

Is this Funding Distribution used to match a federal grant?

Indirect Rate: max 30% of salaries and benefits

SRF	Task Total
1. Project Administration/Management	\$335,877
2. Property Appraisal Due Diligence	\$75,000
3. Detailed Design	\$2,900,300
4. Permitting	\$156,727
5. Outreach/Coordination, Water Rights, Legal Service	\$334,950
6. Land Acquisition	\$1,765,000
7. Quality Assurance Project Plan and Site Monitoring	\$70,000
8. Cultural Resources Review	\$5,000
Total	\$5,692,854

Funding Distribution Name	Recipient Match	Recipient Share	Ecology Share	Total
SRF	0%	\$0.00	\$5,692,854	\$5,692,854
Total		\$	\$5,692,854	\$5,692,854

TERMS AND CONDITIONS

Note to RECIPIENT: Please read the full Terms and Conditions below. Any questions should be discussed with your Ecology Project Team during negotiation, prior to signature.

AGREEMENT SPECIFIC TERMS AND CONDITIONS

N/A

SPECIAL TERMS AND CONDITIONS

N/A

GENERAL TERMS AND CONDITIONS (As of 06/24/2021)

1. ADMINISTRATIVE REQUIREMENTS

- a) RECIPIENT shall follow the "Administrative Requirements for Recipients of Ecology Grants and Loans – EAGL Edition." (<https://fortress.wa.gov/ecy/publications/SummaryPages/1701004.html>)
- b) RECIPIENT shall complete all activities funded by this Agreement and be fully responsible for the proper management of all funds and resources made available under this Agreement.
- c) RECIPIENT agrees to take complete responsibility for all actions taken under this Agreement, including ensuring all subgrantees and contractors comply with the terms and conditions of this Agreement. ECOLOGY reserves the right to request proof of compliance by subgrantees and contractors.
- d) RECIPIENT's activities under this Agreement shall be subject to the review and approval by ECOLOGY for the extent and character of all work and services.

2. AMENDMENTS AND MODIFICATIONS

This Agreement may be altered, amended, or waived only by a written amendment executed by both parties. No subsequent modification(s) or amendment(s) of this Agreement will be of any force or effect unless in writing and signed by authorized representatives of both parties. ECOLOGY and the RECIPIENT may change their respective staff contacts and administrative information without the concurrence of either party.

3. ACCESSIBILITY REQUIREMENTS FOR COVERED TECHNOLOGY

The RECIPIENT must comply with the Washington State Office of the Chief Information Officer, OCIO Policy no. 188, Accessibility (<https://ocio.wa.gov/policy/accessibility>) as it relates to "covered technology." This requirement applies to all products supplied under the Agreement, providing equal access to information technology by individuals with disabilities, including and not limited to web sites/pages, web-based applications, software systems, video and audio content, and electronic documents intended for publishing on Ecology's public web site.

4. ARCHAEOLOGICAL AND CULTURAL RESOURCES

RECIPIENT shall take all reasonable action to avoid, minimize, or mitigate adverse effects to archaeological and historic archaeological sites, historic buildings/structures, traditional cultural places, sacred sites, or other cultural resources, hereby referred to as Cultural Resources.

The RECIPIENT must agree to hold harmless ECOLOGY in relation to any claim related to Cultural Resources discovered, disturbed, or damaged due to the RECIPIENT's project funded under this Agreement.

RECIPIENT shall:

a) Contact the ECOLOGY Program issuing the grant or loan to discuss any Cultural Resources requirements for their project:

- Cultural Resource Consultation and Review should be initiated early in the project planning process and must be completed prior to expenditure of Agreement funds as required by applicable State and Federal requirements.

* For state funded construction, demolition, or land acquisitions, comply with Governor Executive Order 21-02, Archaeological and Cultural Resources.

- For projects with any federal involvement, comply with the National Historic Preservation Act of 1966 (Section 106).

b) If required by the ECOLOGY Program, submit an Inadvertent Discovery Plan (IDP) to ECOLOGY prior to implementing any project that involves field activities. ECOLOGY will provide the IDP form.

RECIPIENT shall:

- Keep the IDP at the project site.
- Make the IDP readily available to anyone working at the project site.
- Discuss the IDP with staff, volunteers, and contractors working at the project site.
- Implement the IDP when Cultural Resources or human remains are found at the project site.

c) If any Cultural Resources are found while conducting work under this Agreement, follow the protocol outlined in the project IDP.

- Immediately stop work and notify the ECOLOGY Program, who will notify the Department of Archaeology and Historic Preservation at (360) 586-3065, any affected Tribe, and the local government.

d) If any human remains are found while conducting work under this Agreement, follow the protocol outlined in the project IDP.

- Immediately stop work and notify the local Law Enforcement Agency or Medical Examiner/Coroner's Office, the Department of Archaeology and Historic Preservation at (360) 790-1633, and then the ECOLOGY Program.

e) Comply with RCW 27.53, RCW 27.44, and RCW 68.50.645, and all other applicable local, state, and federal laws protecting Cultural Resources and human remains.

5. ASSIGNMENT

No right or claim of the RECIPIENT arising under this Agreement shall be transferred or assigned by the RECIPIENT.

6. COMMUNICATION

RECIPIENT shall make every effort to maintain effective communications with the RECIPIENT's designees, ECOLOGY, all affected local, state, or federal jurisdictions, and any interested individuals or groups.

7. COMPENSATION

a) Any work performed prior to effective date of this Agreement will be at the sole expense and risk of the RECIPIENT. ECOLOGY must sign the Agreement before any payment requests can be submitted.

b) Payments will be made on a reimbursable basis for approved and completed work as specified in this Agreement.

- c) RECIPIENT is responsible to determine if costs are eligible. Any questions regarding eligibility should be clarified with ECOLOGY prior to incurring costs. Costs that are conditionally eligible require approval by ECOLOGY prior to expenditure.
- d) RECIPIENT shall not invoice more than once per month unless agreed on by ECOLOGY.
- e) ECOLOGY will not process payment requests without the proper reimbursement forms, Progress Report and supporting documentation. ECOLOGY will provide instructions for submitting payment requests.
- f) ECOLOGY will pay the RECIPIENT thirty (30) days after receipt of a properly completed request for payment.
- g) RECIPIENT will receive payment through Washington State's Office of Financial Management's Statewide Payee Desk. To receive payment you must register as a statewide vendor by submitting a statewide vendor registration form and an IRS W-9 form at website, <https://ofm.wa.gov/it-systems/statewide-vendorpayee-services>. If you have questions about the vendor registration process, you can contact Statewide Payee Help Desk at (360) 407-8180 or email PayeeRegistration@ofm.wa.gov.
- h) ECOLOGY may, at its sole discretion, withhold payments claimed by the RECIPIENT if the RECIPIENT fails to satisfactorily comply with any term or condition of this Agreement.
- i) Monies withheld by ECOLOGY may be paid to the RECIPIENT when the work described herein, or a portion thereof, has been completed if, at ECOLOGY's sole discretion, such payment is reasonable and approved according to this Agreement, as appropriate, or upon completion of an audit as specified herein.
- j) RECIPIENT must submit within thirty (30) days after the expiration date of this Agreement, all financial, performance, and other reports required by this Agreement. Failure to comply may result in delayed reimbursement.

8. COMPLIANCE WITH ALL LAWS

RECIPIENT agrees to comply fully with all applicable federal, state and local laws, orders, regulations, and permits related to this Agreement, including but not limited to:

- a) RECIPIENT agrees to comply with all applicable laws, regulations, and policies of the United States and the State of Washington which affect wages and job safety.
- b) RECIPIENT agrees to be bound by all applicable federal and state laws, regulations, and policies against discrimination.
- c) RECIPIENT certifies full compliance with all applicable state industrial insurance requirements.
- d) RECIPIENT agrees to secure and provide assurance to ECOLOGY that all the necessary approvals and permits required by authorities having jurisdiction over the project are obtained. RECIPIENT must include time in their project timeline for the permit and approval processes.
ECOLOGY shall have the right to immediately terminate for cause this Agreement as provided herein if the RECIPIENT fails to comply with above requirements.

If any provision of this Agreement violates any statute or rule of law of the state of Washington, it is considered modified to conform to that statute or rule of law.

9. CONFLICT OF INTEREST

RECIPIENT and ECOLOGY agree that any officer, member, agent, or employee, who exercises any function or responsibility in the review, approval, or carrying out of this Agreement, shall not have any personal or financial interest, direct or indirect, nor affect the interest of any corporation, partnership, or association in which he/she is a part, in this Agreement or the proceeds thereof.

10. CONTRACTING FOR GOODS AND SERVICES

RECIPIENT may contract to buy goods or services related to its performance under this Agreement. RECIPIENT shall award all contracts for construction, purchase of goods, equipment, services, and professional architectural and engineering services through a competitive process, if required by State law. RECIPIENT is required to follow procurement procedures that ensure legal, fair, and open competition.

RECIPIENT must have a standard procurement process or follow current state procurement procedures. RECIPIENT may be required to provide written certification that they have followed their standard procurement procedures and applicable state law in awarding contracts under this Agreement. ECOLOGY reserves the right to inspect and request copies of all procurement documentation, and review procurement practices related to this Agreement. Any costs incurred as a result of procurement practices not in compliance with state procurement law or the RECIPIENT's normal procedures may be disallowed at ECOLOGY's sole discretion.

11. DISPUTES

When there is a dispute with regard to the extent and character of the work, or any other matter related to this Agreement the determination of ECOLOGY will govern, although the RECIPIENT shall have the right to appeal decisions as provided for below:

- a) RECIPIENT notifies the funding program of an appeal request.
- b) Appeal request must be in writing and state the disputed issue(s).
- c) RECIPIENT has the opportunity to be heard and offer evidence in support of its appeal.
- d) ECOLOGY reviews the RECIPIENT's appeal.
- e) ECOLOGY sends a written answer within ten (10) business days, unless more time is needed, after concluding the review.

The decision of ECOLOGY from an appeal will be final and conclusive, unless within thirty (30) days from the date of such decision, the RECIPIENT furnishes to the Director of ECOLOGY a written appeal. The decision of the Director or duly authorized representative will be final and conclusive.

The parties agree that this dispute process will precede any action in a judicial or quasi-judicial tribunal.

Appeals of the Director's decision will be brought in the Superior Court of Thurston County. Review of the Director's decision will not be taken to Environmental and Land Use Hearings Office.

Pending final decision of a dispute, the RECIPIENT agrees to proceed diligently with the performance of this Agreement and in accordance with the decision rendered.

Nothing in this Agreement will be construed to limit the parties' choice of another mutually acceptable method, in addition to the dispute resolution procedure outlined above.

12. ENVIRONMENTAL DATA STANDARDS

a) RECIPIENT shall prepare a Quality Assurance Project Plan (QAPP) for a project that collects or uses environmental measurement data. RECIPIENTS unsure about whether a QAPP is required for their project shall contact the ECOLOGY Program issuing the grant or loan. If a QAPP is required, the RECIPIENT shall:

- Use ECOLOGY's QAPP Template/Checklist provided by the ECOLOGY, unless ECOLOGY Quality Assurance (QA) officer or the Program QA coordinator instructs otherwise.
- Follow ECOLOGY's Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies, July 2004 (Ecology Publication No. 04-03-030).
- Submit the QAPP to ECOLOGY for review and approval before the start of the work.

b) RECIPIENT shall submit environmental data that was collected on a project to ECOLOGY using the Environmental Information Management system (EIM), unless the ECOLOGY Program instructs otherwise. The RECIPIENT must confirm with ECOLOGY that complete and correct data was successfully loaded into EIM, find instructions at: <http://www.ecy.wa.gov/eim>.

c) RECIPIENT shall follow ECOLOGY's data standards when Geographic Information System (GIS) data is collected and processed. Guidelines for Creating and Accessing GIS Data are available at:

<https://ecology.wa.gov/Research-Data/Data-resources/Geographic-Information-Systems-GIS/Standards>.

RECIPIENT, when requested by ECOLOGY, shall provide copies to ECOLOGY of all final GIS data layers, imagery, related tables, raw data collection files, map products, and all metadata and project documentation.

13. GOVERNING LAW

This Agreement will be governed by the laws of the State of Washington, and the venue of any action brought hereunder will be in the Superior Court of Thurston County.

14. INDEMNIFICATION

ECOLOGY will in no way be held responsible for payment of salaries, consultant's fees, and other costs related to the project described herein, except as provided in the Scope of Work.

To the extent that the Constitution and laws of the State of Washington permit, each party will indemnify and hold the other harmless from and against any liability for any or all injuries to persons or property arising from the negligent act or omission of that party or that party's agents or employees arising out of this Agreement.

15. INDEPENDENT STATUS

The employees, volunteers, or agents of each party who are engaged in the performance of this Agreement will continue to be employees, volunteers, or agents of that party and will not for any purpose be employees, volunteers, or agents of the other party.

16. KICKBACKS

RECIPIENT is prohibited from inducing by any means any person employed or otherwise involved in this Agreement to give up any part of the compensation to which he/she is otherwise entitled to or receive any fee, commission, or gift in return for award of a subcontract hereunder.

17. MINORITY AND WOMEN'S BUSINESS ENTERPRISES (MWBE)

RECIPIENT is encouraged to solicit and recruit, to the extent possible, certified minority-owned (MBE) and women-owned (WBE) businesses in purchases and contracts initiated under this Agreement.

Contract awards or rejections cannot be made based on MWBE participation; however, the RECIPIENT is encouraged to take the following actions, when possible, in any procurement under this Agreement:

- a) Include qualified minority and women's businesses on solicitation lists whenever they are potential sources of goods or services.

- b) Divide the total requirements, when economically feasible, into smaller tasks or quantities, to permit maximum participation by qualified minority and women's businesses.
- c) Establish delivery schedules, where work requirements permit, which will encourage participation of qualified minority and women's businesses.
- d) Use the services and assistance of the Washington State Office of Minority and Women's Business Enterprises (OMWBE) (866-208-1064) and the Office of Minority Business Enterprises of the U.S. Department of Commerce, as appropriate.

18. ORDER OF PRECEDENCE

In the event of inconsistency in this Agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: (a) applicable federal and state statutes and regulations; (b) The Agreement; (c) Scope of Work; (d) Special Terms and Conditions; (e) Any provisions or terms incorporated herein by reference, including the "Administrative Requirements for Recipients of Ecology Grants and Loans"; (f) Ecology Funding Program Guidelines; and (g) General Terms and Conditions.

19. PRESENTATION AND PROMOTIONAL MATERIALS

ECOLOGY reserves the right to approve RECIPIENT's communication documents and materials related to the fulfillment of this Agreement:

- a) If requested, RECIPIENT shall provide a draft copy to ECOLOGY for review and approval ten (10) business days prior to production and distribution.
- b) RECIPIENT shall include time for ECOLOGY's review and approval process in their project timeline.
- c) If requested, RECIPIENT shall provide ECOLOGY two (2) final copies and an electronic copy of any tangible products developed.

Copies include any printed materials, and all tangible products developed such as brochures, manuals, pamphlets, videos, audio tapes, CDs, curriculum, posters, media announcements, or gadgets with a message, such as a refrigerator magnet, and any online communications, such as web pages, blogs, and twitter campaigns. If it is not practical to provide a copy, then the RECIPIENT shall provide a description (photographs, drawings, printouts, etc.) that best represents the item.

Any communications intended for public distribution that uses ECOLOGY's logo shall comply with ECOLOGY's graphic requirements and any additional requirements specified in this Agreement. Before the use of ECOLOGY's logo contact ECOLOGY for guidelines.

RECIPIENT shall acknowledge in the communications that funding was provided by ECOLOGY.

20. PROGRESS REPORTING

- a) RECIPIENT must satisfactorily demonstrate the timely use of funds by submitting payment requests and progress reports to ECOLOGY. ECOLOGY reserves the right to amend or terminate this Agreement if the RECIPIENT does not document timely use of funds.
- b) RECIPIENT must submit a progress report with each payment request. Payment requests will not be processed without a progress report. ECOLOGY will define the elements and frequency of progress reports.
- c) RECIPIENT shall use ECOLOGY's provided progress report format.
- d) Quarterly progress reports will cover the periods from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31. Reports shall be submitted within thirty (30) days after the end of the quarter being reported.
- e) RECIPIENT must submit within thirty (30) days of the expiration date of the project, unless an extension has been approved by ECOLOGY, all financial, performance, and other reports required by the Agreement and funding program guidelines. RECIPIENT shall use the ECOLOGY provided closeout report format.

21. PROPERTY RIGHTS

- a) **Copyrights and Patents.** When the RECIPIENT creates any copyrightable materials or invents any patentable property under this Agreement, the RECIPIENT may copyright or patent the same but ECOLOGY retains a royalty free, nonexclusive, and irrevocable license to reproduce, publish, recover, or otherwise use the material(s) or property, and to authorize others to use the same for federal, state, or local government purposes.
- b) **Publications.** When the RECIPIENT or persons employed by the RECIPIENT use or publish ECOLOGY information; present papers, lectures, or seminars involving information supplied by ECOLOGY; or use logos, reports, maps, or other data in printed reports, signs, brochures, pamphlets, etc., appropriate credit shall be given to ECOLOGY.
- c) **Presentation and Promotional Materials.** ECOLOGY shall have the right to use or reproduce any printed or graphic materials produced in fulfillment of this Agreement, in any manner ECOLOGY deems appropriate. ECOLOGY shall acknowledge the RECIPIENT as the sole copyright owner in every use or reproduction of the materials.
- d) **Tangible Property Rights.** ECOLOGY's current edition of "Administrative Requirements for Recipients of Ecology Grants and Loans," shall control the use and disposition of all real and personal property purchased wholly or in part with funds furnished by ECOLOGY in the absence of state and federal statutes, regulations, or policies to the contrary, or upon specific instructions with respect thereto in this Agreement.
- e) **Personal Property Furnished by ECOLOGY.** When ECOLOGY provides personal property directly to the RECIPIENT for use in performance of the project, it shall be returned to ECOLOGY prior to final payment by ECOLOGY. If said property is lost, stolen, or damaged while in the RECIPIENT's possession, then ECOLOGY shall be reimbursed in cash or by setoff by the RECIPIENT for the fair market value of such property.
- f) **Acquisition Projects.** The following provisions shall apply if the project covered by this Agreement includes funds for the acquisition of land or facilities:
1. RECIPIENT shall establish that the cost is fair value and reasonable prior to disbursement of funds provided for in this Agreement.
 2. RECIPIENT shall provide satisfactory evidence of title or ability to acquire title for each parcel prior to disbursement of funds provided by this Agreement. Such evidence may include title insurance policies, Torrens certificates, or abstracts, and attorney's opinions establishing that the land is free from any impediment, lien, or claim which would impair the uses intended by this Agreement.
- g) **Conversions.** Regardless of the Agreement expiration date, the RECIPIENT shall not at any time convert any equipment, property, or facility acquired or developed under this Agreement to uses other than those for which assistance was originally approved without prior written approval of ECOLOGY. Such approval may be conditioned upon payment to ECOLOGY of that portion of the proceeds of the sale, lease, or other conversion or encumbrance which monies granted pursuant to this Agreement bear to the total acquisition, purchase, or construction costs of such property.

22. RECORDS, AUDITS, AND INSPECTIONS

RECIPIENT shall maintain complete program and financial records relating to this Agreement, including any engineering documentation and field inspection reports of all construction work accomplished.

All records shall:

- a) Be kept in a manner which provides an audit trail for all expenditures.
- b) Be kept in a common file to facilitate audits and inspections.
- c) Clearly indicate total receipts and expenditures related to this Agreement.

d) Be open for audit or inspection by ECOLOGY, or by any duly authorized audit representative of the State of Washington, for a period of at least three (3) years after the final grant payment or loan repayment, or any dispute resolution hereunder.

RECIPIENT shall provide clarification and make necessary adjustments if any audits or inspections identify discrepancies in the records.

ECOLOGY reserves the right to audit, or have a designated third party audit, applicable records to ensure that the state has been properly invoiced. Any remedies and penalties allowed by law to recover monies determined owed will be enforced. Repetitive instances of incorrect invoicing or inadequate records may be considered cause for termination.

All work performed under this Agreement and any property and equipment purchased shall be made available to ECOLOGY and to any authorized state, federal or local representative for inspection at any time during the course of this Agreement and for at least three (3) years following grant or loan termination or dispute resolution hereunder.

RECIPIENT shall provide right of access to ECOLOGY, or any other authorized representative, at all reasonable times, in order to monitor and evaluate performance, compliance, and any other conditions under this Agreement.

23. RECOVERY OF FUNDS

The right of the RECIPIENT to retain monies received as reimbursement payments is contingent upon satisfactory performance of this Agreement and completion of the work described in the Scope of Work. All payments to the RECIPIENT are subject to approval and audit by ECOLOGY, and any unauthorized expenditure(s) or unallowable cost charged to this Agreement shall be refunded to ECOLOGY by the RECIPIENT.

RECIPIENT shall refund to ECOLOGY the full amount of any erroneous payment or overpayment under this Agreement.

RECIPIENT shall refund by check payable to ECOLOGY the amount of any such reduction of payments or repayments within thirty (30) days of a written notice. Interest will accrue at the rate of twelve percent (12%) per year from the time ECOLOGY demands repayment of funds.

Any property acquired under this Agreement, at the option of ECOLOGY, may become ECOLOGY's property and the RECIPIENT's liability to repay monies will be reduced by an amount reflecting the fair value of such property.

24. SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, and to this end the provisions of this Agreement are declared to be severable.

25. STATE ENVIRONMENTAL POLICY ACT (SEPA)

RECIPIENT must demonstrate to ECOLOGY's satisfaction that compliance with the requirements of the State Environmental Policy Act (Chapter 43.21C RCW and Chapter 197-11 WAC) have been or will be met. Any reimbursements are subject to this provision.

26. SUSPENSION

When in the best interest of ECOLOGY, ECOLOGY may at any time, and without cause, suspend this Agreement or any portion thereof for a temporary period by written notice from ECOLOGY to the RECIPIENT. RECIPIENT

shall resume performance on the next business day following the suspension period unless another day is specified by ECOLOGY.

27. SUSTAINABLE PRACTICES

In order to sustain Washington's natural resources and ecosystems, the RECIPIENT is fully encouraged to implement sustainable practices and to purchase environmentally preferable products under this Agreement.

- a) Sustainable practices may include such activities as: use of clean energy, use of double-sided printing, hosting low impact meetings, and setting up recycling and composting programs.
- b) Purchasing may include such items as: sustainably produced products and services, EPEAT registered computers and imaging equipment, independently certified green cleaning products, remanufactured toner cartridges, products with reduced packaging, office products that are refillable, rechargeable, and recyclable, 100% post-consumer recycled paper, and toxic free products.

For more suggestions visit ECOLOGY's web page, Green Purchasing, <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Sustainable-purchasing>.

28. TERMINATION

a) For Cause

ECOLOGY may terminate for cause this Agreement with a seven (7) calendar days prior written notification to the RECIPIENT, at the sole discretion of ECOLOGY, for failing to perform an Agreement requirement or for a material breach of any term or condition. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

Failure to Commence Work. ECOLOGY reserves the right to terminate this Agreement if RECIPIENT fails to commence work on the project funded within four (4) months after the effective date of this Agreement, or by any date mutually agreed upon in writing for commencement of work, or the time period defined within the Scope of Work.

Non-Performance. The obligation of ECOLOGY to the RECIPIENT is contingent upon satisfactory performance by the RECIPIENT of all of its obligations under this Agreement. In the event the RECIPIENT unjustifiably fails, in the opinion of ECOLOGY, to perform any obligation required of it by this Agreement, ECOLOGY may refuse to pay any further funds, terminate in whole or in part this Agreement, and exercise any other rights under this Agreement.

Despite the above, the RECIPIENT shall not be relieved of any liability to ECOLOGY for damages sustained by ECOLOGY and the State of Washington because of any breach of this Agreement by the RECIPIENT. ECOLOGY may withhold payments for the purpose of setoff until such time as the exact amount of damages due ECOLOGY from the RECIPIENT is determined.

b) For Convenience

ECOLOGY may terminate for convenience this Agreement, in whole or in part, for any reason when it is the best interest of ECOLOGY, with a thirty (30) calendar days prior written notification to the RECIPIENT, except as noted below. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

Non-Allocation of Funds. ECOLOGY's ability to make payments is contingent on availability of funding. In the event funding from state, federal or other sources is withdrawn, reduced, or limited in any way after the effective date and prior to the completion or expiration date of this Agreement, ECOLOGY, at its sole discretion, may elect to terminate the Agreement, in whole or part, or renegotiate the Agreement, subject to new funding limitations or conditions. ECOLOGY may also elect to suspend performance of the Agreement

until ECOLOGY determines the funding insufficiency is resolved. ECOLOGY may exercise any of these options with no notification or restrictions, although ECOLOGY will make a reasonable attempt to provide notice. In the event of termination or suspension, ECOLOGY will reimburse eligible costs incurred by the RECIPIENT through the effective date of termination or suspension. Reimbursed costs must be agreed to by ECOLOGY and the RECIPIENT. In no event shall ECOLOGY's reimbursement exceed ECOLOGY's total responsibility under the Agreement and any amendments.

If payments have been discontinued by ECOLOGY due to unavailable funds, the RECIPIENT shall not be obligated to repay monies which had been paid to the RECIPIENT prior to such termination.

RECIPIENT's obligation to continue or complete the work described in this Agreement shall be contingent upon availability of funds by the RECIPIENT's governing body.

c) By Mutual Agreement

ECOLOGY and the RECIPIENT may terminate this Agreement, in whole or in part, at any time, by mutual written agreement.

d) In Event of Termination

All finished or unfinished documents, data studies, surveys, drawings, maps, models, photographs, reports or other materials prepared by the RECIPIENT under this Agreement, at the option of ECOLOGY, will become property of ECOLOGY and the RECIPIENT shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials.

Nothing contained herein shall preclude ECOLOGY from demanding repayment of all funds paid to the RECIPIENT in accordance with Recovery of Funds, identified herein.

29. THIRD PARTY BENEFICIARY

RECIPIENT shall ensure that in all subcontracts entered into by the RECIPIENT pursuant to this Agreement, the state of Washington is named as an express third party beneficiary of such subcontracts with full rights as such.

30. WAIVER

Waiver of a default or breach of any provision of this Agreement is not a waiver of any subsequent default or breach, and will not be construed as a modification of the terms of this Agreement unless stated as such in writing by the authorized representative of ECOLOGY.

End of General Terms and Conditions



AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

4
MAY 13 2024

Department: DCD

WORK SESSION ☒ Meeting Date: 5/13/2024

REGULAR AGENDA ☐ Meeting Date:

Required originals approved and attached? ☒

Item summary:

- | | | |
|---|--|--|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☒ Other: Recommend to reject bid |

Documents exempt from public disclosure attached: ☐

Executive summary:

We recommend rejecting the McDonald Creek Irrigation and Fish Passage Improvement Project bid provided by Bruch and Bruch Construction dated May 7, 2024.

- Only 1 bid was received for the project.
- The bid came in at \$2,035,390, which is more than 2X our engineer's opinion of probable cost and more than 2X the total funding we have available to construct the project.
- While the bidding climate is very challenging right now and it isn't unusual to get bids that are higher than anticipated, the difference on this one is too great to find a reasonable path forward to paying for the project at the amount that was bid. The funding available doesn't come close to paying for the project at the amount that was bid.
- Our engineer reviewed the bid. Typically, when bids go over, it is easy to identify a few items where costs are high to help explain the reason for the higher than anticipated bid. In this case, the prices are high for almost all bid items included. In most cases, the difference in the unit price that was offered by the bidder compared to what was anticipated isn't just a small margin. The difference is orders of magnitude greater than what was anticipated.
- This is a small, but relatively complicated project. The higher than anticipated bid probably reflects some of the risk and complication involved with the project, including a tight timeline, difficult access conditions, and space constraints.
- We understand that construction labor and materials prices are very difficult to predict at this time, but the unit prices offered for the items of work suggest the labor rates and material costs used are multiple times higher than what they have been for similar projects constructed in the past few years.

We examining our options regarding this project.

Budgetary impact: No budget impact

* Work Session Meeting - Submit 1 single sided/not stapled copy

** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Agenda Item Summary - Reject bid_McDonald

Revised: 3-04-2019

Questions? Call Loni Gores, Clerk of the Board, ext 2256

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)

Please reject the bid.

County Official signature & print name: Bruce Emery



Name of Employee/Stakeholder attending meeting: Rebecca Mahan and Bruce Emery

Relevant Departments: DCD

Date submitted: 5/8/2024

* Work Session Meeting - Submit 1 single sided/not stapled copy

** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Agenda Item Summary - Reject bid_McDonald

Revised: 3-04-2019

Questions? Call Loni Gores, Clerk of the Board, ext 2256



AGENDA ITEM SUMMARY MAY 13 2024
(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: DCD

WORK SESSION ☒ Meeting Date: 5/13/2024

REGULAR AGENDA ☐ Meeting Date:

Required originals approved and attached? ☐
Will be provided on:

Item summary:

- | | |
|---|--|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # |
| ☐ Resolution | ☐ Proclamation ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance ☒ Other |

Documents exempt from public disclosure attached: ☐

Executive summary: Dept. of Community Development plans to submit a grant application to the Puget Sound National Estuary Program's Habitat Strategic Initiative Lead RFP. This grant, if funded, will provide funds for a 0.5 FTE position for a period of two years from July 2025 – June 2027, which will serve as research assistant, and work on monitoring environmental response to the Lower Dungeness Floodplain Restoration Project, and also assist with the Streamkeepers program. The grant will also provide funding for the Streamkeepers Coordinator to work on environmental monitoring at the Lower Dungeness Floodplain Restoration Project site at the 0.25 FTE level.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐
No

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)

Approve the submittal of the grant proposal.

County Official signature & print name: Bruce W. Emery Bruce Emery

Names of Relevant Departments/Employees/Stakeholders attending meeting:

Joel Green, Cathy Lear

Date submitted: 5-8-24

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Clallam County

Grant Application Information

DEPARTMENT: **DCD**

DATE SUBMITTED TO W/S: **5.8.2024**

GRANT NAME: **Habitat Strategic Initiative Lead** APPLICATION DEADLINE: 5/22/2024

ISSUING AGENCY: **WDFW**

IS THIS A RENEWAL? **No**

LENGTH OF GRANT: **2 years**

RENEWAL POSSIBLE? **Unknown**

TOTAL AWARD: **\$276,000**

ANNUAL AMOUNT : **\$138,000**

MATCH REQUIRED? **No**

MATCH AMOUNT: **N/A**

DESCRIPTION OF GRANT AND PURPOSE:

To build capacity for monitoring environmental restoration projects.

EXPLAIN HOW THIS GRANT WILL BE USED FOR THE GOOD OF CLALLAM COUNTY CITIZENS:

This grant will provide support for a project to measure the benefits of the Lower Dungeness Floodplain Restoration Project in creating salmon habitat, and to educate decision-makers, restoration practitioners, and the public about the results of the project.

DOES THE GRANT ACTIVITY FURTHER THE DEPARTMENT'S MISSION OR CORE FUNCTIONS? HAS IT BEEN A PART OF LONG TERM DEPARTMENT OR COUNTY GOALS?

One element of the Dept. of Community Development's mission statement is that "Our Mission is to...help maintain a healthy environment,..." This project will help document how a county project is helping to maintain a healthy environment for salmon.

DOES THE GRANT ACTIVITY INCREASE AN EXISTING SERVICE OR ADD A NEW SERVICE? TO WHAT DEGREE? IF THE GRANT WERE NOT AVAILABLE, WOULD THE SERVICE HAVE BEEN NECESSARY?

This grant activity increases or enhances an existing service. The Streamkeepers program already conducts water quality monitoring in streams of the county. This project will increase Streamkeepers capacity, especially for monitoring water quality and other environmental parameters, especially at the Lower Dungeness Floodplain Restoration Project site. After such a major multi-year project, it is important to track the benefits of this project, and so we would do our best to do that with or without the funding. However, the funding will be very beneficial in allowing us to achieve more in this regard.

WHAT MEASUREMENTS (PERFORMANCE MEASURES) WILL BE USED TO EVALUATE THE SUCCESS OF THE ACTIVITIES PROVIDED BY THE GRANT? WILL PERFORMANCE MEASURES BE DEVELOPED?

Performance measures will be developed and reported on in fact sheets and reports.

DOES THE GRANT ACTIVITY CREATE A NEW SERVICE OR LEVEL OF SERVICE WHICH IS EXPECTED TO BE CONTINUED FROM LOCAL FUNDING AT THE END OF THE GRANT PERIOD?

We aren't currently planning for continued local funding that would continue at the end of the grant period.

IF MATCHING FUNDS ARE REQUIRED, WHERE WILL THEY COME FROM? DOES THE DEPARTMENT HAVE EXISTING RESOURCES TO COVER MATCH REQUIREMENTS? FROM WHERE?

N/A

WILL THE ACTIVITY IN THIS GRANT HAVE IMPACTS ON OTHER DEPARTMENTS? HAS THIS BEEN DISCUSSED? DO OTHER DEPARTMENTS HAVE SUFFICIENT RESOURCES TO DEAL WITH ADDITIONAL IMPACTS?

No

WILL NEW POSITIONS BE ADDED? IF SO, HOW MANY AND WHAT TYPE ARE EXPECTED? ARE ALL WAGES AND BENEFITS PAID IN THE GRANT? WHAT WILL HAPPEN TO THE POSITIONS WHEN THE GRANT PERIOD ENDS?

One 0.5 FTE research assistant position will be added. All wages and benefits are paid for in the grant. There is no plan for the position to continue when the grant period ends.

DOES YOUR DEPARTMENT HAVE SUFFICIENT RESOURCES TO ADMINISTER THE GRANT? PROVIDE FOR TIMELY REIMBURSEMENT AND ACTIVITY REPORTS?

Yes we do.

ARE THERE IMPACTS TO THE COUNTY IF THE GRANT IS NOT RECEIVED? WHAT ARE THEY?

The County would have less resources to implement research and monitoring at the Lower Dungeness Floodplain Restoration Project site.

ARE INDIRECT COSTS ALLOWABLE ON THIS GRANT? IF SO, ARE THERE LIMITATIONS? WILL THEY BE CHARGED AND ALLOCATED AS INDIRECT?

Yes, indirect costs are allowable. They are limited to the County's federally approved indirect rate. They may be charged and allocated as Indirect.

ARE THERE OTHER ACTIVITIES (GRANT OR OTHERWISE) THAT ARE BUDGETED FOR THIS YEAR THAT WILL NOT BE COMPLETED IF THIS GRANT IS APPROVED?

No

WHAT BUDGET CHANGES ARE NECESSARY? INCLUDE REVENUES AND EXPENDITURES.

Revenues and expenditures are expected to be balanced, we expect to receive and also spend approximately \$276,000.

OTHER COMMENTS



ELECTED OFFICIAL/DEPARTMENT HEAD SIGNATURE

APPROVAL

Todd Mielke, ADMINISTRATOR

Submit in **duplicate** to the Board of Commissioners for Work Session discussion and approval by the Administrator prior to application for any grant. The approved form must be included with the grant contract when it is submitted to the Board for approval. Refer to Administrative Policies 120 and 562.

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AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

MAY 13 2024

Department: DCD

WORK SESSION ☒ Meeting Date: 5-13-2024

REGULAR AGENDA ☒ Meeting Date: 5-21-2024

Required originals approved and attached? ☒
Will be provided on:

Item summary:

- | | | |
|---|--|--------------------------------------|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☒ Draft Ordinance | ☐ Final Ordinance | ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary:

Proposed amendments to Clallam County Code, Title 21.01 – Building and Construction, to update references to appendices that were previously adopted in the 2018 International Model Codes to the current 2021 International Model Code year.

Clallam County currently utilizes the 2021 International Model Codes to review building construction throughout the County. The 2021 editions of the International Model Codes (Residential, Building, Fire, Mechanical, Existing Building, Fuel Gas Codes), 2021 Washington State Energy Code and the 2021 Uniform Plumbing Codes were reviewed, amended, and adopted into Washington State Law by the Washington State Building Code Council pursuant to chapters 19.27 and 70.92 RCW. These new codes became effective on March 15, 2024. Clallam County must amend Title 21 to update references adopting model code appendices to the 2021 building code edition reference date.

The proposed text changes to Clallam County Code, Title 21.01 will update the previously adopted model code appendices from the 2018 code editions to the appropriate 2021 building code edition reference date. There are no proposed changes to the text of the appendices themselves.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐
None

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Call for hearing to adopt ordinance amending sections of Clallam County Code Title 21.01.

County Official signature & print name:

Bruce W. Emery, Bruce Emery

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Name of Employee/Stakeholder attending meeting: Annette Warren, Building Official

Relevant Departments: DCD

Date submitted: 05-08-2024

-
- * Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Agenda item Summary 2024
Revised: 3-04-2019

Questions? Call Loni Gores, Clerk of the Board, ext 2256

PUBLIC HEARING

Amending Clallam County Code Title 21, Building and Construction,
Chapter 21.01 Building and Construction Code

NOTICE: The Clallam County Board of Commissioners will conduct a public hearing on Tuesday, June 4, 2024 at 10:30 a.m., or as soon thereafter. The public hearing is to consider the Ordinance listed above. The proposed Ordinance is available on the County website:

<https://www.clallamcountywa.gov/228/Comment-on-Proposed-Ordinances-Policies>

Public comments are encouraged. Submit written comments to the address below before the hearing or present comments in person at the public hearing.

In compliance with the Americans with Disabilities Act, reasonable accommodations are available upon request. The facility is considered "barrier free" and accessible to those with physical disabilities.

PROPONENT: Clallam County Board of Commissioners
223 East 4th Street, Suite 4,
Port Angeles, WA 98362-3015
Telephone: 360.417.2256

FORMAL IDENTIFICATION: Amending Clallam County Code Title 21, Building and Construction,
Chapter 21.01 Building and Construction Code

SECTION-BY-SECTION SUMMARY OF PROPOSED CHANGES:

Amending Clallam County Code Title 21, Building and Construction, Chapter 21.01 Building and Construction Code

A full copy of the proposed changes can be found on the County website:

<https://www.clallamcountywa.gov/228/Comment-on-Proposed-Ordinances-Policies>

Publish: May 24, 2024

Bill: Department of Community Development

Loni Gores, MMC, Clerk of the Board

Amending Clallam County Code Title 21, Building and Construction,
Chapter 21.01 Building and Construction Code

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 21.01.010, Purpose, is amended to read as follows:

The purpose of this chapter is to adopt certain appendices of the ~~2018-2021~~ International Building Code, ~~2018-2021~~ International Residential Code, ~~2018-2021~~ International Fire Code, ~~2018-2021~~ International Mechanical Code, and ~~2018-2021~~ Uniform Plumbing Code, adopt the 1997 Abatement of Dangerous Buildings Code, and adopt certain bluff setback standards. This chapter provides for minimum construction standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within Clallam County and certain equipment specifically regulated herein.

Section 21.01.015, Definitions , is amended to read as follows:

For the purpose of this chapter, certain terms or words herein shall be interpreted as specifically defined in this chapter. All other words in this chapter shall have the meanings as specified in the International Building Code, Plumbing Code, Mechanical Code, Fire Code, or applicable regulation:

(1) "Agricultural building" means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged nor shall it be a place used by the public.

(2) "Building code" means the Clallam County building code, consisting of the following codes: the Washington State Building Code, which includes the codes amended and enumerated in RCW [19.27.031](#); the International Building Code; the International Residential Code; the International Mechanical Code; the International Fire Code; the Uniform Plumbing Code; the Washington State Energy Code; Chapter [43.22A](#) RCW, Mobile and Manufactured Home Installation; and any other ordinances of Clallam County as enumerated in this chapter.

(3) "Board of Appeals" means the Clallam County Building Code Board of Appeals.

(4) "Building Official/Fire Marshal" means the officer or other designated authority charged with the administration and enforcement of the Clallam County building code, or a duly authorized representative.

(5) "Department" means the Clallam County Department of Community Development.

(6) "Director" means the Director of the Clallam County Department of Community Development.

Section 21.01.020, Contractor registration, is amended to read as follows:

No building permit will be issued to a contractor without proof that said contractor is registered as a contractor with the State of Washington as per Chapter [18.27](#) RCW.

Section 21.01.030, Public health and sanitation, is amended to read as follows:

(1) It shall be required, prior to approval of a building permit for any structure containing or requiring on-site sewage disposal facilities, unless the structure is attached to an approved sewage

disposal facility, that the applicant receive written approval of the Environmental Health Division of the Clallam County Department of Health and Human Services for such on-site sewage disposal facilities as may be necessary.

(2) It shall be required, prior to approval of a building permit for any structure containing or requiring potable water, that the applicant provides proof of potable water pursuant to RCW [19.27.097](#).

Section 21.01.040, International Building Code, is amended to read as follows:

Appendix C, Agricultural Buildings, Appendix G, Flood-Resistant Construction, and Appendix I, Patio Covers, of the ~~2018-2021~~ International Building Code (IBC) are hereby adopted by reference. Appendix G, Flood-Resistant Construction, also applies to residential development and construction under the ~~2018-2021~~ International Residential Code.

Section 21.01.045, Work exempt from permit, is amended to read as follows:

Section 105.2, Work exempt from permit, under the International Building Code (IBC) and International Residential Code (IRC) is adopted and amended as follows:

Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

1. The work exempt from permit under IRC Section 105.2 (1) is amended to read: One-story detached buildings used as tool and storage sheds, garages, playhouses, agricultural buildings and similar uses, provided that such buildings are for private use only and are accessory to single family dwellings and provided the floor area does not exceed 400 square feet. Eaves may project not more than 24 inches beyond the wall line.

~~2. The work exempt from permit under IBC Section 105.2(1) is amended to read: One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet.~~

~~32.~~ The work exempt from permit under IBC Section 105.2 (6) is amended to read: Sidewalks, and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.

~~43.~~ The work exempt under IBC/IRC Sections 105.2 is amended to include the following exemption: Minor construction and alteration activities to single-family dwellings (R-3 and IRC) and their accessory structures where the total valuation, as determined by the Building Official or as documented by the applicant to the satisfaction of the building official, does not exceed \$1,500 in any 12-month period; provided that, the construction and/or alteration activity does not affect any structural components or reduce existing egress, light, air, and ventilation conditions. This exemption does not include electrical, plumbing, or mechanical activities. The permit exemption shall not otherwise exempt the construction or alteration from the substantive standards of the codes enumerated in Section [19.27.031](#) RCW, as amended and maintained by the state building code council under Section [19.27.070](#) RCW.

~~54~~. The work exempt under IRC Section 105.2 (10) is amended to read: Decks not more than 30 inches vertically above grade at any point measured horizontally 36 inches from the edge of the deck to adjacent grade.

Unless otherwise exempted, separate plumbing, electrical, and mechanical permits will be required for work exempt under IBC/IRC Section 105.2 and as amended in this Section.

Section 21.01.050, Uniform Plumbing Code, is amended to read as follows:

Appendix D, Sizing Stormwater Drainage Systems; and Appendix E, Manufactured/Mobile Home and Recreational Vehicle Parks, of the ~~2018-2021~~ Uniform Plumbing Code (UPC) as published by the International Association of Plumbing and Mechanical Officials are hereby adopted by reference.

Section 21.01.060, International Mechanical Code, is amended to read as follows:

Appendix A, Combustion Air Openings and Chimney Connector Pass-Throughs, of the ~~2018~~ ~~2021~~ International Mechanical Code (IMC) as published by the International Code Council is hereby adopted by reference.

Section 21.01.070, International Fire Code, is amended to read as follows:

Appendix E, Hazard Categories, and Appendix F, Hazard Ranking, of the ~~2018-2021~~ International Fire Code (IFC) as published by the International Code Council (ICC) are hereby adopted by reference.

ADOPTED this _____ day of _____, 2024

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mike French, Chair

ATTEND:

Randy Johnson

Loni Gores, M.A.C., Clerk of the Board

Mark Ozias



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AGENDA ITEM SUMMARY

MAY 13 2024

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: DCD

WORK SESSION ☒ **Meeting Date:** 5-13-2024

REGULAR AGENDA ☐ **Meeting Date:**

Required originals approved and attached? ☒
Will be provided on:

Item summary:

- | | | |
|---|--|--------------------------------------|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☒ Draft Ordinance | ☐ Final Ordinance | ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary:

Following an extensive public engagement process, DCD has prepared a draft ordinance establishing performance standards for agricultural accessory uses in Clallam County's rural and resource zones. The ordinance is being proposed through a Type B Amendment to align development regulations with existing county policies.

The Planning Commission has scheduled a public hearing to consider this draft ordinance on May 15, 2024.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐
None

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)

Provide comments ahead of Planning Commission hearing May 15, 2024.

County Official signature & print name: Bruce W. Emery Bruce Emery

Name of Employee/Stakeholder attending meeting: Holden A. Fleming, Chief Deputy
Director, DCD

Relevant Departments: DCD

Date submitted: 5-8-2024.

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Agriculture Accessory Uses Public Hearing Discussion Paper

Clallam County Department of Community Development

May 15, 2024

The following document is substantively like a document originally created in November of 2023 modified and updated to reflect the most current information and recommendations.

Overview

Clallam County is proposing a Type B amendment to amend its development regulation for the purpose of creating prescriptive performance standards relating to agricultural accessory uses. To support this effort, Clallam County has engaged in several public events and workshops to gather information, solicit public feedback, and ensure that the proposed development regulation would align with the needs of many local agricultural producers. Specifically, staff is recommending the adoption of performance standards related to the following agricultural accessory uses:

- (1) Temporary onsite retail stands
- (2) Onsite agricultural retail stores
- (3) Onsite commercial greenhouse or nursery
- (4) Farmers' Markets
- (5) U-pick sales to the public
- (6) Tours of the agricultural operations
- (7) Work stays
- (8) Other farm dependent accessory activities

Also included in this document is a brief summation of Clallam County's agricultural history, relevant policies, existing regulatory framework, and recommendation summary.

Purpose

Farming in Clallam County has gone through significant changes in the past several decades. From its "hay-day" of the 1940's and 50's, agricultural operations have seen a dramatic decline in Clallam County, and most significantly in the Sequim-Dungeness region. Large expanses of integrated farm operations have since given way to residential communities and affiliated uses. Along with the reduction in farms, the businesses necessary to support agriculture have also diminished. However, farming on small acreage remains a viable and important part of Clallam County's rural landscapes and economy.

To survive in this changing environment, local farms have adapted to focusing on direct-to-customer sales, niche-markets, and business diversification in order to maintain economic viability. In some cases, this has included changes to traditional farm operations to accommodate an emerging agritourism industry where the "farm"

becomes the central focus of more recreational and leisure experiences monetized to supplement the farm operation.

In so doing, typical farm operations have introduced new land uses and operational characteristics that have, in some instances, exceeded limits established in the County's land use regulations. In the interest of supporting and facilitating local farms in developing new and innovative strategies for diversifying and strengthening their businesses, there exists a need to evaluate existing land use policy and adjust regulations to offer clarity and harmonize the need for farm business diversification while maintaining rural communities free from potential adverse impacts of unregulated commercial encroachment. Clallam County is proposing a Type B amendment to its development regulations for the purpose of creating prescriptive performance standards related to agricultural accessory uses.

Existing County Policy

Both the Clallam County Code and the Washington State Growth Management Act require that Clallam County "[e]ncourage conservation of productive agricultural lands and discourage incompatible uses (CCC 31.01.110, RCW 36.70A.020(8))." In developing policies to respond to this directive, the Comprehensive Plan was updated in 2006 to include an array of goals and policies intended to provide for the preservation and strengthening of the local agricultural industry. Key to this objective were policies that establish existing agricultural operations as a preferred land use, including protections against nuisance complaints and limits on the development of viable agricultural land from competing land uses. But also key to these policies was a strong recognition that, for agriculture to continue to be economically viable in Clallam County, farms would need the ability to diversify to incorporate limited on-location retail and agritourism-related business elements. Specific policies are included in Appendix A, and are summarized as follows:

- Lavendar farms have developed an agritourism industry to complement the sales of lavender products by selling the experience of visiting lavender farms and the region through festivals, farm tours, and other events (CCC 31.02.115(5)(b)).
- Agritourism may also be developed through other farm-related opportunities, like U-pick, corn mazes, farm stays (pay to work on farms), and farm education events (CCC 31.02.115(5)(b)).
- The local farming industry will need to enhance its capacity to perform local processing and provide retail of value-added products (CCC 31.02.115(6)).
- Clallam County should encourage continued farming through tax incentives, technical assistance, and permitting of compatible on-farm enterprises subject to applicable performance standards (CCC 31.02.120(2)).
- The raising of crops and livestock shall be the principal land use in areas designated agricultural. Other uses will include a farm residence, farm buildings,

direct marketing farm stands, home enterprises and home-based industries (CCC 31.03.220(3)(b)(ii)).

Existing County Regulatory Framework

The agricultural policies of the Comprehensive Plan set forth the guiding principles that support the applicable regulations enumerated in the Zoning Code. As shown in Appendix A, the Zoning Code currently regulates accessory farm uses through three primary mechanisms:

- Allowance of temporary on-site retail stands for the sale of agricultural goods as accessory to agricultural operations (CCC 33.03.010(7))
- Allowance of a home enterprise as a permitted use (CCC 33.07.010(1)), and
- Allowance of a home-based industry as a conditional use (CCC 33.07.010(2)).

For clarity, a home enterprise is a business use that is carried on within a home or existing building and does not generate any traffic or other outward characteristics of a business. A home-based industry does include some limited commercial activities outside and may include the generation of limited traffic. The conditional use permit process requires a decision of the Hearing Examiner and analysis of the specific development to identify and mitigate any potential objectionable characteristics, such as adequate parking, noise and glare abatement, hours of operation, and adequate landscaping or screening.

Although a range of possible accessory uses to an agricultural operation could be considered through the conditional use permit process, the Zoning Code allows home-based industries as a conditional use in all rural residential zones. In this respect, the only special consideration afforded to agricultural operations is the allowance of a temporary on-site retail stand.

Given the policy background on this issue, additional regulatory tools could be considered to expand and guide the development of accessory entrepreneurial developments associated with existing farms to help diversify and strengthen their operations. But these tools must also be balanced with the need to ensure the protection and preservation of agricultural lands and to protect rural communities from proliferation of commercial development and incompatible uses.

To support this effort, Clallam County has engaged in several public events and workshops to gather information, solicit public feedback, and ensure that the proposed development regulation would align with many needs for local agricultural producers.

Recommendation Summary

All proposed changes to the Clallam County Zoning Code regulations have been determined to be consistent with the established policies and meet the criteria as a Type B Amendment, CCC 33.35.015(2) (see Appendix A).

In addition to the general discussion about entrepreneurial diversification of agricultural operations, the Comprehensive Plan specifically indicates the County should allow for "...the permitting of compatible on-farm enterprises subject to applicable performance standards (CCC31.02.120(2))." Although the conditional use permit process remains a tool for more complex development proposals, developing clear, objective performance standards for *compatible* uses that are allowed outright would go a long way in assisting farms with additional tools for diversification consistent with their existing operations. Of course, determining what is compatible is a subjective question. Central in considering the answer to this question is 1) the need to ensure the long-term conservation of viable agricultural lands and farm operations, and 2) the protection of farm and rural lands from incompatible uses.

The following are the types of uses that are being considered as accessory to agricultural operations and a summation of what prescriptive performance standards would be applied.

- ***On-site processing of ag-related products.*** The processing of raw agricultural products into value-added products ready for market is a great way for local farmers to increase the value of their operation. However, such activities have the potential to introduce incompatible operational characteristics. The Clallam County Code currently allows home enterprises outright in rural areas, and home-based industries as a conditional use (both discussed earlier). The former allows limited manufacturing of raw agricultural products within lawfully established buildings without the need for a permit. The latter requires review and approval from the Hearing Examiner to evaluate potential impacts and set conditions for use and operations that are intended to address impacts. Rather than create additional performance standards related to on-site agricultural processing, it is recommended the definition of Agriculture be changed to include this type of use in a limited capacity.
- ***On-site retail.*** The Zoning Code allows for temporary on-site retail stands for the sale of agricultural goods as accessory to agricultural operations (permitted outright). One point of confusion has been that any building used for commercial purposes in which the public enters requires a commercial building permit (IBC 105.1). Another issue is the lack of appropriate limits on the scope of on-site retail operations or the need for adequate access, parking, signage, lighting, or other features commonly associated with retail use.

Through public engagement, a series of performance standards addressing the above concerns are being proposed. Generally, staff recommends that, when applicability, placement, and performance standards are met, that agricultural producers be allowed up to 1000 sq. ft. of onsite retail space through the issuance of a certificate of compliance.

- ***Farm tours.*** Farm tours are a great way to introduce the public to agricultural operations and provide education, as well as to diversify sources of revenue for the farm. Similar to retail, there needs to be standards for ensuring adequate

access, parking, signage, landscaping, lighting, or other features necessary to ensure the scope of the activity is commensurate with the scope of the farm.

- **Farm education events.** Similar to farm tours, farm education events and farm-related classes help to diversify farm operations and revenue. But reasonable limits should be considered to ensure such operations do not exceed on-site parking, interfere with ongoing agriculture, or introduce impacts to the rural community. Appropriate building permits must be obtained if any portion of the education event is to occur within an agricultural building.

Through public engagement, it was determined that farm tours be considered a type of educational event, or that an educational event may take the form of a farm tour. As such, a series of performance standards relevant to both were created addressing the concerns regarding impacts to rural characteristic/community. Generally, staff recommends that farm tours be treated as an accessory use allowed outright on all farms greater than 5 acres and through a certificate of compliance on any smaller farms.

- **U-pick.** The same concerns expressed for farm tours and farm education events exist for the uses of this section.

Similarly to the above section, staff recommends limited performance standards for the described use and allow the use outright on all farms greater than 5 acres.

- **Farm work-stays.** The Zoning Code allows for the creation of bed and breakfast inns (up to five units) in most rural residential zones, and as a conditional use in the Agricultural Retention Zone (AR). Consideration given to expanding farm work-stays as an agricultural accessory use has been done with great care to ensure the facility does not exceed the scope of the farm operation and does not otherwise interfere with farming activities or impact neighboring rural residential areas. It is strongly suggested that if such use is allowed as an accessory use, that the use be relatively constrained and clearly connected to the agricultural production taking place on site.
- **Farmers' Markets.** Farmers Markets can represent an easy way for an agricultural producer to access a retail market greater than what may be available to them through their own temporary farm stand, retail store, or green house. Farmers Markets also have real potential to create traffic & noise well beyond uses that would otherwise be allowed in rural or resource zones. As such, along with performance standards generally applicable to most agricultural accessory uses, specific standards for access and frequency have been proposed to limit Farmers' Markets to being accessed only from public roads and not taking place more than two times per week.
- **Other Farm Dependent Uses.** Staff understands that there may arise some proposals that do not align with any of the agricultural accessory uses for which prescriptive performance standards have been created, such as limits on frequency and limits on total numbers of other activities allowed. When no such prescriptive standards exist for a proposed use, but the proposal is directly related to, and dependent on the onsite agricultural activity, and when all other

general requirements can be met, it may be beneficial to have relatively restrictive standards by which staff can review the activity and apply performance standards.

Uses not addressed through this amendment.

- ***Wedding venues and other non-agricultural events.*** Wedding and similar event venues that rely on agriculture as a backdrop of the use, but that are not dependent on the agriculture occurring on the property are not currently identified in the use tables of the Clallam County Zoning Code. In accordance with CCC 33.05.010, such activities may be allowed through the issuance of a conditional use permit. It is suggested that this process is appropriate for the potential scope and complexities that weddings and other destination venues present. The opportunity to evaluate all aspects of the development to ensure no impacts on agricultural operations or the rural community is apparent, provides rationale for the requirement of the conditional use permit for such proposed uses.
- ***Festival participation.*** The Lavender Festival, Sequim Irrigation Festival, and other regional festival events are generally administered through the Special Events Ordinance, Chapter 15.02, CCC. No further controls are recommended for this section.
- ***Wineries, breweries, and distilleries.*** Like wedding venues above, as an unspecified use within the zoning code, these uses could be applied for through the conditional use permit process. Staff did not find sufficient evidence to believe the implementation of performance standards related to these uses could be completed through the Type B amendment process.

A Note on Applicability

Except for temporary farm stands, all agricultural accessory uses proposed through this chapter would have to take place on parcels meeting the following requirements:

1. Contain a minimum of one (1) acre of land utilized in the production of agricultural products.
2. Be located within a Rural or Resource zoning district in which Agricultural Activities are listed as an allowed use per the underlying zoning of the property.

The first applicability standard was designed to create a clear threshold of entry, that would be easily reviewed through site plans and GIS data, while not requiring participating agricultural producers to be enrolled in any programs or have to actively report any performance metrics.

The second was designed to reflect the fact that as a Type B amendment only those changes that align development regulations with existing comprehensive plan policies are allowed. There is specific language in the Clallam County Comprehensive land

directing staff to consider development regulations to allow for compatible on-farm enterprises in agricultural resource zones (CCC 31.02.120), and similar directives are made for rural zones. While agricultural production in our urban areas is valuable and should continue, no such direct policy language exists that would allow for this form of development regulation to be implemented through a Type B amendment. Also of note is that agriculture will still be allowed in all urban zones where it is currently listed as an allowed use, and no part of this proposed development regulation would prohibit an interested party from utilizing a temporary farm stand, home enterprise, or applying for a conditional use permit.

Staff Recommendation

Staff recommends the adoption of specific development regulations related to agricultural accessory uses as provided in the attached draft ordinance.

Appendix A

Existing Policies and Regulations for Agricultural Accessory Uses Clallam County Code and the Revised Code of Washington

Clallam County Comprehensive Plan, Title 31, CCC

CCC 31.01.200 Growth Management Goals

(8) *Natural Resource Industries.* Maintain and enhance natural resource-based industries, including productive timber, agricultural, mineral extraction, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands and discourage incompatible uses.

CCC 31.02.110 Resource Land Issues

A goal of the Growth Management Act of 1990 is to “Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries...[and] Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.” The Act requires local governments to classify and designate agricultural, forest and mineral resource lands and to adopt interim development regulations to assure their conservation. This chapter supports County-wide efforts to maintain, enhance, and to conserve resource lands, and to discourage incompatible uses adjacent to resource lands, particularly forest and mineral lands.

CCC 31.02.115 Agricultural Resource Land Inventory and Issues

(5)(b) *Agritourism.* Clallam County's lavender industry is another example of the market niches farmers can identify and develop to make their farms profitable and sustainable. Our lavender farmers produce a wide array of value-added lavender products and have developed an agritourism industry to complement the sales of lavender products by selling the experience of visiting lavender farms and the region through festivals, farm tours, and other events. Other types of farming can also benefit by cultivating tourists on the farm such as U-pick berry farms and corn mazes that are popular with locals as well as tourists, farm stays in which visitors pay to work on farms, and farm educational events. Agritourism also benefits other local businesses such as lodging and food service, thus multiplying its economic impact.

(6) *Changes in Local Agricultural Industry.* For farming to survive and thrive in Clallam County, how we view agriculture and how we develop local land use policies and implement development regulations needs to be continuously evaluated and updated. In the past our county policies have been driven by a view of agriculture as largely a producer of farm commodities such as milk, beef cattle, barley, hay, potatoes, or apples. These commodities were either processed locally or shipped out of the County as raw commodities. Clallam County can no longer compete in most of these markets. For

farmers to succeed here they need to be innovative and entrepreneurial and to find markets that are not satisfied by the industrial agricultural and food industry. Products such as organic baby salad greens, gourmet lavender barbecue sauce, or farmstead gouda cheese are the high-value, niche products that many small farmers are turning to in order to make a profit.

This will require enhanced capacity to perform local processing and increased efforts to effectively brand and market Clallam County farm products. These and other new agricultural opportunities can continue and expand in the County if supported by local land use policies and regulations that allow farm entrepreneurs to explore and exploit these types of farming niches. There are a few large, commercial farms left in Clallam County that have adapted to changing economic conditions, but the future of agriculture in Clallam County will largely be determined by operators who produce high-value, unique products, and agricultural services on relatively small farms.

The need to redefine and broaden what we mean by the term “farm,” and in so doing develop policies and programs that support this new vision of agriculture, exists in many places, not just in Clallam County. The Washington State Legislature passed legislation in 2004, which was amended in 2006, that essentially redefined what agriculture is; including references to “agriculturally related experiences, or the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities” (RCW [36.70A.177](#)). The State of Washington now recognizes that the needs of many farmers are much broader than in the past, and that small, innovative, entrepreneurial farmers require the ability to sell everything from high-dollar, value-added products to farm experiences on agritourism-oriented farms.

CCC 31.02.120 Agricultural Resource Land Goals.

- (1) Clallam County shall work to promote a strong, economically viable and ecologically responsible agricultural economy.
- (2) Clallam County should provide incentives to encourage continued agriculture operations by providing property tax incentives, education and technical assistance, and the permitting of compatible on-farm enterprises subject to applicable performance standards.

CCC 31.03.220 Agricultural Land – Inventory and Analysis

(2) *Definition.* The Growth Management Act defines “agricultural land” as land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW [84.33.100](#) through [84.33.140](#), finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

The Growth Management Act defines “long-term commercial significance” to include the growing capacity, productivity, and soil composition of the land for sustained commercial

production, in consideration of the land's proximity to population areas, and the possibility of more intense uses of the land.

(3)(b)(ii) The raising of crops and livestock and associated agricultural activities shall be the principal land use within areas designated as agricultural. Agricultural land uses on the portion of a parcel set aside for agriculture would include, but not be limited to, a farm residence, farm buildings, and direct marketing farm stands, home enterprises and home-based industries. These uses shall not disrupt agricultural land use within the district.

Clallam County Zoning Code, Title 33, CCC

CCC 33.03.010 Definitions

(4) "Accessory use or improvement" means a use or improvement which is necessary for the full use and enjoyment of the main use of the property, is typically associated with the main use, and is subordinate to or incidental to the main use of a parcel and which includes the utilities necessary to serve the accessory use. Accessory uses and improvements are allowed in all zoning districts.

(7) "Agriculture" means improvements and activities associated with the raising and harvesting of crops and livestock. "Agriculture" includes ancillary activities, including equipment storage and repair, seasonal employee housing, and temporary on-site retail stands for the sale of agricultural goods.

CCC 33.05.010 Land Use Zones

Unclassified uses may be allowed through the issuance of a conditional use permit.

CCC 33.07.010 Agricultural Retention (AR)

The purpose of the Agricultural Retention zone is to maintain and enhance the agricultural resource industry of Clallam County through conservation of productive agricultural lands and discouragement of incompatible land uses within the agricultural retention zone.

(1) *Permitted Uses.* The following uses are permitted in an Agricultural Retention zone:

- Agricultural activities
- Home enterprises

(1) *Conditional Uses.* The following uses are in an Agricultural Retention zone subject to the procedures and requirements of Chapter 33.27, CCC:

- Bed and breakfast inn facilities which do not interfere with the agricultural use of the adjacent land.
- Home-based industries not interfering with agricultural use

(8) *Agricultural Land Reservation Conditional Uses*. The following conditional uses are permitted in an agricultural land reservation of a parcel in an Agricultural Retention zone pursuant to the procedures and requirements of Chapter [33.27](#) CCC:

- Home-based industry
- Outdoor-oriented recreation facilities designed to be compatible with the agricultural use of the land.

CCC 31.04.200 Agricultural Land – Inventory and Analysis

(3) *Resource Base*. The Port Angeles planning area contains no land which qualifies as agricultural resource land of long-term commercial significance. This finding is based on the fact that agricultural lands in this region are primarily utilized as pasture for animal raising and very few of these operations are commercially viable. The region does, however, contain several large farms which have significant impact on the rural character and aesthetics of the region. These properties should be targeted for transfer or purchase of development rights programs. The Port Angeles watershed characterization report identified eighty-five (85) farms exceeding twenty (20) acres in size covering nearly 2,000 acres. Policies should encourage the conservation of land put to productive use.

CCC 33.35.015 Type of Amendments

(2) Type B revisions to the development standards or other provisions of this title that do not require a change to the comprehensive plan, including the official comprehensive plan and zoning map, shall be considered a Type B amendment. Type B amendments include correcting errors, clarifying, or revising development standards, and adopting new development standards that are consistent with and implement the comprehensive plan. Type B amendments may be initiated at any time and only by the Board of Clallam County Commissioners, Clallam County Planning Commission, or the Administrator.

Revised Code of Washington

RCW 36.70A.030 Definitions

(6) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by *RCW [84.33.100](#) through [84.33.140](#), finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(23) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

RCW 36.70A.177 Agricultural lands—Innovative zoning techniques—Accessory uses.

(1) A county or a city may use a variety of innovative zoning techniques in areas designated as agricultural lands of long-term commercial significance under RCW [36.70A.170](#). The innovative zoning techniques should be designed to conserve agricultural lands and encourage the agricultural economy. Except as provided in subsection (3) of this section, a county or city should encourage nonagricultural uses to be limited to lands with poor soils or otherwise not suitable for agricultural purposes.

(2) Innovative zoning techniques a county or city may consider include, but are not limited to:

(a) Agricultural zoning, which limits the density of development and restricts or prohibits nonfarm uses of agricultural land and may allow accessory uses, including nonagricultural accessory uses and activities, that support, promote, or sustain agricultural operations and production, as provided in subsection (3) of this section;

(b) Cluster zoning, which allows new development on one portion of the land, leaving the remainder in agricultural or open space uses;

(c) Large lot zoning, which establishes as a minimum lot size the amount of land necessary to achieve a successful farming practice;

(d) Quarter/quarter zoning, which permits one residential dwelling on a one-acre minimum lot for each one-sixteenth of a section of land; and

(e) Sliding scale zoning, which allows the number of lots for single-family residential purposes with a minimum lot size of one acre to increase inversely as the size of the total acreage increases.

(3) Accessory uses allowed under subsection (2)(a) of this section shall comply with the following:

(a) Accessory uses shall be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the property and neighboring properties, and shall comply with the requirements of this chapter;

(b) Accessory uses may include:

(i) Agricultural accessory uses and activities, including but not limited to the storage, distribution, and marketing of regional agricultural products from one or more producers, agriculturally related experiences, or the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities; and

(ii) Nonagricultural accessory uses and activities as long as they are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses; and

(c) Counties and cities have the authority to limit or exclude accessory uses otherwise authorized in this subsection (3) in areas designated as agricultural lands of long-term commercial significance.

(4) This section shall not be interpreted to limit agricultural production on designated agricultural lands.

Ordinance _____

An ordinance creating a chapter 33.48, of the Clallam County Code,
titled Agricultural Accessory Uses

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Amending 33.03.010 (7) Agriculture Definition Only:

Section 33.03.010, Definitions, is amended to read as follows:

(7) "Agriculture" means improvements and activities associated with the raising, ~~and harvesting,~~ and necessary processing of crops and livestock. "Agriculture" includes ancillary activities, including, but not limited to, equipment storage and repair, seasonal employee housing, and temporary on-site retail stands for the sale of agricultural goods.

And

Section 33.48.010, Definitions, is created to read as follows:

(1) "Agricultural Accessory Use" means a use that directly supports, promotes and is subordinate to a permitted primary agricultural use or agricultural activity on a farm.

(2) "Agricultural Work" means tasks related to farming, cultivation, and production of agricultural products. These tasks include, but are not limited to, manual labor assisting with crop production, harvesting, sorting, and animal care and husbandry.

(3) "Other Farm Dependent Accessory Activities" means those accessory activities, not elsewhere defined in this chapter, that directly relate to or are dependent on the operations of a farm. These activities may provide an engaging and entertaining experience for participants and may include, but are not limited to, corn mazes and other such maze structures, tractor rides, and/or agricultural demonstrations and do not include wedding venues.

(4) "Farm Tours" mean a tour of an agricultural operation, or other farm related educational events, allowing members of the public to observe or learn about agricultural operations onsite.

(5) "Farmers' Markets" mean a venue located on a farm, which is used by multiple agricultural producers, for the sale of agricultural products grown, produced, or processed primarily in Clallam County or Jefferson County.

(6) "Onsite Commercial Greenhouses or Nurseries" means a structure (greenhouse), and or nursery operation, located on a farm, devoted to the cultivation of plants or other grown agricultural products.

(7) "Onsite Retail Stores" means a retail establishment, located on a farm, primarily engaged in the sale of agricultural products produced onsite directly to consumers.

(8) "Temporary Onsite Retail Stands" mean a temporary or permanent structure, not internally accessible to the public, located on a farm, where agricultural products produced onsite and related items are sold directly to consumers.

(9) "U-picks" means an agricultural enterprise where consumers visit a farm to harvest, or pick, produce and other agricultural products directly from the fields or orchards.

(10) "Work Stays" means paid accommodation on a working farm where guests partake in agricultural work.

Section 33.48.020, Purpose and intent, is created to read as follows:

Clallam County recognizes the benefits that agricultural accessory uses can have on meeting community goals. The purpose and intent of this chapter is to:

- (1) Ensure that agricultural accessory uses remain clearly subordinate to ongoing agricultural activities on a parcel or parcels.
- (2) Protect rural and neighborhood character in areas where commercial activities are otherwise not allowed.
- (3) Accommodate unique and creative accessory uses that are harmonious with and support onsite agricultural activities.
- (4) Support a diversity of revenue streams for agricultural producers to strengthen the economic viability of agricultural operations.
- (5) Provide specific prescriptive standards for a wide range of agricultural accessory uses in Clallam County.
- (6) Encourage the continuation of agricultural lands for long-term agricultural use.

Section 33.48.030, Applicability, is created to read as follows:

To be eligible for the accessory agricultural uses specified in this Chapter, a farm on which such uses are conducted must meet all of the following:

1. Contain a minimum of one (1) acre of land utilized in the production of agricultural products.
2. Is located within a Rural or Resource zoning district in which Agricultural Activities are listed as an allowed use per the underlying zoning of the property.

A Temporary Farm Stand is not restricted by the conditions stated in Subsections 1 & 2 above and are considered to be an allowed accessory use of any agricultural operation in which Agricultural Activities are permitted by the underlying zone, including Rural, Resource and Urban zoning districts.

Any use authorized by this Chapter will also require compliance with the Shoreline Master Program, stormwater management program, development regulations, Critical Areas Code, and any other federal and/or state requirements. Agricultural accessory uses which conform to the standards in this Chapter and all other applicable standards shall not be considered an intrusion of commercial activity within rural residential, or resources zones. The standards of this Chapter, as applicable, supersede the use standards of the underlying zone.

For the purposes of this Chapter, contiguous parcels under shared ownership will be reviewed as one farm when determining the appropriate level of review and other area related requirements for the proposed agricultural accessory use.

No part of this chapter will be interpreted to exempt uses or structures from the requirements of the adopted building codes and/or other applicable development regulations. Contact the Department of Community Development for all related permit requirements.

Section 33.48.040, Agricultural Accessory Uses, is created to read as follows:

An accessory use to agriculture may include, but may not be limited to, the following:

- (1) Temporary onsite retail stands
- (2) Onsite agricultural retail stores
- (3) Onsite commercial greenhouse or nursery
- (4) Farmers' Markets

- (5) U-pick sales to the public
- (6) Tours of the agricultural operations
- (7) Work stays
- (8) Other farm dependent accessory activities

Section 33.48.050, General requirements, is created to read as follows:

The requirements listed below apply to all agricultural accessory uses:

(1) *Relationship to Onsite Agricultural Production.* Any proposed agricultural accessory use must be related to and dependent on the agricultural activity taking place on site and remain subordinate to the scale of the agricultural activity on site.

(2) *Review Procedure.* Agricultural Accessory Uses will be reviewed on a site-by-site basis utilizing the standards specific to each agricultural accessory use found in this chapter. When no specific standards are found for a proposed agricultural accessory use, the Administrator may provide a Code Interpretation on the use in question pursuant to CCC 26.10.555, and must ensure the agricultural accessory use remains clearly incidental and subordinate to the agricultural activity on the parcel and protect the rural and neighborhood character of the surrounding area.

(3) *Access.* Safe vehicular access and customer parking must be provided on site, such that vehicles are not required to back onto roads. Temporary and permanent structures and parking must be located outside of public rights-of-way, meet setbacks for the zoning area, and should be located where impacts to adjacent residential uses are minimized.

(4) *Placement.* All Agricultural Accessory Uses, including new buildings, parking, or supportive uses, should be located inside the general area already developed for buildings and residential uses and must not otherwise convert more than 25% of land to accessory uses.

(5) *Signs.* All signage must be compliant with CCC 33.57.

(6) *Landscaping.* A visual buffer consistent with CCC 33.53, is required along all sides of a permanent parking area within 30 linear feet of a front, side, or rear property boundary. Natural vegetation may be allowed in lieu of a visual buffer provided existing vegetation is sufficient to break up the visual impact of the parking area from neighboring properties or road frontages.

(7) *Lighting.* All lighting associated with agricultural accessory uses must be directed downward and shielded to prevent glare and light encroachment onto neighboring properties and roads. All uses requiring a certificate of compliance or conditional use permit per CCC [33.48.060](#) must be required to submit a lighting plan for review and approval.

(8) *Noise* Agricultural Accessory Uses must be compliant with CCC 15.30

Section 33.48.060, Use Review Table, is created to read as follows:

Agricultural Accessory Use Review Chart					
	Size of Parcel				
	Less than 3 Acres	3-4.99 Acres	5-9.99 Acres	10-19.99 Acres	20+ Acres
Temporary onsite retail stand	Allowed Outright	Allowed Outright	Allowed Outright	Allowed Outright	Allowed Outright
Onsite retail store	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance
Onsite greenhouses	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance
Farmers Market	Conditional Use Permit	Conditional Use Permit	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance
U-Pick	Certificate of Compliance	Certificate of Compliance	Allowed Outright	Allowed Outright	Allowed Outright
Farm Tours	Certificate of Compliance	Certificate of Compliance	Allowed Outright	Allowed Outright	Allowed Outright
Work Stays	Prohibited	Prohibited	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance
Other Farm Dependent Acc. Activities	Conditional Use Permit	Conditional Use Permit	Conditional use permit	Certificate of Compliance	Certificate of Compliance

Section 33.48.070, Additional standards for temporary onsite retail stands, is created to read as follows:

In addition to the general requirements of CCC 33.48.030, temporary onsite retail stands are subject to the following requirements:

Temporary Onsite Retail Stands					
Level of Review	Size of Parcel				
	Less than 3 Acres	3-4.99 Acres	5-9.99 Acres	10-19.99 Acres	20+ Acres
	Allowed Outright	Allowed Outright	Allowed Outright	Allowed Outright	Allowed Outright

(1) Additional Performance Standards

a. *Structure*: Temporary Onsite Retail Stands must be no larger than 400 sq. ft. and must not be made internally accessible to the public.

b. *Product*: 75% of all products retailed at a Temporary Onsite Retail Stand must be agricultural products produced in Clallam and/or Jefferson County.

c. Temporary onsite retail stands are allowed in all zones that identify agricultural uses as allowed outright and is not otherwise restricted by the applicability provisions contained in this Chapter.

Section 33.48.080, Additional standards for onsite retail stores, is created to read as follows:

In addition to the general requirements of CCC 33.48.030, onsite retail stores are subject to the following requirements:

Onsite Retail Stores					
Level of Review	Size of Parcel				
	Less than 3 Acres	3-4.99 Acres	5-9.99 Acres	10-19.99 Acres	20+ Acres
	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance

(1) Additional Performance Standards

a. *Structure*: Farms are limited to one Onsite Retail Store and must have no more than 1000 sq. ft. of publicly accessible space. This maximum may be exceeded with the issuance of a conditional use permit when all other standards are met.

b. The owner is responsible for obtaining a building permit from the Clallam County Department of Community Development to review that the structure has adequate means of egress, exits, smoke detectors, carbon monoxide alarms, fire extinguishers, and other fire protection systems in compliance with the adopted building code.

c. *Product*: 75% of all products retailed at an Onsite Retail Store must be agricultural products produced in Clallam and/or Jefferson County.

d. *Parking*: The owner must designate parking spaces onsite capable of providing adequate parking for the proposed use. At least 1 ADA accessible parking space must be provided, but additional ADA parking may be required conforming to applicable parking standards.

e. *Environmental Health Services Requirements:* The owner must ensure all Clallam County Environmental Health Service Division requirements are met including, but not limited to, requirements for solid waste disposal, sewage disposal, food handling, and water system compliance.

f. *Hours of Operation:* Operation must be limited to between sunrise and 10 PM.

g. *Length of Operation:* Onsite Retail Stores may only be operated between the months of May and October unless otherwise approved by a certificate of compliance or conditional use permit.

Section 33.48.090, Additional standards for onsite commercial greenhouse, is created to read as follows:

In addition to the general requirements of CCC 33.48.030, onsite commercial greenhouses are subject to the following requirements:

Onsite Commercial Greenhouse					
		Size of Parcel			
	Less than 3 Acres	3-4.99 Acres	5-9.99 Acres	10-19.99 Acres	20+ Acres
Level of Review	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Allowed Outright

(1) Additional Performance Standards

a. *Structure:* For greenhouses allowing public entry, the owner is responsible for obtaining a building permit from the Clallam County Department of Community Development to review that the structure has adequate means of egress, exits, smoke detectors, carbon monoxide alarms, fire extinguishers, and other fire protection systems in compliance with the adopted building code.

b. *Product:* 90% of products retailed from a greenhouse must be agricultural products, of which 75% must be produced onsite..

c. *Parking:* The owner must designate parking spaces onsite capable of providing adequate parking for the proposed use. At least 1 ADA accessible parking space must be provided, but additional ADA parking may be required, conforming to applicable parking standards.

d. *Environmental Health Services Requirements:* The owner must ensure all Clallam County Environmental Health Services Division requirements are met including, but not limited to, requirements for solid waste disposal, sewage disposal, food handling, and water system compliance.

e. *Hours of Operation:* Operation must be limited to between sunrise and 10 PM.

f. *Length of Operation:* The retail operation of an onsite commercial greenhouse or nursery may only be operated between the months of May and October unless otherwise approved by certificate of compliance or a conditional use permit.

Section 33.48.100, Additional standards for farmers' markets, is created to read as follows:

In addition to the general requirements of CCC 33.48.030, Farmers' markets are subject to the following standards:

Farmers' Markets						
		Size of Parcel				
		Less than 3 Acres	3-4.99 Acres	5-9.99 Acres	10-19.99 Acres	20+ Acres
Level of	Conditional Use	Conditional Use	Certificate of	Certificate of	Certificate of	Certificate of
Review	Permit	Permit	Compliance	Compliance	Compliance	Compliance

(1) Additional Performance Standards

(a) *Structure*: When a permanent structure is utilized, the owner is responsible for obtaining a building permit from the Clallam County Department of Community Development to review that the structure has adequate means of egress, exits, smoke detectors, carbon monoxide alarms, fire extinguishers, and other fire protection systems in compliance with the adopted building code.

(b) *Parking*: The owner must designate parking spaces onsite capable of providing adequate parking for the proposed use. At least 1 ADA accessible parking space must be provided, but additional ADA parking may be required, conforming to applicable parking standards.

(c) *Frequency*: No more than 2 farmers' market events may be hosted per week.

(d) *Environmental Health Services Requirements*: The owner must ensure all Clallam County Environmental Health Services Division requirements are met including, but not limited to, requirements for solid waste disposal, sewage disposal, food handling, and water system compliance.

(e) *Hours of Operation*: Operation must be limited to between sunrise and 10 PM.

(f) *Access*: Farmers' Markets must be accessed from a public road capable of supporting traffic generated from the use.

Section 33.48.110, Additional standards for U-picks, is created to read as follows:

In addition to the general requirements of CCC 33.48.030, U-picks are subject to the following requirements:

U-Pick					
		Size of Parcel			
	Less than 3 Acres	3-4.99 Acres	5-9.99 Acres	10-19.99 Acres	20+ Acres
Level of Review	Certificate of Compliance	Certificate of Compliance	Allowed Outright	Allowed Outright	Allowed Outright

(1) Additional Performance Standards

a. *Parking*: The owner must designate parking spaces onsite capable of providing adequate parking for the proposed use. At least 1 ADA accessible parking space must be provided, but additional ADA parking may be required, conforming to applicable parking standards.

b. *Environmental Health Services Requirements*: The owner must ensure all Clallam County Environmental Health Services Division requirements are met including, but not limited to, requirements for solid waste disposal, sewage disposal, food handling, and water system compliance.

c. *Hours of Operation*: Operation must be limited to between sunrise and 10 PM.

Section 33.48.120, Additional standards for farm tours, is created to read as follows:

In addition to the general requirements of CCC 33.48.030, farm tours are subject to the following requirements:

Farm Tours					
		Size of Parcel			
Level of Review	Less than 3 Acres	3-4.99 Acres	5-9.99 Acres	10-19.99 Acres	20+ Acres
	Certificate of Compliance	Certificate of Compliance	Allowed Outright	Allowed Outright	Allowed Outright

(1) Additional Performance Standards

a. *Educational Exemption*: Educational tours or events hosted in partnership with the WSU Extension Office, Clallam County 4H club, or accredited educational institutes are considered allowed outright for the purposes of performance standards related to this section but must conform with all applicable performance standards.

b. *Size of Groups*: All groups and individuals involved in a farm tour must be guided by a designated farm representative or be contained within areas with clearly delineated boundary lines.

c. *Parking*: The owner must designate parking spaces onsite capable of providing adequate parking for all farm tour participants. At least 1 ADA accessible parking space must be provided, but additional ADA parking may be required, conforming to applicable parking standards.

d. *Environmental Health Services Requirements*: The owner must ensure all Clallam County Environmental Health Services Division requirements are met including, but not limited to, requirements for solid waste disposal, sewage disposal, food handling, and water system compliance.

e. *Hours of Operation*: Operation must be limited to between sunrise and 10 PM.

Section 33.48.130, Additional standards for work stays, is created to read as follows:

In addition to the general requirements of CCC 33.48.030, farm stays are subject to the following requirements:

Work Stays					
		Size of Parcel			
Level of Review	Less than 3 Acres	3-4.99 Acres	5-9.99 Acres	10-19.99 Acres	20+ Acres
	Prohibited	Prohibited	Certificate of Compliance	Certificate of Compliance	Allowed Outright

(1) Additional Performance Standards

a. *Structures*: Permanent structures, park models, recreational vehicles, and/or semi-permanent tents are not allowed for use as work stays. Work stays must be limited to temporary tents and tents must not be provided by the farm operator.

b. *Limitations*: Work Stays must be limited to individuals or groups where at least one individual is performing agricultural work onsite. Farm Stays must be limited to no longer than two weeks and a group must be no larger than 6 individuals.

c. *Number of Sites*: Farm stays must be limited to no more than 3 sites per 5 acres with no more than a maximum of 12 sites. This maximum may be exceeded through the issuance of a Conditional Use Permit when all other standards are met.

d. *Parking*: The owner must designate parking spaces onsite capable of providing adequate parking for the proposed use. At least 1 ADA accessible parking space must be provided, but additional ADA parking may be required, conforming to applicable parking standards.

e. *Environmental Health Services Requirements*: The owner must ensure all Clallam County Environmental Health Services Division requirements are met including, but not limited to, requirements for solid waste disposal, sewage disposal, food handling, and water system compliance.

f. *Fire Safety*: When applicable, recreational fires must be contained within a designated and approved fire ring or other similar containment device.

g. *Required Notice*: The owner is responsible to provide written notice to of:

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

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

(c) Emergency numbers and the name and number of a local contact person(s) for the work stay operator.

Section 33.48.140, Additional standards for other farm-related accessory activities, is created to read as follows:

In addition to the general requirements of CCC 33.48.030, these activities are subject to the following requirements:

Other Farm Dependent Accessory Activities

	Size of Parcel				
	Less than 3 Acres	3-4.99 Acres	5-9.99 Acres	10-19.99 Acres	20+ Acres
Level of Review	Conditional Use Permit	Conditional Use Permit	Conditional Use Permit	Certificate of Compliance	Certificate of Compliance

(1) Additional Performance Standards

a. *Frequency*. No more than 21 days of activities or events are to be undertaken under this use within a calendar year when those activities have the potential to generate noise, traffic, or other nuisances above uses otherwise allowed in this chapter. This number may be increased through the issuance of a conditional use permit when all other standards are met.

b. *Parking.* The owner must designate parking spaces onsite capable of providing adequate parking for the proposed use. At least 1 ADA accessible parking space must be provided, but additional ADA parking may be required, conforming to applicable parking standards.

c. *Environmental Health Services Requirements:* The owner must ensure all Clallam County Environmental Health Services Division requirements are met including, but not limited to, requirements for solid waste disposal, sewage disposal, food handling, and water system compliance.

d. *Limited number of other activities:* No more than three other activities may be allowed through this section without the issuance of a conditional use permit.

Section 33.48.150, Effective date, is created to read as follows:

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

ADOPTED this _____ day of _____ 2024

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mike French, Chair

ATTEST:

Randy Johnson

Loni Gores, MMC, Clerk of the Board

Mark Ozias

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

Applicant: Clallam County
Department of Community Development
223 East 4th Street, Suite 5
Port Angeles, WA 98362-3000

Representative: Clallam County
Department of Community Development
Holden A. Fleming, Chief Deputy Director
223 East 4th Street, Suite 5
Port Angeles, WA 98362-3000

Project Number: Development Regulation Adoption (Agricultural Accessory Uses)

Proposed Amendment to Clallam County Zoning Ordinance: The proposed action is to create prescriptive standards to enable the following types of agricultural accessory activities to take place within the rural and resource zones of Clallam County when and where permitted agricultural activities are taking place.

- (1) Temporary onsite retail stands
- (2) Onsite agricultural retail stores
- (3) Onsite commercial greenhouse or nursery
- (4) Farmers' Markets
- (5) U-pick sales to the public
- (6) Tours of the agricultural operations.
- (7) Work stays
- (8) Other farm dependent accessory activities

Location of proposal: Clallam County

Lead Agency: Clallam County is the lead agency for this non-project proposal and has determined that this proposal is not categorically exempt from SEPA. Clallam County, as the lead agency has also determined that the non-project proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) (c). This decision was made after reviewing a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request at the office of the Responsible Official as listed herein.

This Determination of Non-Significance (DNS) is issued under WAC 197-11-355. Comments must be submitted by May 3, 2024.

Staff Contact: Holden A. Fleming, Chief Deputy Director, (360) 565-2616

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

Issuance Date: April 19, 2024

Signature:



Bruce Emery, Director
Clallam County Department of
Community Development

This may be the only opportunity to comment on the environmental impacts of the proposal. Unless the Responsible Official withdraws the threshold determination pursuant to WAC 197-11-340(3) (a), the threshold determination shall be final at the end of the comment period. Agencies and interested parties will be notified if the threshold determination is withdrawn. Within 14 days of the Clallam County Board of Commissioners decision on the underlying Comprehensive Plan Amendment/Rezone, the permit decision and the final threshold determination may be appealed to the Superior Court. Contact the Planning Division for SEPA appeal procedures.

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

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

Instructions for applicants:

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

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

Instructions for Lead Agencies:

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

Use of checklist for nonproject proposals:

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

COUNTY RESPONSES IN BLUE.

A. Background

1. Name of proposed project, if applicable: Clallam County Adoption of Prescriptive Standards for Agricultural Accessory Uses in Rural & Resource Zones.
2. Name of applicant: Clallam County Department of Community Development (DCD)
3. Address and phone number of applicant and contact person:
Clallam County DCD
223 E. 4th Street, Suite 5
Port Angeles, WA 98368
(360) 565-2616
Greg Ballard, Project Planner
4. Date checklist prepared: April 17, 2024
5. Agency requesting checklist: Clallam County DCD is the lead agency for this proposal.
6. Proposed timing or schedule (including phasing, if applicable): This proposal has been scheduled for a Public Hearing before the Planning Commission (PC) on May 15, 2024. The PC will make a recommendation to the Clallam County Board of County Commissioners (BOCC). The BOCC will hold an open public hearing prior to its adoption of the proposed amendments to Development Regulations pertaining to agricultural accessory uses.
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. Any future updates would take place after the required periodic update of Clallam County's Comprehensive Plan scheduled to be completed prior to December 2025.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
 - a. Final Environmental Impact Statement (FEIS) for the adoption of the Clallam County Comprehensive Plan and Regional Comprehensive Plans.
 - b. Consolidate Development Permit Process (Title 26.10) Adopted by Ordinance 632 and amendments.
 - c. Zoning Ordinance (Title 33) adopted by Ordinance 581 on December 19, 1995 and amendments.
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. No
10. List any government approvals or permits that will be needed for your proposal, if known. Proposed amendments to the Development Regulations will be filed with the WA State Department of Commerce as a part of the 60 Day Notice To Commerce.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

This is a Non-Project Action for modifying Development Regulations pertaining to accessory activities associated with permitted agricultural activities in rural & resource zones in Clallam County.

This Non-Project Action specifically seeks to create prescriptive standards for the following agricultural accessory uses.:

(1) Temporary onsite retail stands

(2) Onsite agricultural retail stores

(3) Onsite commercial greenhouse or nursery

(4) Farmers' Markets

(5) U-pick sales to the public

(6) Tours of the agricultural operations.

(7) Work stays

(8) Other farm dependent accessory activities

A copy of the proposed modifications are attached.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. This proposal would apply throughout Clallam County in all rural and resource zones.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site: This Non-Project Action would apply to all terrains and soil types in rural and resource zones where agricultural activities are permitted.

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other All

- b. What is the steepest slope on the site (approximate percent slope)? 0 to 100%
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. All Soil Types
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. N/A to non-project action
- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. N/A to non-project action
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. Erosion could occur from activities regulated under this proposed amendment to the Development Regulations. The County's Critical Areas Ordinance (Ch. 27.12 CCC) would be in effect anywhere the site contains critical areas.
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? N/A to non-project action
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: N/A to Non-Project Action.

2. Air

- i. a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known: N/A to non-project action
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. Emission are from land uses in the county, cities, & tribes. This should not affect agricultural accessory uses regulated under this proposal.
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: N/A to non-project action

3. Water

- a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Yes there are AHCA & Wetlands located throughout the county that could be located within 200 feet of existing agricultural activities and by extension the accessory activities that would be regulated through this amendment.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. Yes however no specifics are available for this non-project action.
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected.
Indicate the source of fill material. N/A to this non-project action.
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. No.
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. Yes some lands associated with agricultural activities are located within the 100 year floodplain.
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. No.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. N/A to non-project action.
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. There is potential for sewage to be generated from the activities regulated through this amendment. Any sewage generated would be addressed utilizing existing county permits & policies.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. N/A to non-project action.

2) Could waste materials enter ground or surface waters? If so, generally describe. N/A to non-project action.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. N/A to non-project action.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: N/A to non-project action.

4. Plants

a. Check the types of vegetation found on the site: All types for this non-project action.

___deciduous tree: alder, maple, aspen, other

___evergreen tree: fir, cedar, pine, other

___shrubs

___grass

___pasture

___crop or grain

___ Orchards, vineyards or other permanent crops.

___ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

___water plants: water lily, eelgrass, milfoil, other

___other types of vegetation

b. What kind and amount of vegetation will be removed or altered? All vegetation type could be altered or removed by agricultural accessory activities.

c. List threatened and endangered species known to be on or near the site. There may be all ESA listed plants that exist in Clallam County located within this non-project action.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: There are landscaping requirements associated with this amendment which would require naturally vegetated buffers, in line with existing county policies, in certain circumstances.

e. List all noxious weeds and invasive species known to be on or near the site. There may be all noxious weed and invasive species located in Clallam County within this non-project action.

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. There may be all animals that exist in Clallam County located within this non-project action.

Examples include:

birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site. There may be all ESA listed wildlife (i.e. animals, fish, birds, reptiles, amphibians, etc.) that exist in Clallam County located within this non-project action.

c. Is the site part of a migration route? If so, explain. Rural & resource Zones in Clallam County may be located in a migration route.

d. Proposed measures to preserve or enhance wildlife, if any: N/A to non-project action.

e. List any invasive animal species known to be on or near the site. There may be all invasive animal species located within Clallam County in this non-project action.

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. All energy types may be utilized for agricultural accessory uses regulated by this proposed amendment.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. This proposal would not impact solar energy being used on adjacent properties.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: N/A for this non-project action.

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. N/A to non-project action.

1) Describe any known or possible contamination at the site from present or past uses. N/A for this non-project action.

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas

transmission pipelines located within the project area and in the vicinity. N/A for this non-project action.

Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. N/A to non-project action.

3) Describe special emergency services that might be required. N/A for this non-project action.

Proposed measures to reduce or control environmental health hazards, if any: N/A to non-project action.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? All noises associated with permitted and conditional permitted activities in rural & resource zones in Clallam County

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)?
Indi-

cate what hours noise would come from the site. Noise generated from this amendment would be consistent with noises generated by small crowds and or vehicle traffic generated by the proposed agricultural accessory uses.

3) Proposed measures to reduce or control noise impacts, if any: Prescriptive standards have been developed to limit hours of operation and or locations of accessory activities. To reduce or limit noise impacts to those associated with the underlying allowed use.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. This proposal is limited to resource and rural zones where existing agricultural activities are taking place. This proposal should not impact the adjacent land use more than existing conditions. All agricultural accessory activities will be required to meet prescriptive standards specific to the type of use being proposed.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? This proposal is reliant on existing and ongoing agricultural activities and will help to limit the conversion of farmland or resource lands to other incompatible uses.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: See above & N/A for this non-project action.
- c. Describe any structures on the site. N/A for this non-project action.
- d. Will any structures be demolished? If so, what? N/A for this non-project action.
- e. What is the current zoning classification of the site? Rural & Resource Zones.
- f. What is the current comprehensive plan designation of the site? Agricultural accessory activities may occur within any comprehensive plan designation in Clallam County. New MRL and MRL0D are not permitted within UGA.
- g. If applicable, what is the current shoreline master program designation of the site? Agricultural accessory activities would be subject to the Clallam County Shoreline Master Program in effect when the activity is proposed.
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. Many areas within Clallam County have been designated as critical areas. Said critical areas are regulated through CCC 27.12. Any agricultural accessory activity would be required to meet the requirements of CCC 27.12.
- i. Approximately how many people would reside or work in the completed project? N/A to this non-project action.
- j. Approximately how many people would the completed project displace? None.
- k. Proposed measures to avoid or reduce displacement impacts, if any: N/A to this non-project action.
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: As a "type B" amendment, this project is intended to align development regulations with the comprehensive plan.
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: See Section 8(b) above.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. N/A to this non-project action.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. N/A to this non-project action.

c. Proposed measures to reduce or control housing impacts, if any: N/A to this non-project action.

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? N/A to this non-project action.

b. What views in the immediate vicinity would be altered or obstructed? N/A to this non-project action.

Proposed measures to reduce or control aesthetic impacts, if any: The proposed development regulations have limited landscaping requirements.

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur? As an accessory use, any light or glare produced would be associated with the primary agricultural use on the property.

b. Could light or glare from the finished project be a safety hazard or interfere with views? N/A to this non-project action.

c. What existing off-site sources of light or glare may affect your proposal? Light and glare from the adjacent variety of land uses found in rural and resource zones.

d. Proposed measures to reduce or control light and glare impacts, if any: The proposed development regulations incorporate hours of operation requirements that would reduce or help control any light or glare being produced. Existing County regulations related to light and glare would also apply.

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity? All designated and informal recreation opportunities may exist within rural and resource zones in Clallam County.

b. Would the proposed project displace any existing recreational uses? If so, describe. This non-project action should not displace any existing recreation uses.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: N/A to this non-project action.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. There may be historic structures or sites located within the rural and resource zones of Clallam County.
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. There are likely landmarks, features, or other evidence of Indian or historic use or occupation found in the rural and resource zones of Clallam County. This non-project action should not impact historic and cultural preservation.
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. This non-project action should not increase the impacts cultural and historic resources over the existing regulations.
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. See Above

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. There are highways, county, and private roads located within the rural and resource zones of Clallam County. As a development regulation limited in applicability to a specific type of accessory use, this non-project action should not change how existing transportation system are utilized.
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? N/A to this non-project action.
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? N/A for this non-project action.
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). This non-project action should not require any new or improvements to the existing transportation system.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. This non-project action should not require any new or improvements to the existing transportation system.
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? N/A for this non-project action.
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. This non-project action should not impact the movement of resources uses, which include mineral resources, agricultural, or forestry products.
- h. Proposed measures to reduce or control transportation impacts, if any: As a development regulation targeting accessory use, transportation impacts would be limited primarily by the underlying allowed agricultural use of the zone.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. This non-project action should not result in a need for increased public services.
- b. Proposed measures to reduce or control direct impacts on public services, if any. None required for this non-project action.

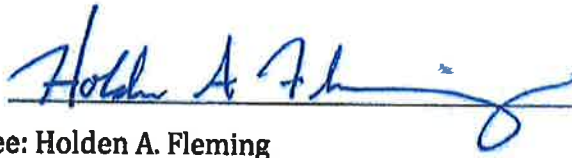
16. Utilities

- a. Circle utilities currently available at the site: All of these utilities may be available for this non-project action that applies throughout Clallam County within rural & resource zones.
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. Not applicable to this non-project action.

C. Signature

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

Signature:

A handwritten signature in blue ink, reading "Holden A. Fleming", written over a horizontal line.

Name of signee: Holden A. Fleming

Position and Agency/Organization Clallam County Chief Deputy Director, DCD

Date Submitted: 4/17/2024

D. supplemental sheet for nonproject actions

(IT IS NOT NECESSARY to use this sheet for project actions)

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

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or faster rate than if the proposal was not implemented. Respond briefly and in general terms. The questions on this attachment have been summarized as “topics of concern” for purposes of the chart found below.

Topic of concern	County response
Discharges to Water	See §B.3 above at pages
Emissions to Air	See §B.2 above at page
Production, storage or release of toxic or hazardous substances	See §B.7 above at pages
Noise	See §B.7b above
Plants	See §B.4 above
Animals	See §B.5 above
Fish or marine life	See response to “Animals” immediately above.
Impact, if any, on protecting or conserving energy or natural resources	This non-project action is not intended to conserve/protect energy resources.
Impacts to environmentally sensitive areas such as parks, wilderness	See all of Section B.
Impacts to existing land use and shoreline use patterns	See §B.8 above
Demands on transportation	See §B.14 above

infrastructure	
Possible conflicts with federal, state and local rules enacted for the protection of the environment	See all of Section B.

END OF DOCUMENT



8

MAY 13 2024

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: Finance/Opportunity Fund

WORK SESSION ☒ **Meeting Date: 5/13/2024**

REGULAR AGENDA ☒ **Meeting Date: 5/21/2024**

Required originals approved and attached? ☐
Will be provided on:

Item summary:

☐ Call for Hearing

☒ Contract/Agreement/MOU - Contract # 19941.22.002-2

☐ Resolution

☐ Proclamation

☐ Budget Item

☐ Draft Ordinance

☐ Final Ordinance

☐ Other:

Documents exempt from public disclosure attached: ☐

Executive summary:

This is the 2nd amendment to our Memorandum of Understanding with the City of Forks in which the County shall provide the City a grant from the Opportunity Fund for an additional \$295,000, for an overall total of \$2,670,610 for retrofits to the City of Forks Waste Water Treatment Facility.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

Additional expenditures are not currently included in the 2024 budget. Depending on how the project timeline proceeds, either a debatable emergency will be brought to BOCC later in 2024, or these costs will be included in the 2025 budget. Either way, there are ample funds in the Opportunity Fund to cover these additional expenditures.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)

Sign Amendment #2 to MOU with City of Forks.

County Official signature & print name: Rebecca Turner Rebecca Turner

Names of Relevant Departments/Employees/Stakeholders attending meeting:

Rebecca Turner & Eleanor Hill (Finance)

Date submitted: May 8, 2024

* Work Session Meeting - Submit 1 single sided/not stapled copy

** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

CLALLAM COUNTY OPPORTUNITY FUND PROGRAM MEMORANDUM OF UNDERSTANDING Amendment 2

THIS AMENDMENT 2 TO THE MEMORANDUM OF UNDERSTANDING (MOU) executed on March 1, 2022 as amended via Amendment 1 of the MOU executed on October 5, 2023 is made and entered by and between Clallam County, a political subdivision of the State of Washington (hereinafter "County"), and the City of Forks, a municipal corporation (hereinafter "City"). Together, the County and the City are referred to herein as the "Parties." The Parties have the lawful authority to execute this MOU pursuant to their corporate powers RCW 36.01.010 and RCW 35A.11.010.

The term of this Amendment shall commence on the 23rd day of April, 2024 and shall terminate as provided in the MOU as previously amended.

WHEREAS, the County administers the "Opportunity Fund Program" in accordance with RCW 82.14.370(3) and Chapter 5.40 of the Clallam County Code to finance public facilities/infrastructure that may promote economic development in the region;

WHEREAS, the City has previously applied for and was awarded grant funding through the "Opportunity Fund Program" totaling \$2,375,610 in order to help finance the Waste Water Treatment Facility project (the "Project");

Whereas in February 2024, the City requested an additional grant award from the Opportunity Fund totaling \$295,000 to fund an anticipated shortfall of funding to complete the Project needed for contingency funding for clarifier and standby generator replacement costs.

WHEREAS, the County has carefully reviewed the City's grant application and the corresponding project;

WHEREAS, the County believes the project is still eligible to receive opportunity funds and that the moneys will be used to finance facilities/infrastructure that may promote economic development within the region;

WHEREAS, the County has held public meetings/hearings and received extensive public comment regarding the City's application;

WHEREAS, the County has previously determined that the City is a worthy recipient of opportunity funds and the award is in the interest of the common good as evidenced by adoption of Resolution 16, 2022 and Resolution 38, 2024 by the County Board of Commissioners; and

NOW THEREFORE, in consideration of the mutual terms, provisions, and obligations contained herein, it is agreed by and between the County and the City that the following sections of the MOU be amended as follows:

Section 3 Financing—The County will issue a one-time warrant to the City in the amount of \$2,670,610, an increase of \$295,000 from the original contracted amount of \$2,375,610, upon receipt of written confirmation from the City that (1) the project's construction phase is underway or is expected to be underway within 30 days of the date of such written confirmation, and (2) the City anticipates exhausting its own ARPA funds committed in support of this project within 30 days of the date of such written confirmation.

All other terms and conditions of the MOU as previously amended shall remain in effect.

IN WITNESS WHEREOF, the parties have executed this MOU Amendment.

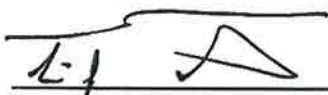
CLALLAM COUNTY
BOARD OF COMMISSIONERS

CITY OF FORKS

Date:

Date: 05/3/24

Mark Ozias, Chair



Tim Fletcher, Mayor

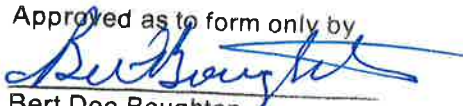
ATTEST:

ATTEST:

Loni Gores, Clerk of the Board



Caryn DePew, City Clerk

Approved as to form only by

Bert Dee Boughton
Civil Deputy Prosecuting Attorney
Clallam County



9
MAY 13 2024

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: Indigent Defense

WORK SESSION ☒ **Meeting Date: 5/13/2024**

REGULAR AGENDA ☐ **Meeting Date:**

Required originals approved and attached? ☐
Will be provided on:

Item summary:

- | | |
|---|---|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # |
| ☐ Resolution | ☐ Proclamation ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance ☒ Other: Discussion only |

Documents exempt from public disclosure attached: ☐

Executive summary:

Harry Gasnick, Director of Clallam Public Defenders, will be in attendance to discuss his 1st Qtr 2024 Indigent Defense Appointments report, as well as the upcoming Public Defense Caseload Standards requirements. This was passed by the Washington State Bar Association in 2024, and sets limits on caseload per attorney & non-attorney staff.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

No budgetary impact at this time but will need to be discussed further in the future.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)

Hold discussion to obtain a better understanding of upcoming changes & their implications.

County Official signature & print name: Rebecca Turner Rebecca Turner

Names of Relevant Departments/Employees/Stakeholders attending meeting:

Harry Gasnick (Clallam Public Defenders), Rebecca Turner (Finance)

Date submitted: May 7, 2024

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

CLALLAM PUBLIC DEFENDER
516 EAST FRONT STREET
PORT ANGELES, WA 98362
(360) 452-3307
FAX (360) 452-3329

HARRY D. GASNICK
Director

RECEIVED
CLALLAM CO. COMMISSIONERS

APR 18 2024

1...2...3...A...

JOHN F. HAYDEN
SUZANNE M. B. HAYDEN
ALEX R. STALKER
DOUGLAS J. KRESL
CHARLIE COMMERE
SETH B. DOHERTY
TOBIN STANDLEY
Staff Attorneys

DATE: 4/18/24

TO: CLALLAM COUNTY

FROM: HARRY GASNICK, Director 

RE: 2024 1st QUARTER INDIGENT DEFENSE APPOINTMENTS

In the 1st quarter 2024, CPD was appointed on the following Clallam County/State of Washington/City of Port Angeles/City of Sequim cases in matters prosecuted in Clallam County District Court I:

CLALLAM DISTRICT CT 1 st quarter 2024 by prosecuting authority			
Prosecuting Authority	New cases	Probation violations	BLAKE
State of Washington	073	20	02
City of Sequim	014	04	00
City of Port Angeles	102	10	03
Total	189	34	05
CLALLAM DISTRICT CT I 1 st quarter 2023 to 1 st quarter 2024			
	New cases	Probation violations	BLAKE
1 st Quarter 2023	166	10	24
2 nd quarter 2023	164	24	10
3rd quarter 2023	149	36	11
4th quarter 2023	151	18	12
1st quarter 2024	189	34	05

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CLALLAM DISTRICT CT I 2nd quarter 2023 to 1st quarter 2024 by prosecuting authority			
State of Washington	New cases	Probation Violations	BLAKE
1st quarter 2023	062	06	07
2 nd quarter 2023	048	14	06
3 rd quarter 2023	050	19	04
4 th quarter 2023	069	08	08
1st quarter 2024	073	20	02
City of Sequim			
1 st quarter 2023	030	01	03
2 nd quarter 2023	026	04	03
3 rd quarter 2023	023	10	03
4 th quarter 2023	020	02	01
1st quarter 2024	014	04	00
City of Port Angeles			
1 st Quarter 2023	074	03	14
2 nd quarter 2023	090	06	10
3rd quarter 2023	076	07	04
4th quarter 2023	062	06	12
1st quarter 2024	102	10	03

In the 1st quarter 2024, CPD was appointed on the following Clallam County/State of Washington cases in matters prosecuted in Clallam County District Court II:

DISTRICT CT II 1st quarter 2024	New cases	Probation violations	BLAKE
State of Washington	13	01	00

DISTRICT CT II 2nd quarter 2023 to 1st quarter 2024	New cases	Probation violations	BLAKE
1st quarter 2023	19	05	00
2 nd quarter 2023	18	02	00
3rd quarter 2023	10	05	01
4 th quarter 2023	10	01	00
1st quarter 2024	13	01	00

In the 1st quarter 2024, CPD was appointed on the following cases prosecuted in the Juvenile criminal court.:

JUVENILE CRIMINAL 1 st quarter 2024	New cases	Probation violations	Blake
	53	23	02
JUVENILE CRIMINAL 2 nd quarter 2023 to 1 st quarter 2024	New cases	Probation violations	Blake
1 st quarter 2023	26	17	04
2 nd quarter 2023	14	27	00
3rd quarter 2023	22	25	02
4th quarter 2023	50	41	01
1 st quarter 2024	53	23	02

In the 1st quarter 2024 CPD was appointed on the following adult Superior Court criminal cases:

SUPERIOR COURT ADULT CRIMINAL 1 st quarter 2024	New cases (including RALJ appeals)	Exonerations	Probation violations	Blake
	078	06	05	33

SUPERIOR COURT ADULT CRIMINAL 2 nd quarter 2023 to 1 st quarter 2024	New cases (*including RALJ appeals)	Exonerations	Probation violations	Blake
1 st quarter 2023	083	11	09	057
2 nd quarter 2023	061	06	10	048
3rd quarter 2023	080	00	09	038
4th quarter 2023	074	09	09	024
1 st quarter 2024	078	06	05	33

There are still a number of open attorney-time intensive cases assignments pending for which CPD was appointed.

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In the 1st quarter 2024 CPD was appointed on the following Civil Commitment (ITA) cases:

1 st quarter 2024	07
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ITA appointments 2 nd quarter 2023 to 1 st quarter 2024	
1 st quarter 2023	03
2 nd quarter 2023	06
3rd quarter 2023	06
4th quarter 2023	01
1 st quarter 2024	07

Significant issues relative to filing rates are identifiable to District Court 1 cases filed by the City of Port Angeles for the first quarter of 2024 and for the juvenile court commencing last quarter 2023 and including first quarter 2024. CPD would have to defer to the prosecuting authorities as to an explanation for these changes as well as whether this is representative of anticipated filing rates going forward. The increase in juvenile filings is especially concerning because it has gone on for two consecutive quarters and the increase represents a more than doubling of the previous filing rate.

The upcoming issue of greatest significance are the proposed changes to public defense standards. The proposed changes were presented by the State Bar Association to the State Supreme Court for their approval process. Since the changes that were proposed by the WSBA were done at the Supreme Court's urging, it is likely that they will be passed without too many significant changes.

The proposed standards represent a seismic change relative to provision of public defense. For purposes of this report it's enough to inform that these standards contemplate substantially more record keeping and supervision by the public defense agencies and the counties for which the services are provided. The proposed standards contemplate an increased ratio of non attorney staff to attorneys within public defense offices. The standards also mandate there be a ratio of one FTE investigator and one FTE social worker for every three attorney FTE's. CPD's current funding provides for approximately 0.33 FTE investigator and 0.00 FTE social workers for the entire office. Finally, and most significantly, the new standards reduce the number of case credits that any one public defender FTE may be assigned in a year, and creates a case weighting formula whereby many cases are counted as more than one case credit, up to eight case credits for a third strike case.

The proposal re the new standards has them going into effect June of 2025, with the changes in caseload standards being phased in three steps commencing June 2025, then June 2026, with the final step being implemented June 2027. Note the current proposed standards do not change caseload re civil commitments, however it is expected that will be addressed in the near future.

Below is a workup of the appointments received by Clallam Public Defender in 2023 done under the case weighting analysis in the proposed new standards. Please be aware that these calculations do not take into account the indigent defense cases assigned to conflict counsel. Such cases would likely experience a similar increase in the number of attorneys required to handle whatever case amounts or so assigned.

The table below reflects an analysis of FTE caseloads based on the 2023 filing rate as applied to the current standards and the proposed standards at the three phase in periods

	2023 FTE UNDER CURRENT STANDARDS	CASE CREDITS UNDER PROPOSED COURT RULES	CASELOADS UNDER PROPOSED RULES 6/2025 110 fel/280 misd	CASELOADS UNDER PROPOSED RULES 6/2026 90 felony/225 misd	CASELOADS UNDER PROPOSED RULES 6/2027 47 felony/120 misd	COMMENTS
ADULT SUPERIOR COURT	3.40	425.33	3.86	4.73	9.05	
ADULT DRUG COURT	0.20	N/A	0.20	0.20	0.20	EST BASED ON ANTICIPATED TIME EXCLUDED BY PROPOSED RULES WAS PHASED OUT BEGINING 2023
ADULT SUP CT 1ST APP.	0.20	N/A	0.00	0.00	0.00	
Adult SUP. CT M.H.C.	0.00	N/A	0.00	0.00	0.00	
JUVENILE FELONY	0.26	77.17	0.70	0.86	1.64	
JUVENILE MISDEMEANORS	0.29	100.81	0.39	0.48	0.90	
JUVENILE DRUG COURT	0.05	N/A	0.125	0.125	0.125	EST BASED ON ANTICIPATED TIME
DISTRICT COURT 1	1.94	857.12	3.06	3.81	7.14	
DISTRICT COURT 1 DUI CT	0.00	N/A	0.10	0.10	0.10	EST BASED ON ANTICIPATED TIME
DISTRICT COURT 1 MHC	0.00	N/A	0.10	0.10	0.10	
DISTRICT COURT 2	0.18	65.78	0.23	0.29	0.55	EST BASED ON ANTICIPATED TIME
CIVIL COMMITMENT	0.06	N/A	0.06	0.06	0.06	
TOTAL ATTORNEY CASELOADS	6.58		8.825	10.755	19.865	PLUS ONE FULL TIME SUPERVISOR PER 10 CASE ATTORNEYS



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AGENDA ITEM SUMMARY

MAY 13 2024

(Must be submitted NLT 3PM Wednesday for next week agenda)

49

Department: BOCC

WORK SESSION ☒ **Meeting Date: 5-13-24**

REGULAR AGENDA ☒ **Meeting Date: 5-14-24**

Required originals approved and attached? ☐

Will be provided on:

Item summary:

- | | |
|---|---|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # |
| ☐ Resolution | ☐ Proclamation ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance ☒ Other - Notice |

Documents exempt from public disclosure attached: ☐

Executive summary:

Board of Clallam County Commissioner will consider adopting by Resolution the attached budget revisions on May 28, 2024.

Budget revisions – Transfer or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐
See attached form(s).

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)

Approve the attached notice – Budget revisions.

County Official signature & print name: Loni Gores Loni Gores, Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners

Relevant Departments: All Departments

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Budget Revisions 5-14-24
Revised: 3-04-2019



NOTICE OF BUDGET REVISION MEETING

Notice is hereby given Clallam County will consider by Resolution of the Board the budget revision shown below on May 28, 2024 at 10 a.m. in the Commissioners' Meeting Room (160), Clallam County Courthouse.

NonDept – American Rescue Plan Act – Reallocation of American Rescue Plan Act (ARPA) funding for the final contractual payment to the Public Utility District (PUD) for their Carlsborg/Van-Lan Water System Project. The invoice expected in 2023 was not received until April 2024/\$60,000

Prosecuting Attorney – Operations – Funds originally allocated for attorney salaries will be used for contracted attorney services while short-staffed/\$100,000

Sheriff – Jail Medical – Our two Mental Health Professionals are funded by the "Hargrove Fund". Since the second position will have been vacant from January through the end of April, Health and Human Services is seeking approval for the unspent salary dollars to be used for supplies needed by the positions instead. This will allow for the purchase of office furniture, computer equipment, or other items supporting the mental health program for incarcerated individuals that was not originally planned for/\$25,000

A copy of the budget change forms may be reviewed at the office of the Board of County Commissioners from 8 a.m. to 4:30 p.m., Monday through Friday.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Date: May 14, 2024

Mike French, Chair

Publish: May 18 and 25, 2024

Bill: Commissioners' Office

c: Budget Director
Department(s)
Treasurer

— **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state,
— or local funds

— **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have
— been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.

— **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet
— mandatory expenditures required by law

X ✓ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation
— within the same budget would authorize a new permanent position or a new capital purchase

— **Budget Reduction** – a reduction in revenues and/or expenditures

MAY 02 2024

CLALLAM COUNTY BUDGET CHANGE FORM



Date Submitted: 5/1/2024 Budget Hearing/Meeting Date: 05/28/2024 ✓

- **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
- **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
- **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
- ✓ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase
- **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.841 ✓	Budget Name	Prosecuting Attorney - Operations ✓
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.841 ✓	Prosecuting Attorney – Ops ✓	51531.10.0010 ✓	Regular Time ✓	50,000.
00100.841 ✓	Prosecuting Attorney – Ops ✓	51535.10.0010 ✓	Regular Time ✓	50,000.
Total				100,000. ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.841 ✓	Prosecuting Attorney – Ops ✓	51531.41.0020 ✓	Professional Services ✓	50,000.
00100.841 ✓	Prosecuting Attorney – Ops ✓	51535..41.0020 ✓	Professional Services ✓	50,000.
Total				100,000. ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

These funds originally allocated for attorney salaries will be used for contracted attorney services while we are short-staffed.

County Official Approval: Mah Nink
(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

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CLALLAM COUNTY BUDGET CHANGE FORM



Date Submitted: 5/3/24 ✓

Budget Hearing/Meeting Date: 5/28/24 ✓

- **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
- **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
- **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
- ☒ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase
- **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.816	Budget Name	Sheriff – Jail Medical
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.816 ✓	Sheriff – Jail Medical ✓	52360.10.0010 ✓	Regular Time ✓	18,000
00100.816 ✓	Sheriff – Jail Medical ✓	52360.20.0020 ✓	Benefits ✓	7,000
Total				25,000 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.816 ✓	Sheriff – Jail Medical ✓	52360.35.0010 ✓	Small Tools and Minor Equipment ✓	7,000
00100.816 ✓	Sheriff – Jail Medical ✓	52360.31.0010 ✓	Office Supplies ✓	8,000
00100.816 ✓	Sheriff – Jail Medical ✓	52360.31.0033 ✓	Furnishings ✓	6,000
00100.816 ✓	Sheriff – Jail Medical ✓	52360.35.5500 ✓	Information Technology Equipment ✓	4,000
Total				25,000 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

Our Mental Health Professionals are vital for inmate care, and are funded by the Hargrove Fund managed by HHS. Since the second position will have been vacant from January through the end of April, HHS has given approval for the unspent salary dollars to be used for supplies needed by the positions instead so long as the original Hargrove Fund budget remains the same. This will allow the purchase of office furniture, computer equipment, or other items supporting the mental health program for incarcerated individuals that was not originally planned for.

County Official Approval: _____

(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)



AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

11
MAY 13 2024
ub

Department: BOCC

WORK SESSION ☒ Meeting Date: 5/13/24

REGULAR AGENDA ☒ Meeting Date: 5/14/24

Required originals approved and attached? ☐
Will be provided on:

Item summary:

- | | |
|---|---|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # |
| ☐ Resolution | ☐ Proclamation ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance ☒ Other - Notice |

Documents exempt from public disclosure attached: ☐

Executive summary:

Board of Clallam County Commissioner will consider adopting by Resolution the attached supplemental appropriations on May 28, 2024.

Supplemental appropriations – increased expenditures due to unanticipated federal, state, and local funds.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

See attached form(s).

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)

Approve the attached notice of supplemental appropriations.

County Official signature & print name: Loni Gores Loni Gores, Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners

Relevant Departments: All Departments

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)



NOTICE OF SUPPLEMENTAL APPROPRIATIONS BUDGET MEETING

Notice is hereby given Clallam County will consider by Resolution of the Board, the supplemental budget appropriations in the following funds pursuant to RCW 36.40.100, at 10 a.m. on May 28, 2024 in the Commissioners' Meeting Room (160) of the Clallam County Courthouse.

Superior Court – Contract renewal with the Salish Behavioral Associated Health Organization for Criminal Justice Treatment Account (CJTA) funds set aside by the State of Washington for the betterment of therapeutic courts/\$5,966

Noxious Weed Control – Program spent less money than expected from the Washington Department of Agriculture Knotweed grant due to difficulty hiring seasonal help. The grant expires in June 2025. The money will be used to increase seasonal wages/\$5,500

Sheriff – OPNET Drug – The OPNET Task Force was only partially funded during the budget cycle due to uncertain grant funding. While Washington State has since approved appropriation funding to support task forces, we are requesting to use proceeds from a confiscated property to balance the budget for the remainder of the year while the appropriation disbursement specifics are established. The appropriation funds can then reimburse the fund balance once received/\$301,736

Copies of the budget change forms may be viewed at the office of the Board of Clallam County Commissioners from 8 a.m. to 4:30 p.m., Monday through Friday.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Date: May 14, 2024

Mike French, Chair

Publish: May 18 and 25, 2024

Bill: Commissioners

c: Budget Director
Treasurer
Department(s)

APR 16 2024

CLALLAM COUNTY BUDGET CHANGE FORM

4/16/2024

Date Submitted: 4/12/2024

Budget Hearing/Meeting Date: 5/28/24 ✓



- ☒ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
- ☐ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
- ☐ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
- ☐ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase
- ☐ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.861 ✓	Budget Name	Superior Court ✓
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.861 ✓	Superior Court ✓	33700.00.0040 ✓	SBHO Criminal Justice Treatment Account (CJTA)	\$5,966
Total				\$5,966 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.861 ✓	Superior Court ✓	56692.49.0083 ✓	Recovery Support Services	\$5,966
Total				\$5,966 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

Superior Court has entered into a contract renewal with the Salish Behavioral Associated Health Organization for Criminal Justice Treatment Account (CJTA) funds set aside by the State of Washington for the betterment of therapeutic courts. This contract period is from January 1, 2024, through December 31, 2024, in the amount of \$27,684.33. Funds in the amount of \$21,718 have already been placed into our budget, however, there was an increase in funds in the amount of \$5,966 that we are asking to be added into this budget line.

County Official Approval:

(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

Lacey Halberg

[Signature]
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APR 30 2024

CLALLAM COUNTY BUDGET CHANGE FORM



Date Submitted: 4-30-2024 ✓

Budget Hearing/Meeting Date: May 28, 2024 ✓

- ☒ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
- ☐ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
- ☐ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
- ☐ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase
- ☐ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	13001.381 ✓	Budget Name	Noxious Weed Control ✓
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
13001.381 ✓	Noxious Weed Control ✓	33402.10.5000 ✓	WSDA Knotweed Program ✓	\$5,500
Total				\$5,500 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
13001.381 ✓	Noxious Weed Control ✓	55360.10.0600 ✓	Extra Help ✓	\$5,500
Total				\$5,500 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

Program spent less money from our WA Department of Agriculture knotweed grant last year than expected due to difficulty hiring seasonal help. The grant expires in June 2025. We will use this money to increase seasonal wages.

County Official Approval:
(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

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JUN 01 2024

CLALLAM COUNTY BUDGET CHANGE FORM

Date Submitted: 5/1/24
04/24/24 ✓

Budget Hearing/Meeting Date: 05/28/24 ✓



- ☒ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
- ☐ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
- ☐ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
- ☐ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase
- ☐ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	11008.811 ✓	Budget Name	Sheriff – OPNET Drug ✓
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
11008.811 ✓	Sheriff – OPNET Drug ✓	36930.00.0000 ✓	Confiscated and Forfeited Property ✓	301,736
Total				301,736 ✓

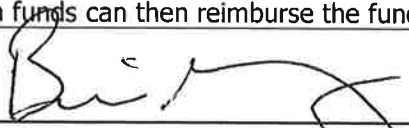
EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
11008.811 ✓	Sheriff – OPNET Drug ✓	52123.10.0600 ✓	Extra Help ✓	5,911
11008.811 ✓	Sheriff – OPNET Drug ✓	52123.31.0010 ✓	Office Supplies ✓	400
11008.811 ✓	Sheriff – OPNET Drug ✓	52123.31.0020 ✓	Operating Supplies ✓	2000
11008.811 ✓	Sheriff – OPNET Drug ✓	52123.32.0015 ✓	Gasoline ✓	5000
11008.811 ✓	Sheriff – OPNET Drug ✓	52123.35.0010 ✓	Small Tools & Minor Equipment ✓	1950
11008.811 ✓	Sheriff – OPNET Drug ✓	52123.41.0020 ✓	Professional Services ✓	7500
11008.811 ✓	Sheriff – OPNET Drug ✓	52123.41.5120 ✓	Public Works ✓	250
11008.811 ✓	Sheriff – OPNET Drug ✓	52123.42.0015 ✓	Cellular Phone ✓	438
11008.811 ✓	Sheriff – OPNET Drug ✓	52123.42.0020 ✓	Postage ✓	12
11008.811 ✓	Sheriff – OPNET Drug ✓	52123.43.0020 ✓	Travel – Training ✓	4000
11008.811 ✓	Sheriff – OPNET Drug ✓	52123.48.0040 ✓	Equipment Repair & Maintenance	250
11008.811 ✓	Sheriff – OPNET Drug ✓	52123.48.0042 ✓	Vehicle Repair & Maintenance	500
11008.811 ✓	Sheriff – OPNET Drug ✓	52123.49.0041 ✓	Subscriptions ✓	4000
11008.811 ✓	Sheriff – OPNET Drug ✓	52123.49.0049 ✓	Document Destruction ✓	50
11008.811 ✓	Sheriff – OPNET Drug ✓	52123.49.0058 ✓	Seizure Costs ✓	34500
11008.811 ✓	Sheriff – OPNET Drug ✓	52123.49.0060 ✓	Registration ✓	2315
11008.811 ✓	Sheriff – OPNET Drug ✓	52123.70.0010 ✓	Operating Leases (GASB 87) ✓	4800
11008.811 ✓	Sheriff – OPNET Drug ✓	50800.00.0000	Ending Fund Balance	227,860
Total				301,736 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

The OPNET Task Force was only partially funded during the budget cycle due to uncertain grant funding. While Washington State has since approved appropriation funding to support task forces, we are requesting to use proceeds from a confiscated property to balance the budget for the remainder of the year while the appropriation disbursement specifics are established. The appropriation funds can then reimburse the fund balance once received.

County Official Approval: 
(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

Revised: J:\SDATA\BUDGETS\2024\Budget Changes\11008 OPNET supp 052824.docx


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AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

MAY 13 2024

Department: BOCC

WORK SESSION ☒ Meeting Date: 5/13/24

REGULAR AGENDA ☒ Meeting Date: 5/14/24

Required originals approved and attached? ☐
Will be provided on:

Item summary:

- | | | |
|---|--|--|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☒ Other - Notice |

Documents exempt from public disclosure attached: ☐

Executive summary:

Board of Clallam County Commissioner will consider adopting by Resolution the attached debatable emergencies on May 28, 2024

Debatable emergency – Public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐
See attached forms.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Approve the attached notice of debatable emergencies.

County Official signature & print name: Loni Gores Loni Gores

Name of Employee/Stakeholder attending meeting: Board of Commissioners

Relevant Departments: All Departments

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)



BUDGET RESOLUTION _____, 2024

CALL FOR HEARING FOR DEBATABLE EMERGENCIES IN THE FUNDS LISTED BELOW

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. Pursuant to RCW 36.40.140, the following facts constitute a public emergency that could not reasonably have been foreseen at the time of making the budget:

Parks & Facilities – Real Estate Excise Tax (REET) – To cover unpaid sales tax due on the Courthouse Access Control project, and two invoices for the Restoration of Old Juvie Building project received after the close of accounts payable for year-end/\$21,253

General Fund Reserves – City of Port Angeles stormwater assessment unexpectedly increased 103% from 2023. Additional General Fund support is needed to cover the increase (1 of 2)/\$10,000

NonDept – Indigent Defense – Additional funding for Superior Court Conflict Attorney services provided in 2023 as well as the new contract for 2024/\$19,000

Treasurer – Land Assessment –

- City of Port Angeles stormwater assessment unexpectedly increased 103% from 2023. Additional General Fund support is needed to cover the increase (2 of 2)/\$10,000
- 2024 increase to City of Port Angeles stormwater fees for county owned parcels. Increased rates and values were not provided to the Treasurer in order to anticipate this increase/\$13,000

Department of Community Development – Permit Center –

- Due to uncertainty concerning when the State Building Code Council would implement the 2021 International Codes, Code Books were not purchased in 2023 as they were budgeted because the State was still delaying implementation. It has now been passed/\$3,575
- Repair costs for vehicle driven by Building Inspector after collision with wildlife while driving on Highway 112. Policy 860 4.9 states that it will be the responsibility of the renting department to pay the difference in costs to replace or repair the vehicle as Equipment Rental & Revolving (ER&R) does not carry collision insurance on vehicles or equipment/\$8,972

Human Resources – Unemployment Compensation – Requesting additional funding for unanticipated increase in unemployment compensation costs/\$40,000

Health and Human Services Operations – Reallocation of Foundational Public Health Services (FPHS) Communications funding to the machinery and equipment category for the purchase of 3 copy machines/\$65,000

NonDept – Hotel/Motel Tax – Additional funds need for Resolution 40, 2024 Board-approved Lodging Tax applications/\$480,000

NOW, THEREFORE, BE IT RESOLVED by the Board of Clallam County Commissioners, in consideration of the above findings of fact:

1. A public hearing on the debatable emergencies listed above will be held May 28, 2024 at 10:30 a.m. in Room 160 of the Clallam County Courthouse.
2. A copy of the budget change forms may be viewed at the office of the Board of Clallam County Commissioners from 8 a.m. to 4:30 p.m., Monday through Friday.

PASSED AND ADOPTED this 14th day of May 2024

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mike French, Chair

Randy Johnson

ATTEST:

Loni Gores, MMC, Clerk of the Board

Mark Ozias

Publish: May 18 and 25, 2024

Bill: Commissioners

c: Budget Director, Treasurer, Department(s)

APR 16 2024

CLALLAM COUNTY BUDGET CHANGE FORM



Date Submitted: April 15, 2024

Budget Hearing/Meeting Date: May 28, 2024 ✓

- **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
- X **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
- **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
- **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase
- **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	30101.911 ✓	Budget Name	Parks and Facilities – REET ✓
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
30101.911. ✓	Parks and Facilities - REET ✓	50800.00.0000	Ending Fund Balance	\$21,253
Total				\$21,253

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
30101.911 ✓	Parks and Facilities – REET ✓	59476.62.2235 ✓	Restore Old Juvie Building	\$ 2,718
30101.911 ✓	Parks and Facilities – REET ✓	59476.63.2125 ✓	Courthouse Access Control <i>Systems</i>	\$18,535
Total				\$21,253 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

To cover unpaid sales tax due on the Courthouse Access Control project, and two invoices for the Restoration of Old Juvie Building project received after the close of accounts payable for year end.

County Official Approval:

(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

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The seal of Glenn County, California, featuring a central image of a clock tower with a dome, surrounded by the text "GLENN COUNTY" and the year "1854" at the bottom.

Budget Hearing/Meeting Date: 5/28/2024

- | | | | |
|---------------------------------|-------------|--------------------|-------------------------|
| Budget Number xxxxx.xxx. | 00100.293 ✓ | Budget Name | General Fund Reserves ✓ |
|---------------------------------|-------------|--------------------|-------------------------|

BUDGET NUMBER XXXXX.XXX.	DEPT NAME	BARS NUMBER XXXXX.XX.XXXX	ACCOUNT DESCRIPTION	AMOUNT
00100.293✓	General Fund ✓ Reserves	50800.00.0000 ✓	Ending Fund Balance	10,000
Total				10,000

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.293 ✓	General Fund Reserves ✓	59720.00.0010✓	Transfer to Land Assessment	10,000
Total				10,000

City of Port Angeles stormwater assessment unexpectedly increased 103% from 2023. Addition General Fund support is needed to cover this increased expense. (1 of 2)

CLALLAM COUNTY BUDGET CHANGE FORM



Date Submitted: 4/22/2023 ✓

Budget Hearing/Meeting Date: 5/28/2024 ✓

- **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
- X **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
- **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
- **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase
- **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.831 ✓	Budget Name	NonDept – Indigent Defense ✓
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.293 ✓	General Fund Reserves ✓	50800.00.0000 ✓	Ending Fund Balance ✓	✓19,000
Total				19,000 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.831 ✓	NonDept – Indigent Defense ✓	51591.41.0140 ✓	Civil Contempt/Paternity ✓	19,000
Total				19,000 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

Additional funding for Superior Court Conflict Attorney services provided in 2023 as well as the new contract for 2024.

County Official Approval: [Signature]
(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

[Signature]

CLALLAM COUNTY BUDGET CHANGE FORM



Date Submitted: 4/22/2024

Budget Hearing/Meeting Date: 5/28/2024

- ☐ Supplemental Appropriation – increased expenditures due to unanticipated federal, state, or local funds
- X ☒ Debatable Emergency – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
- ☐ Non-debatable Emergency – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
- ☐ Budget Revision – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase
- ☐ Budget Reduction – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	12241.231	Budget Name	Treasurer – Land Assessment
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
12241.231	Treasurer – Land Assessment	39720.00.0010	Transfer from General Fund Reserves	10,000
Total				10,000

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
12241.231	Treasurer – Land Assessment	50800.00.0000	Ending Fund Balance	10,000
Total				10,000

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

City of Port Angeles stormwater assessment unexpectedly increased 103% from 2023. Addition General Fund support is needed to cover this increased expense. (2 of 2)

County Official Approval: (Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

A handwritten signature in black ink.

A handwritten signature in black ink.

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CLALLAM COUNTY BUDGET CHANGE FORM

RECEIVED
CLALLAM CO. FINANCE

JUN 01 2024



Date Submitted: 5/1/2024 ✓

Budget Hearing/Meeting Date: 5/28/2024 ✓

- **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
- ☒ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
- **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
- **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase
- **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	12241.231 ✓	Budget Name	Treasurer – Land Assessment ✓
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
12241.231 ✓	Treasurer-Land Assessment ✓	50800.00.0000 ✓	Ending Fund Balance ✓	13,000
Total				13,000 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
12241.231. ✓	Treasurer – Land Assessment ✓	51422.49.0011 ✓	Assessment Charges ✓	13,000
Total				13,000 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

2024 INCREASE TO CITY OF PORT ANGELES STORMWATER FEES FOR COUNTY OWNED PARCELS. INCREASE RATES AND VALUES WERE NOT PROVIDED TO THE TREASURER IN ORDER TO ANTICIPATE THIS INCREASE.

County Official Approval: _____

(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

A handwritten signature in black ink, appearing to read "Jennifer", written over a horizontal line.

A handwritten signature in black ink, appearing to read "Ethel", written over a horizontal line.

APR 24 2024

CLALLAM COUNTY BUDGET CHANGE FORM



Date Submitted: 4/24/24 ✓

Budget Hearing/Meeting Date: 5/28/24 ✓

- **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
- ☒ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
- **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
- **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase
- **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.333 ✓	Budget Name	DCD Permit Center ✓
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.293 ✓	General Fund Reserve ✓	50800.00.0000 ✓	Ending Fund Balance ✓	3575
Total				3575 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.333 ✓	DCD Permit Center ✓	55850.31.0015 ✓	Books ✓	3575
Total				3575 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

Due to uncertainty concerning when the State Building Code Council would implement the 2021 International Codes, DCD did not purchase Code Books in 2023 as they were budgeted to do because the State was still delaying implementation. It has now been passed.

County Official Approval:

Handwritten signature of Bruce W. Emery in blue ink.

(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

Handwritten initials in blue ink, possibly "JKE".

48

CLALLAM COUNTY BUDGET CHANGE FORM

RECEIVED
CLALLAM CO. FINANCE

APR 26 2024



Date Submitted: April 24, 2024

Budget Hearing/Meeting Date: May 28, 2024 ✓

- **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
- ☒ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
- **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
- **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase
- **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	00100.333 ✓	Budget Name	DCD Permit Center ✓
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.293 ✓	General Fund Reserves ✓	50800.00.000 ✓	Ending Fund Balance ✓	8,972
Total				8,972 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
00100.333 ✓	DCD Permit Center	55851.48.0042 ✓	Vehicle-Repair and Maintenance ✓	8,972
Total				8,972 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

Repair costs for vehicle driven by Building Inspector after collision with wildlife while driving on Highway 112. Policy 860 4.9 states that it will be the responsibility of the renting department to pay the difference in costs to replace or repair the vehicle as ER&R does not carry collision insurance on vehicles or equipment.

County Official Approval:

(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

APR 25 2024

CLALLAM COUNTY BUDGET CHANGE FORM



Date Submitted: 4/26/2024

Budget Hearing/Meeting Date: 5/28/2024 ✓

- **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
- X ✓ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
- **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
- **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase
- **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	50701.461 ✓	Budget Name	HR – Unemployment Compensation ✓
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
50701.461 ✓	HR – Unemployment Compensation ✓	50800.00.0000 ✓	Ending Fund Balance ✓	40,000 ✓
Total				40,000 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
50701.461 ✓	HR – Unemployment Compensation ✓	51771.20.0040 ✓	Unemployment Compensation ✓	40,000
Total				40,000 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

Requesting additional funding for unanticipated increase in unemployment compensation costs.

County Official Approval: _____

(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

A handwritten signature in black ink, appearing to be "Tom Bue", is written over the County Official Approval line. To the right of the signature, there are additional handwritten marks, including what looks like "aoc" and some scribbles.

APR 30 2024

CLALLAM COUNTY BUDGET CHANGE FORM



Date Submitted: 4/30/24 ✓ Budget Hearing/Meeting Date: 5/28/24 ✓

- ☐ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
☒ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
☐ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
☐ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase
☐ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx. 11301.511 ✓ Budget Name HHS – Health & Human Services Operations ✓

REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
11301.511 ✓	HHS Operations ✓	50800.00.0000 ✓	Ending Fund Balance ✓	65,000
Total				65,000 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
11301.511 ✓	HHS Operations ✓	59462.64.0010 ✓	Machinery & Equipment ✓	65,000
Total				65,000 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

This budget emergency is to reallocate FPHS – FOUNDATIONAL PUBLIC HEALTH SERVICES COMMUNICATIONS funding to the machinery and equipment category for the purchase of 3 copy machines.

County Official Approval: _____
 (Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

A handwritten signature in dark ink, appearing to be "J. [unclear]".

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CLALLAM COUNTY BUDGET CHANGE FORM



Date Submitted: 4/30/2024 ✓

Budget Hearing/Meeting Date: 5/28/2024 ✓

- ☐ **Supplemental Appropriation** – increased expenditures due to unanticipated federal, state, or local funds
- X ✓ **Debatable Emergency** – public emergency other than a non-debatable emergency which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget.
- ☐ **Non-debatable Emergency** – for the relief of a stricken community requiring immediate address; to meet mandatory expenditures required by law
- ☐ **Budget Revision** – transfers or reallocations between departments within the same fund, or anytime a reallocation within the same budget would authorize a new permanent position or a new capital purchase
- ☐ **Budget Reduction** – a reduction in revenues and/or expenditures

Budget Number xxxxx.xxx.	19925.291	Budget Name	NonDept – Hotel/Motel Tax
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REVENUE/SOURCE

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
19925.291 ✓	NonDept – Hotel/Motel Tax ✓	508000.00.0000 ✓	Ending Fund Balance ✓	480,000
Total				480,000 ✓

EXPENDITURES

BUDGET NUMBER xxxxx.xxx.	DEPT NAME	BARS NUMBER xxxxx.xx.xxxx	ACCOUNT DESCRIPTION	AMOUNT
19925.291 ✓	NonDept – Hotel/Motel Tax ✓	55730.49.0230 ✓	Unanticipated Projects ✓	480,000
Total				480,000 ✓

Revenue/Source and Expenditure totals must agree.

REASON FOR BUDGET ACTION:

Additional funds needed for Resolution 40, 2024 Board-approved Lodging Tax applications.

County Official Approval: _____

(Obtain Budget Office Approval Prior to Submission to Clerk of the Board)

Effie

53



13
MAY 13 2024

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: BOCC

WORK SESSION ☒ **Meeting Date:** 5/13/24

REGULAR AGENDA ☐ **Meeting Date:**

Required originals approved and attached? ☐
Will be provided on:

Item summary:

- | | | |
|---|---|--|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☒ Other: BOCC authority to apply for Grant |

Documents exempt from public disclosure attached: ☐

Executive summary:

The WA State Department of Commerce offered funding to county governments to establish a Home Electrification and Appliance Rebates (HEAR) Program to assist low and moderate income, single and multi-family households (with income 150% of Area Median Income or less) to purchase ENERGY STAR equipment and appliances such as heat pumps for home heating, heat pump water heaters, and induction cooking equipment. The County sought \$360,000 under the HEAR program. After submitting the grant, Commerce has offered a grant award of \$172,031. This is a no match grant. Clallam PUD will run the rebate program through an agreement between the County and Clallam PUD. The County will be reimbursed up to 5% of the grant funding for administrative staff time. Since the award amount was significantly lower than expected, BOCC approval to accept the award is sought.

Budgetary impact:

None

Recommended action:

BOCC approval to accept the lower award for HEAR Grant Program to benefit vulnerable populations.

County Official signature & print name: Loni Gores Loni Gores, Clerk

Name of Employee/Stakeholder attending meeting: Diane Harvey Member of Climate Action Committee

Relevant Departments: Board of Commissioners

Date submitted: 5/8/2024

* Work Session Meeting - Submit 1 single sided/not stapled copy Home Electrification and Appliance Rebate Program 5-13-24
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies) Revised: 3-04-2019



AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

ES
MAY 13 2024
@ 1pm

Department: Road Department/PAO

Executive Session ☒ **Meeting Date: May 13, 2024 at 1 p.m.**

Item summary:

☒ **Other – Executive Session**

Executive summary:

The Board of County Commissioners, pursuant to RCW 42.30.080, has scheduled a special meeting to be held at 1 p.m., Monday, May 13, 2024 in the Commissioner's Board Room, 223 East 4th Street, Port Angeles, Room 160.

The purpose of the special meeting is to facilitate an Executive Session with the Prosecuting Attorney's Office, per RCW 42.30.110. No virtual option will be available.

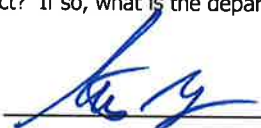
The Executive Session is to discuss the following item(s):

- ☒ The purchase or sale of real estate
- ☐ Evaluate the qualifications of an applicant for public employment, or to review the performance of a public employee
- ☐ Agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party...
- ☐ Collective bargaining...during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress. (RCW 42.30.140)

The Board of County Commissioners will take no action while in Executive Session but reserves the right to take action at the conclusion of the Executive Session once it is back in open session.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐
None.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Executive Session to discuss real estate.

County Official signature & print name:  Steve Gray, Road Dept.

Name of Relevant Department/Employee/Stakeholder attending meeting: Board of Commissioners, Prosecuting Attorney's Office, Road/Public Works Department

Date submitted: 5-8-24

* Work Session Meeting - Submit 1 single sided/not stapled copy

** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Executive Session Property ODT Rayonier 5-13-24

Revised: 3-04-2019

Questions? Call Loni Gores, Clerk of the Board, ext 2256