



BOARD of CLALLAM COUNTY COMMISSIONERS MINUTES for the week of May 9 – 13, 2022

lc
5/17/22

WORK SESSION – 9 a.m.

The work session convened at 9 a.m., Monday, May 9, 2022. Present were Commissioners Ozias, Johnson, and Peach and Administrator Sill.

Items of discussion per the agenda published May 12 were:

- Calendar/Correspondence
- Resolution to change membership positions on the Behavioral Health Advisory Board
- Resolution removing the Regional Administrator Salish Behavioral Health Organization member position on the Behavioral Health Advisory Board
- Letter of support to the United States Department of Transportation for Port of Port Angeles
- Agreement with Small Business Development Center for business advising and technical assistance to small business
- Resolution appointing Jai Lust to the Trails Advisory Committee
- Resolution creating a new Public Works Broadband Infrastructure Capital Projects, a Capital Projects Fund

Meeting concluded at 9:58 a.m.

REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Chair Ozias called the meeting to order at 10 a.m., Tuesday, May 10, 2022. Also present were Commissioners Johnson and Peach and Administrator Sill.

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

ACTION TAKEN: CRJm to adopt the agenda as presented, CBPs, mc

PUBLIC COMMENT

- Rondi Smith, Port Angeles, commented on Department of Community Development, alpaca rescue zoning regulations (see attached)
- Amber Miller, Sequim, commented on agricultural regulations language, Alpaca Youth Program
- Margaret Miller, Sequim, commented on the Alpaca Youth Program
- AnnaBell Miller, Sequim, commented on the Alpaca Youth Program
- Angela Jeziorski, Sequim, commented on the alpaca rescue (see attached)
- Mark Soderlind, Forks, commented on the Rain Forest Mobile Home Park
- Tereasa Staley, Forks, commented on the Rain Forest Mobile Home Park

HEARING(S)

H1 Ordinance extending the duration of the cable television franchises held by WaveDivision I, LLC and WaveDivision III, LLC, now DBA Astound

- ARS read the agenda item summary into the record
- Mark Lane, Chief Financial Officer, provided a staff report

ACTION TAKEN: CRJm to open the public hearing, CBPs, mc

- The following provided comment:
 - David von Moritz, Astound
 - Ed Bowen, Clallam Bay

ACTION TAKEN: CRJm to close the public hearing and adopt, CBPs, mc

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CONSENT AGENDA

- 1a Approval of vouchers for the week of May 2
- 1b Approval of minutes for the week of May 2
- 1c Letter of support to the United States Department of Transportation for Port of Port Angeles
- 1d Proclamation recognizing June 2022 as Ride Transit Month
- 1e Proclamation recognizing the week of May 9-15, 2022 as Peace Officers' Memorial Week

ACTION TAKEN: CRJm to adopt the consent agenda, CBPs, mc

REPORTS AND PRESENTATIONS

- CRJ read the Proclamation recognizing the week of May 9-15, 2022 as Peace Officers' Memorial Week
- CRJ commented on Housing Solutions Committee Meeting
- CMO read the Proclamation recognizing June 2022 as Ride Transit Month
- CBP commented on Makah Tribal Council General Manager Vince Cooke passing, Forks Veterans Stand Down 2022, Forks Mobile Home Rain Forest, land use planning, Board of Natural Resources Meeting

COMMUNITY DEVELOPMENT

- 2a Notice of call for bids to be received no later than 10 a.m. Tuesday, June 7, 2022 for Lower Dungeness River Floodplain Restoration & Levee/Road Realignment – Phase 2

ACTION TAKEN: CRJm to issue notice, CBPs, mc

PUBLIC WORKS

- 3a Resolution authorizing temporary closure of a portion of Towne Road

ACTION TAKEN: CRJm to adopt, CBPs, mc

PUBLIC COMMENT

- Christy Cox, Port Angeles, commented on small farming permitting
- Kenneth Reandeau, Port Angeles, commented on the discussions that took place during the meeting, resources and executive session.
- Cheryl Sidler, Sequim, commented on process to address topics

Meeting concluded at 10:57 a.m. and continued to 11 a.m. May 10, 2022 executive session regarding Emergency Operations Center property purchase.

EXECUTIVE SESSION

The Board convened in open session at 11:01 a.m. to discuss Emergency Operations Center property purchase. Present were Commissioners Ozias, Johnson and Peach, Human Resources Director/Administrator Sill, Deputy Human Resources Director/Administrator Reyes, Chief Civil Deputy Prosecuting Attorney Stanley, Undersheriff Cameron, Chief Criminal Deputy King, Project Coordinator Jackson, Lead Right-of-Way Agent Capps, Right-of-Way Agent Moore, Chief Financial Officer Lane

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

ACTION TAKEN: CRJm to recess to executive session for 45 minutes, CBPs, mc

Board recessed into executive session at 11:04 a.m.

Board convened in open session at 11:49 a.m.

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CMO noted no action will be taken.

Meeting concluded at 11:49 a.m. and continued to 9 a.m., Monday, May 16, 2022.

There are no Zoom chat logs for the week of May 9.

The Board of Commissioners attended a WSAC Virtual update, Timber Counties Caucus Meeting, KONP Radio Show, Bell Ringing Ceremony and KSQM Radio Show during the week of May 9.

PASSED AND ADOPTED this 17th day of May 2022.

ATTEST:


Loni Gores, CMC, Clerk of the Board



BOARD OF CLALLAM COUNTY COMMISSIONERS


Mark Ozias, Chair


Randy Johnson


Bill Peach

KEY TO ABBREVIATIONS:

ARS Administrator Rich Sill
CMO Commissioner Mark Ozias
CRJ Commissioner Randy Johnson
CBP Commissioner Bill Peach

m moved
mc motion carried
s seconded

Commissioners

CUP2022-00009

Public comment

Rondi Smith

01/10/22

Greg Winkle
Rondi Smith
P. O. Box 1045
Port Angeles, Wa 98362

RE: Conditional Use PERMIT FOR RECREATIONAL OUTDOOR ACTIVITY

ADDRESS 669 N. Lees Creek Road,
Port Angeles, Wa 98362

To Whom it may concern:

We own 21 acres of attached parcels. We were given incorrect information from DCD that has been provided allowing us to operate a recreational outdoor activity business.

Our plan is to be allowed to do exactly what the allowed use of "Recreational Outdoor Activity" defined in County Code Definitions.

"77 Outdoor Oriented Recreational Facilities meaning buildings, land, alterations, facilities which are intended to provide for recreational activity including but not limited to campgrounds...."

We would operate a business in compliance with the State of Washington definition of Agritourism **RCW 4.24.830**

Agritourism—Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agritourism activity" means any activity carried out on a farm or ranch whose primary business activity is agriculture or ranching and that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities including, but not limited to: Farming; ranching; historic, cultural, and on-site educational programs; recreational farming programs that may include on-site hospitality services; guided and self-guided tours; petting zoos; farm festivals; corn mazes; harvest-your-own operations; hayrides; barn parties; horseback riding; fishing; and camping..

This would be our complete operation. I have attached a drawing of a property layout that show animal pens, driveway access, parking spaces amply to provide all our activities, two porta potties maintained daily, potable water access is from County Water, no fires are allowed on the property, and there are three egresses by foot on three adjoining properties.

The activity is an Allowed Use under our VLD, zoning.

RK Smith

RECEIVED
CLALLAM CO. COMMISSIONERS

MAY 10 2022

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

Property Information

PID: 65571

GEO ID: 0630121390600000

Tax Area: 0102

Owner Name / Situs

 (235551) ROND SMITH AND
GREG BRUCE WINKLE

 E BAY ST
PORT ANGELES, WA 98362

Legal Description

MCNUTT SP LOT 4 V29 P85

Nbhd: 4001000 (Bayview Res)

Property
Farm & Ag

State Code: 83

Create Date: 3/6/2009

DBA:

Type: R (Real)

Cycle: 4

Mortgage Co:

Neighborhood: 4001000[Bayview Res]

Primary Use: 8300

Legal Acres: 18.7600

Values

Impr: \$0

New Const: \$0

Land: \$242,708

Current Use: \$2,964

Mkt: \$242,708

Appraised: \$2,964

Living: 0

Price/Sq Ft: \$0

Frozen

Impr: \$0

Year:

Land: \$0

Total: \$0

Situs

 E BAY ST
PORT ANGELES, WA 98362

Owner Name & Address [100.0000000000 %]

 ROND SMITH AND GREG BRUCE WINKLE
PO BOX 1045
PORT ANGELES, WA 98362

Phone:

Agent:

Exemptions:

Notice Printed: 10/29/2021

Default Image

PROPERTY TAX STATEMENT

2021

PROPERTY: 235551

TAXES: 2,964

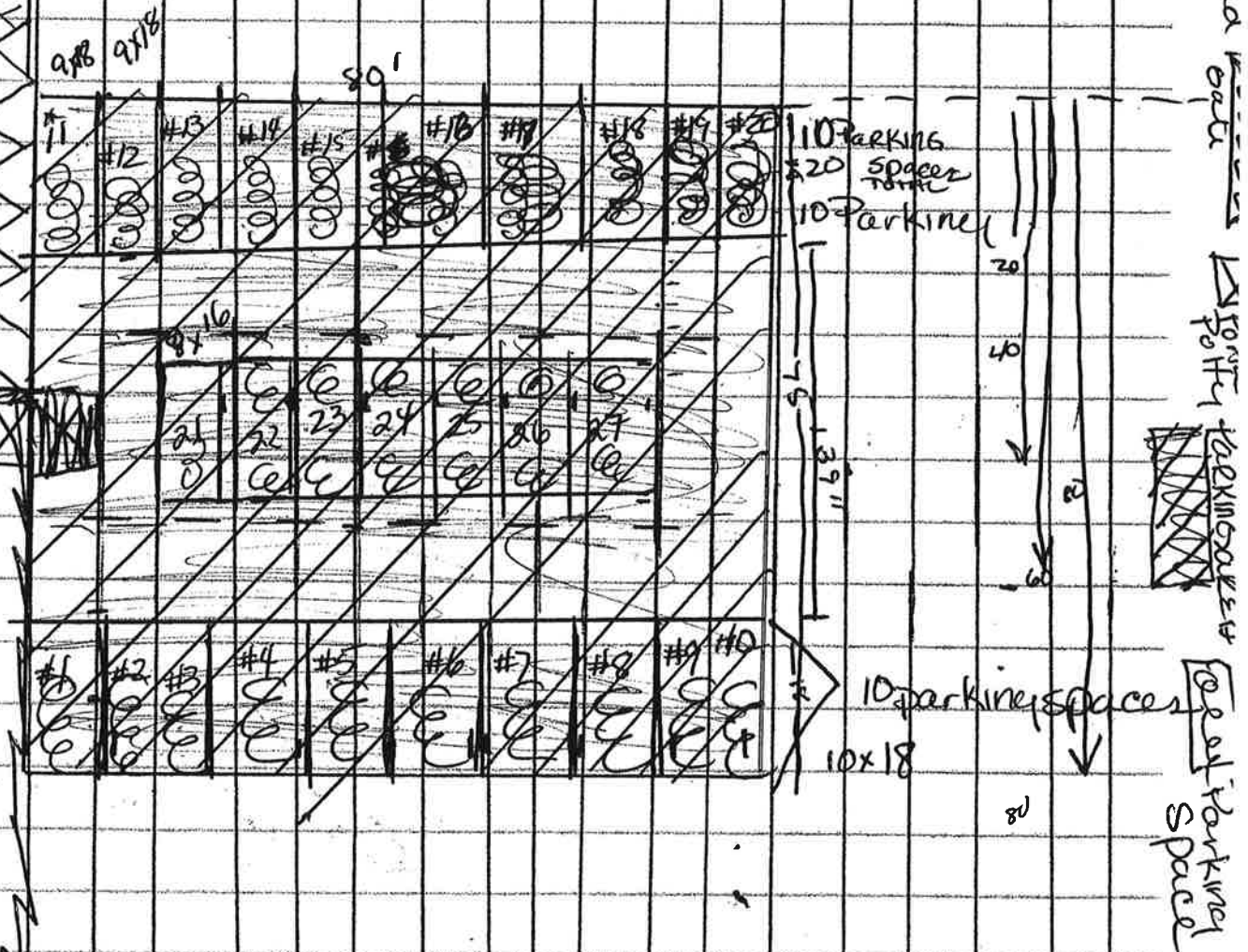
TOTALS: 2,964

Signature: J. Winkler

ACCESS & PARKING

20	9x18
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7	8	$\times 16$
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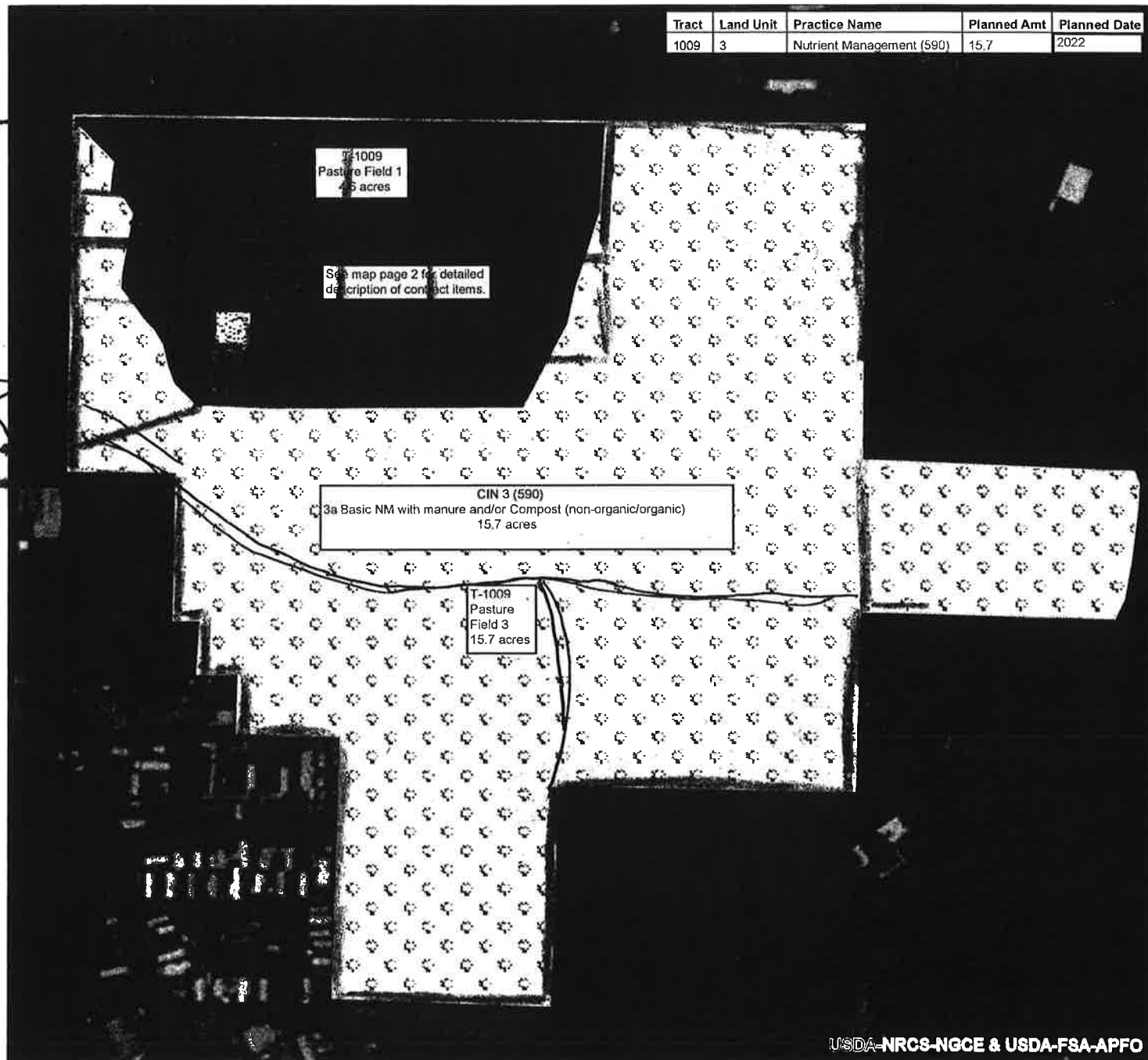


Conservation Plan Map

Client(s): GREGORY B WINKLE
 Location: 669 N. Lee's Creek Road
 Clallam County, Washington
 Approximate Acres: 20.30

Assisted By: JUSTIN URRESTI
 NRCS
 PORT ANGELES SERVICE CENTER

Land Units: Tract 1009, Fields 1,3



0 188 Feet

white area open for outdoor activities Prepared with assistance from USDA-Natural Resources Conservation Service

Practice Schedule
PLUS

Conservation Practice
Points

Conservation
Practice Lines

Conservation Practice
Polygons

Nutrient Management
(590)

Waste Storage Facility (313)

Fence (382)

Heavy Use Area
Protection (561)



Fence
Proposed

Tree/Bushes
PARKING

Tributary
(Fishing game)
report non fish

State of Washington.

(65) "Medical hardship dwelling" means a mobile home or manufactured home, as defined by WAC 296-150M-0020, allowed to provide temporary housing in cases of documented medical hardship.

(66) "Medical service facility" means a licensed medical physician's clinic or outpatient care clinic where overnight accommodations are not provided.

(67) "Mineral extraction" means activities involved in the extraction and processing of minerals from the earth for industrial, commercial, or construction uses, excluding water. For the purpose of this chapter, removal of solid materials from the earth is not deemed mineral extraction until the activity collectively results in more than three acres of land being disturbed or that results in pit walls more than 30 feet high and steeper than one horizontal to one vertical. This definition does not include disturbances greater than three acres of land during any time period if the cumulative area that has not been rehabilitated according to the State's reclamation requirements outlined in Chapter 78.44 RCW is less than three acres. Farming, road construction, mineral exploration testing and site preparation for construction shall not be deemed mineral extraction activities.

(68) "Mineral Resource Land Overlay District" or "MRLOD" means an overlay designation given to the location of a surface mine or proposed surface mine. A surface mine located upon land having the MRLOD designation may operate there without first obtaining a conditional use permit, if one would otherwise be required in the absence of MRLOD designation. Such a surface mine is and remains subject to the regulations listed in Chapter 33.52 CCC and all other applicable development regulations.

(69) "Minimum lot size" means the smallest parcel size upon which a dwelling may be placed or constructed; provided, that roads and open spaces which are dedicated to the public and tidelands shall be excluded when calculating lot size; provided, that lots in the Rural (R1) zoning district may include roads dedicated to the public as part of a land division in the minimum lot size calculation.

(70) "Mini-storage/self-storage" means any real property designed and used for the purpose of renting or leasing individual storage space to occupants for the purpose of storing and removing personal property. A self-service storage facility is not a public warehouse.

(71) "Mixed-use" means development that combines two or more different land uses on the same lot or contiguous lots in the same zone, such as retail uses and residential uses.

(72) "Mobile home park" means a lot or parcel of land occupied by two or more mobile homes on a rent or lease basis, and approved by Clallam County pursuant to County regulations.

(73) "Motel/hotel" means a structure which provides overnight, short-term boarding to transient guests and not defined as a bed and breakfast inn facility.

(74) "Multiple-family dwelling" means a building containing three or more dwelling units.

(75) "Nonconforming use or structure" means a lawful structure or use existing at the time this title or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

(76) "Off-street parking" means any space specifically allocated to the parking of motor vehicles that is not located within a public right of way, travel lane, service drive, or any

77) outdoor-oriented recreational facilities" meaning



facilities which are intended to provide for recreational activity including, but not limited to, campgrounds, boat launching facilities, golf courses and ball fields.

(78) "Outdoor shooting range" means a facility, commercial, public or private, and use, part of which occurs outdoors, which is established for the purpose of recreational shooting and hunter education/training. An "outdoor shooting range" includes the discharge of firearms for any lawful purposes. Accessory uses which directly relate to the use of the site as an outdoor shooting range such as campgrounds and indoor retailing of shooting supplies are included.

(79) "Parking space" means an area set aside for the parking of one motor vehicle.

(80) "Performance standards" means criteria that are established and must be met before a particular use will be permitted. These measures are designed to guide development of property and include, but are not limited to, open space requirements, water and wastewater requirements, buffer zones, screening, size and height limits for buildings, noise, vibration, glare, heat, air or water contaminants, and traffic.

(81) "Permitted use" means an activity or structure which is either allowed in a zone pursuant to this chapter without conditions or formal action by the County, or is identified as a conditional use.

(82) "Person" means a man, woman, firm, association, partnership, political subdivision, government agency, corporation or any other human entity whatsoever.

(83) "Preferred use" means the use that is the most appropriate lawful use for a particular parcel because that use best furthers the public policy behind the zoning or overlay designation applicable to that particular parcel.

(84) "Primary dwelling unit" means a structure consistent with the definition of "single-family dwelling," as set forth in this section; provided, that this definition applies to those single-family residential structures on parcels where an accessory dwelling unit, consistent with the standards of Chapter 33.50 CCC, is also present.

(85) "Primitive campground" means a campground for day use and overnight accommodations by tents only (no recreational vehicles or tent-trailers). A primitive campground is also an outdoor-oriented recreation use, unless specified in each zoning district.

(86) "Professional office" means a structure accommodating the following professional offices: medical, dental, chiropractic, accounting, consulting, cosmetologist, real estate offices or such other offices of persons required to be licensed by the State of Washington following completion of required training.

(87) "Public building" means a building or improvement which is used or owned by a governmental agency.

(88) "Public improvement" means a facility which is used or owned by a governmental agency.

(89) "Race track" means an area devoted to the racing of motor and nonmotorized vehicles or animals, and all improvements normally associated with racing such as off-street parking, patron seating, concessions, and a fixed race track.

(90) "Restaurant" means a business in which food is prepared and sold for consumption.

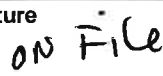
(91) "Research facility" means an improvement devoted to or supporting research

CONSERVATION PROGRAM CONTRACT

Participant: GREGORY B WINKLE	Program and Contract Number: EQIP 2018 7405462204M
County and State: CLALLAM County, WA	Subaccount: FY22 Statewide URBAN Conservation
Watershed: Ennis Creek-Frontal Port Angeles Harbor	This agreement is effective on the date signed by the Natural Resources Conservation Service obligating official unless specified otherwise in the applicable Appendix and extends through 12/31/2024

1. The undersigned participants enter into this contract with the Natural Resources Conservation Service (NRCS) to implement and/or maintain specific conservation practices, as set forth in the Conservation Plan Schedule of Operations (NRCS-CPA-1155) on the property as identified on the plan map. In consideration for the implementation and/or maintenance of the practices, the NRCS will make payments to the participant(s) in the amount(s) described in the Schedule of Operations as outlined in the Appendix.
2. This agreement is comprised of this Conservation Program Contract form NRCS-CPA-1202. The NRCS-CPA-1202 Appendix and the NRCS-CPA-1155 Plan Schedule of Operations and plan map are hereby fully incorporated into this document and are binding upon the participant(s). The NRCS-CPA-1155 may be modified through execution of a Modification form (NRCS-CPA-1156) by both NRCS and the participant and becomes a part of the contract when both parties have agreed to and signed the Modification.
3. The participant(s) agree:
 - A) to implement and maintain conservation practices for the life of this agreement in compliance with the plan or schedule of operations and in accordance with the standards, specifications, and other special program criteria obtained from NRCS;
 - B) to forfeit further payments under this agreement and refund the United States, in amounts determined by NRCS, any payments received hereunder upon NRCS determination that participant(s) have violated the material terms of this agreement or accept such payment adjustments as NRCS may deem appropriate if NRCS decides that the participant's violation does not warrant termination of the agreement; and
 - C) to forfeit all rights to further payments under the agreement and refund to the United States, in amounts determined by NRCS, payments received hereunder if the subject land is transferred to a non-participant during the term of this agreement, unless the third party agrees to assume this agreement, and the NRCS consents to the modification.

4. CONTRACT PARTICIPANTS

Name, Address, Telephone GREGORY B WINKLE PO BOX 1045 PORT ANGELES, WA 98362	SSN or TAX ID if applicable *****5361
Signature 	Payment Shares 100.00%
Date	
Signature required for modifications ☒ Yes ☐ No	Signature acceptable for payments ☒ Yes ☐ No

5. CONTRACT OBLIGATIONS

2022	2023									Total
\$1,493	\$16,239									\$17,732
										\$17,732

CONSERVATION PROGRAM CONTRACT

Participant: GREGORY B WINKLE	Program and Contract Number: EQIP 2018 7405462204M
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6. NRCS APPROVING OFFICIALS

Application Approval JOSHUA HALL USDA electronic signature; manual signature not required. Date: 4/26/2022	Contract Obligation Date:
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PRIVACY ACT STATEMENT

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C 522a). Furnishing this information is voluntary; however failure to furnish correct, complete information will result in the withholding or withdrawal of such technical or financial assistance. The information may be furnished to other USDA agencies, the Internal Revenue Service, the Department of Justice, or other state or federal law enforcement agencies, or in response to orders of a court, magistrate, or administrative tribunal.

This information collection is exempted from the Paperwork Reduction Act under 16 U.S.C. 3801 note and 16 U.S.C. 3846.

NONDISCRIMINATION STATEMENT

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov

USDA is an equal opportunity provider, employer and lender.

Copy
Rough Draft

Rondi Smith & Greg Winkle
P. O. Box 1045
Port Angeles, Wa 98362

Property ID 65571

On 06/28/2021 @ 11:40AM, Greg Winkle & myself walked into the County Offices and applied for a driveway permit, paid for a well permit, and went to the DCD zoning desk. I know this because I have the dates of the permit requests.

At that time I went to the zoning desk and asked to speak to someone to confirm my zoning. Last month I went into the Clallam County Office to get assistance with several things.

1. A permit for a well
2. A driveway permit to connect a road to County road
3. A legal address for our farm
4. To access whether our farm agricultural activities were allowable or required to be permitted.

I spoke to a women who sat at a desk to the immediate left of the help desk. I was sent to her to ask for specific allowable uses for our property.

She explained she was new at her job. The exact date of this conversation will coincide of our filing for the above noted permits.

She printed off our zoning per our location and parcel id.
<https://clallam.county.codes/CCC/33.13.030> which included our list of allowable, conditional, and prohibited allowance. At that point we knew that our property was in the Port Angeles Urban Growth Area.

Mary Ellen Winborn wrote this on facebook when we made a posting:

This is a text book example of how misunderstandings on both sides of an issue can get out of hand.
The OPL/ARN owner did not realize when she asked the DCD planner that her property was in the Port Angeles Urban Growth Center. Had she known and the planner knew, the OPL/ARN owner would have immediately known she needed a condition use permit (CUP) to operate her non-profit business legally. To make the non-profit use legal, a CUP is the most cost effective logical way to do so. However, the owner does not want to apply for this simple \$2,400 remedy. Yes, \$2,400 is a lot of money, but it is small compared to legal fees and fines.

1-16

The DCD clerk highlighted the agricultural activities an allowed activity of Outdoor Recreational Activities.

32.13.030

Urban Very Low Density (V.L.D.)

The purpose of the Urban Very Low Density zoning district is to provide for single-family housing at very low urban densities in areas with development limitations and to establish areas where residential development is free from encroachment of commercial and industrial activities.

(1) Allowed Land Uses. The following land uses should be allowed outright in the Urban Very Low Density zoning district:

•Agricultural activities

- Bed and breakfast inns
- Child daycare center
- Churches
- Duplexes
- Family daycare providers

•Home enterprises

- Lodges
- Planned unit developments
- Single-family dwellings
- Timber harvesting

(2) Conditional Land Uses. The following land uses should be permitted in the Urban Very Low Density zoning district through a special permitting process with public input and a determination that the proposed use is consistent with applicable land use regulations and the character of the neighborhood:

•Cemeteries

•Commercial greenhouses and plant nurseries

•Home-based industries

•Public outdoor-oriented recreational activity

•Schools

I asked the clerk what the definition was of agricultural activities and Outdoor-orientated recreational activity was. She printed me out the document below,.

Farmland Development

Regulations,

1. Background. One of the June 15, 2005 "Initial Recommendations" of the Clallam County Agriculture Commission to the Clallam County Planning Commission is that the "County amend the uses permitted on Agricultural Lands. These uses are ancillary to the agricultural use and would be subject to health and safety regulations, appropriate access, available parking, size restrictions, etc...

β On-farm retail stands, including the sale of regionally produced agricultural products

β Construction of greenhouses and other farm buildings for retail and/or wholesale agricultural production

β On farm processing of agricultural products

β Making and selling compost

β Farm restaurants

β Agri-tourism activities

β Campgrounds and camping facilities

β Permanent and temporary housing for farm workers

β Construction, repair and maintenance of farm machinery

β Temporary educational seminars

β Bed and breakfast establishments"

Currently, "agricultural activities" are an Allowed use in all County zoning districts.

"Agriculture" is broadly defined in the County zoning code at CCC 33.03.010(7)

Allowed under our zoning with a conditional use permit is a campground etc

Definitions

For the purpose of this title, certain terms or words herein shall be interpreted as specifically defined in this chapter. All other words in this title shall carry the meanings as specified in the latest edition of Webster's New Collegiate Dictionary. Words or phrases not listed here have neither been amended or repealed by the ordinance codified in this section and remain as currently enacted.

(77) "Outdoor-oriented recreation facilities" means buildings, land alterations, or other facilities which are intended to provide for recreational activity including, but not limited to, campgrounds, boat launching facilities, golf courses and ball fields.

I asked her, as long as it falls into one of the definitions, I do not need a permit? She said yes, and confirmed my question.

I proceeded with finalizing and paying for all my permits knowing that I did due diligence of approvals and filing permits to abide by County Requirements.

On our own, we also contacted Meghan Adamire, from the Clallam Conservation District to help us in developing a farm plan that would include meeting requirements of multiple agencies to ensure all our operations met Clallam, State and any federal requirements. That plan is currently being developed with our agricultural activities included and the contract has been finalized with the Fed's as attached.

Greg and I developed a "Olympic Alpacas" which was a farm business including animal husbandry, Agricultural Activities, and Agrotourism as defined in the Clallam County Comprehensive Plan.

HISTORY

It became apparent that the DCD clerk gave me definitions above that were not valid and shortly after we started operating out business, DCD sent us a code violation and told us to Cease and Desist our operation. Our operation was exactly what DCD provided us documents and verified allowed activities.

On 08/10/21 4:42 pm, I wrote an email to Holden DCD:

"In closure, I was given incorrect information in the form of County documents provided to me by the zoning clerk....

From day one I have asserted a claim of error on the County. I provided copies of the two documents I received, one by attachment and one by reference of the VLD allowable uses. There is time line on exactly when I was there. I know that Clallam County Employees can verify I was there and that they had to help this new girl to locate the parcel number on your mapping system. She apologized and told me she was new."

Holen replied later that the document the clerk handed me was a mistake of identification of the definitions of what the county allowed under agricultural activities and that document was not accurate for my zoning.

He Wrote, "It should be noted that Farmland Development Regulations we discussed (the form I was given) on the phone earlier today were advisory recommendations made to the County by the Clallam County Agriculture Commission, but were never adopted or codified."

On 8/11/2021 I sent an email to **Donnella Clark**,

"The fact that the County is refusing to even discuss the fact that your representative gave me incorrect information and approval of activities which you now state I can't do is maddening. I would like to know how the County intends to deal with this. A shut down of the approved County camping under agricultural activities, will cause my business substantial financial harm.

I have spent thousands of dollars in materials, gates, web site design, signage, equipment, labor, as well as 100+ hours of our own labor to operate camping operation"....."I would like a letter on how the County will handle this situation and how they intend to compensate my loss for their negligence. The County can mitigate damages by allowing my camping to continue until the conditional use permit is approved."

Donnell replied Primitive Camping is not allowed in your zoning. Primitive campgrounds are a prohibited use in the VLD zone, and County staff is unlikely to recommend approval of a campground as a public outdoor-oriented recreational activity due to its similarity to a primitive campground. She went on to explain that even with a CUP we probably would not be allowed to offer camping. "(85) "Primitive campground" means a campground for day use and overnight accommodations by tenters only (no recreational vehicles or tent-trailers). A primitive campground is also an outdoor-oriented recreation use, unless specified in each zoning district."

I replied to her, "Camping by definition, and not primitive, is defined under 13.03.77 and is allowed with a Conditional Use Permit in the Outdoor Recreation Activity definition which does include camping.

I replied to Donnell with, "I am filling out a conditional use permit for the camping. Please send me a letter which states that the previous letter stating that camping is a non allowed activity in my zoning was incorrect and I am allowed camping under Outdoor Activities with a conditional use permit."

1ST TIME AGREED TO FILL OUT CUP:

On 08/11/2021 I HAD AGREED TO FILL OUT A CUP AS SOON AS SHE SENT ME CLARIFICATION ON CAMPING RELATED TO OUTDOOR ACTIVITIES."

On 8/12/2021 I again tried to fill out the CUP but sent the following letter to clearly understand DCD's letter which contradicted code:

CHIQUE ANTIQUES Owner

Thu 8/12/2021 10:13 PM

To:

- Clark, Donella
- From Rondl Smith

I appreciate your letter. My first priority is to work with the County and come up with an amicable plan to meet reasonable standards for our business. However, it seems there is confusion on items I previously addressed and I would appreciate your response to each one.

- 1. Please address the error the County made regarding camping definition under Agricultural activities and how they will address this problem since we afforded these services after the official approval. Also please address how the County plans to mitigate damages.*
- 2. Can you confirm or deny the definition of dry or primitive camping is camping without water, bathrooms, trash receptacles.*
- 3. Can you confirm or deny that Outdoor Recreational Activities includes by Clallam County definition camping, as an activity.*
- 4. Can you confirm or deny that Outdoor Recreational Activities is an allowable use with a CUP.*
- 5. Can you confirm or deny that the definition in the Outdoor Recreational Activities says "camping" not dry camping.*

I cannot fill out the CUP without these definitions and I need to turn that in. My plan was to have it complete by tomorrow, but until these items are defined, I am unable to complete. She never replied.

On 08/16/2021 I requested an appointment to sit down with the DCD Director to discuss the error the county made. NO REPLY again.

The issue became no apparent that they would not accept of mitigate damages because of their error and now we were trying to identify camping as an agricultural activity and DCD told me if it doesn't have a definition, it has to have a CUP.

I then copied the definition of Agricultural Activities RCA 4.20.830 which defines under State Law that "Agrotourism means an activity carried out on the farm ...primary business activity is agriculture...and allows general public for outdoor recreational, entertainment, educational purposes to enjoy rural activities not limited to :on site educational programs, tours, zoos, petting zoos, farm festivals and camping." and sent that to Donella.

I believed that Preemptive law prevails on the State definition when County has no definition,

Preemptive law is where the State law overrules lower level law. Yes the County code does say anything undefined needs a CUP but because of Preemptive law, the definition exists. I asked her based on this to close my case.

On the below date, I received this from the county.

From: Clark, Donella <DClark@co.clallam.wa.us>

Sent: Thursday, August 19, 2021 1:01:08 PM

To: 'CHIQUE ANTIQUES Owner' <CHIQUEANTIQUES@msn.com>

Subject: RE: STATE LEGISLATURE DEFINITION OF AGRICULTURAL ACTIVITIES

This bill merely deals with liability of agrotourism, adding the definition, but does not change any local zoning laws.

Could you provide me with Tom's full name, department and contact information, because it sounds like he may be giving people incorrect information. I have contacted our local extension agent and the conservation district for clarification on this legislation and know that we had worked with both agencies years ago to amend our codes, but never passed anything.

Donella K Clark
Principal Planner
Clallam County Department of Community Development
223 E 4th St, Suite 5

Port Angeles, WA 98362

I never heard anything else back from Donella regarding the clarification on this legislation. The bill was never meant to change any zoning laws, it was only used in a definition of a term that was defined by State. I went on with business as usual after she never provided documentation otherwise.

On March, 14, 2022 I received a code violation again out of the blue. There was no prior contact or continuation of the written statement that DCD was going to follow up and respond later.

CHIQUE ANTIQUES Owner

Mon 3/14/2022 5:55 PM

To:

- AnnetteFricker@co.clallam.WA.Us

Annette, I have sent you the final letter that was sent to the County last year. It was left that since the County doesn't have a definition of Agritourism, that the Governors signed definition as his own determination of what agrotourism is called.

I left it last year with Donella to provide a definition of agrotourism as defined by the County which stipulates the State definition.

She was not able to provide that and the whole stop and desist thing was stalled.

We had also contacted the Washington farm bureau and they also agreed on the same thing and in fact their governmental lobbyist was at the hearing where Governor Ensley signed the definition because of all the covid phase and what qualified as Agrotourism by State law.....

I know you recently have gotten this case but we are still waiting for the County to provide proof that the Governors definition, which includes camping, tours, and agricultural events, are included should not be recognized through Clallam County.

If you would like me to send you all the files between the governors office, the Farm Bureau, and the County, please let me know.

As by law, we are in compliance of State Law, as well of county, which by Statute allows us to participate in Agrotourism, or Agricultural activities (which I already have provided the County previously). Please provide us with anything contradicting the Governors office definition and we would sincerely look at that. Because as of today's date, the County never has provided us anything else

In mid March (I have requested all documents of interoffice correspondence and will soon know the exact date) I had a phone conversation with DCD Director, and stated that I needed some time to figure out my options considering this violation was due to the County's error and I wanted to go in front of the hearing examiner. ***She specifically stated that the next hearing would be to short for me to be on so I would be put on the next hearing which would be in June she thought.***

On 04/05/2022 I wrote a letter to Annette stating that I just got her letter regarding the hearing examiner (I was notified I had a hearing in less than two weeks) and there is no way I can be ready in two weeks. She called me back and stated that her records showed she mailed it out on the 24 Of March and even though I did not physically receive it until the 5th, she told me, "it is not my fault you don't check your mail".

I specifically wrote her in my letter to allow me more than two week to prepare for a hearing and "verify that we have been moved to another hearing date since two weeks is not adequate time to prepare for a hearing..

Later on 4/05/2022 I wrote,

Tue 4/5/2022 3:03 PM

To:

- CodeEnforcement@co.clallam.wa.us

...I have sent a letter trying to resolve this issue of the error was on the County that we started this business. I have made a couple proposals to the County's error. I would welcome any other resolutions you might have. If I need to go to the Hearing examiner I will supply all the information.... For almost a year I have asked the County for a damage's resolution. To date nothing has been done. I hope we can agree that now we are at the get a lawyer stage and sue for damages of business income loss for up to 10 years, which half a year was \$50,000 and a full year will be \$100,000 lose and the ten years we are now looking at \$1,100,000 Damages....

I started researching Agrotourism in County Code. I was able to find a reference in the Comprehensive plan and sent this letter.

TO: Clallam County Community Division Planning FR: Rondi Smith Reference file
:#06-30-12-13-9060 In our discussions I googled Agritourism in the county code. What
popped up multiple times are lavender farms.

I found the code discussion of agritourism relating to all the lavender farms and how the county specifically explain under Section 31.02 under 5 section (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. So here in stated by definition of use in your code, Agritourism includes 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....locals as well as tourists, farm stays.... and farm educational events. Agritourism also benefits other local businesses such as lodging and food service, thus multiplying its economic impact.

In the letter I received from your department on 03/7/2022, it was stated that the "Festival" planned on our property would require a CUP. It appears under the Agritourism heading stated in code above that "selling experiences, through festivals, farm tours, farm stays and other events" is an Agritoursim allowed. I personally have gone through every single lavender farm who is listed in Clallam County. I have researched what each operation land zone is and if they all require a conditional use permit for camping, outdoor offered recreational experience, and other non allowed activities.

On April 5th at 3:16, I received this.

From: Fricker, Annette <annette.fricker@co.clallam.wa.us>
Sent: Tuesday, April 5, 2022 3:16:01 PM
To: 'CHIQUEANTIQUES@msn.com' <CHIQUEANTIQUES@msn.com>
Cc: zCodeEnforcement <CodeEnforcement@co.clallam.wa.us>
Subject: CMP2021-00120 - Olympic Alpaca Rescue

Good Morning Ms. Smith,

,,,,,I have discussed this case very thoroughly with my director, and the planning department. It is not feasible at this time to move the Hearings Examiner date backward, as it will be a considerable amount of time after the event you are hoping to run. We hope to have a solution together in order to have your event up and running by Memorial Day weekend, when it is originally planned. If you would like to submit a completed application for a Conditional Use Permit, we can remove this case from the Hearings Examiners schedule. I have also clarified that we are not allowed to waive the fee for the Conditional Use permit, no matter the circumstances.

At this point it became clear the only reason that the County would not allow me time to prepare for my hearing was to stop the Memorial Day Event as stated above. It was not about due process at all.

On 4/08/2022 I was not able to attend a meeting I set up with Annette at her office due to an emergency. I wrote a letter stating I was not able to make it and inadvertently sent it to myself instead of her, and resent it to her.

She sent this email to me which I thought was very passive aggressive, "

From: Fricker, Annette <annette.fricker@co.clallam.wa.us>
Sent: Friday, April 8, 2022 10:45 AM
To: 'CHIQUEANTIQUES@msn.com' <CHIQUEANTIQUES@msn.com>
Subject: Meeting Cancelled CMP2021-00120

Good Morning Ms. Smith,

Our appointment for 10:00-12:00 today has been cancelled. I have been awaiting your arrival and have yet to hear from you. I have checked the hallways and other departments and have been unable to find you. We are now 45 minutes past our meeting time. With the complexity of this case, and your request that you have "at least 2 hours" to discuss, I do not believe we will have enough time to continue discussions in regard to this matter before the scheduled end of our appointment time.

At that time, I felt aggression in her further correspondence and emails. I wrote her again

Wed 4/13/2022 9:42 AM

To:

- Fricker, Annette

Cc:

- Clark, Donella
- the County has given me except to fill out the conditional use permit.

.....From day one I have followed through with the direction the County has given me

I do not think you can fathom the stress that I am having. I stay up at night worrying about how to correctly fill out all the paperwork and then I am told something different.

I wouldn't be in this position if the document uploaded to the County was mistakenly not documented as draft....

Later I researched code allowable assistance that the DCD director can apply to situations at her discretion. DCD director also specifically can mitigate damages and can also stop a code violation in special circumstances. I felt this was a special circumstance.

CHIQUE ANTIQUES Owner

Wed 4/13/2022 12:18 PM

To:

- Clark, Donella;
- Fricker, Annette
- Cc:
- Winborn, Mary Ellen

I am requesting that as code states that MS. WIMBORNE allow a stay on the code violation as she is allowed to do, to:

Allow due process that I can apply for rezoning classification. I understand the process allows an internal review before being accepted. I would like to have:(I wanted to submit a rezone application after research that I felt our situation complies with the Comprehensive Plan for Clallam County).

I requested if I can get a decision on this please in writing.

I received this in written from Annette

From: Fricker, Annette <annette.fricker@co.clallam.wa.us>
Sent: Wednesday, April 13, 2022 1:03:18 PM
To: 'CHIQUE ANTIQUES Owner' <chiqueantiques@msn.com>; Clark, Donella <DClark@co.clallam.wa.us>
Cc: Winborn, Mary Ellen <mwinborn@co.clallam.wa.us>
Subject: RE: rezone application

Ms. Smith,

....In the meantime, as you are currently violating the Clallam County Code, there will be no "Stay" on your violations until there is progress towards voluntary compliance. I would be happy to put together a voluntary compliance agreement to be signed, **however the only way to come into compliance is to either A) cease ALL TYPES of camping, as well as ceasing all events, and event advertisements; or B) Apply for a Conditional Use Permit.**

Wed 4/13/2022 2:59 PM

To:

- Fricker, Annette;
- Clark, Donella

Cc:

- Winborn, Mary Ellen

Please verify or disclaim that under code the Director has the right to determine processes in the code violation process.

I have asked this question before and it has not been answered.

I have agreed on compliance with one of three options. Hearing examiner, rezoning and CUP.

I cannot proceed to do any of these until my options are clearly defined....

It is 5 business days to the examiner and I think I should have the right to be prepared. I am trying to do this.

I wrote again on the 13th 7 days before the hearing:

Wed 4/13/2022 8:52 PM

To:

- Fricker, Annette;
- Clark, Donella

Cc:

- Winborn, Mary Ellen

I need to please reiterate how it is so important to me to have the last questions answered so I can proceed with a determination prior to the hearing examiner on what I need to have information wise and/or a final resolution direction.

Again bottom line is I want to determine all my options prior to deciding which option I am going to do. This is what my first phone conversation with Ms. Winborn was. This is a written determination of a position on the directors allowed ability regarding power of code violation specifics, (if there could be a stay on the violation if a compliance contract is signed, and a CUP application filed).

If you cannot specifically answer this, please also let me know.

The next day I emailed again:

CHIQUE ANTIQUES Owner

Thu 4/14/2022 12:54 PM

To:

- Fricker, Annette;
- Clark, Donella

Cc:

- Winborn, Mary Ellen

.... As I continue to ask if the director of DCD has authority for not only Abatement of the violation...

The department has authority under code 20.08 to allow remedy of solutions I have specifically requested. I have requested that the Director be allowed to remedy a stay while I apply for a rezoning and or a CUP.

The question has still not been answered and was requested almost a week ago.

I have now less than a week to meet for the hearing examiner yet the DCD has refused to answer the question regarding Directors code ability regarding authority.

I will absolutely not be prepared for the hearing in less than a week. You have not answered the questions I need to resolve this violation nor have you allowed a remedy of satisfaction after proof of your error which cause the actual violation.

I am formally requesting that my hearing be postponed. If it is not postponed I shall appeal the meeting findings based on three letters now of request for allowed CDC authority....

The DCD does also have the authority on ruling on unapproved measures which is exactly the proposed code which was never reapplied for passage.

... I will not be able to attend the hearing examiner, have formally requested a future date, and will appeal if not allowed for the above stated reasons. }

The DCD director finally writes me back and states that she can push back the hearing date after I sent her multiple requests to postpone or clarify. I then made arrangements to go early to get set up to the Oregon Ag Fest. Our rescue sponsors a youth group and they for the first time were able to show their rescue animals at this show in Oregon.

On the day of the hearing, DCD director sends me an email stating, "I hope you are going to attend the hearing."

I wrote her back immediately and asked her why she would tell me to attend when I have an email from her stating that she could postpone the hearing.

Her words were exactly this, "I told you I could but I didn't". She then later explains that she told me she could postpone the hearing but we never set a date which made no sense because Annette had sent me another email stating that she could postpone the hearing also if we both agreed (by code).

DCD and Code violation tried to tell me because I did not send them an email saying "Yes I Agree" to the postponement, that the postponement wasn't allowed because code defines both DCD and requester had to agree to the postponement. After 4 continual emails asking for continuance, I would think that would be clear enough and it was apparent this was their way of putting in front of the hearing without allowing me to represent myself and them getting a default. I have never dealt with any agency who would go this low until now.

As of this date, I am presenting a copy of this document to the planning commission and anyone else who wants to have a factual time line of events. Tomorrow I am handing in my completed CUP request, paying the fee that the County refuses to waive even though they erred, and publishing a copy of this for others to review.

p150616

Donnella Clark wrote me an email stating that our Fiber Fest, which we had agreed to remove vendors that were not selling anything not produced on the farm, even if it were an educational event planned on Memorial Day Weekend, would be a code violation because "schools" are not an allowed activity on our zoning. The definition by code of county is that a school is a physical building where school is taught.

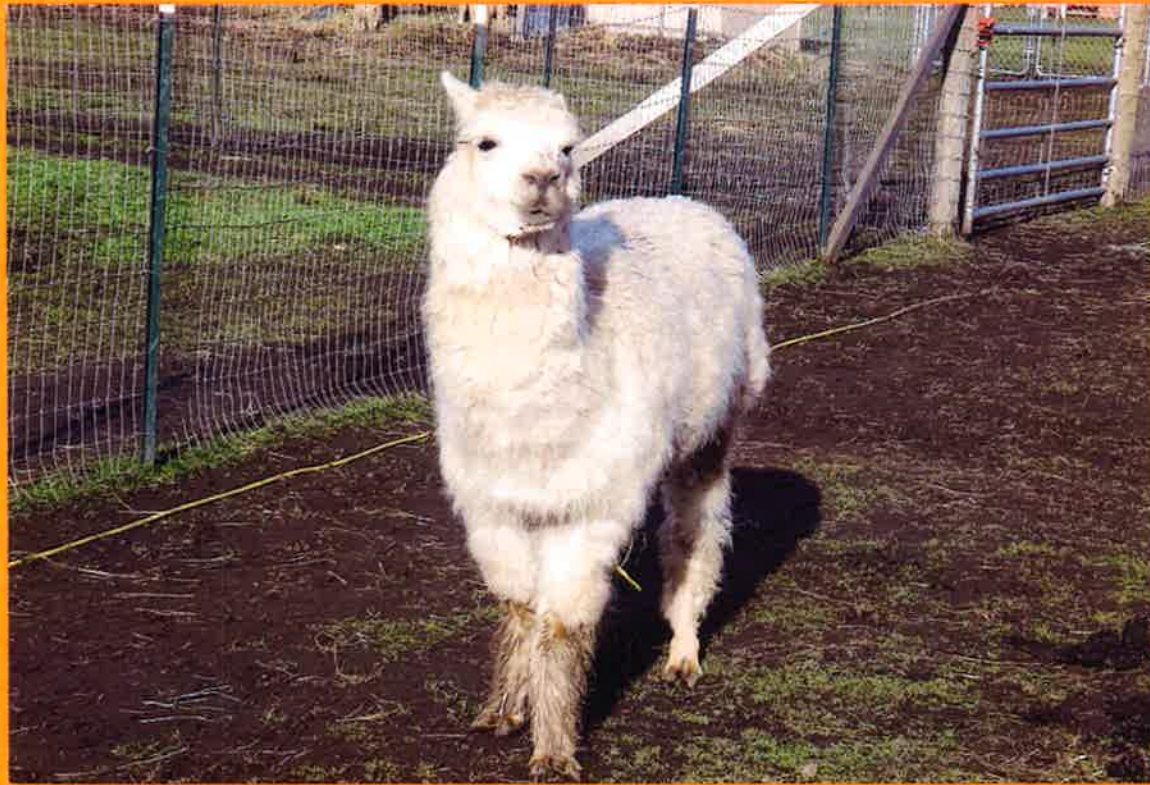
I spoke to Commissioner Johnson and he said he differed with her definition and if that were the case, the whole county would have to shut down 4-h events, FFA events. He told me he was going over to speak to her about this.

Two days ago I requested clarification from her that indeed we can have an agricultural educational event on our property. I have heard nothing to date.

It also needs to be stated that I have tried to apply for a conditional use permit but needed clarification multiple times documented. But from the above letter sent to me by Annette, April 13, tomorrow we will be in compliance as we are applying our Conditional Use Permit.

R K Smith

pg 16 of 16



EMERALD
20 years old

Olympic Peninsula Animal Rescue

Saves lives of these animals that have been neglected and left to fend for themselves on acreage and not given the care they need. Here they are brought back to health if needed and put up for adoption to great homes that we take very thorough measures to ensure they are going to good and safe homes.

If the animals are medically unable to be adopted they will live out the remainder of their lives with us and get the treatment and care they need with us, from all of the kids and volunteers.

Public comment
Angela Jezioriski
5/10/22

CASCADE LLAMA SHOW, SALEM OREGON APRIL 2022



All of the kids won ribbons at this event.

1st. 3rd. 4th 5th & 6th place Ribbons, each child won more than one ribbon.

Their faces say it all.



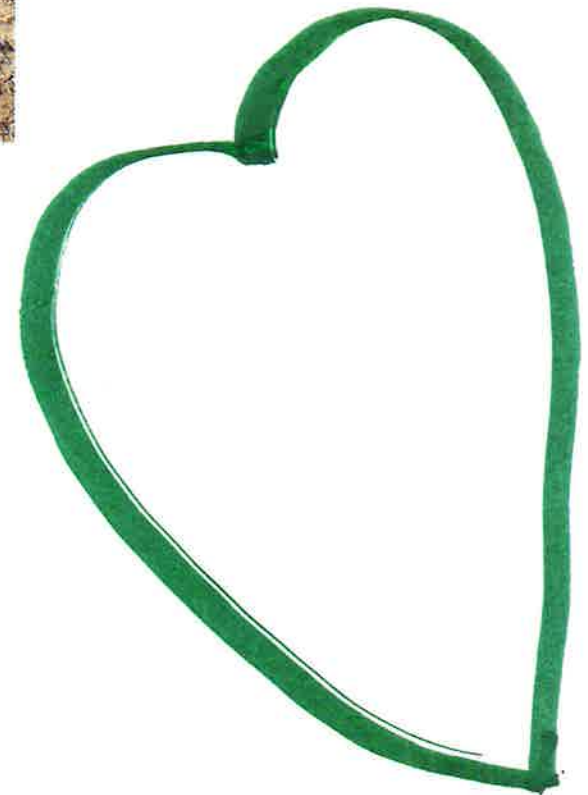
TEDDY

CARLOTTA

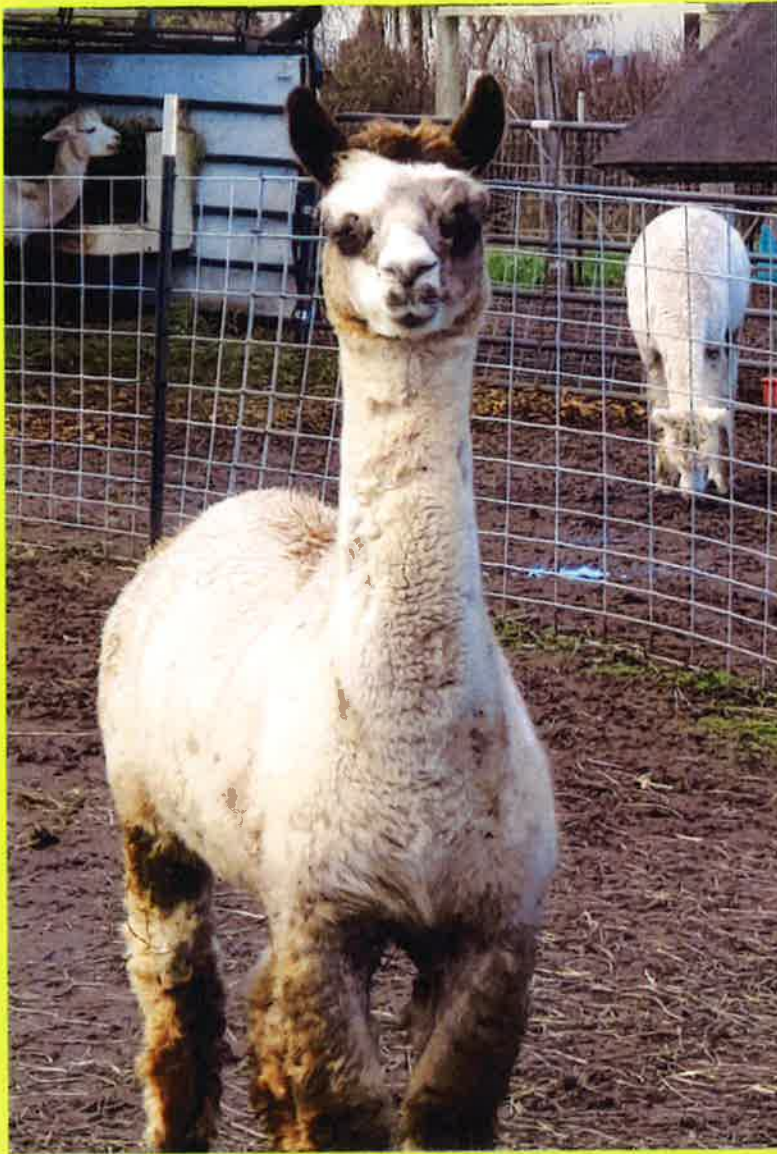




Aiden



Veniz



Olympic Peninsula Animal Rescue

Saves lives of these animals that have been neglected and left to fend for themselves on acreage and not given the care they need. Here they are brought back to health if needed and put up for adoption to great homes that we take very thorough measures to ensure they are going to good and safe homes.

If the animals are medically unable to be adopted they will live out the remainder of their lives with us and get the treatment and care they need with us, from all of the kids and volunteers.

CASCADE LLAMA SHOW, SALEM OREGON APRIL 2022

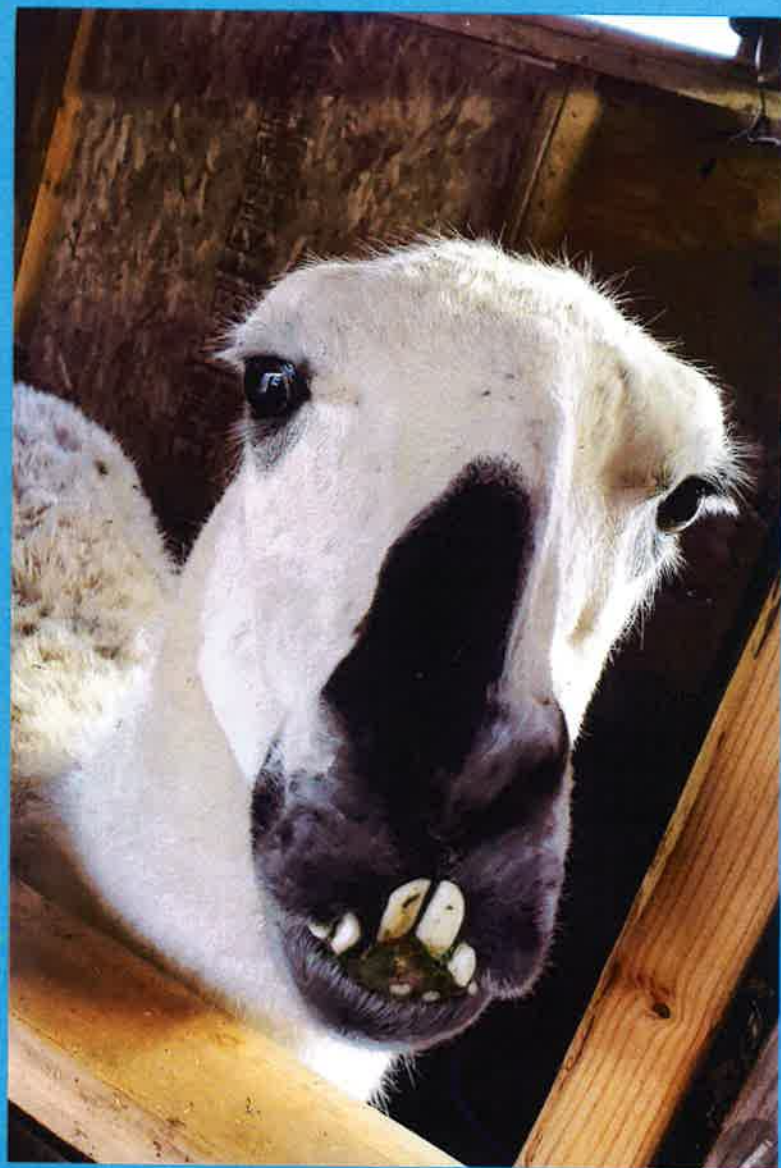
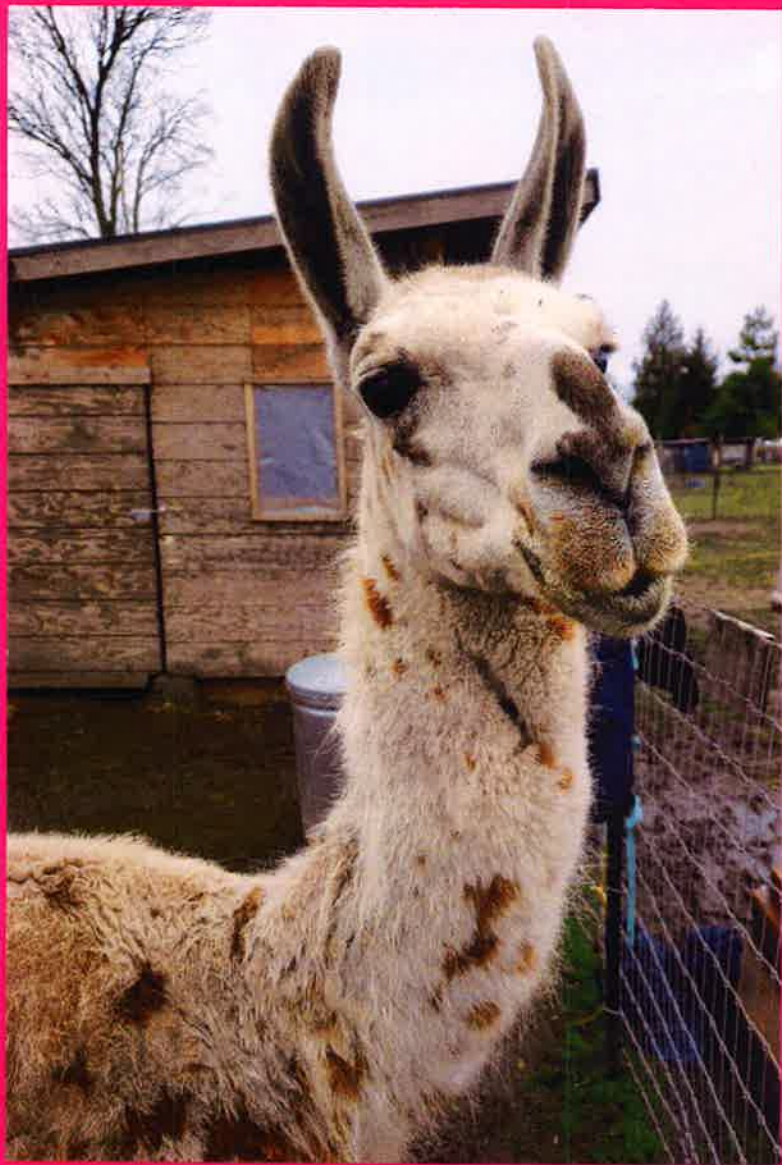


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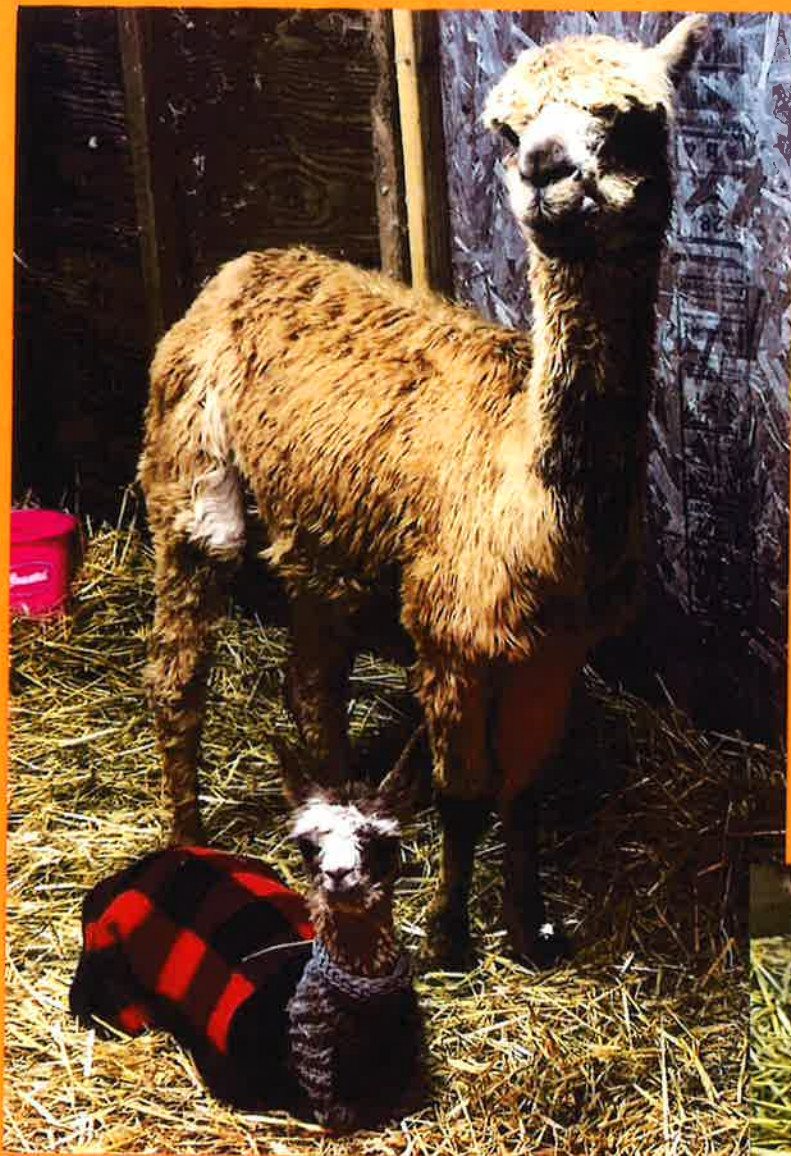
Their faces say it all.

Morning
Llama



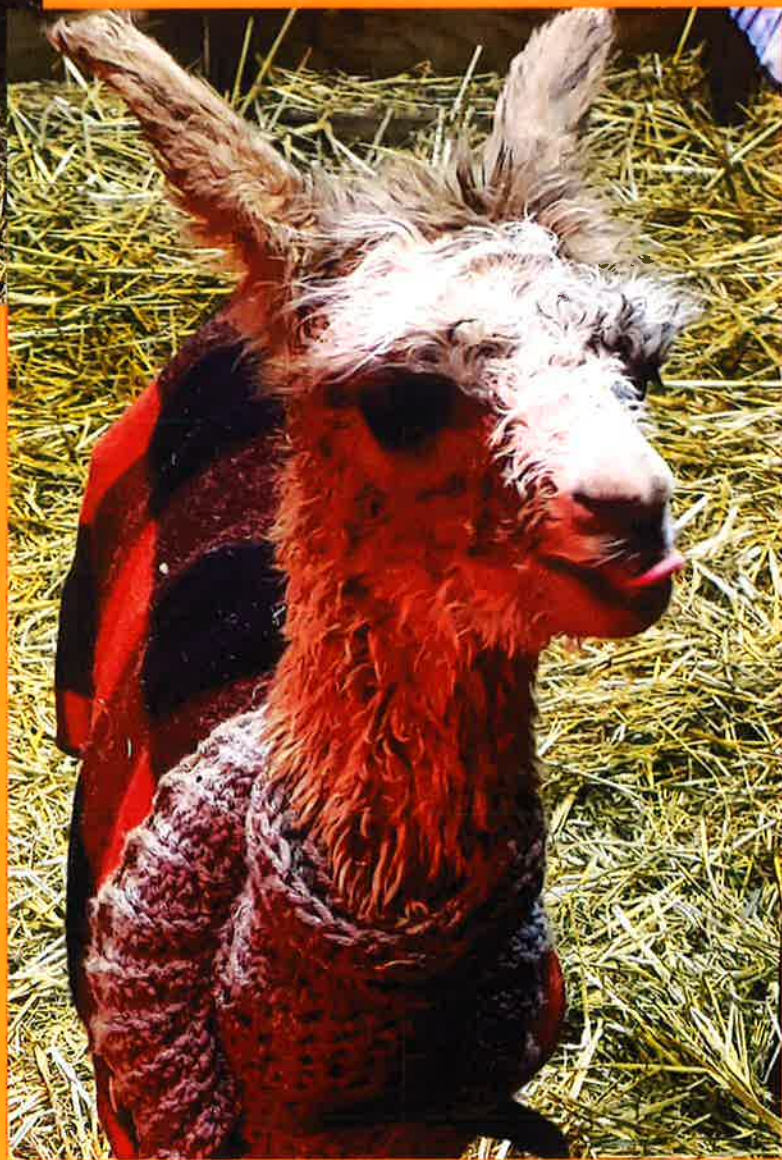
"Steve the Pirate"

RESERVED together? standing together



momma
Francis
? Baby
Tiana

3 months
OLD
Born at the
Rescue





MOMMA LLAMA

Olympic Peninsula Animal Rescue

Saves lives of these animals that have been neglected and left to fend for themselves on acreage and not given the care they need. Here they are brought back to health if needed and put up for adoption to great homes that we take very thorough measures to ensure they are going to good and safe homes.

If the animals are medically unable to be adopted they will live out the remainder of their lives with us and get the treatment and care they need with us, from all of the kids and volunteers.

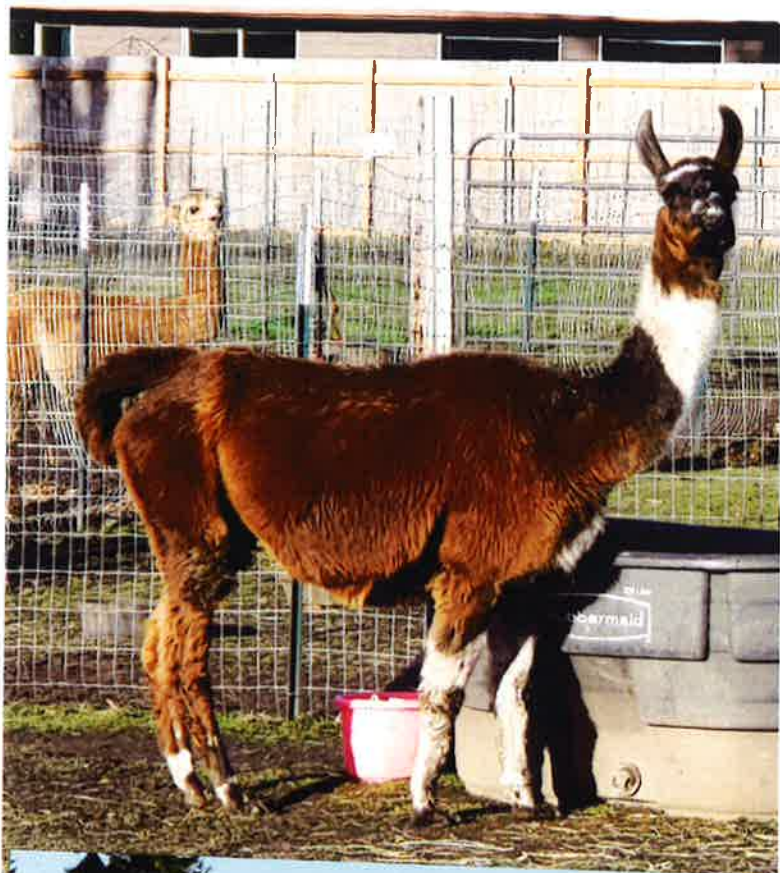
CASCADE LLAMA SHOW, SALEM OREGON APRIL 2022



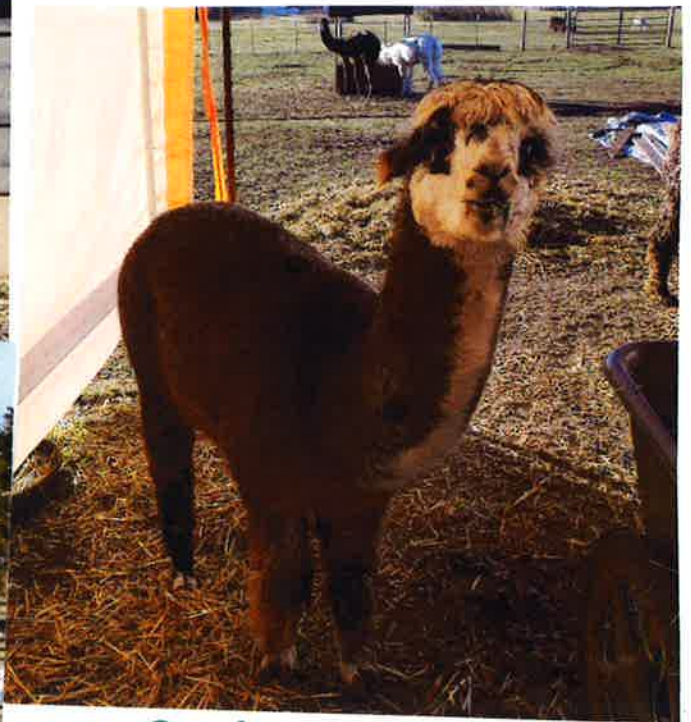
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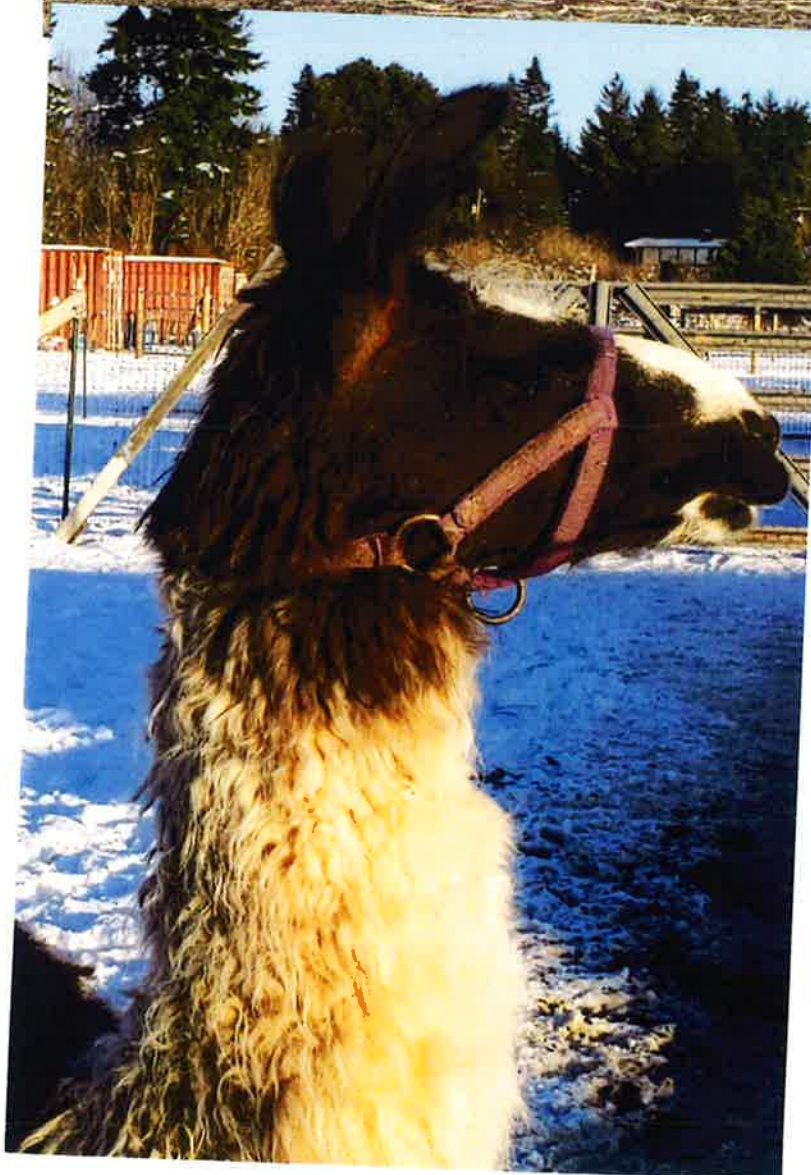
Their faces say it all.



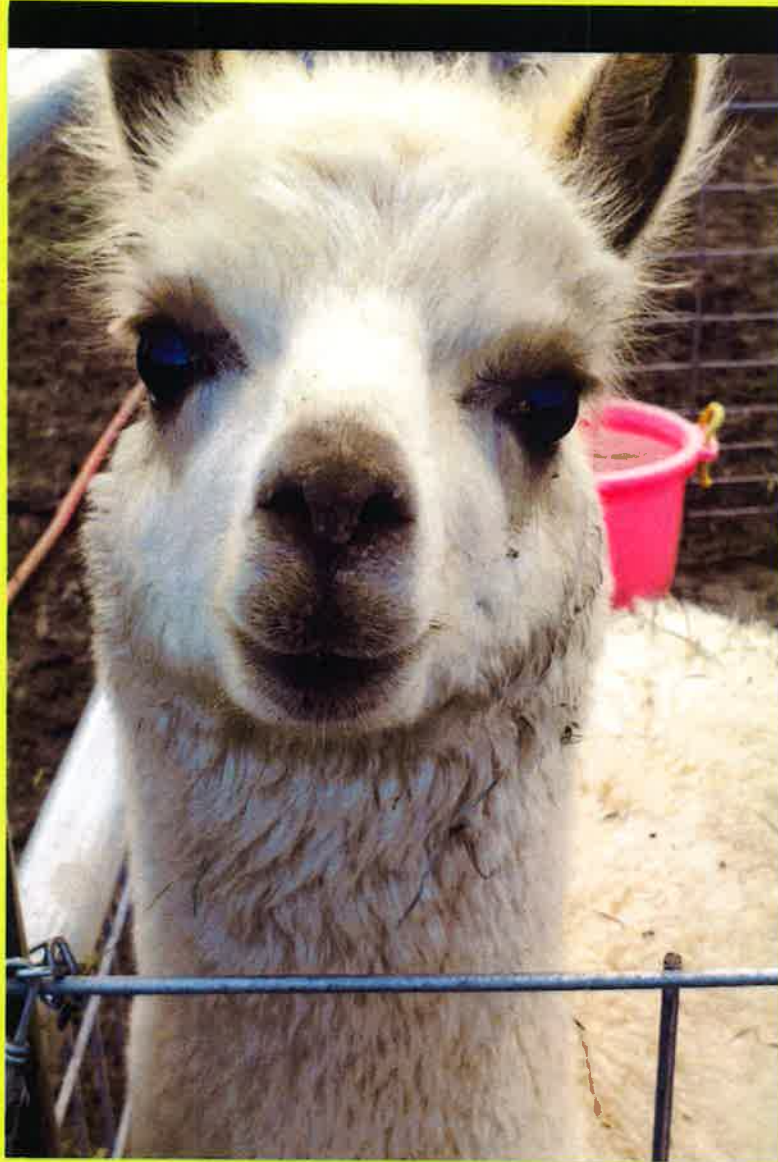
SABRINA



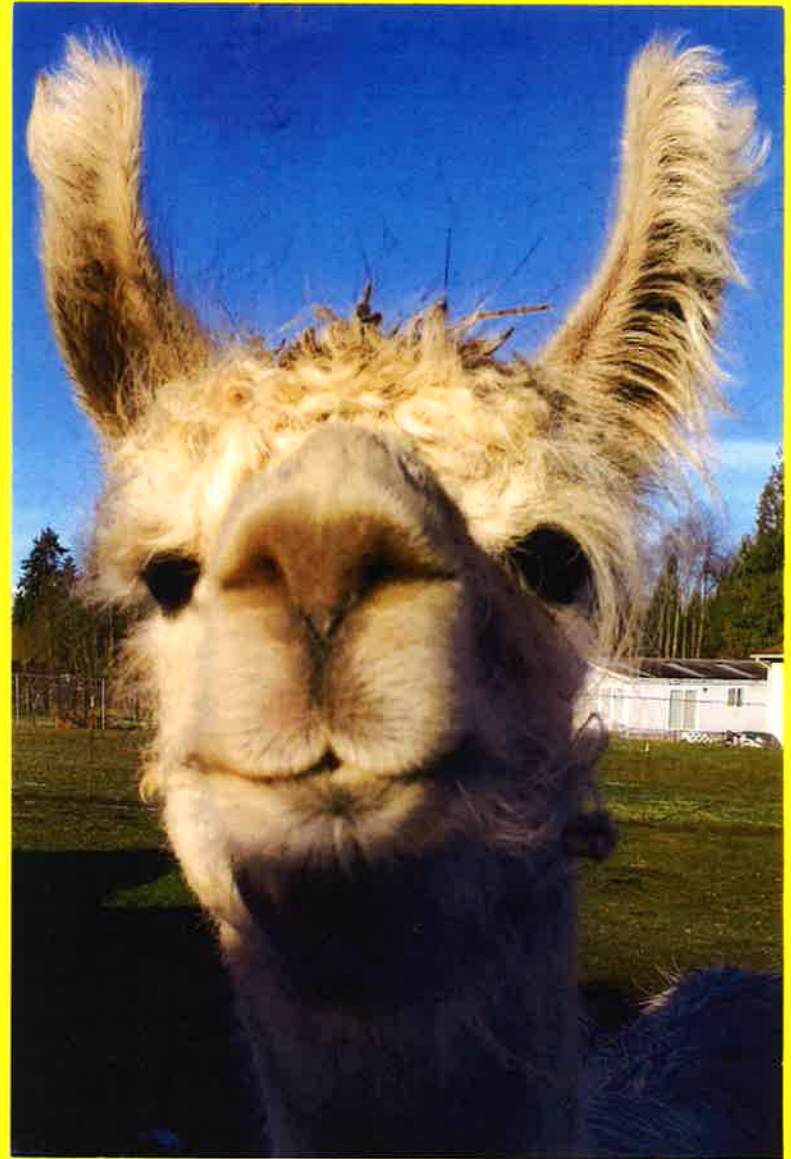
PATCHES



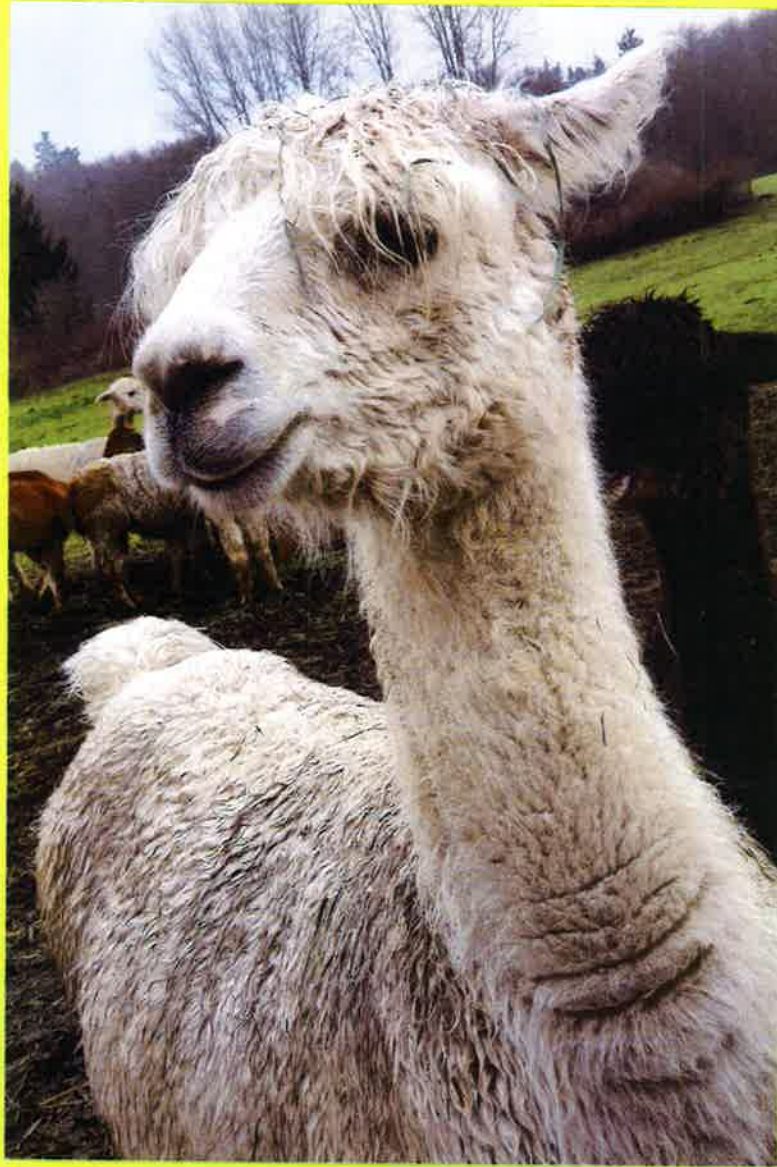
HARRY POTTER
1st PRIZE Ribbon
WINNER



INEZ



BLIZZARD



SISSY

GATE KEEPER
&
PROTECTOR OF
The Female Herd

