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Ordinance 897

An ordinance amending Clallam County Code 27.08, Open Space Code to terminate timberland classification and consolidate timberland classification with the designated forestland program

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

- A. During the 2014 legislative session, Senate Bill 6180 was passed by the Washington State Legislature which provided the county legislative authority the option to merge its timberland classification with its designated forestland program. This law became effective June 12, 2014.
- B. It has been deemed most beneficial to all of the citizens of Clallam County to merge its timberland classifications with its designated forest program.
- C. All timberland classifications granted in Clallam County prior to the effective date of this ordinance are hereby terminated.
- D. Clallam County declares that any land that had been classified as timberland is now designated forestland under Chapter 84.33 RCW
- E. The date the property was classified as timberland is considered to be the date the property was also designated forestland.
- F. In accordance with statute, the County Assessor shall notify each owner of timberland of the merger by certified mail.
- G. When designated forestland is removed from designation, only compensating tax will be collected in accordance with RCW 84.33.140(12), unless otherwise provided by law.

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS hereby adopts the following amendments to the Clallam County Code as more specifically set forth in the below-inscribed sections:

Section 1. Section .020, Applicability, is amended to read as follows:

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

Section 2. Section .030, Authority, is amended to read as follows:

Clallam County adopts the ordinances codified in this chapter under the authority of Chapter 84.34 RCW. 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.

Section 3. Section .050, Definitions, is amended to read as follows:

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” means 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.~~

(43) “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 Chapter [84.34](#) RCW; or

(b) Land that is traditional farmland that is not classified under Chapter [84.33](#) RCW, or Chapter [84.34](#) RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.

(54) “Traditional farmland,” for the purposes of this chapter, 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.

(65) “Legislative authority” means the Board of Clallam County Commissioners, or its designee.

Section 4. Section .130, Timber land classification, is deleted entirely.

Section 5. Section .140, Timber land classification rate schedule, is deleted entirely.

Section 6. Section .150, Timber land amendments, is deleted entirely.

Section 7. Section .160, Home site exclusion, is renumbered to .130 and amended as follows:

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-acre home site exclusion shall be required. The one-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.

Section 8. Section .170, Procedure, is renumbered to .140 and amended as follows:

Applications for open space land ~~or timber land~~ current use assessments shall be evaluated in accordance with the provisions of Chapter [84.34](#) RCW 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 (i) provide that applications will be approved or denied within ~~six (6)~~ months following the date the application is deemed complete; and (ii) 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 1st through April 30th shall be reviewed for eligibility during the period May 1st through June 30th. Applications shall be deemed complete by July 1st of each year, and shall be approved or denied by the County legislative authority by December 31st.

(b) Applications received during the period July 1st through October 31st shall be reviewed for eligibility during the period November 1st through December 31st. Applications shall be deemed complete by December 31st of each year, and shall be approved or denied by the County legislative authority by July 1st 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, Chapter 84.34 RCW. 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).

Section 9. Section .180, Enforcement, is renumbered to .150 and amended as follows:

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 Chapter 84.34 RCW. 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 Chapters 173-200 and 173-201A WAC.

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

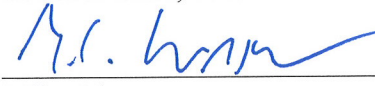
Within ~~thirty (30)~~-days after such removal, the Assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor or owner may appeal such removal to the County Board of Equalization.

ADOPTED this twentieth day of January 2015

BOARD OF CLALLAM COUNTY COMMISSIONERS




Jim McEntire, Chair

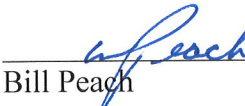


Mike Chapman

ATTEST:



Trish Holden, CMC, Clerk of the Board



Bill Peach