

ORDINANCE NO. 712, 2001

An ordinance to rescind and replace the existing Open Space/Timberland Code, C.C.C. 27.08 with a revised code, Chapter 27.08, the Clallam County Open Space Code. The code provides enhanced guidance for participation in the Open Space program as provided by the Open Space Act, RCW 84.34.

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Section 1. Purpose.

The purpose of this chapter is to:

1. Provide clear, objective criteria by which landowners may qualify for participation in the Open Space program;
2. Provide a greater range of land valuation tax reductions for Open Space participants;
3. Provide improved tax equity among Clallam County citizens; and
4. Maintain the public health, safety and welfare.

Section 2. Findings of Fact and Conclusions of Law.

The Board of Clallam County Commissioners finds the following facts create a need for adopting an amended Chapter 27.08, Clallam County Open Space Code:

1. The Open Space Act, RCW 84.34, declares that "...it is in the best interest of the state to maintain, preserve, conserve and otherwise continue in existence adequate open space lands for the production of food, fiber and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the state and its citizens...that assessment practices must be so designed as to permit the continued availability of open space lands for these purposes, and it is the intent of this chapter so to provide."
2. Clallam County, in accordance with the purposes and intent of RCW 84.34 and the Clallam County Comprehensive Plan, Chapter 31.02 C.C.C., seeks to promote the preservation of open space lands. To this end, Chapter 27.08, Clallam County Open Space/Timberland Code, was adopted in 1979. The Code was last amended in 1996.
3. RCW 84.34.055 states, in part, "the county legislative authority may direct the county planning commission to set open space priorities and adopt, after a public hearing, an open space plan and public benefit rating system for the county. The plan shall consist of criteria for determining eligibility of lands, the process for establishing a public benefit rating system, and an assessed valuation schedule. The assessed valuation schedule shall be developed by the county assessor and shall be a percentage of market value based upon the public benefit rating system. The open space plan, the public benefit rating system, and the assessed valuations schedule shall not be effective until approved by the county legislative authority after at least one public hearing..."
4. One component of the definition of "open space land" as provided by RCW 84.34.020(1)(c) is "any land meeting the definition of farm and agricultural conservation land under subsection (8) of this subsection." The existing Clallam County Open Space/Timberland Code, Chapter 27.08, does not provide "farm and agricultural conservation land" as a criterion for open space program consideration.
5. The Washington Administrative Code, Chapter 458-30, Open Space Taxation Act Rules, provides that "the granting authority shall either approve or disapprove the application within six months of the date the completed application was received by the county

legislative authority [WAC 458-30-230(5)]. The existing Clallam County Open Space/Timberland Code, Chapter 27.08, provides for an annual processing schedule, whereby applications are approved or disapproved approximately one year following submittal.

6. The current Public Benefit Rating System, under the existing Clallam County Open Space/Timberland Code, Chapter 27.08, does not include such important features as rare and unique plant communities, riverine meander zones, and conservation easements.
7. The current Public Benefit Rating System, under the existing Clallam County Open Space/Timberland Code, Chapter 27.08, provides a narrow range of evaluation possibilities, in many cases granting equal benefit to unequal resources.
8. The current Open Space/Open Space Classification Rate Schedule, under the existing Clallam County Open Space/Timberland Code, Chapter 27.08, is a 3-tiered schedule of land use valuation, which has often provided tax advantage inequities between properties of lesser and greater public benefit.
9. The Clallam County Planning Commission has reviewed the proposed amended chapter. The review has included a duly advertised public hearing on March 21, 2001, and the receipt of oral and written testimony. County planning staff, the County Assessor, and the Planning Commission subsequently met in work session on April 4 and 18, and on May 2, 2001 to consider testimony received. The Commission voted 8-0 on May 2, 2001 to forward its recommended amendments to Chapter 27.08 to the Board of Clallam County Commissioners.
10. On June 19, 2001, the Board of Clallam County Commissioners held a duly advertised public hearing to receive oral and written testimony, which was then reviewed and considered by the Board and the County planning staff.
11. Following the June 19, 2001 public hearing, the Board of Clallam County Commissioners met in work session on June 25, July 2, 16, 23, and 30 to discuss and modify the proposed draft in accordance with public testimony received and information provided by the County Assessor's office and Planning Division.
12. A duly advertised public hearing was held on August 14, 2001 during which testimony was received regarding the modifications to date. Final changes to the proposed draft were crafted in accordance with this testimony, and the Board and planning staff met in work session on August 27, 2001 to review these changes.
13. The proposed ordinance has been reviewed with the requirements of the State Environmental Policy Act (SEPA), and has been determined to have no probable significant adverse environmental impacts. A Determination of Nonsignificance (DNS) was issued by the Responsible Official for Clallam County on March 13, 2001, pursuant to WAC 197-11-340(2). No appeals pursuant to this determination were received by the Clallam County Department of Community Development.
14. The proposed ordinance has been reviewed with the mandates of the Clallam County Comprehensive Plan, as amended, and has been found to be in compliance with the spirit and intent of the Plan. The provisions contained within the proposed amendments are consistent with the protection of the public health, safety, general welfare and interests of the citizens of Clallam County.

Based on the above Findings of Fact in relation to the laws of Clallam County and the State of Washington, the Board of Clallam County Commissioners concludes as follows:

1. Clallam County has the authority to determine public benefit ratings of resources and features of private properties, and to classify and place land use values accordingly, for the maintenance, preservation, and conservation of vital open space lands throughout Clallam County (Findings of Fact # 3).
2. Adoption of this Ordinance will provide improved guidance for evaluation of public benefit criteria for applicants for Open Space classification, and further provide a greater measure of tax equity among Clallam County residents (Findings of Fact #s 4, 6, 7 and 8).
3. Adoption of this Ordinance will be consistent with, and will further the spirit and intent of, the Clallam County Comprehensive Plan and the laws of Washington State (Findings of Fact #s 1, 2, 3, 4, and 5).
4. Adoption of this Ordinance is in the interest of the public health, safety and welfare of the citizens of Clallam County (Findings of Fact #s 1, 2, 4, 6, and 14).



Section 3.

Chapter 27.08  
Clallam County Open Space Code

In Accordance with the Open Space Act, RCW 84.34

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C.C.C. 27.08.010 Purpose. To maintain, preserve and otherwise continue in existence, adequate open space lands for the current or future production of food and fiber, and to assure the use and enjoyment of natural resources and scenic beauty for the economic welfare, social well being, and quality of life for the County and its citizens in accordance with RCW 84.34 and the Clallam County Comprehensive Plan, C.C.C. 31.02, as adopted and hereafter amended. The following policies and procedures are hereby adopted.

C.C.C. 27.08.020 Applicability. This Chapter shall regulate applications for, and the subsequent classification or reclassification of land as open space land and timber land, pursuant to RCW 84.34, throughout Clallam County. Applications that involve properties within incorporated portions of the County shall require additional review by the appropriate jurisdiction's legislative body.

C.C.C. 27.08.030 Authority. Clallam County adopts the ordinances codified in this Chapter under the authority of RCW 84.34. The Board of Clallam County Commissioners is the legislative authority to approve or deny open space land and timber land 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 or 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. 27.08.170, Procedure.

C.C.C. 27.08.050 Definitions. Those definitions set forth in RCW 84.34.020 as adopted and hereafter amended are hereby incorporated by reference and shall govern and control

the application and interpretation of this Chapter. Applicable definitions include, but are not limited to, the following:

1. Open Space. Refers to the Open Space Program in its entirety, and often referred to as the "current use" program. For the purposes of this Chapter, this includes "Open Space Land" and "Timber Land" as defined below.
2. Open Space Land means:
  - A. any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly; or
  - B. any land area, the preservation of which in its present use would:
    - i. conserve and enhance natural or scenic resources, or
    - ii. protect streams or water supply, or
    - iii. promote conservation of soils, wetlands, beaches or tidal marshes, or
    - iv. enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or
    - v. enhance recreation opportunities, or
    - vi. preserve historic sites, or
    - vii. preserve visual quality along highway, road, and street corridors or scenic vistas, or
  - C. any land meeting the definition of "farm and agricultural conservation land" under subsection (8) of RCW 84.34.020, Definitions.
3. Timber Land. Any parcel of land that is five (5) or more acres or multiple parcels of land that are contiguous and total five (5) or more acres which is or are devoted primarily to the growth and harvest of forest crops for commercial purposes. Timber land means the land only.
4. Farm and Agricultural Conservation Land means either:
  - A. land that was previously classified as "farm and agricultural land," that no longer meets the criteria for such classification, and that is reclassified as "open space lands" pursuant to RCW 84.34; or
  - B. land that is traditional farmland that is not classified under RCW 84.33, or RCW 84.34, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.
5. Traditional Farmland. For the purposes of this ordinance, "traditional farmland" shall mean land which has been used on a regular basis for the purpose of attempting to obtain cash income by:
  - A. raising, harvesting, and selling lawful crops;
  - B. feeding, breeding, managing, and selling of livestock, poultry, fur-bearing animals, or honey bees, or any products thereof;
  - C. dairying or selling of dairy products;
  - D. animal husbandry;
  - E. aquaculture;
  - F. horticulture;
  - G. participating in a government-funded crop reduction or acreage set-aside program; or

H. cultivating Christmas trees or short-rotation hardwoods on land that has been prepared by intensive cultivation and tilling, such as by plowing or turning over the soil, and on which all unwanted plant growth is controlled continuously for the exclusive purpose of raising such trees.

6. Legislative Authority. The Board of Clallam County Commissioners, or its designee.

C.C.C. 27.08.060 Open Space Land Public Benefit Resources. Properties which contain, abut (if applicable), or otherwise meet one or more of the following criteria shall be eligible for open space land public benefit rating points:

1. Floodplains or Floodways. Properties which contain floodways or 100-year floodplains as designated by the Clallam County Critical Areas maps or by the Federal Emergency Management Agency flood maps. Points shall not be assigned if the associated stream also qualifies the subject property for benefit points under Subsection 4, Streams, of this section.
2. Meander Hazard Zones. Properties within riparian meander hazard zones as designated by the Clallam County Critical Areas maps. Points shall not be assigned if the associated stream also qualifies the subject property for benefit points under Subsection 4, Streams, of this section.
3. Open Space, Wildlife Corridor, or Greenbelts. Properties within open space zoning districts, wildlife corridors, or greenbelts, as identified by Federal, State, or local agencies. Optionally, public benefit rating points will be awarded if an applicant demonstrates to the satisfaction of the Legislative Authority the existence of a wildlife corridor within the subject property. Points shall not be assigned if the associated stream also qualifies the subject property for benefit points under Subsection 4, Streams, of this section.
4. Streams. Properties which contain or abut Types 1 through 5 streams as defined by WAC 222-16-030, Water Typing Systems, and regulated through C.C.C. 27.12, C.C.C. 35.01, and the Clallam County Shoreline Master Program.
5. Habitat. Properties which contain any of the following:
  - A. Private wildlife reserves. Such reserves must be *officially designated* areas, as defined by Federal, State, or local agencies, under private ownership, that are maintained in a manner as to provide habitat for animal species native to the North Olympic Peninsula.
  - B. Properties which contain Class I or II Wildlife Habitat Conservation Areas as provided by the Clallam County Critical Areas Code, C.C.C. 27.12.310(b)(c), Classification Areas.
  - C. Those areas where County-sanctioned ongoing habitat restoration, protection, or demonstration projects are in progress.
6. Endangered Species. Properties which contain documented occurrence of a State or Federal Endangered Species; State or Federal Threatened Species; or State or Federal Proposed Endangered or Threatened Species.
7. Rare or Unique Plant Communities. Properties which contain plant communities listed as rare or unique by the Washington Natural Heritage Program.
8. Wetlands. Properties which contain regulated Class I through IV wetlands as defined by Chapter 27.12, Critical Areas Code. Landowners whose properties contain unclassified wetlands may choose to either:

- A. provide the Legislative Authority with documentation that specifies the classification of the subject wetland. If necessary, such documentation shall be prepared, at the landowner's expense, by a professional consultant approved by Clallam County; or
  - B. accept public benefit points equal to that provided for Class III wetlands.
9. Shorelines. Properties which contain or abut shorelines classified as any of the following in accordance with the Clallam County Shoreline Master Program:
- A. Natural Environment
  - B. Conservancy Environment
  - C. Rural Environment
  - D. Suburban Environment
  - E. Urban Environment
  - F. Shorelines of State-wide Significance

Points shall not be assigned if the associated stream also qualifies the subject property for benefit points under Subsection 4, Streams, of this section.

10. Well Head Protection Areas. Properties within a designated Well Head Protection Area as may be identified by Clallam County maps.
11. Historical or Archaeological Sites. Properties which contain either of the following:
- A. Historical sites which are listed, or are eligible for listing, on the Washington Heritage Register or the National Register of Historic Places; or
  - B. Documented or potential archaeological sites listed, or are eligible for listing, with the Washington State Office of Archaeology and Historic Preservation.
12. Scenic Vistas. Properties which provide either of the following scenic resources:
- A. Unique scenic vistas and features. Public access shall be required for point eligibility under this subsection. Tax benefit reductions shall apply only to the portion(s) of the subject property that is provided for public access; or
  - B. Unique scenic resources within the visual corridor of a Federal, State, or County designated scenic highway, such as Highways 101 and 112, and the Dungeness Scenic Loop. Applicants must provide photographic documentation if requested by the County Legislative Authority.
13. Landslide Hazards. Properties which contain landslide hazard areas as defined by Chapter 27.12, Critical Areas Code, and documented on the Clallam County Critical Areas maps.
14. Farm and Agricultural Conservation Land. To be eligible for public benefit points under this subsection a property must meet all of the following criteria:
- A. Properties must meet the definition of "farm and agricultural conservation land" as specified by C.C.C. 27.08.050(4), Definitions; and
  - B. Properties must be "subdividable." That is, the area of each subject property must be equal to or greater than two (2) times the maximum residential density of the underlying zoning district. This provision **does not apply** to those properties within the Agricultural Retention (AR) zoning district.
  - C. Applications shall be accompanied by a Statement of Intent, which includes all interim measures that will be followed to protect and manage the land in a manner that allows resumption of commercial agricultural use. The statement shall provide the following information:



- i. the name, address, and daytime telephone number of the landowner;
- ii. the tax parcel number of the subject property;
- iii. the size of the subject property;
- iv. a nontechnical soils description and agricultural capability classification as assigned in the Soil Survey of Clallam County Area, published by the U.S. Department of Agriculture;
- v. a copy of the published soils map showing the boundaries of the subject property;
- vi. a schedule of measures that are and will be used to accomplish the goals and objectives; and
- vii. the steps that will be taken to conserve the agricultural soils to allow a return to commercial agricultural production.

Public Benefit Rating points for Farm and Agricultural Conservation Lands shall be assigned in terms of parcel size and soil capability classifications (as provided by the U.S. Department of Agriculture's Soil Survey of Clallam County Area, Washington). Benefit points shall be assigned in accordance with the following table:

**Points Table for Farm and Agricultural Conservation Lands**

Soils	Parcel Size				
	0-4.99 Acres	5.0-9.99 Acres	10.0-14.99 Acres	15.0-19.99 Acres	20.0 Acres and greater
Prime or Class I	3	6	9	12	15
Class II	2	3	6	9	12
Class III	1	2	3	6	9
Class IV	0	1	2	3	6

15. Public Access. Public benefit points may be earned in accordance with the following:
- A. Privately-owned Recreation Facilities. Properties that are maintained in a substantially natural state, and are made available to the public for a fee for the purpose of hiking, fishing, horseback riding, hunting, picnicking, or other outdoor recreational activities that do not significantly alter the natural topography, hydrology, or the variety and distribution of the existing native vegetation.
  - B. General Public Access. Properties which are made available to the public in accordance with C.C.C. 27.08.090, Public Access Policy.
16. Development Pressure/Zoning. The following categories of parcel area preservation shall be eligible for public benefit rating points:
- A. Eligible properties are those zoned R1, RW1, R2, RW2, QR, R5, RW5, RCC5, RCC3, RLM, RSC, R20, CFM5, CFM20, and CF. Also included are RC, RNC, TC, and CEN properties when associated with a residential land use, or are undeveloped. To be eligible for points under this subsection, the subject property must be large enough to be legally subdividable. Points shall not be assigned under this subsection if the subject property(s) qualifies for benefit points under Subsection 16(B) of this section.
  - B. Public benefit points may be earned by combining contiguous parcels under single ownership through the Lot Combination process in accordance with C.C.C. 29.43, Boundary Line Adjustments and Lot Combination. The resulting

parcel created through the lot combination process may contain one (1) single-family residence. The area of the resulting parcel created through the lot combination process must be equal to or greater than two (2) times the maximum residential density of the underlying zoning district.

The landowner shall initiate the Lot Combination process prior to, or concurrently with, the Open Space application, and shall provide at the time of Open Space application appropriate documentation of the proposed or final lot combination.

Lot Combination under this section shall **not** create a "split zone" parcel. In the event a rezone is required, the lowest density zoning shall prevail. The landowner shall initiate the rezone procedure concurrently with the open space application, and shall so demonstrate to the Legislative Authority with the appropriate documentation.

- C. Undeveloped properties which abut [minimum of fifty (50) feet of common property line] existing public park lands, forests, wildlife preserves, sanctuaries, or other open space lands classified under RCW 84.33 or RCW 84.34 shall be eligible for public benefit points. For the purposes of this subsection, "undeveloped property" shall mean any property that has not undergone human-induced change, including, but not limited to, the construction of buildings or other structures, placement of manufactured homes or mobiles, mining, dredging, clearing, filling, grading, paving, excavation, drilling operations, or other activities that substantially alter the natural topography, hydrology, or existing native vegetation.

17. Conservation Easements and TDRs. Properties with diminished development rights resulting from either:

- A. transfer of development rights (TDRs) in accordance with provisions of the Clallam County Zoning Code, C.C.C. Title 33; or
- B. perpetual conservation easements that:
  - i. preserve land areas for outdoor recreation or for the education of the general public; or
  - ii. protect natural habitat for fish, wildlife, plants or similar ecosystems; or
  - iii. preserve open space (including farmland and forestland) where such preservation is for the scenic enjoyment of the general public or pursuant to a clearly delineated Federal, State, or local governmental conservation policy.

Tax benefit reductions for TDRs shall apply to that percentage of the subject property, which would otherwise be available for development prior to the transfer. Tax benefit reductions for perpetual conservation easements shall apply only to that portion of a subject property that is conserved by the easement.

C.C.C. 27.08.070 Factors to be Considered for Open Space Land Classification. In determining whether an application for open space land classification or reclassification should be approved, the Board of Commissioners may take cognizance of the benefits to the general welfare of preserving the current use of the property which is the subject of application, and shall consider the following:

- 1. the resulting revenue loss or tax shift;
- 2. whether granting the application for land applying under RCW 84.34.020(1)(b) [C.C.C. 27.08.050(2)(B) herein] will:
  - A. conserve or enhance natural, cultural, or scenic resources;

- B. protect streams, stream corridors, wetlands, natural shorelines and aquifers;
  - C. protect soil resources and unique or critical wildlife and native plant habitat;
  - D. promote conservation principles by example or by offering educational opportunities;
  - E. enhance the value of abutting or neighboring parks, forest, wildlife preserves, nature reservations, sanctuaries, or other open spaces;
  - F. enhance recreation opportunities;
  - G. preserve historic and archaeological sites;
  - H. preserve visual quality along highway, road, and street corridors or scenic vistas;
  - I. affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property; and
3. whether granting the application for land applying under RCW 84.34.020(1)(C) [C.C.C. 27.08.050(2)(C) herein] will:
- A. either preserve land previously classified under RCW 84.34.020(2) or preserve land that is traditional farmland and not classified under RCW 84.34 or RCW 83.33;
  - B. preserve land with a potential for returning to commercial agriculture, and
  - C. affect any other factors relevant in weighing benefits to the general welfare of preserving the current use property.

C.C.C. 27.08.080 Open Space Land Public Benefit Rating System. The categories provided by Section 27.08.060, Open Space Land Public Benefit Resources, are presented in the following table, which shall be considered in determining Public Benefit Ratings for open space land applications. Public benefit points specified herein shall be assigned for each criterion met by the subject property, up to a maximum value within each of six (6) brackets. Earned points from each bracket are then totaled and matched to the Open Space Land Classification Rate Schedule (pg. 9) of this section. Except where noted, the specific feature considered must be contained within the subject property to be eligible. Properties which meet a given criterion shall receive the full number of points provided for that criterion.

The following criteria are presented in six (6) brackets, based on the level of identified public benefit. Resource and feature categories within each bracket include physical characteristics such as streams and shorelines, cultural resources such as historical and archaeological sites, and undivided land parcels.

After determining, from the following ranked public benefit listings, the appropriate criteria for their property, applicants are urged to refer to the indicated reference for detailed descriptions of the criteria by which the application will be evaluated in terms of eligibility for Public Benefit Rating.

**Public Benefit Rating Table**

Item No	Item	Reference #	Pts	Maximum Allowed in Category
<b>Highest Public Benefit</b>				
1.	Conservation Easements, TDR's	C.C.C. 27.08.060(17)	23	23
<b>Very High Public Benefit</b>				
2. A.	Lot Combination	C.C.C. 27.08.060(16)(B)	15	15
2. B.	Public Access	C.C.C. 27.08.060(15)(B)	15	
<b>High Public Benefit</b>				
3.	Farm and Agricultural Conservation Lands	C.C.C. 27.08.060(14)	0 - 15	15
<b>Medium/High Public Benefit</b>				
4. A.	Floodways, Floodplains & Meander Zones	C.C.C. 27.08.060(1)(2)	3	12
4. B.	Type 1 or 2 Streams	C.C.C. 27.08.060(4)	3 *	
4. C.	Habitat or Endangered Species Protection	C.C.C. 27.08.060(5)	3	
4. D.	Class I or II Wetlands	C.C.C. 27.08.060(8)	3	
4. E.	Natural or Conservancy Environment Shorelines, or Shorelines of State-wide Significance	C.C.C. 27.08.060(9)	3	
4. F.	Historical Sites	C.C.C. 27.08.060(11)	3	
4. G.	Archaeological Sites	C.C.C. 27.08.060(11)	3	
4. H.	Scenic Vistas	C.C.C. 27.08.060(12)	3	
4. I.	Open Space, Greenbelts, or Wildlife Corridors	C.C.C. 27.08.060(3)	3	
4. J.	Development Pressure/Zoning	C.C.C. 27.08.060(16)(A)	3	
4. K.	Rare or Unique Plant Communities	C.C.C. 27.08.060(7)	3	
<b>Medium Public Benefit</b>				
5. A.	Type 3 or 4 streams	C.C.C. 27.08.060(4)	2	6
5. B.	Landslide Hazard Areas	C.C.C. 27.08.060(13)	2	
5. C.	Class III Wetlands	C.C.C. 27.08.060(8)	2	
5. D.	Well Head Protection Areas	C.C.C. 27.08.060(10)	2	
5. E.	Rural Environment Shorelines	C.C.C. 27.08.060(9)	2	
5. F.	Public Access (Privately-owned Recreation Facilities)	C.C.C. 27.08.060(15)(A)	2	
5. G.	Development Pressure (abuts parks, public forests, etc.)	C.C.C. 27.08.060(16)(C)	2	
<b>Low Public Benefit</b>				
6. A.	Type 5 Streams	C.C.C. 27.08.060(4)	1	2
6. B.	Class IV Wetlands	C.C.C. 27.08.060(8)	1	
6. C.	Suburban or Urban Environment Shorelines	C.C.C. 27.08.060(9)	1	

\*May be increased to 6 points if the landowner agrees to maintain a riparian buffer twice that provided by the Clallam County Critical Areas Code, CCC 27.12.

Open Space Land Classification Rate Schedule. The following rate schedule shall apply to eligible lands under the open space land category. Maximum reduced land valuation possible shall equal ninety (90) percent.

**Open Space Classification Rate Schedule.**

Public Benefit Rating	Reduction In Land Valuations
< 2	0%
2	5%
3 - 4	10%
5 - 7	20%
8 - 10	30%
11 - 13	40%
14 - 16	60%
17 - 19	70%
20 - 22	80%
23	90%

C.C.C. 27.08.090 Public Access Policy. Except as provided in subsections 1 through 4 below, applicants for open space land classification may agree to provide public access to the subject property and the features and resources contained therein. Such applications shall earn Public Benefit Rating points in accordance with provisions of this Chapter. Applications involving public access shall be accompanied by the landowner's proposed rules of conduct and a description of how public access is to be managed within the limitations set forth in this section. The one (1) acre home site exclusion may apply in administering public access management by limiting access to those portions of the property outside the home site exclusion. Approved applications shall be conditioned to require approved signage pursuant to C.C.C. 27.08.100, Signage.

The County Assessor's Office shall provide applicants with terms of the Clallam County Public Access Policy as part of the application packet.

In certain instances, public access may be detrimental to the resource(s) involved; therefore, public access points shall not be assigned to properties in which any of the following conditions occur:

1. The subject property involves an Endangered or Threatened Species as provided by C.C.C. 27.08.060(6), Endangered Species;
2. The subject property qualifies as open space due to the promotion of soils, wetlands, beaches, or tidal marshes; **except**, applicants may earn public access points by demonstrating to the satisfaction of the Legislative Authority that public access shall be managed such that there will be no adverse effects on the associated natural feature.
3. The subject property contains a known archaeological site as listed by the Washington State Office of Archaeological and Historic Preservation; or
4. Access to the subject property would involve trespass on or over neighboring properties.

C.C.C. 27.08.100 Signage. Open space signs are required only when public access is granted under the provisions of this Chapter. Signs 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 posted as follows: At least one (1) open space sign shall be posted on the subject property's road frontage, or nearest public road as applicable, in a conspicuous location, visible to passing motorists. At minimum, signs shall identify access points, allowed uses, and landowner contact information.
3. be purchased by the property owner for the appropriate fee as established in C.C.C. 3.30; and
4. be maintained at the owner's expense in good condition for as long as the landowner is receiving public benefit points based on allowing public access to the subject property and its open space feature(s). Failure to maintain or replace removed or missing signs by the property owner may jeopardize the open space benefit points based on granting public access to the subject property pursuant to this Chapter.

C.C.C. 27.08.110 Hold Harmless Agreement. All open space property owners who grant public access must execute a Hold Harmless Agreement, freeing Clallam County of any liability which may arise as a result of open space approval. The County Assessor's Office shall provide applicants with a Hold Harmless Agreement as part of the application packet.

In addition to the Hold Harmless Agreement, applicants for public access benefit points shall provide proof of comprehensive general liability insurance for the subject property. The proof of insurance shall include a copy of the insurance endorsement from companies or through sources approved by the state insurance commissioner pursuant to RCW Title 48, as now or hereafter amended, setting forth that Clallam County, and its elected and appointed officers and employees have been named as an additional insured.

Each applicant shall show proof of the following coverage:

- Bodily injury, including death, and property damage in the amount of \$1,000,000 per occurrence.

C.C.C. 27.08.120 Open Space Land Amendments. Amendments to approved open space land applications shall be processed the same as new open space land applications in accordance with this Chapter.

C.C.C. 27.08.130 Timber Land Classification. In order to qualify for review under the Timber Land Classification, the subject property shall not be eligible for any other tax relief or tax reduction acts. Parcels of land qualifying for timber land classification shall be a minimum of five (5) acres in size, or multiple, contiguous parcels of land under one ownership that total at least five (5) acres in size. If a residence exists on the property (or properties) within the application, a one (1) acre home site exclusion for each residence is required in addition to the five (5) acre minimum acreage requirement. Any reduction below the mandatory minimum acreage requirements shall result in removal from the timber land classification.

Property classified as timber land shall be managed under a timber management plan approved by the County Assessor/Forestry Appraiser. A timber management plan shall be attached to the timber land application. Guidelines for timber management plans are on file with the County Assessor.

C.C.C. 27.08.140 Timber Land Classification Rate Schedule. Eligible land under the Timber Land classification shall be valued on the basis of the land under its current use in accordance with RCW 84.34.060.

C.C.C. 27.08.150 Timber Land Amendments. The timber management plan may be amended by submitting a revised plan to the Board of County Commissioners. If approved, the amended timber management plan shall be a condition of the timber land classification.

The amended timber land management plan shall take effect upon approval by the Board of Commissioners.

C.C.C. 27.08.160 Home Site Exclusion. When determining the eligibility of a parcel of land for the open space land or timber land that includes or proposes a residence, a one (1) acre home site exclusion shall be required. The one (1) acre minimum requirement may be increased upon review of the timber management plan and site improvements. A required home site exclusion may prevent eligibility of a taxation reduction for the open space land or timber land classification.

C.C.C. 27.08.170 Procedure. Applications for open space land or timber land current use assessments shall be evaluated in accordance with the provisions of RCW 84.34 and this Chapter. Applications pending at the time of the adoption of this ordinance shall be considered pursuant to the terms and conditions of the ordinance herein.

1. Application forms and related materials shall be provided by, and returned to, the Assessor's Office. Applications shall be assessed for completeness and eligibility jointly by the Assessor's Office and the Department of Community Development prior to review by the Clallam County Planning Commission.
2. The processing schedule that follows intends to 1) provide that applications will be approved or denied within six (6) months following the date the application is deemed complete; and 2) allow sufficient time for County staff to evaluate the applications.

Applications will be accepted during either of two (2) submittal periods as follows:

- A. Applications received during the period January 1<sup>st</sup> through April 30<sup>th</sup> shall be reviewed for eligibility during the period May 1<sup>st</sup> through June 30<sup>th</sup>. Applications shall be deemed complete by July 1<sup>st</sup> of each year, and shall be approved or denied by the County legislative authority by December 31<sup>st</sup>.
- B. Applications received during the period July 1<sup>st</sup> through October 31<sup>st</sup> shall be reviewed for eligibility during the period November 1<sup>st</sup> through December 31<sup>st</sup>. Applications shall be deemed complete by December 31<sup>st</sup> of each year, and shall be approved or denied by the County legislative authority by July 1<sup>st</sup> of the following year.

Applicants whose submittal is deemed incomplete or ineligible shall be notified as soon as reasonably possible in order to identify additional information required to make the application complete, or to give the applicant an opportunity to withdraw the application.

3. The Planning Commission shall act upon applications after a public hearing. Notice of the hearing shall have been given by publishing a summary of the Open Space applications in a newspaper of general circulation in the area at least fifteen (15) days prior to the open record hearing before the Commission. Notification shall also be forwarded to each applicant.
4. Following the public hearing the Planning Commission shall make a recommendation on each application to the Board of Commissioners. Such recommendations shall be forwarded to the Board following a fourteen (14) day appeal period.  
Applications involving properties within incorporated portions of Clallam County will require the approval of the appropriate jurisdiction and will be forwarded to the appropriate jurisdiction for review.
5. Upon receipt of the Planning Commission recommendations, the Board shall schedule a date for decision on the applications. The date of decision shall be within

thirty (30) calendar days from the date of receipt of the Planning Commission recommendations. The Board shall approve or deny the application after reviewing comments taken at the Planning Commission public hearing.

6. If the Board of Commissioners approves the application, an Open Space Land Agreement or Timber Land Management Agreement between the County and the landowner(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, RCW 84.34. If the Board of Commissioners denies the application, in whole or in part, the applicant has the right to appeal only to the Clallam County Superior Court, as specified by WAC 458-30-250(4)(b).

C.C.C. 27.08.180 Enforcement. Each application for classification and reclassification as open space land and timber land shall include authorization for the County Assessor or the Director of the Department of Community Development, or their designee, to periodically enter and inspect the subject land, in order to determine if the subject land is in compliance with all terms and conditions of the current use classification.

Parcels of land which have been approved for current use classification, but which are found to be in violation of any term or condition of its current use classification, shall be removed from the current use classification pursuant to RCW 84.34. Parcels of land classified as Open Space Land or Timber Land may be removed from such classification if land use activities result in ground or surface water quality falling below water quality standards pursuant to WAC 173-200 and WAC 173-201A.

Parcels of land removed from current use classification shall be subject to all penalties set forth in RCW 84.34, including the compensation tax pursuant to RCW 84.34.108.

Within thirty (30) days after such removal, the Assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor or owner may appeal such removal to the County Board of Equalization.

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.



Section 4. Repeal and Replace.


This Chapter repeals and replaces the existing Chapter 27.08, Open Space/Timberland Code.

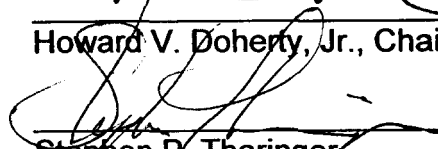
Section 5. Effective Date.

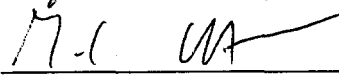
This ordinance shall take effect ten (10) days following adoption.

PASSED AND ADOPTED this 4<sup>th</sup> day of September, 2001.

BOARD OF CLALLAM COUNTY  
COMMISSIONERS

  
\_\_\_\_\_  
Howard V. Doherty, Jr., Chair

  
\_\_\_\_\_  
Stephen P. Tharinger

  
\_\_\_\_\_  
Michael C. Chapman

ATTEST:

  
\_\_\_\_\_  
Trish Perrott, Clerk of the Board

