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JUN 10 2025

Ordinance 1030

An ordinance amending Chapter 27.12 Critical Areas Part 5 – Frequently Flooded Areas

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

**Section 27.12.500. Applicability and purpose is amended as follows:**

This section applies to all regulated uses within designated frequently flooded areas of Clallam County. The intent of this section is to:

(1) Protect the public health, safety and welfare from harm caused by flooding on both private and public properties by reducing the risk of flood damage in areas prone to flooding.

(2) In addition to the requirements of this section, Clallam County uses the Clallam County Construction Code, Chapter 21.01 CCC, which includes the adoption of Division I, Appendix 31, Uniform Building Code International Building Code, Appendix G and International Residential Code, Section R322, which sets forth minimum structural standards required in frequently flooded areas.

(3) This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, when any other provisions, easements, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**Section 27.12.505. Designation and duties of floodplain administrator.**

(1) The Clallam County Director of Community Development, or their designee, is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions.

(2) Duties and Responsibilities of the Floodplain Administrator shall include the review of all development permits to determine that:

(a) The permit requirements of this ordinance have been satisfied;

(b) All other required state and federal permits have been obtained;

(c) The site is reasonably safe from flooding;

(d) The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of Section 27.12.520(3) are met.

(e) Notify FEMA when annexations occur in the Special Flood Hazard Area.

**Section 27.12.51005. Regulated uses and activities is amended as follows:**

Applicability of this chapter is set forth in Part One of this chapter. Unless otherwise specified in this chapter, proposals located within the jurisdiction of this chapter as it applies to frequently flooded areas shall require:

(1) A certificate of compliance if within frequently flooded areas;

(2) A variance consistent with Part Seven of this chapter if the standards and requirements cannot be met.

**Section 27.12.5150. Classification and designation is amended as follows:**

(1) *Classification.* Frequently flooded areas shall be classified as floodways, floodplains and special flood hazard areas (SFHA). “Floodway” refers to the channel of a stream, plus any adjacent areas, that must be kept free of encroachment in order to discharge the base flood without cumulatively

increasing water surface elevation more than ~~one-0.0 footfeet~~. “Floodplain” refers to the area of land that would be covered with water during a flood, and includes the floodway and the special flood hazard area. “Special flood hazard area” means the floodway and adjoining land which is subject to a one percent or greater chance of flooding in any given year, as determined by engineering studies accepted by Clallam County. Coastal high hazard areas are located within special flood hazard areas.

(2) *Designation.* All lands classified as floodway, floodplain, or special flood hazard areas in the Federal Emergency Management Agency report titled “The Flood Insurance Study (FIS) for Clallam County, WA and Incorporated Areas” dated ~~April 23, 2025~~December 5, 1989, as now or hereafter amended, with accompanying Flood Insurance Rate and Boundary Maps (FIRM) dated April 23, 2025, are designated as frequently flooded areas. The study and maps are on file at Clallam County. When base flood elevation data has not been provided in the Flood Insurance Study, the Administrator, or his/her designee, shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from the U.S. Federal Emergency Management Agency, Washington Sstate Department of Ecology, or other qualified source. Where base flood elevation data and floodway delineation areis not available either through the Flood Insurance Study or from a qualified source, historical data, high water marks, photographs of past flooding, etc., shall be used to determine base flood elevations. Special flood hazard areas shall be delineated by engineering studies that meet the specifications of 44 CFR § 65 and approved by FEMA and then adopted by Clallam County. The only method to alter data or maps related to special flood hazard areas is through an officially processed map change, through a physical map revision, a County-wide remapping, or a Letter of Map Change (LOMC) submitted to FEMA and approved. Qualified professionals may submit these studies to FEMA to alter the location of the special flood hazard areas through the Letter of Map Change (LOMC) process, with the concurrence of the Administrator. Frequently flooded areas shall not include those lands where a qualified professional pursuant to CCC 27.12.050 determines that Flood Insurance Study maps are in error.

(3) If a project will alter the Base Flood Elevation (BFE) or boundaries of the special flood hazard area (SFHA), the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR. If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.

**Section 27.12.5~~2015~~. Protection standards for certain development proposals is amended as follows:**

All development within designated frequently flooded areas shall be in compliance with the Clallam County Construction Code, Chapter 21.01 CCC, as amended, in addition to the following:

(1) *Critical Facilities.* Critical facilities are prohibited within areas designated as frequently flooded.

(2) *Land Divisions.*

(a) New land divisions within a designated frequently flooded area are prohibited, unless each lot designated for development contains at least one building site, including access and utilities, that is not within such areas and is one acre or larger in size, and the lot also complies with the minimum lot size allowed under CCC Title 33, Zoning Code. The buildable area shall be shown on

the face of the final plat and/or site plan. Measurements of the buffer shall be from the OHWM, or the outer edge of the special flood hazard area, whichever is greater.

(b) New land divisions containing frequently flooded areas shall be consistent with the requirement to minimize flood damage; shall have utilities and common facilities located and constructed to minimize flood damage; shall have adequate drainage provided to reduce exposure to flood damage; and where base flood elevation data has not been provided or is not available from another authoritative source, it shall be included as part of the application generated for development proposals which contain at least fifty (50) lots or five (5) acres (whichever is less).

(c) For new land divisions, any designated frequently flooded area and/or critical area buffer located on the development site shall be surveyed by a professional land surveyor. The location of the critical area shall be shown on all required county site plans.

(3) *Land Disturbing Activities.* Land disturbing activities located within the jurisdiction of critical areas shall obtain a certificate of compliance and provide for storm water quality and quantity control, including preparation of a temporary erosion and sediment control plan and permanent drainage plan, consistent with ~~the Stormwater Management Manual~~ CCC 27.14 for the Puget Sound Basin, prepared by the State Department of Ecology, February, 1992, as amended. This requirement may be waived by the Administrator upon determination that the proposal will not affect the critical area, except as follows:

(a) *Frequently Flooded Areas.* Land disturbing activities are prohibited within floodways unless certification by a civil engineer licensed in the State of Washington is provided demonstrating that such activities shall not result in more than a ~~one~~0.0-foot increase in flood levels during the occurrence of the base flood discharge. In the designated frequently flooded area, the cumulative effect of any land disturbing activity, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point. Certification by a civil engineer licensed in the State of Washington who is qualified for flood assessment is required unless the Administrator determines that sufficient information is available to determine compliance.

(b) Elevated areas for the purpose of creating a flood sanctuary for livestock are allowed on agricultural lands where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Elevated areas do not relax National Flood Insurance Program standards (NFIP).

(4) *Recreational Vehicles.* Recreational vehicles placed within the special flood hazard area shall comply with all of the following conditions:

(a) The recreational vehicle shall be located on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use, be on its wheels or jacking system, be not obstructed (i.e., no blocking or skirting), be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions.

(b) Any structures temporarily attached to recreational vehicles must comply with applicable provisions of this chapter.

(c) Recreational vehicles shall not be located within critical area buffers required pursuant to this chapter.

(5) *Notice to Title.* Any property on which a development proposal is submitted shall have filed with the Clallam County Auditor: (a) a notice to title of the presence of the critical area or buffer, (b) a statement as to the applicability of this chapter to the property, and (c) a statement describing possible limitations on actions in or affecting such areas or buffers as approved by the Administrator. Clallam County shall record such documents and will provide a copy of the recorded notice to the

property owner of record. Development proposals which are also defined as normal repair and maintenance of existing structures or developments, including but not limited to: roof repair, interior remodeling, wood stove permits, etc., and on-site sewage disposal systems repairs or replacement, are exempt from this requirement.

(6) *Protection Standards for Structures in Frequently Flooded Areas.* In addition to the critical area buffer requirements and other applicable protection standards of this chapter and the standards set forth in Chapter [21.01](#) CCC, Clallam County Construction Code, as amended, the following conditions shall apply to structures constructed within designated frequently flooded areas.

(a) *Floodways.* Consistent with RCW [86.16.061\(2\)\(a\)](#), as it applies, construction or reconstruction of residential structures is prohibited within designated floodways, except for: (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction, or improvements to a structure, the cost of which does not exceed fifty (50) percent of the market value of the structure either, (i) before the repair, or reconstruction is started, or (ii) if the structure has been damaged, and is being restored before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes or to structures identified as historic places shall not be included in the fifty (50) percent.

(b) *Residential, commercial and/or industrial buildings.* Buildings are prohibited within special flood hazard areas unless constructed or placed on lots or parcels of land platted by a final plat approved and recorded prior to December 10, 1980, for the Dungeness and Elwha Rivers and the effective date of this chapter for all other special flood hazard areas. If a portion of the pre-existing lot lies outside the flood hazard area, building shall be directed to the ~~nonhazard~~[nonhazardous](#) portion to the maximum extent feasible.

(7) *Roads and Bridges – New Construction.* Any new construction of private or public roads or bridges proposed within the jurisdiction of this chapter but outside of regulated critical areas or their buffers shall comply with the standards below and obtain a certificate of compliance. Any new road or bridge construction proposed within a critical area or associated buffer requires a variance approval pursuant to Part [Seven](#) of this chapter and shall also comply with the following minimum development standards, as applicable.

(a) It shall also be shown that no other reasonable or practicable alternative exists and the road or street crossing serves multiple properties whenever possible;

(b) Public road or maintained road or street crossings should provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.;

(c) The road or street construction is the minimum necessary to provide safe roads and streets;

(d) Storm water and drainage impacts have been evaluated and have been determined to be consistent with this chapter;

(e) Deckings, abutments and piers shall not contain petroleum-based treatments or preservatives, including creosote, arsenic or copper; and

(f) Encroachments, including fill, shall not increase flood levels during the occurrence of the base flood discharge.

(8) *Trails and Trail-Related Facilities.* Construction of publicly owned trails on public lands, or privately owned trails for private or public use, and trail-related facilities, such as picnic tables, benches, interpretive centers and signs, pedestrian bridges and viewing platforms, may be allowed in the critical area and associated buffers through the issuance of a certificate of compliance pursuant this chapter, subject to the following standards:

(a) Encroachments, including fill, shall not increase flood levels during the occurrence of the base flood discharge.

(9) *Zoning or Comprehensive Plan Amendment.* Prior to taking action on a zoning or comprehensive plan map amendment, the applicant shall complete an environmental assessment that shall be approved by Clallam County, to confirm the nature, extent and rating of critical areas on the property; determine if the subsequent development proposal would be consistent with this chapter; and determine whether mitigation or other measures would be necessary if the proposal were approved. Such review shall occur prior to any SEPA threshold determination pursuant to Chapter [27.01](#) CCC, Clallam County Environmental Policy. Findings of such review may be used to condition or mitigate the impact through the SEPA threshold determination or to deny the proposed zoning or comprehensive plan map amendment if the impacts are significant and cannot be mitigated.

**Section 27.12.900. Definitions are amended as follows:**

Whenever the following words and phrases appear in this chapter, they shall be given the meaning attributed to them by this section. “Shall” is always mandatory, and the word “may” or “should” indicates a use of discretion in making a decision. All other words in this chapter shall carry the meanings as specified in the latest edition of Webster’s New Collegiate Dictionary.

(1) “Administrator” means the Director of the Clallam County Department of Community Development or his/her designee.

(2) “Agriculture” or “agricultural activities” means the use of land for commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable or animal products or of berries, grain, hay, straw, turf, seed, cottonwood trees, Christmas trees not subject to the excise tax imposed by RCW [84.33.100](#) through [84.33.140](#), or livestock, including those activities directly pertaining to the production of crops or livestock including, but not limited to, cultivation, harvest, grazing, on-site animal waste storage and disposal, fertilization, the operation and maintenance of farm and stock ponds, drainage ditches, irrigation systems, and canals, and normal maintenance, operation and repair of existing serviceable structures, facilities, or improved areas. Activities (like installing drainage tiles) that allow an area to be utilized for agricultural use, or the processing or packing of primarily (i.e., over 50 percent) off-site agricultural materials are not considered agricultural activities.

(3) “Alteration” means a human action that may change the existing condition of a critical area. Alterations include but are not limited to: grading; dredging; channelizing; cutting, clearing, relocating or removing vegetation (except noxious weeds identified by the Washington Department of Agriculture or Clallam County Cooperative Extension); applying herbicides or pesticides or any hazardous or toxic substance; discharging storm water runoff or pollutants; grazing domestic animals; modifying for surface water management purposes; or any other human activity that changes existing vegetation, hydrology, wildlife or wildlife habitat.

(4) “Alteration of watercourse” means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

(5) “Applicant” means any person, public agency or business entity such as a corporation or a partnership which applies for a development proposal, permit or approval subject to review under this chapter. Applicant shall also mean any predecessor or any successor in interest involving the proposal.

(6) “Aquaculture” means the farming or culturing of game or food fish, shellfish, and/or other aquatic animals or plants in fresh or salt water areas, and may include such developments as fish hatcheries, rearing pens, shore-based structures and shellfish rafts. Aquaculture practices pertain to any activity related to growing, handling, or harvesting of aquaculture produce, including, but not

limited to, propagation, enhancement and rehabilitation of said fisheries resources. Excluded from this definition is the private husbanding or harvesting of anadromous fish, as prohibited by Washington State Law, and related commercial uses such as wholesale and retail sales, processing, packaging or freezing facilities.

(76) “Aquifer” means a saturated body of rock, sand, gravel or other geologic material that is capable of storing, transmitting, and yielding water to a well in sufficient quantities to be economically useful.

(87) “Aquifer recharge” means the process by which water is added to an aquifer. It may occur naturally by the percolation (infiltration) of surface water, precipitation, or snowmelt from the ground surface to a depth where the earth materials are saturated with water. Aquifer recharge can be augmented by “artificial” means through the addition of surface water (e.g., land application of reuse water, wastewater or storm water) or by the injection of water into the underground environment (e.g., drainfields and drywells).

(9) “Area of shallow flooding” means a designated zone AO, AH, AR/AO, AR/AH, or VO on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

(10) “Area of special flood hazard” means the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). “special food hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

(118) “Base flood” means the flood level having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood.”

(12) “Base Flood Elevation (BFE)” means the elevation to which floodwater is anticipated to rise during base flood.

(13) “Basement” means any area of the building having its floor sub-grade (below ground level) on all sides.

(149) “Best management practices” means conservation practices or systems of practices and management measures that:

(a) Control soil loss and reduce water quality degradation caused by nutrients, pathogens, bacteria, toxic substances, pesticides, oil and grease, and sediment; and

(b) Minimize adverse impacts to surface water and ground water flow, circulation patterns, and to the chemical, physical, and biological characteristics of critical areas.

(150) “Buffer” means an area of protection contiguous with a critical area where use is limited to protect the integrity, maintenance, function and structural stability of the critical area.

(164) “Clearing” means the destruction, disturbance or removal of vegetation by physical, mechanical, chemical or any other means.

(172) “Conservation easement” means a limited protective easement granted to Clallam County or other organizations devoted to protection and management of lands or portions thereof.

(183) “Critical facilities” means a facility for which even a slight chance of flooding or destruction caused by a geologic hazard would be too great. They include, but are not limited to: schools, hospitals, police, fire, emergency response installation, nursing homes, installations which produce, use or store hazardous materials or hazardous waste, pipelines which transmit oil and gas, municipal water and sewer facilities, and regional transportation facilities, such as airports, ports, railroads and major highways.

(194) “Development” or “development proposal” means any of the activities relating to the use and/or development of land, including but not limited to: any land use permit or approval issued by Clallam County pursuant to the Clallam County Code (e.g., building permit, industrial, commercial or residential; binding site plan; franchise right-of-way construction permit; master plan development; planned unit development; right-of-way access permit; shoreline permits including exemptions; conditional use permit; subdivision; short subdivision; utility or on-site sewage permit; the removal, excavation, grading, clearing, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind; paving, mining, drilling operations and storage of equipment or materials; the dumping, discharging, or filling with any material; the draining, flooding, or disturbing of the water table; the driving of pilings or the placing of obstructions; planting of vegetation (e.g., introduction of non-native species) that would alter the character of the critical area; activities that result in adverse changes in water temperature or physical or chemical characteristics of critical area water sources; or any subsequently adopted permit or required approval not expressly exempted by this chapter. Any development in a special flood hazard area must still obtain a floodplain development permit.

(2045) “Development proposal site” means, for purposes of this chapter, the legal boundaries of the parcel or parcels of land on which an applicant has applied for authority from Clallam County to carry out a development proposal.

(21) “Elevation Certificate” means an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

(22) “Elevated Building” means a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

(2346) “Enhancement” means actions performed to improve the condition of existing degraded critical areas (e.g., wetlands or streams) so that the functions they provide are of a higher quality (provided that this activity does not significantly degrade another existing function or value), and are designed to improve or restore native fish and wildlife habitat, or watershed functions.

(2417) “Erosion” means the process whereby the land surface is worn away by the action of water, wind, ice or other geologic agents and by processes such as gravitational creep or events such as landslides. Geologic erosion occurs as an ongoing process that acts on all land surfaces to some degree. Human activities such as removing vegetation, increasing storm water runoff or decreasing slope stability often accelerate or aggravate natural erosion processes.

(2548) “Existing, ongoing agriculture” means agriculture that is both: (a) on land located within the agricultural retention zoning district and/or on land that meets the criteria and are enrolled in the Washington State open space and agricultural current use program per RCW 84.34.020(2)(b) and (c); and (b) is on land that has been used for agriculture since June 16, 1992, and not ceased use for agriculture for more than five consecutive years at any one time. Changing the type of agricultural activities being conducted is not considered new or expansion of existing agricultural activity. Agriculture that meets the definition of existing, ongoing agriculture on farmed wetlands, farmed wetland pastures, and prior converted wetlands is allowed to continue subject to the provisions of CCC 27.12.037.

(2649) “Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

(270) “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, and/or the unusual

and rapid accumulation of runoff of surface waters from any source, and/or mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. This may also include the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined above.

(28) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

(29) "Flood Insurance Rate Map (FIRM)" means the official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

(3024) "Floodplain" or "flood-prone area" means an area of land susceptible that would be covered (or inundated) with water during a flood. Also known as the "frequently flooded area."

(31) "Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structure which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

(3222) "Floodway" means the channel of a stream or other watercourse and any adjacent land areas, that must be kept free of encroachment in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, which is the federal standard.

(3323) "Footprint" means all area covered up to the exterior dimensions of structural improvements, including: buildings, outbuildings, decks, patios, overhangs, driveways, and other manmade structures that preclude or have the effect of precluding establishment and/or continued growth of natural vegetation.

(3424) "Forest practices" means as defined in WAC 222-16-010(21), as amended, any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to: road and trail construction, harvesting, final and intermediate, pre-commercial thinning, reforestation, fertilization, prevention and suppression of diseases and insects, salvage of trees, and brush control. Forest practices shall not include preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

(3525) "Frequently flooded areas" means the floodway and special flood hazard area, combined. Also known as "floodplain."

(36) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shop buildings shipbuilding and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

(3726) “Functions, beneficial functions, or functions and values” means the beneficial roles served by critical areas including,–but not limited to: water quality/quantity protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, wave attenuation, historical and archaeological value protection, aesthetic value, and recreation. These beneficial functions are not listed in order of priority.

(3827) “Grading” means any excavating, filling or removing of the surface layer or any combination thereof.

(3928) “Grazed wet meadows” are wetlands whose vegetative cover has been greatly modified as a result of grazing, seeding or cutting for hay. They are typically dominated by pasture species (such as blue grass, orchard grass, fescue, clovers, reed canary grass, etc.) as well as non-native wetland species such as soft rush and buttercup. They are saturated or have standing water during the wet season and part of the growing season but are dry during the summer months. Grazed wet meadows have been used (within the last five years) or are being used for livestock grazing, seeding, or cutting for hay.

(4029) “Hazardous substances” means those substances defined as hazardous or dangerous wastes in Chapter 173-303 WAC and/or the Model Toxic Control Act (Chapter 173-40 WAC).

(41) “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(41) “Historic structure” means any structure that is: 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or Directly by the Secretary of the Interior in states without approved programs.

(4330) “Hydrogeology” means the science dealing with the properties, distribution, and circulation of ground water and related aspects of water.

(4434) “Impervious surface” means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development; and/or a hard surface area that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to: roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of storm water. Open, uncovered retention/detention facilities are not considered impervious surfaces.

(4532) “Lake” means a naturally existing or artificially created body of standing water greater than or equal to 20 acres in size. Lakes include reservoirs which exist on a year-round basis and occur in a depression of land or expanded part of a stream. A lake is bounded by the ordinary high water mark or the extension of the elevation of the lake’s ordinary high water mark within the stream, where the stream enters the lake. All lakes meet the criteria of Chapter 90.58 RCW (Shoreline Management

Act) and have been inventoried as “shorelines of the State” under the Shoreline Master Program for Clallam County.

(4633) “Land disturbing activity” means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to: demolition, construction, paving, clearing, grading, grubbing, surface mining or mineral extraction and other site development activities. This definition does not include those normal activities associated with construction and/or occupancy of a single-family dwelling and appurtenances.

(4734) “Land divisions” means any division of land regulated under the Clallam County Land Division Ordinance, CCC Title 29, as now or hereafter amended.

(4835) “Landslide” means the general term used to describe the downslope movement of a mass of slope materials including rock, soils, artificial fills, and vegetation. The speed and distance of movement, as well as the amount and type of slope material, vary greatly.

(49) “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance (i.e. provided there are adequate flood ventilation openings).

(5036) “Major new development” means any new development that is not considered minor new development, including but not limited to:

(a) Clearing, grading or filling one acre or greater in area;

(b) Zoning conditional use permits required under CCC Title 33, Clallam County Zoning Code;

(c) Any new commercial or industrial development authorized under Chapter 33.34 CCC or Chapter 33.35 CCC, Clallam County Zoning Code, except when authorized as a home enterprise activity consistent with CCC Title 33, Clallam County Zoning Code;

(d) Any structure, regardless of use with a footprint in excess of 4,000 square feet;

(e) Any land division pursuant to CCC Title 29, Clallam County Land Division Code.

(5137) “Marine bluff” means the cliff-like landform which has been created by wave and tidal erosion along marine shorelines. For the purposes of this chapter, marine bluffs include those areas along marine shorelines where:

(a) The slope is identified as “unstable,” “unstable old slide” and “unstable recent slide” on the maps of the Coastal Zone Atlas of Washington, Clallam County (1978); or

(b) Other slopes where the slope is equal to or in excess of 40 percent slope, or where the ground surface rises 10 feet or more vertically within a horizontal distance of 25 feet.

(52) “Mean Sea Level” means the vertical datum to which Base Flood Elevations shown on a communities Flood Insurance Rate Map are referenced, for purposes of the National Flood Insurance Program.

(5338) “Mineral extraction” includes activities involved in the extraction of minerals (excluding water) from the earth for industrial, commercial or construction uses.

(5439) “Minor improvement” means any repair, reconstruction, or improvement of a structure, the cost of which is less than 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “minor improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. However, this term does

not include: any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(5540) “Minor new development” means the following activities are considered minor new development:

(a) Construction or placement of a single-family dwelling and associated appurtenances, including a garage, deck, driveway, utilities, fence, and an associated home enterprise as defined and approved under CCC Title 33, Clallam County Zoning Code; provided, that all of the following criteria are met:

(i) Grading shall not exceed 500 cubic yards; and

(ii) Land disturbing activities shall not exceed 20,000 square feet, except that on parcels less than five acres, land disturbing activities must not exceed 15 percent of the gross parcel size; and

(iii) The total cumulative footprint of all structures on a parcel must be less than 4,000 square feet; and

(iv) The total cumulative impervious surface area on the parcel must be less than 10 percent of the gross parcel size; and

(v) All land disturbing activities must be located on slopes less than 15 percent; and

(vi) All land disturbing activities must comply with any critical area buffer and other protection standards established for parcels created by land division.

(b) Construction and practices normal or necessary for agriculture, including agriculture service roads and utilities, construction of an agriculture building less than 4,000 square feet in size used exclusively for agriculture; provided, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of wetlands or streams by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary agriculture;

(c) Clearing, grading or filling less than one acre not associated with residential development or agriculture; provided, that mineral extraction is not involved; provided further, that no such activity shall occur within critical areas or their associated buffers inconsistent with this chapter.

(5641) “Monitoring” means the collection and analysis of data for the purposes of documenting changes in natural ecosystems and features. This includes gathering baseline data and follow-up data for evaluating the impacts of development on biological, hydrologic and geologic elements of such systems and assessing the performance of required mitigation measures.

(5742) “Native vegetation” means vegetation indigenous to the North Olympic Peninsula as found in *Flora of the Pacific Northwest* by Hitchcock and Cronquist, Univ. of Washington Press, 1972, as amended, or *Flora of the Olympic Peninsula* by N. Buckingham and E. Shreiner, 1995.

(58) “New construction” means (for the purposes of determining insurance rates) structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, which is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

(5943) “Normal maintenance” means those acts that are usually necessary in order to prevent a decline, lapse or cessation of a lawfully established condition. It does not include additional placement

of fill on, or excavation of, previously undisturbed soils or slopes; clearing, removal, or cutting of trees greater than 12 inches in diameter at 4.5 feet, or total replacement of a structure.

(6044) “Normal repair” means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the regulated critical area. “Normal repair” does not include placement of fill; further excavation of native soils; or clearing and grading of previously undisturbed soils or slopes.

(6145) “Open space” means lands which are in a natural or undeveloped character because they have not been developed with structures, paving or other appurtenances. Open space lands can include: parks, recreation areas, conservation easements, critical area buffers, or tracts or commons designated as open space through a land division.

(6246) “Ordinary high water mark” means the mark on all lakes, streams and tidal waters which will be found by examining the beds 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 conditions existed on the effective date of this chapter, as it may naturally change thereafter, or as it may have changed thereafter in accordance with permits issued by a local government or the department; provided, that in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

(6347) “Performance standard” or “protection standard” means a measure, control, procedure, or process to ensure that critical areas are protected. For the purposes of this chapter, these terms have the same meaning as regulation.

(6448) “Person” means any individual or public or private entity (i.e., corporations).

(6549) “Pond” means a naturally existing or artificially created body of standing water less than 20 acres in size and not defined as “shorelines of the State” by Chapter 90.58 RCW (Shoreline Management Act). Ponds can include reservoirs which exist on a year-round basis and occur in a depression of land or expanded part of a stream. A pond is bounded by the ordinary high water mark or the extension of the elevation of the pond’s ordinary high water mark within the stream, where the stream enters the pond.

(6650) “Practicable alternative” means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impact to critical areas. It may include an area not owned by the applicant which could reasonably have been or be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

(6751) “Priority habitat” means a seasonal range or habitat element with which a given species has a primary association, and if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. These might include areas of high relative density or species richness, breeding, nesting, feeding, foraging, and migratory habitat, winter range, movement corridors, and/or habitats that are of limited availability or high vulnerability to alteration. Priority habitats are established by the Washington Department of Wildlife within their Priority Habitats and Species Data Base.

(6852) “Priority species” include those which are State-listed endangered, threatened, sensitive, candidate and monitor species as well as priority game and nongame species under Chapter 232-12 WAC.

(6953) “Public facilities” means buildings or uses of land whether owned or leased, operated by a public agency for such purposes as providing places for public assembly and recreation, operating services of benefit to the public, or for the administration of public affairs.

(7054) “Public utility” means a business or service, either governmental or having appropriate approval from the State, which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need such as electricity, gas, sewer and/or wastewater, water, transportation or communications.

(7155) “Ravine” means a landform usually having little or no floodplain that develops adjacent to a stream, and has relatively steep side walls composed of unconsolidated materials or surficial deposits.

(7256) “Reasonable alternative” means an activity that could feasibly attain or approximate a proposal’s objectives, but at a lower environmental cost or decreased level of environmental degradation. Reasonable alternatives may be those over which the regulatory authority has authority to control impacts.

(7357) “Recreational vehicle” means a vehicle which is: built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use; provided, that the RV is not attached to any structure, including but not limited to decks, structures, additions, and storage buildings, regardless of size.

(7458) “Regional trail” means a public trail system that crosses between regional planning areas or jurisdictions, such as other counties, cities, or tribal reservations.

(7559) “Regulated use or activity” means any development proposal located within the jurisdiction of a regulated critical area which includes or directly affects a critical area or its buffer or is adjacent to a critical area. (See definition of adjacent and development.)

(7660) “Restoration” means the return of a critical area (e.g., stream or wetland) to a state in which its functions and values approach its unaltered state as closely as possible.

(7764) *Review Authority*. The “review authority” for this chapter is the applicable decision-maker for the specific task or permit decision, which may be the Board of Commissioners, the Clallam County Hearing Examiner, or the Administrator of the Department of Community Development, as prescribed by this chapter and/or Chapter [26.10](#) CCC, Consolidated Development Permit Process Code.

(7862) “Road” or “street” means any vehicular right-of-way which: (a) is an existing State, County or municipal roadway, (b) is a publicly owned easement, (c) is shown upon a land division pursuant to Clallam County Land Division Code (CCC Title [29](#)), or (d) is a private access greater than 50 feet in length serving more than one property through right of use or easement. The road or street shall include all land within the boundaries of the road right-of-way.

(7963) “Salmonid” means a member of the fish family [salmonidae](#) *Salmonidae*. In Clallam County these include chinook, coho, chum, sockeye and pink salmon; rainbow, steelhead, cutthroat trout; brown trout; Brook and Dolly Varden char, kokanee, and whitefish.

(8064) “Site investigation” means work necessary for land use application submittals such as surveys, soil logs, percolation tests or other related activities.

(8165) “Special flood hazard areas” means the floodway and adjoining land area. In a riverine system, this area is subject to a one percent or greater chance of flooding in any year, as determined by engineering studies acceptable to Clallam County. The coastal high hazard areas are included

within special flood hazard areas. Special flood hazard areas are designated on the Flood Insurance Rate Maps as A and V zones.

(8266) “Species of concern” means species classified as endangered, threatened, sensitive, candidate, or monitored by the Washington Department of Fish and Wildlife under Chapter [232-12](#) WAC. Monitored species shall include those species that are of special interest because they were at one time classified as endangered, threatened, or sensitive species that require habitat of limited availability during some portion of their life cycle.

(83) “Start of construction” includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building whether or not that alteration affects the external dimension of the building.

~~(67) “Substantial improvements” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, or before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. However, this term does not include: any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.~~

(8468) *Stream Types*. For the purposes of this chapter, artificially created water conveyances, such as irrigation ditches, constructed in areas not already containing naturally flowing waters, are not classified as streams.

(a) “Type 1 water” means all waters, within their ordinary high water mark, as inventoried as “shorelines of the State” under Chapter [90.58](#) RCW and the rules promulgated pursuant to Chapter [90.58](#) RCW, but not including those waters’ associated wetlands as defined in Chapter [90.58](#) RCW.

(b) “Type 2 water” shall mean segments of natural waters which are not classified as Type 1 water and have a high fish, wildlife, or human use. These are segments of natural waters and periodically inundated areas of their associated wetlands, which:

(i) Are diverted for domestic use by more than 100 residential or camping units or by a public accommodation facility licensed to serve more than 100 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 2 water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(ii) Are within a federal, State, local, or private campground having more than 30 camping units; provided, that the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or other park improvement;

(iii) Are used by substantial numbers of anadromous or resident game fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish populations: (A) stream segments having a defined channel 20 feet or greater in width between the ordinary high water marks and having a gradient of less than four percent; (B) lakes, ponds, or impoundments having a surface area of one acre or greater at seasonal low water; or

(iv) Are used by salmonids for off-channel habitat. These areas are critical to the maintenance of optimum survival of juvenile salmonids. This habitat shall be identified based on the following criteria: (A) the site must be connected to a stream bearing salmonids and accessible during some period of the year; and (B) the off-channel water must be accessible to juvenile salmonids through a drainage with less than a five percent gradient.

(c) "Type 3 water" shall mean segments of natural waters which are not classified as Type 1 or 2 water and have a moderate to slight fish, wildlife, and human use. These are segments of natural waters and periodically inundated areas of their associated wetlands which:

(i) Are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 3 water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(ii) Are used by significant numbers of anadromous fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have significant anadromous fish use: (A) stream segments having a defined channel of five feet or greater in width between the ordinary high water marks; and having a gradient of less than 12 percent and not upstream of a falls of more than 10 vertical feet; (B) ponds or impoundments having a surface area of less than one acre at seasonal low water and having an outlet to an anadromous fish stream;

(iii) Are used by significant numbers of resident game fish. Waters with the following characteristics are presumed to have significant resident game fish use: (A) stream segments having a defined channel of 10 feet or greater in width between the ordinary high water marks; and a summer low flow greater than 0.3 cubic feet per second; and a gradient of less than 12 percent; (B) ponds or impoundments having a surface area greater than 0.5 acre at seasonal low water; or

(iv) Are highly significant for protection of downstream water quality. Tributaries which contribute greater than 20 percent of the flow to a Type 1 or 2 water are presumed to be significant for 1,500 feet from their confluence with the Type 1 or 2 water or until their drainage area is less than 50 percent of their drainage area at the point of confluence, whichever is less.

(d) "Type 4 water" classification shall be applied to segments of natural waters which are not classified as Type 1, 2 or 3, and for the purpose of protecting water quality downstream are classified as Type 4 water upstream until the channel width becomes less than two feet in width between the ordinary high water marks. Their significance lies in their influence on water quality downstream in Type 1, 2, and 3 waters. These may be perennial or intermittent.

(e) "Type 5 water" classification, for the purposes of this regulation, shall be applied to all segments of natural waters within the bankfull widths of defined channels that are not classified as Type 1, 2, 3 or 4 waters and which are physically connected by an aboveground channel system, including but not limited to irrigation ditches, to downstream waters such that water or sediment

initially delivered to such waters will eventually be delivered to a Type 1, 2, 3 or 4 water. While irrigation ditches or other manmade water conveyances may be physically connected to a Type 5 water, all manmade irrigation ditches or other artificial water conveyances are not regulated by this chapter. Designation of Type 5 streams shall require review and confirmation by the Clallam County Habitat Specialist on a case-by-case basis, and shall be based on a consideration of stream segment length, sediment delivery potential to Type 1, 2, 3, or 4 waters, and desynchronization of flood water flows.

(8569) “Structure” means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed, on, above, or below the surface of the ground or water. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(86) “Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(87) (67) “Substantial improvements” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, or before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. However, this term does not include: any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(8870) “Toe of slope” means the lowermost topographic break in slope. Where no distinct break exists, this point shall be the lowermost limit of the landslide hazard area as defined and classified by this chapter.

(8974) “Top of slope” means the highest topographic break in slope. Where no distinct break in slope exists this point shall be the uppermost limit of the landslide hazard area as defined and classified by this chapter.

(9072) “Unavoidable and necessary impacts” means those impacts to critical areas that remain after a person proposing to alter such an area has demonstrated that no practicable alternative exists for the proposed project.

(9173) “Utility” means a fixed improvement which contains or conveys power, gas, oil, water, sewage, surface drainage, or communication signals.

(9274) “Water-dependent uses” means a use or portion of a use that cannot logically exist in any other location and is dependent on the water by reason of the intrinsic nature of its operation. Water-dependent uses include, but are not limited to: aquaculture, boat launch facilities, ferry terminals, hydroelectric power plants, marinas, marine construction, dismantling and repair, marine and limnological research and education, private and public docks, terminal and transfer facilities for marine commerce and industry, water intakes and outfalls, log booming, tug and barge facilities, residential appurtenances such as beach access ramps and walkways, observation decks and platforms, picnic sites, and gazebos/shelters less than 250 square feet in size.

(93) “Variance” means a grant of relief by a community from the terms of a floodplain management regulation.

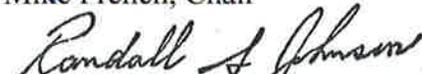
(9475) "Water-related uses" means a use or portion of a use that is not intrinsically dependent on a waterfront location, but which includes operations that cannot occur economically without a shoreline location or without close proximity to water-dependent uses. Water-related uses include, but are not limited to: warehousing or storage facilities; support services for fish hatcheries; seafood processing plants; wood products manufacturing; log storage; watercraft sales; boating supplies.

(9576) "Watershed" means the interconnected system of surface and near-surface water bodies that drain to a common outlet.

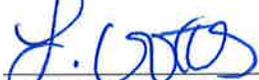
ADOPTED this 10<sup>th</sup> day of June 2025

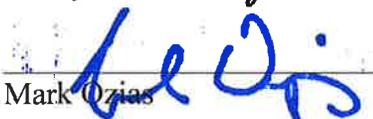
BOARD OF CLALLAM COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Mike French, Chair

  
\_\_\_\_\_  
Randy Johnson

ATTEST:

  
\_\_\_\_\_  
Loni Gores, MMC, Clerk of the Board

  
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Mark Ozias

