

Ordinance No. 606, 1996

An ordinance to rescind and replace Clallam County  
Open Space/Timberland Code, Chapter 27.08 Clallam County Code, pursuant to the  
revised Clallam County Comprehensive Plan, Title 31 Clallam County Code.

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

CHAPTER 27.08

Clallam County Open Space/Timberland Code

C.C.C. 27.08.010 PURPOSE. To further the purposes and intent of Chapter 84.34 RCW and the Clallam County Comprehensive Plan, Chapter 31.02 C.C.C. as adopted and hereafter amended, the following policies and procedures are adopted and should be liberally construed.

C.C.C. 27.08.020 APPLICABILITY. This Chapter shall regulate open space applications, hereby termed as open space/open space and open space/timberland applications, in the unincorporated areas of Clallam County. This Chapter does not apply to farm or agricultural lands as defined by Chapter 84.34 RCW and forest lands defined by Chapter 84.33 RCW, EXCEPT as provided under C.C.C. 27.08.180.

C.C.C. 27.08.030 AUTHORITY. The Board of Clallam County Commissioners is the legislative authority to approve or deny open space/open space and open space/timberland applications reviewed under this Chapter.

C.C.C. 27.08.040 ADMINISTRATION. The Clallam County Assessor and the Director of the Department of Community Development or his/her designee are vested with the responsibility to administer the provisions of this Chapter, unless otherwise specified. All applications shall be processed in accordance with C.C.C. 27.08.160.

C.C.C. 27.08.050 DEFINITIONS. Those definitions set forth in Chapter 84.34.020 RCW as adopted and hereafter amended are hereby incorporated by reference and shall govern and control the application and interpretation of this Chapter.

C.C.C. 27.07.060 TAX REVENUE IMPACTS. Clallam County shall review all current use assessment applications for their individual and cumulative revenue impacts onto the tax base for Clallam County. The Assessor shall provide estimates of the first applicable year's tax reduction for each new application, along with his/her recommendation on the applications.

C.C.C. 27.08.070 OPEN SPACE/OPEN SPACE CLASSIFICATION. The total public benefit received from an open space/open space application shall be determined by the Public Benefit Rating System according to C.C.C. 27.08.080. The Public Benefit Rating System shall be structured as follows:

1. A public benefit rating shall be attached to the resource in relation to the benefit received from the property.
2. A public benefit rating shall be attached to the resource in relation to the type of public access available on the property.

3. A public benefit rating shall be attached to the resource in relation to the amount of pressure on the property to be converted to a more intensive use, diminishing or eliminating the feature or resource on the property which makes it a public benefit.

4. Ratings, based on the priorities, shall be totaled to determine the total public benefit received from the property. The reduction in land value shall be based on the total public benefit.

C.C.C. 27.08.080 PUBLIC BENEFIT RATING SYSTEM. The following land types shall be considered to be in the following Public Benefit Rating Scale. Unclassified uses shall be examined closely and given a rating by the Assessor as a recommendation to the Planning Commission.

1. Features and Resources Rating System - maximum 12 points.

A. High priority - 12 points each.

- i. Regulated Wetlands as defined by C.C.C. 27.12.
- ii. Habitat Improvement Areas. Those areas identified by Clallam County where specific projects or activities have a good potential for habitat protection, or where demonstration projects may be performed.
- iii. Shorelines regulated by the Clallam County Shoreline Master Program, tidelands, and Type 1 through Type 5 streams as defined by Washington State Department of Natural Resources and regulated through Chapters 27.12 and 35.01 C.C.C. and the Shoreline Master Program.
- iv. Private wildlife preserves. Those officially designated areas under private ownership that are maintained in a manner as to provide habitat for animal species native to the North Olympic Peninsula. The area must be actively used as habitat by such animals.
- v. Habitats of documented endangered species.
- vi. Landslide hazard areas as defined by Chapter 27.12 C.C.C.
- vii. Documented undeveloped historical sites.
- viii. Documented archeological sites.
- ix. Properties located within a designated open space corridor, wildlife corridor, or greenway, as identified by an adopted County plan.

B. Medium priority resources - 6 points each.

- i. Federal, State, and County Parkland and timberland buffers. Must have a common property line of a minimum 50 feet to be considered a buffer for this subsection.
- ii. Private recreation areas - Privately owned, outdoor-oriented recreation facilities open to the public.
- iii. Sites with scenic vistas - Areas with unique views from the property. Must allow public access as defined by C.C.C. 27.08.080(3).

2. Development Pressure Rating System - maximum 12 points.

A. High conversion pressure - 12 points each.

- i. Properties zoned R, RW1, R2, RW2, QR, R5, RW5, RCC5, RCC3, RLM, CFM5. Also included are RC, RNC, TC, CEN when associated with a residential land use, or is vacant land. To be eligible for points under this subsection, the subject property must have the ability to be subdivided. This requires that the size of subject property is greater than or equal to two (2) times the maximum density as provided by the applicable zoning designation.

B. Low conversion pressure - 6 points each.

- i. Properties zoned CF, CFM20, R20. To be eligible for points under this subsection, the subject property must have the ability to be subdivided. This requires that the size of the subject property is greater than or equal to two (2) times the maximum density as provided by the applicable zoning designation.

3. Public Access Rating System - Maximum 12 points.

A. Unlimited public access which does not degrade or threaten the feature or resource which gives the property public benefit - 12 points.

This requires the allowance by the property owner of actual physical access to all portions of the subject property. If the property includes a shoreline, access will be to the water line or to the property boundary, whichever applies. Eligibility under this subsection would require that the subject property is able to provide public access from a public right-of-way to the subject resource or shoreline area. Access points and uses shall be posted where applicable so that it does not detract from the natural resource and as conditioned in the final agreement. The property shall be open to all members of the public.

B. Limited public access which does not degrade or threaten the feature or resource which gives the property public benefit - 6 points.

This requires the allowance by the property owner to one recreational use or such access is confined to a defined portion of the parcel. If the property includes a shoreline, access will be to the water line or to the property boundary, whichever applies. Eligibility under this subsection would require that the subject property is able to provide indirect public access to the subject resource or shoreline area, such as owning tidelands that are indirectly used or accessed by the public from a nearby public access location. Access points and uses shall be posted where applicable so that it does not detract from the natural resource and as conditioned in the final agreement. The property shall be open to all members of the public

C.C.C. 27.08.090 OPEN SPACE/OPEN SPACE CLASSIFICATION RATE SCHEDULE. The following rate schedule shall apply to eligible lands under the Open Space/Open Space category.

1. Not eligible - zero to 5 points - Not eligible for a reduction in land valuation.
2. Low public benefit - 6 to 14 points - eligible for a 20% reduction in land valuation.
3. Medium public benefit - 15 to 24 points - eligible for a 40% reduction in land valuation.
4. High public benefit - 25 to 36 points - eligible for a 70% reduction in land valuation.

C.C.C. 27.08.100 SIGNAGE. Signs that are required by the Open Space/open space classification shall conform to Clallam County land use codes and the following criteria. All signs shall:

1. Be provided by Clallam County as official open space-public access signage.
2. Be purchased by the property owner by the appropriate fee as established in C.C.C. 3.30.

3. Be maintained at the owner's expense in good condition for as long as the land is in open space/open space designation. Failure to maintain or replace removed or missing signs by the property owner shall jeopardize the open space agreement between the property owner and Clallam County.

C.C.C. 27.08.110 OPEN SPACE/TIMBER CLASSIFICATION. In order to qualify for review under the Open Space/Timberland Classification, each property shall not be eligible for other tax relief or tax reduction acts and shall be a minimum of five (5) acres in size, or contiguous parcels of land under one ownership that total at least 5-acres in size. If a residence exists on the property (or properties) within the application, a one-acre home site exclusion for each residence is required in addition to the 5-acre minimum acreage requirement. If any portion of the properties included in the application are sold so that there is less than 5 acres (or 6 acres if a residential exclusion applies), the County shall remove the property or properties from open space timberland taxation.

The property shall be managed under an approved timber management plan developed by a forester or the land owner and approved by the County Assessor/Forestry Appraiser. Minimum guidelines for timber management plans are on file with the County Assessor. The Assessor's approval of the timber management plan shall be attached to the Open Space application at the time it is forwarded for County legislative action. If the application is approved by the County, the timber management plan will become a part of the final agreement between the County and the land owner.

C.C.C. 27.08.120 TIMBERLAND CLASSIFICATION RATE SCHEDULE. Eligible lands under the Open Space/Timberland classification shall be valued on the basis of the land under its current use in accordance with 84.34.060 RCW.

C.C.C. 27.08.130 OPEN SPACE/TIMBERLAND HOME SITE EXCLUSION. When determining the eligibility of a parcel proposing open space/timberland that includes or proposes a residence, the size of the home site exclusion shall be a minimum of one acre and may be larger upon review of the timber management plan and site improvements.

C.C.C. 27.08.140 OPEN SPACE/OPEN SPACE HOME SITE EXCLUSION. When determining the eligibility of a parcel proposing open space/open space that includes or proposes a residence, the size of the home site exclusion shall be a minimum of one acre and may be larger upon review of the application and site improvements. This exclusion may prevent eligibility of a taxation reduction pursuant to this Chapter.

C.C.C. 27.08.150 FARM AND AGRICULTURE LANDS. Farm and agricultural lands shall be controlled by Section 84.34.030 RCW, except for the provisions of C.C.C. 27.08.180(6).

C.C.C. 27.08.160 PROCEDURE. Current use applications shall be reviewed by the County in the same manner as an amendment to the County Comprehensive Plan as outlined in Chapter 36.70A RCW and implemented in Title 31, C.C.C. with the following exceptions:

1. Application forms and related materials shall be provided by the County Assessor. Completed applications shall be submitted to the County Assessor on or before December 31st of any calendar year. The County Assessor shall process each application the following year to be effective for the next year's taxes. Technical support will be provided by the Department of Community Development.

2. Public notice shall be provided by publishing a summary of the Current Use Assessment applications in a County-designated newspaper a minimum of fifteen (15) calendar days prior to the required open record public hearing before the Planning Commission. In addition, notice of the hearing shall be forwarded to each applicant.

3. At the conclusion of the hearing, the Planning Commission shall make a recommendation on each application to the Board of Commissioners, which shall be forwarded at the completion of the required appeal period. Upon receipt of the recommendations, the Board shall schedule a date for decision on the applications. Public hearing or public notice advertisement before the Board is not

required. The date of decision shall be within thirty (30) calendar days from the date of receipt of the Planning Commission recommendation. The decision shall include findings of fact and conclusions of law.

4. Appeal of the Planning Commission's recommendation may be filed on the appropriate forms within fourteen (14) calendar days of the date of the recommendation; appeal fees are not required. The appeal shall be specific. The Board shall make a decision on the appeal at a regularly scheduled meeting whereby a public hearing is not required and no public testimony is allowed. The Board shall take into consideration the appeal request along with the other recommendations by the Planning Commission and take action on the applications.

5. If the application is approved by the Board of Commissioners, an Open Space Land Agreement or Timber Land Management Agreement between the County and the land owner(s) shall be signed. Said agreement may contain conditions of approval necessary to assure that the classification of Open Space Land or Timber Land, furthers the purposes of the Open Space Act, Chapter 84.34 RCW.

C.C.C. 27.08.170 AMENDMENTS TO APPROVED APPLICATIONS. The timber management plan may be amended by submitting a revised plan to be approved by the County Assessor, if it is consistent with this Chapter, including any minimum acreage requirements. The approved, amended timber management plan shall be a condition of approval of the open space classification. The original timber management plan shall cease effectiveness upon approval of the amended plan. Amendments to approved open space/open space applications shall be processed as new applications in accordance with this Chapter.

C.C.C. 27.08.180 ENFORCEMENT.

1. Parcels of land approved for Open Space classification for which a timber management plan was part of the agreement shall be inspected during the re-evaluation year and at other times by the County Assessor, in order to determine if the terms and conditions of the accepted plan are being fulfilled. These inspections may be supplemented by information requested by the Assessor as to the land's use as provided for in 84.34.121 RCW.

2. A parcel of land classified as Open Space or timberland shall be removed from such classification pursuant to Chapter 84.34 RCW if the Assessor determines that the parcel is not being managed according to the stipulations of the final agreement between the land owner and the County.

3. Any owner of a parcel of land removed from the Open Space or Timber Classification pursuant to C.C.C. 27.08.080., has the right to appeal such removal to the County Board of Equalization, as described in Chapter 84.34 RCW.

4. Parcels removed from Open Space classification or Timberland classification, pursuant to C.C.C. 27.08.080, shall be subject to the compensation tax, as described in Section 84.34.108 RCW.

5. Approved applications that are designated Open Space pursuant to this chapter, shall be removed from said classification if, following the granting of said classification by the County, a structure is constructed or placed on the property that results in the reduction of acreage by reason of a home site exclusion so that the application does not meet applicable minimum acreage requirements pursuant to this Chapter. Said removal shall be accomplished by the County Assessor in a manner provided for in Chapter 84.34 RCW.

6. Parcels of land classified as Open Space, Timberland, or Agricultural land certified by Clallam County as severely degrading water quality may be removed from such classification.

C.C.C. 27.08.190 SEVERABILITY. If any section, subsection, paragraph, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portion of this chapter; it being hereby expressly declared that this Chapter and each section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that any one or more other sections, subsections, paragraphs, sentences, clauses or phrases be declared invalid or unconstitutional.

C.C.C. 27.08.200 EFFECTIVE DATE. This ordinance shall take effect on January 1, 1997.

ADOPTED this 17<sup>th</sup> day of December, 1996

BOARD OF CLALLAM COUNTY COMMISSIONERS

*Phillip Kitchel*  
Phillip Kitchel, Chair

*Martha M. Ireland*  
Martha M. Ireland

*Dorothy Duncan*  
Dorothy Duncan

ATTEST:  
*Karen Flores*  
Karen Flores, Clerk of the Board

*cc: Community Development  
minutes  
file*