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Amended Ordinance #134

Amended Ordinance #310

AMENDED BY  
ORD 62, 1975

SHORELINE MANAGEMENT ORDINANCE  
ORDINANCE NO. 44-1973

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLALLAM COUNTY,  
WASHINGTON:

SECTION 1. PURPOSE. The purpose of this ordinance is to implement the Shoreline Management Act of 1971, (Chapter 286, Laws of 1971, 1st Ex. Sess.) and to regulate development on the shorelines of the county in a manner consistent with the policy declared in section 2 of that act.

SECTION 2. DEFINITIONS. As used in this ordinance, unless the context otherwise requires, the following definitions and concepts apply:

- (1) "Advisory Committee" means the Clallam County Shoreline Advisory Committee.
- (2) "Board" means the Board of County Commissioners of Clallam County.
- (3) "Department" means the Washington State Department of Ecology.
- (4) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals including the grading of land; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this ordinance at any state of water level.
- (5) "Conditional use" means a use or the expansion of a use beyond the uses contemplated in a particular environment or environments subject to specific conditions to insure that there is no

conflict with the intent of the environment or environments;

(6) "Extreme low tide" means the lowest line on the land reached by a receding tide.

(7) "Hearings Board" means the <sup>with</sup> ~~the~~ *STATE Use Act* shorelines hearings board.

(8) "Master program" shall mean the comprehensive shoreline use plan for Clallam County, and the use regulations together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in section 2 of the Shoreline Management Act of 1971.

(9) "Ordinary high-water mark" on all lakes, streams, and tidal water is that mark which will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, or as it may naturally change thereafter: PROVIDED, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean higher high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high water.

(10) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or any local governmental unit however designated.

(11) "Public Works Department" means the Public Works Department of Clallam County.

(12) "Planning Department" means the Planning Department of Clallam County.

(13) "Shorelines" means all of the water areas within the unincorporated portion of Clallam County, including reservoirs,

and their associated wetlands, together with the lands underlying them except (a) shorelines of statewide significance (b) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (c) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

(14) "Shorelines of state-wide significance" means those shorelines described in section 3 (2)(e) of the Shoreline Management Act of 1971 which are within the unincorporated portion of Clallam County.

(15) "Shorelines of the county" are the total of all "shorelines" and "shorelines of state-wide significance" within the county.

(16) "Substantial development: shall mean any development of which the total cost or fair market value exceeds one thousand dollars (\$1,000), or any development which materially interferes with the normal public use of the water or shorelines of the county; except that the following shall not be considered substantial developments for the purpose of this ordinance:

(a) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements;

(b) Construction of the normal protective bulkhead common to single family residences;

(c) Emergency construction necessary to protect property from damage by the elements;

(d) Construction of a barn or similar agricultural structure on wetlands;

(e) Construction or modification of navigational aids such as channel markers and anchor buoys;

(f) Construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of

thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof other than requirements imposed pursuant to this ordinance.

(17) "Substantial development permit" means the shoreline management substantial development permit provided for in section 14 of the Shoreline Management Act of 1971 (RCW 90.58.140).

(18) "Substantial development undertaken on the shorelines of the county prior to June 1, 1971" shall mean actual construction begun upon the shoreline as opposed to preliminary engineering or planning, financing, or testing.

(19) "Timber cutting permit" means the permit required for the cutting of timber as defined in section 7 of this ordinance situated within two hundred feet abutting landward of the ordinary high-water mark within shorelines of state-wide significance.

(20) "Variance" means an alteration of the use regulations of the master program.

(21) "Wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high-water mark; and all marshes, bogs, swamps, floodways, river deltas, and flood plains associated with the streams, lakes and tidal waters which are subject to the provisions of this ordinance; the same to be designated as to location by the Washington State Department of Ecology.

### SECTION 3. PERMITS REQUIRED FOR SUBSTANTIAL DEVELOPMENT

(1) No development shall be undertaken on the shorelines of the county except those which are consistent with the policy of the Shoreline Management Act of 1971 and, after adoption and approval as appropriate, the applicable guidelines, regulations, or master program.

(2) No substantial development shall be undertaken on the

shorelines of the county without first obtaining a substantial development permit from the Board. A permit shall be granted:

(a) From the effective date of this ordinance until such time as an applicable master program has become effective, only when the proposed development is consistent with:

(i) The policy of Section 2 of the Shoreline Management Act of 1971; and

(ii) After their adoption, the guidelines and regulations of the Department; and

(iii) So far as can be ascertained, the master program being developed for Clallam County.

(b) After adoption or approval, as appropriate, by the Department of an applicable master program, only when the proposed development is consistent with the applicable master program and the policy of section 2 of the Shoreline Management Act of 1971.

SECTION 4. EXEMPTIONS FROM PERMIT REQUIREMENTS. A substantial development permit shall not be required for the following:

(1) Any project with a certification from the governor pursuant to chapter 80.50 RCW;

(2) Any development on shorelines of the county included within a preliminary or final plat approved by the county prior to April 1, 1971, if:

(a) The final plat was approved after April 13, 1961, or  
(b) The preliminary plat was approved after April 30, 1969, or  
(c) Sales of lots to purchasers with reference to the plat, or  
(d) Substantial development incident to platting or required by the plat, occurred prior to April 1, 1971, and in addition to (a), (b) (c) and (d) above, the following occurs:

(i) The development to be made without a permit meets all requirements of the applicable state agency or local government,

other than requirements imposed pursuant to this ordinance, and

(ii) The development does not involve construction of buildings, or involves construction on wetlands of buildings to serve only as community, social, or recreational facilities for the use of owners of platted lots and the buildings do not exceed a height of thirty-five feet above average grade level, and

(iii) The development is completed by June 1, 1973.

Any person claiming exemption from the permit requirements of this ordinance as a result of the exemptions described in section 4 herein may make an application to the Public Works Department for such an exemption on forms and in the manner prescribed by the Board.

SECTION 5. APPLICATION OF THE PERMIT SYSTEM TO DEVELOPMENT UNDERTAKEN PRIOR TO JUNE 1, 1971.

(1) Substantial development undertaken on the shorelines of the county, prior to June 1, 1971, shall not require a permit except under the following circumstances:

- (a) Where the activity was unlawful prior to June 1, 1971;
- (b) Where there has been an unreasonable period of dormancy in the project between its inception and June 1, 1971;
- (c) Where the development is not completed prior to June 1, 1973;

(d) Where development occurred prior to June 1, 1971, on a shoreline and continued on to a different lake, river or tributary after June 1, 1971, a permit shall be required for the substantial development undertaken after June 1, 1971.

(2) Substantial development undertaken prior to June 1, 1971, shall not continue without a permit into other phases that were not an integral part of the development being followed at the

time construction commenced.

SECTION 6. PROHIBITIONS

(1) Surface drilling for oil and gas is prohibited in all waters of Puget Sound north to the Canadian boundary, including Hood Canal, and the Strait of Juan de Fuca from the ordinary high-water mark and on all lands within one thousand feet landward from the ordinary high-water mark within Clallam County.

(2) No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the county that will obstruct the view of a substantial number of residences in adjoining areas unless there exists a master program which permits the same and then such permits shall be granted only when overriding considerations of the public interest will be served.

(3) No development shall be undertaken on the shorelines of the state except those which are consistent with the policies of the Shoreline Management Act of 1971 and, after adoption or approval as appropriate, the applicable guidelines, regulations or master program.

SECTION 7. PERMITS REQUIRED FOR TIMBER CUTTING

(1) A timber cutting permit shall be required to cut timber situated within two hundred feet abutting landward of the ordinary high-water mark within shorelines of the state-wide significance within the county.

(2) Timber cutting permits shall be granted only for selective commercial timber cutting, so that no more than thirty per cent of the merchantable trees may be harvested in any ten-year period of time: PROVIDED, That other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions or silviculture practices necessary

for regeneration render selective logging ecologically detrimental; PROVIDED FURTHER, That clear-cutting of timber which is solely incidental to the preparation of land for other uses authorized by this ordinance may be permitted.

SECTION 8. SCOPE OF PERMIT. The following time requirements shall apply to all substantial development permits:

(1) Construction or substantial progress toward construction of a project for which a permit has been granted pursuant to this ordinance must be undertaken within two years after the approval of the permit by local government or the permit shall terminate. If such progress has not been made, a new permit will be necessary.

(2) No permit authorizing construction shall extend for a term of more than five (5) years. If a project for which a permit has been granted has not been completed within five years after the approval of the permit by the Board, the Board shall, at the expiration of the five-year period, review the permit, and upon a showing of good cause, extend the permit for one year, otherwise, the permit terminates: PROVIDED, That no permit shall be extended unless the applicant has requested such review and extension prior to the permit expiration date.

SECTION 9. NOTICE. Upon submittal of a proper application for a substantial development or timber cutting permit to the Public Works Department, the county shall publish notices of the applicant at least once a week on the same day of the week for two consecutive weeks in a newspaper of general circulation within the county. An affidavit of publication shall be affixed to the application. Within thirty days of the last publication of such notice, any interested person may submit his views on the application in writing to the Advisory Committee or may notify the Advisory Committee of his desire to be notified of the action taken by the Advisory Committee and the Board. Within fifteen days of the last publication of such notice, and interested person may also make a written request that a public



hearing be held pursuant to the provisions of section 12 of this ordinance.

SECTION 10; PERMIT APPLICATIONS

(1) Applications for substantial development permits and timber cutting permits, shall be made with the Public Works Department by the property owner, lessee, contract purchaser, other person entitled to possession of the property, or by an authorized agent.

(2) A filing fee in the amount of twenty-five (\$25.00) shall be paid to the Public Works Department at the time an application is filed.

(3) Applications for a substantial development permit shall be made on forms supplied by the Public Works Department.

SECTION 11. SHORELINE ADVISORY COMMITTEE

(1) The Board shall appoint a shoreline advisory committee and it shall consider applications and make recommendations regarding permits, based on the policies contained in section 3 of this ordinance.

(2) The Advisory Committee shall review an application for a permit based on the following: the application; the environmental impact statement, if one has been prepared; written comments from interested persons; information and comment from other county departments affected and from the Prosecuting Attorney; independent study of the Advisory Committee, independent study of the Planning Department; and evidence presented at the public hearing, if any, held pursuant to provisions of section 12 of this ordinance. The Advisory Committee may require that an applicant furnish information in addition to the information required in the application forms prescribed. Unless an adequate environmental impact statement has previously been prepared for the proposed development by another

agency, the Advisory Committee shall cause to be prepared such a statement, prior to ruling on an application for a permit, when the project being applied for constitutes a major action significantly affecting the quality of the environment under the State Environmental Policy Act of 1971.

(3) The Advisory Committee shall transmit its recommendations in writing to the Board within a reasonable time after the required thirty day notice period, or when a public hearing is held pursuant to section 12 a reasonable time thereafter.

(4) The burden shall be on the applicant to prove that the proposed development is consistent with the criteria set forth in this section of this ordinance.

(5) The Committee shall consist of five (5) members including the following ex-officio non-voting members:

- (a) The County Engineer
- (b) The County Sanitarian
- (c) The County Planning Director
- (d) A member of the Board of County Commissioners

(6) Three members of the Committee shall constitute a quorum to conduct business and make recommendations. A majority of those present shall be required to make a recommendation.

(7) The Committee shall conduct a regular meeting at least once each month; however, when there is no business to be conducted, such regular meeting may be cancelled; Further, regular meetings may be continued when deemed appropriate and special meetings may be called at the discretion of the Committee. Meetings shall be conducted in accordance with Robert's Rules of Order.

(8) The Planning Department shall prepare an agenda of matters to be considered by the Committee. A copy of the agenda shall be mailed to persons who have expressed an interest in presenting their views on an application. The agenda shall state the time and place

where the Committee will conduct its public meeting and the notice to interested parties shall be sent not less than 6 days prior to the date of the public meeting.

SECTION 12. PUBLIC HEARING; NOTICE; ADVISORY COMMITTEE RECOMMENDATION.

(1) In the following cases, decisions on applications for substantial development permits and timber cutting permits shall not be made until at least one public hearing has been held:

(a) One or more interested persons has submitted to the Advisory Committee, within fifteen days of the final publication of notice of the application, a written request for such a hearing together with a statement of reasons for the request; or

(b) The estimated total cost of the proposed development exceeds one million dollars (\$1,000,000); or

(c) The Advisory Committee determines that the proposed development is one of broad public significance.

(2) The public hearing required under subsection (a) herein shall be conducted by the Advisory Committee.

(3) Notice of the time and place of the public hearing shall be published in the same manner as (and, where appropriate, combined with) the notices of application required in section 9 of this ordinance and the public hearing shall be held no sooner than 15 days after the final date of publication of the notice of public hearing. Ten (10) days written notice of the time and place of the public hearing shall be mailed or delivered to the applicant and to any interested person who has notified the Advisory Committee in any of the ways specified in section 9.

(4) If, for any reason, testimony on any matter set for public hearing, or being heard, cannot be completed on the date set for such hearing, the Advisory Committee may, before adjournment or recess of such matters under consideration, publicly announce the

time and place of the continued hearing and no further notice is required.

(5) The Advisory Committee shall make and enter written findings from the record and conclusions thereof which support its recommendation and the findings and conclusions shall set forth the manner in which the decision is consistent with the criteria set forth in section 11 of this ordinance and submit the same to the Board within five days of the decision. Said decision shall recommend approval, denial, or conditional approval of a permit.

(6) The Advisory Committee shall have the power to prescribe rules and regulations for the conduct of hearings before it; and also to issue summons for, and compel the appearance of witnesses, to administer oaths, and to preserve order. The privilege of cross-examination of witnesses shall be accorded all interested persons or their counsel in accordance with the rules of the Advisory Committee.

#### SECTION 13. BOARD ACTION

(1) Upon receipt of the recommendation from the Advisory Committee, if the Board is in agreement with the findings and conclusions of the Advisory Committee, it shall prepare a final order based on said findings and conclusions. If the Board is in disagreement with any or all of the findings and conclusions of the Advisory Committee, it shall enter its own findings and conclusions and order based upon the following: the application, the environmental impact statement, if one has been prepared; written comments from interested persons; testimony from the public hearing, if one was held; information and comment from other county departments affected and from the Prosecuting Attorney; independent study of the Advisory Committee; independent study of the Planning Department. Said findings and conclusions shall set forth the manner in which the decision is consistent with the criteria set forth in section 11 of this ordinance.

(2) The decision of the Board shall be the final decision of the county on all applications and the Board shall render a written

decision including findings, conclusions, and a final order, and transmit copies of its decision to the persons who are required to receive copies of the decision pursuant to section 9 of this ordinance.

SECTION 14. GRANTING OR DENIAL OF PERMITS; CONDITIONS ATTACHING TO PERMIT; OTHER PERMITS.

(1) The Board shall deliver to the following persons copies of the application and the disapproval or conditional approval of a substantial development permit or timber cutting permit application within five days of his final decision:

- (a) The applicant;
- (b) The Department;
- (c) The Washington State Attorney General;
- (d) The Advisory Committee;
- (e) Any person who has submitted to the Advisory Committee written comments on the application ;
- (f) Any person who has written the Advisory Committee requesting notification; and
- (g) Any person who has written the Advisory Committee requesting a public hearing.

(2) Development pursuant to a substantial development permit shall not begin and shall not be authorized until forty-five days from the date the Board files the approved substantial development permit with the Department and Attorney General, or until all review proceedings initiated within forty-five days of the date of such filing have been terminated.

(3) In granting or extending a permit, the Board may attach thereto such conditions, modifications and restrictions regarding the location, character and other features of the proposed development as it finds necessary to make the permit compatible with the criteria set forth in section 11 of this ordinance. Such conditions may include the requirement to post a performance bond assuring compliance with

other permit requirements, terms, and conditions.

(4) Issuance of a substantial development permit or timber cutting permit does not obviate requirements for other federal, state, and county permits, procedures and regulations.

SECTION 15. REVIEW BY SHORELINES HEARINGS BOARD. Any person aggrieved by the granting, denying, or rescission of a substantial development permit or timber cutting permit may seek review from the Hearings Board by filing an original and one copy of request for the same with the Hearings Board within thirty days of receipt of the Board of County Commissioner's final order. Said request shall be in the form required by the rules for practice and procedure before the Hearings Board. Concurrently, with the filing of any request for review with the Hearings Board, the person seeking review shall file a copy of his request with the Washington State Department of Ecology, the Attorney General, and the Board of County Commissioners.

SECTION 16. RESCISSION; SERVICE OF NOTICE; HEARING.

(1) Any permit granted pursuant to this ordinance may be rescinded or modified upon a finding by the Board that the permittee has not complied with the conditions of his permit.

(2) The Board may initiate rescission and modification proceedings by serving written notice of noncompliance on the permittee

(3) Before a permit can be rescinded or modified, a public hearing shall be held by the Board no sooner than 10 days following the service of notice upon the permittee. The Board shall have the power to prescribe rules and regulations for the conduct of such hearings.

SECTION 17. COUNTY MASTER PROGRAM.

(1) The Advisory Committee shall develop, within eighteen months after the addition of state guidelines by the Department

as required by section 6 of the Shoreline Management Act of 1971, a master program for regulation of uses of the shorelines of the county in the manner and form established by the guidelines adopted. The master program or segments thereof shall be submitted to the Department and shall become effective when adopted or approved by the Department as appropriate. All guidelines and the master programs adopted or approved and this ordinance shall be available for public inspection at the office of the Planning Department and County Auditor.

(2) The Advisory Committee shall periodically review the master program for Clallam County and make such adjustments as are necessary. Such adjustments shall be submitted to the Department as soon as they are completed. No such adjustment shall become effective until approved by the Department.

(3) If local revenue is insufficient to support the cost of preparing the master program for the county, the Planning Department may make application to the Department for such funds as are deemed necessary in accordance with regulations developed by the Department.

(4) When necessary to achieve implementation of the master program, the Board may either alone or in concert with other governmental entities acquire lands and easements within shorelines of the county by purchase, lease, or gift.

(5) The Planning Department and Planning Commission shall review all administrative and management policies, regulations, plans and ordinances relative to lands in Clallam County adjacent to the shorelines of the county and recommend appropriate action to the Board so as to achieve a use policy on said land consistent with the policy of this ordinance, the Shoreline Management Act of 1971, the guidelines and the master programs for shorelines of the county. The Planning Department, Planning Commission, and Board, in developing use regulations for such areas,

shall take into consideration any recommendations developed by the Department as well as any other state agencies or units of local government.

(6) After the approval or adoption by the Department of the master program or segments thereof, conditional uses and variances may be granted based upon satisfaction of the following criteria:

(a) Conditional use:

(i) The use will meet such performance standards that make the use compatible with other permitted uses within that area.

(ii) The use will cause no unreasonably adverse effects on the environment or other uses.

(iii) The use will not interfere with public use of public shorelines.

(iv) The design of the site will be compatible with the surroundings and the master program.

(v) The proposed use will not be contrary to the general intent of the master program.

(b) Variances:

(i) The applicant must show that he cannot make any reasonable use of the property if he complies with the provisions of the master program.

(ii) The fact that the applicant might make a greater profit by using the property in a manner contrary to the intent of the program is not a sufficient reason for a variance.

(iii) The hardship which serves as a basis for granting of a variance is specifically related to the property of the applicant.

(iv) The hardship results from the application of the requirements of the act and master program and not from, for example, deed restrictions on the applicant's own actions.

(v) The variance granted will be in harmony with the general purpose and intent of the master program.



(vi) Public welfare and interest will be preserved; if more harm will be done to the area by granting the variance than would be done to the applicant by denying it, the variance will be denied.

SECTION 18. INSPECTION. The building inspector or his authorized representative may inspect properties as necessary to determine whether permittees have complied with conditions of their respective permits and, whenever there is reasonable cause to believe that development has occurred upon any premises in violation of the Shoreline Management Act of 1971 and this ordinance, may enter upon such premises at all reasonable times to inspect the same. The building inspector or his representative shall present proper credentials before demanding entry. If such premises are unoccupied, a reasonable effort shall be made to locate the owner or tenant and demand entry. The Planning Department shall review and comment on the violations discovered and the building inspector shall then issue a notice and order to the owner or tenant of the premises advising such person(s) of any violations and requiring him to take whatever action is necessary to comply with the Act and this ordinance. Subsequently, he shall also, where appropriate, seek legal sanctions by the Board as provided in section 15 of this ordinance and the Clallam County Prosecuting Attorney as provided in section 22 of this ordinance.

SECTION 19. ENVIRONMENTAL IMPACT STATEMENTS. The county planning director shall determine the environmental significance of any proposed development. A determination shall be made that the proposed development is:

- (a) Minor action with insignificant environmental effects,  
or;
- (b) Major action with insignificant environmental effects,  
or;

(c) Major action with significant environmental effects.

SECTION 20. DECLARATION OF INSIGNIFICANT IMPACT. The declaration of insignificant impact is a written record of the planning director's determination that a specific proposed action will have an insignificant effect on the quality of the environment. The declaration shall contain a brief summary of: the proposed action, the environmental impact of the proposed action, and the alternatives to the proposed action. The declaration should be available for inspection by the public.

SECTION 21. ENVIRONMENTAL INFORMATION REQUIRED FROM APPLICANT. In the case of any application for a substantial development permit by a private person or other governmental body, the planning director shall require that the applicant provide as part of his application the information, studies, and tests necessary to assist the planning director in making an analysis of the environmental impact of the proposed development and analysis of alternatives to the proposed action. This requirement shall be uniformly and fairly applied within the same category of actions. The planning director may refuse to process and consider the application if the applicant fails to provide the required information.

SECTION 22. CRIMINAL PENALTIES; CIVIL LIABILITY

(1) Any person found to have willfully engaged in activities on the shorelines of the county in violation of this ordinance or the Shoreline Management Act of 1971 or in violation of the master program, rules or regulations adopted pursuant thereto shall be guilty of a gross misdemeanor, and shall be punished by a fine of not less than twenty-five (\$25) nor more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment: PROVIDED, That the fine for the third and all subsequent violations in any five-

year period shall be not less than five hundred dollars (\$500) nor more than ten thousand dollars (\$10,000).

(2) The Clallam County Prosecuting Attorney shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the county in conflict with the provisions and programs of this ordinance or the Shoreline Management Act of 1971, and to otherwise enforce the provisions of this ordinance and the Shoreline Management Act of 1971.

(3) Any person subject to the regulatory program of this ordinance who violates any provision of this ordinance or the provisions of a permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation. The Clallam County Prosecuting Attorney shall bring suit for damages under this subsection on behalf of the county. Private persons shall have the right to bring suit for damages under this subsection on their own behalf and on behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation, the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to the private person bringing suit, where he prevails.

SECTION 23. RULES. The Board is authorized to adopt such rules as are necessary and appropriate to carry out the provisions of this ordinance.

SECTION 24. REAL PROPERTY ASSESSMENTS. The restrictions imposed by this ordinance shall be considered by the county assessor

in establishing the fair market value of property.

SECTION 25. SEVERABILITY. If any provision of this ordinance or its application to any person or legal entity or circumstances is held invalid, the remainder of the ordinance, or the application of the provision to other persons or legal entities or circumstances, shall not be affected.

PASSED by the Board of County Commissioners at a regular meeting thereof on the 19th day of April, 1973.

CLALLAM BOARD OF COUNTY COMMISSIONERS  
CLALLAM COUNTY, WASHINGTON

D.J. Caulkins  
D.J. Caulkins, Chairman

William H. Knapman  
William H. Knapman

Frank A. Feeley  
Frank A. Feeley

ATTEST:

Alice C. Thorne  
Alice C. Thorne, Clerk of the Board

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CLALLAM COUNTY, WASHINGTON  
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Clerk  
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