

Ordinance No. 127, 1980

*Amended by  
Ordinance # 265  
# 299  
# 301*

establishing a program to control the use of land in areas of the County which are subject to flooding, adopting a chapter in the Clallam County Code (C.C.C.), and repealing emergency Floodplain Management Ordinance #124 of 1980

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Chapter 31.30.040.3

FLOODPLAIN MANAGEMENT ORDINANCE

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C.C.C. 31.30.040.3.010 STATUTORY AUTHORIZATION

The Board of Clallam County Commissioners, under the authority of the Constitution of the State of Washington, Article 11, Section 4, and RCW 35.63 and RCW 86.16, does ordain as follows:

C.C.C. 31.30.040.3.020 FINDINGS OF FACT

(1) The floodplain areas of Clallam County are subject to periodic inundations which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

C.C.C. 31.30.040.3.030 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money on costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in special floodplain areas;

(6) To help maintain a stable tax base by providing for the sound use and development of special flood hazard areas so as to minimize future flood blight areas;

(7) To fully implement floodplain area management requirements of the Department of Housing and Urban Development in the furtherance of the County Flood Insurance Program.

C.C.C. 31.30.040.3.040 APPLICABILITY

(1) This ordinance applies to all areas of the floodplain (as defined in Section 31.30.040.3.050 (g)) within the jurisdiction of Clallam County, Washington.

(2) The floodways and special flood hazard areas identified by the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study Clallam County, Washington, Unincorporated Areas" dated November 5, 1980, and accompanying Flood Insurance Rate Maps (FIRM) and Flood Boundary - Floodway Maps (Floodway) are hereby adopted by reference and declared to be a part of this ordinance. These documents are on file in the Planning Department and Auditor's Office, Courthouse, Port Angeles, Washington.

(3) No development within the floodplain shall be implemented except in full compliance with the terms and intent of this ordinance.

(4) Compliance with this ordinance does not relieve a development proponent from compliance with all other applicable county, state, and federal laws.

C.C.C. 31.30.040.3.050 DEFINITIONS.

Unless specifically defined below, words and phrases used in this ordinance shall be interpreted so as to give the meaning they have in common usage and to give this ordinance its most reasonable application.

(1) ALTERATION TO AN EXISTING MOBILE HOME PARK SUBDIVISION means the construction of additional facilities for servicing the mobile home sites in existing mobile home parks.

(2) BASE FLOOD ELEVATION means the elevation of surface water during a 100-year flood.

(3) BASE FLOOD OR ONE HUNDRED-YEAR FLOOD means the flood having a one percent chance of being equalled or exceeded in any given year.

(4) BREAKAWAY WALL means any type of wall, whether solid or lattice, and whether constructed of material which is so designed as to breakaway under abnormally high tide or wave action without damage to the structural integrity of the building on which it is used or to any building to which it may be carried by the flood waters.

(5) COASTAL HIGH HAZARD AREA means the area subject to high velocity waters, including but not limited to, storm surge or tsunamis. The areas are designated on FIRM as Zone V1-30 and are located within Special Flood Hazard Areas.

(6) DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations located within the floodplain.

The growing of crops and trees and associated land preparation and harvesting activities is not included in this definition provided that land filling or excavating of floodplain areas are not a part of said activities.

(7) FLOOD OR FLOODING means a general and temporary condition of partial or complete inundation of normally dry land from the overflow of inland or tidal waters or from the unusual and rapid accumulation of runoff of surface waters from any source.

(8) FLOODPLAIN means the floodway and the special flood hazard area.

(9) FLOODWAY means the channel of a stream, plus any adjacent floodplain areas, that must be kept free of encroachment in order that the base flood be carried without substantial increases in flood heights. As minimum standards, the Federal Insurance Administration limits such increases in flood heights to 1.0 foot, provided that hazardous velocities are not produced.

(10) HABITABLE FLOOR means any floor usable for living purposes which includes working, sleeping, eating, cooking or recreation, or any combination thereof. A floor used only for storage purposes is not a "habitable floor".

(11) MOBILE HOME means a structure which is transportable in one or more sections, built on a permanent chassis, and used for human occupation.

(12) NEW CONSTRUCTION means development for which the "start of construction" began on or after the effective date of this ordinance.

(13) RESPONSIBLE OFFICIAL means the county department head having jurisdiction to act on a proposed development, e.g. the Director of Environmental Health for septic tank permits; the Planning Director for Shoreline Permits subdivisions; and the Building Official for building permits; etc.

(14) SPECIAL FLOOD HAZARD AREA means the area adjoining the floodway which is subject to a one percent or greater chance of flooding in any given year, as determined by engineering studies accepted by Clallam County. Coastal high hazard areas are located within special flood hazard areas. The term shall include the floodway fringe which is synonymous with the special flood hazard area.

(15) START OF CONSTRUCTION means the first phase of construction or placement of a structure, including land preparation. There is no "start of construction" prior to the issuance of all required permits, regardless of the actual state of construction.

(16) STRUCTURE means a walled and roofed building or mobile home that is principally above ground.

(17) SUBSTANTIAL IMPROVEMENT means any change in a development which requires a county, state, or federal action. The term does not include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure on the National Register of Historic Places or a State Inventory of Historic Places.

(18) TEMPORARY USE means the occupancy of a parcel of land or a structure for not more than 30 consecutive days, nor more than a cumulative total of 30 days in any given year.

(19) UTILITY means a private or public facility which provides direct service of heat, light, power, water, sewage disposal, or communication to Clallam County citizens. The term utility shall not apply to transmission facilities and energy plants as defined by RCW 80.50.020, nor to hydroelectric plants and associated facilities which are nominally capable of generating and transmitting 25 megawatts or more of electricity.

(20) WATERCOURSE means a natural or man-made channel through which water flows continuously or intermittently. It has a definite bed and is bounded by banks that are produced wholly or in part by and forms the path of a definite permanent or periodic flow of water. It includes, but is not limited to, a flow of water such as a river, creek, slough, brook, irrigation ditch, estuary, aquaduct, or underground stream.

(21) WATER SURFACE ELEVATION means the height of surface water in relation to Mean Sea Level.

C.C.C. 31.30.040.3.060 OTHER RESTRICTIONS.

Where this ordinance and other ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restriction shall prevail.

C.C.C. 31.30.040.3.070 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Clallam County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made pursuant to the spirit and purpose of this ordinance.

C.C.C. 31.30.040.3.080 CERTIFICATION BY COUNTY OFFICIALS.

Within the floodways and special flood hazard areas adopted by reference in C.C.C. 31.30.040.3.040(2), no county permit, approval, authorization, license, franchise, or plat shall be issued for any development, nor shall any development occur, without full compliance with the terms of this ordinance having been met and the responsible official having made written certification to that effect.

For the purpose of this paragraph the responsible official for developments not requiring a permit, approval, authorization, license, franchise or plat, by other county regulations, shall be the Building Official. Applications for certification of developments not otherwise requiring county actions shall be on forms prescribed by the Building Official. Such applications shall require a description of the nature and extent of the proposed development and



be supported by any information necessary to determine the impact of the development on flooding.

C.C.C. 31.30.040.3.090 DUTIES OF THE RESPONSIBLE OFFICIAL

The responsible official shall, when applicable:

(1) in the absence of reliable base flood elevation data being contained in the Flood Insurance Study, obtain, review, and utilize any other base flood elevation data available in order to administer this ordinance.

(2) obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor of all new or substantially improved structures, and whether or not the structure contains a basement;

(3) Maintain the floodproofing certifications required in Section 31.30.040.3.130(2);

(4) make a good faith effort to determine that all applicable county, state, and federal permits have been issued prior to the start of construction;

(5) maintain for public inspection all records pertaining to this ordinance;

(6) notify adjacent communities and the Washington Department of Ecology prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration;

(7) require that maintenance is provided within the altered or relocated portion of the watercourse, so that the flood carrying capacity is not diminished and public safety and improved property is not threatened;

(8) make interpretations where needed, as to exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 31.30.040.3.100;

(9) provide information for the Board of Appeals.

C.C.C. 31.30.040.3.100 BOARD OF APPEALS AND VARIANCE PROCEDURES.

(1) The Board of County Commissioners shall act as the Floodplain Management Board of Appeals to hear and decide appeals and requests

for variances from the standards of this ordinance.

(2) The Board of Appeals shall hear and decide appeals when it is alleged that the responsible official has erred in the administration of this ordinance;

(3) Appeals to the Board of Appeals must be filed no later than 30 days following a decision by the responsible official. Appeals and requests for variances shall be heard no later than 45 days after filing;

(4) Those aggrieved by the decision of the Board of Appeals may seek relief in the Superior Court, as provided by State Law.

(5) In deciding upon requests for variances, the Board of Appeals shall consider the terms and intents of this ordinance, and:

- (a) the potential that materials may be swept during flooding onto other lands to the detriment of others;
- (b) the actual danger to life and property if flooding or erosion occurs;
- (c) the susceptibility of the proposed development and its contents to flood damage;
- (d) the necessity to the development of a waterfront location;
- (e) the availability of alternative locations for the proposed use which are not subject to flood or erosion damage;

- (f) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (g) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (h) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action at the site;
- (i) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities; and
- (j) location and extent of storage area for flood water which will be displaced by the proposed development.

(6) The granting of a variance shall generally be limited to lots of one-half acre or less in size, contiguous to and surrounded by lots of a similar size with existing structures constructed below the base flood level. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(7) After considering the factors of Section 31.30.040.3.100(5) and .110(4) and the intent of this ordinance, the Board of Appeals may attach such conditions to the granting of the variance as it deems necessary to further the intent of this ordinance.

(8) The responsible official shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

(9) The fee, which shall accompany a request for a variance or any appeal, shall be equal to the fee charged for a request for a variance from the requirements of the Shoreline Master Program.

C.C.C. 31.30.040.3.110 CONDITIONS FOR VARIANCE.

(1) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

(2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. A variance shall not be granted which allows the habitable portion of a structure under the base flood elevation.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall only be issued upon:

- (a) a showing of good and sufficient cause; and
- (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause victimization of the public interests as identified in Section 31.30.040.3.100(5) or conflict with existing local laws or ordinances; and

(d) a determination that the granting of the variance does not constitute a special privilege inconsistent with the limitations upon other, similar properties.

(5) Two weeks prior to the denial of a county permit, approval, authorization, license, franchise, or plat on the basis of non-compliance with this ordinance, the responsible official shall inform the applicant in writing of the non-compliance.

If the applicant desires, he may within those two weeks, apply for a variance from the standards of this ordinance; in which case no such county action shall occur until after the request for a variance has been acted upon by the Board of Appeals.

(6) Any applicant to whom a variance is granted shall be given written notice of the conditions of approval, the limitations of the permit, and that the cost of flood insurance will be commensurate with the increased risk resulting from the granting of the variance.

C.C.C. 31.30.040.3.120 PROVISIONS FOR FLOOD HAZARD PROTECTION-  
SPECIAL FLOOD HAZARD AREAS -- GENERAL STANDARDS

In all special flood hazard areas, the following standards are required:

(1) Anchoring:

- (a) All new developments or substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;

(b) All mobile homes placed or replaced after the adoption of this ordinance shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

(i) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side;

(ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;

(iii) each component of the anchoring system be capable of carrying a force of 4,800 pounds; and,

(iv) any additions to the mobile home be similarly anchored.

(c) An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification by a registered engineer must be furnished the Responsible Official that the alternative system results in safety equal to, or greater than, that provided by the anchoring system.

(2) Construction Materials and Methods

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage



- (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) Water and Sewage Disposal Systems

- (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (b) New and replacement sanitary sewage systems shall be designed to eliminate buoyancy and to minimize or eliminate infiltration of flood waters into the systems and discharge from the system into flood waters;
- (c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4). Subdivision Proposals

New subdivisions, mobile home park subdivisions, and short subdivision as defined by local ordinances are prohibited in special flood hazard areas, unless each buildable lot has an area outside the special flood hazard area equal to or greater than the applicable minimum lot size.

Camper vehicle park subdivisions, membership camper club subdivisions, and other outdoor recreation facilities may be permitted provided the following conditions are met:

- (a) They shall be consistent with the need to minimize flood damage.
- (b) They shall have public utilities and facilities such as sewer which meet floodproofing criteria of Section 31.30.040.3.120(3).
- (c) They shall have adequate drainage provided to reduce exposure to flood damage,
- (d) Base flood elevation data shall be provided for the proposed development.

(e) One single-family residence is allowed in connection with the subdivision site provided that the subdivision is 5 acres or larger.

(f) Camper vehicles which are allowed to occupy the park must be removable within two hours.

(5) Review of Building Permits

Where elevation data is not available, historical data, high water marks, photographs of past flooding, etc., shall be used to determine base flood elevations.

(6) Change of Use

Unauthorized change of use, e.g., from non-residential to residential, is prohibited.

C.C.C. 31.30.040.3.130 PROVISIONS FOR FLOOD HAZARD PROTECTION  
SPECIAL FLOOD HAZARD AREAS - SPECIAL STANDARDS

In all special flood hazard areas, the following provisions are required:

(1) Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation. However, the basement may be below base flood elevation if it is designed for storage only.

(2) Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the

lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- (a) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- (c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

(3) Mobile Homes

For existing mobile home park subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads is a substantial improvement or, when mobile homes are placed or replaced outside of a subdivision the following requirements shall apply in addition to those listed in Section 31.30.040.3.120:

- (a) Sites shall be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;
- (b) Adequate surface drainage and access for a hauler shall be provided; and,
- (c) In the instance of elevation on pilings:
  - (i) piling foundations shall be placed in stable soil no more than ten feet apart, and
  - (ii) reinforcement shall be provided for pilings protruding more than six feet above the ground level.

C.C.C. 31.30.040.3.140 PROVISIONS FOR FLOOD HAZARD PROTECTION-

FLOODWAYS

In floodways, the following provisions apply:

- (1) Encroachments, including fill, new construction, substantial improvements, and other development, are prohibited unless the encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge;
- (2) The placement, or construction of any habitable structure is prohibited; provided, however, that habitable structures existing prior to the effective date of this ordinance may be replaced if the replacement structure is not prohibited by C.C.C 31.30.040.3.140(1), with any increase in flood levels being calculated from conditions existing on the effective date of this ordinance.
- (3) If the requirements of Section 31.30.040.3.140(1) are satisfied, the flood hazard protection provisions of Sections 31.30.040.3.120, .130, and .150 relating to special flood hazard areas, shall also apply to all new construction and substantial improvements within floodways.

C.C.C. 31.30.040.3.150 COASTAL HIGH HAZARD AREA

In coastal high hazard areas (V-Zones) which are located within the special flood hazard areas, the following provisions shall apply:

- (1) All new structures shall be located landward of the reach of mean high tide.
- (2) All buildings or structures shall be elevated so that the lowest supporting member is located no lower than the base flood elevation level, with all space below the lowest supporting

- member open so as not to impede the flow of water, except for breakaway walls as provided for in Section 31.30.040.3.150(8).
- (3) All buildings or structures shall be securely anchored on pilings or columns.
  - (4) Pilings or columns used as structural support shall be designed and anchored so as to withstand all applied loads caused by the flow of water during a base flood.
  - (5) Compliance with provisions of Section 31.30.040.3.150(2), (3), and (4) shall be certified to by a registered professional engineer or architect.
  - (6) There shall be no fill used for structural support.
  - (7) There shall be no alteration of sand dunes which would increase potential flood damage.
  - (8) Breakaway walls shall be allowed below the base flood elevation provided they are not a part of the structural support of the building and are designed so as to breakaway under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used.
  - (9) If breakaway walls are utilized, such enclosed space shall not be used for human habitation.
  - (10) Prior to construction, plans for any structure that will have breakaway walls must be submitted to the Responsible Official for approval.
  - (11) The placement of mobile homes, except in an existing mobile home park or mobile home subdivision, is prohibited.
  - (12) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls are used as provided for in Section 31.30.040.3.150(8).

C.C.C. 31.30.040.3.160 PERMITTED USES IN CERTAIN FLOODPLAINS

Notwithstanding any other provisions of this ordinance, within the floodplains of the Dungeness and Elwha Rivers, only the following uses are permitted:

- (1) Agriculture, stock grazing and the sale of agricultural products and non-residential buildings related thereto;
- (2) Growing and harvesting of forest crops;
- (3) Outdoor recreation facilities, such as park, golf courses and driving ranges;
- (4) Business enterprises which do not require permanent structures;
- (5) Storage yards for equipment or material which is either not subject to flood damage or is readily removable in case of flood;
- (6) Travel trailers on an individual lot or parcel of land, provided such trailer remains mobile at all times;
- (7) Family dwellings, of any type, for occupancy of a farm operator's family and other dwellings needed to house employees and their families or extra workers in the agricultural enterprise; provided that there shall be no more than one such dwelling for each five acres of land area;
  
- (8) Residential buildings constructed or placed on lots or parcels of land platted specifically for residential use by a final plat approved and recorded prior to the date of the adoption of this ordinance.

C.C.C. 31.30.040.3.170 SEVERABILITY

The provisions of this plan are severable. If any provision or portion of this plan or any application thereof to any person or circumstance is held invalid or unconstitutional for any reason by a court of competent jurisdiction, such provision or portion thereof or any application thereof shall not affect the validity of the remaining portions of the plan or its applicability to other persons and circumstances.

C.C.C. 31.30.040.3.180 ENFORCEMENT

This ordinance is intended for the benefit and protection of the public health, safety, and general welfare.

Therefore, it is hereby made a gross misdemeanor to violate any provision of this ordinance. Violation will be punished as provided by the State Statutes for the commission of a gross misdemeanor.

It shall be the duty of the responsible official  
to enforce the provisions of this chapter. Any use of land or structure thereon contrary to the provisions of this ordinance shall be unlawful and a public nuisance. The Prosecuting Attorney shall immediately upon notification of a violation commence enforcement action for the correction of that unlawful act, and shall take such steps and shall apply to such court as has jurisdiction to grant such relief as will abate the nuisance.

C.C.C. 31.30.040.3.190 REPEALER

Clallam County Ordinance, Number 124 of 1980, Emergency Floodplain Management Ordinance, adopted November 5, 1980, is repealed, effective as of the effective date of this ordinance.

C.C.C. 31.30.040.3.200 EFFECTIVE DATE

This chapter shall take effect ten days after adoption.

PASSED AND ADOPTED THIS 10<sup>th</sup> DAY OF DECEMBER, 1980.

BOARD OF CLALLAM COUNTY COMMISSIONERS

*Dick Lotzgesell*  
Dick Lotzgesell, Chairman

*Ronald N. Richards*  
Ronald N. Richards

*Harry L. Lydiard*  
Harry L. Lydiard

Attest:

*Beryl Stene*  
Clerk of the Board

*Ord # 127, 1980*

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