

Chapter 31.08 IMPLEMENTATION

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Code reviser’s note: Ord. No. [573](#), 1995, added this chapter as Chapter 31.07. Because Ord. No. [605](#), 1996, added another chapter numbered 31.07, this chapter has been editorially renumbered to 31.08 to avoid duplication.

31.08.100 Overview of issues.

The County Comprehensive Plan is a general guide to the orderly growth and development of land and physical improvements in Clallam County. Historically, the Comprehensive Plan is generally not considered to be a regulatory document. The Growth Management Act of 1990, however, requires that Clallam County “enact development regulations that are consistent with and implement the comprehensive plan. [The county] shall perform their activities and make capital budget decisions in conformity with their comprehensive plan.” (RCW [36.70A.120](#))

Government has the authority and responsibility to protect the public health, safety, and welfare. Pursuant to this authority, regulation or limitations to the use of private property is allowed under the police powers of the federal and State Constitutions. Accordingly, local government may limit the use of property through land use planning, zoning, and environmental regulations. Courts have recognized, however, that if government regulation goes “too far,” it may constitute a taking of property.

Taking of private property for public purposes is also protected under the federal and State Constitutions. Government cannot take property for public purposes unless just compensation is made. Property owners are also provided a substantive due process which protects an individual’s property from arbitrary regulation. Recent federal and State court cases continue to provide further interpretation of what is a constitutional taking.

The State Attorney General’s Office is charged with providing guidance to local governments through implementation of the Growth Management Act. The Attorney General provided five warning signals as examples of situations which may raise constitutional issues. The warning signals are phrased as questions which should be reviewed regarding the potential impact of a regulatory action on specific property. The questions are:

- (1) Does the regulation or action result in a permanent physical occupation of private property?
- (2) Does the regulation or action require a property owner to dedicate a portion of property or to grant an easement? (The dedication of property must be reasonably and specifically designed to prevent or compensate for adverse impacts of the proposed development and substantially advances a legitimate governmental interest.)
- (3) Does the regulation deprive the owner of all economically viable uses of the property?

(4) Does the regulation have a severe impact on the landowner's economic interest?

(5) Does the regulation deny a fundamental attribute of ownership?

County residents have a strong desire to see their investment in homes and quality of life protected. Some of the most emotionally charged issues in the County occur when residents perceive proposed land uses as a threat to their homes and quality of life. Land use regulations which acknowledge and protect the rights of citizens to the quiet enjoyment of their homes and lands and which protect their quality of life will considerably reduce these conflicts.

Potential homeowners rely upon existing zoning and existing uses in a neighborhood when purchasing a home, which is one of the most important decisions in their lives. At the time of purchase, a homeowner makes a commitment which is literally cast in concrete, as a home cannot be moved or reoriented to avoid a new incompatible use. In addition, moving to a new home may not be an option, either for financial reasons or because of emotional ties to the property. New development must be required to be compatible with existing neighborhoods: protection of the home must be one of the highest priorities of County government.

Landowners and citizens also desire that land use regulations and decisions are timely, fair, and predictable. Changes to regulations, or the "fear" of changes, have forced many landowners in Clallam County to prematurely develop or subdivide their property. Delays in the permit process lead to frustration by the development community and attempts to weaken land use regulations. Citizens and landowners adjacent to proposed developments also want assurance that the decision-making process is open and fair to all people concerned, and that land use restrictions are not continuously being changed.

There are generally three tiers of increasing development review. The first tier is land uses which are permitted outright, like homes in single-family zones on existing lots. The second tier is land uses that may or may not be objectionable, or where additional information and scrutiny may be warranted. For example, bed and breakfast inns in most rural areas can be compatible but review and scrutiny might be warranted. The third tier is land uses that are more likely to raise objections, and public debate and consideration are warranted. For example, large subdivisions, commercial rezones, etc., generally warrant public debate and consideration. (Rezoning requires an ordinance and by State law, a public hearing is required. Subdivisions require notice to adjacent property owners with the right to request a public hearing before the Planning Commission.)

There are several ways to make land use decisions timely, fair and predictable. In general, a comprehensive plan or regulation with more specific standards and environmental analysis, the better likelihood that a development project can be approved by administrative staff. For example, a development project which provides for appropriate land uses, specific landscaping or other performance standards, should be acceptable and quickly approved. Such land uses could move from the third tier explained above, to the second tier, or the second tier to the first tier. Having adopted comprehensive plan and regulations standards gives landowners assurance that objective, consistent standards will be applied to the project, rather than be subject to “conditions” of approval which are often viewed as being inconsistent and arbitrary.

Land use decisions can also be taken out of the political process and handed over to a hearing examiner. Washington State Law authorizes an appointed hearing examiner to consider and make decisions on plat applications, zoning amendments not of general applicability, conditional uses, variances and shoreline permits. The legal effect of decisions made by a hearing examiner can either be recommendations to the elected officials, or final, subject to appeal to the elected officials.

There are several avenues which are used to implement the Comprehensive Plan. Development regulations, such as zoning and land division standards, provide the specific criteria and standards for land uses in the County. Under growth management, development regulations will have to be consistent with the Comprehensive Plan. For example, if an area is designated in the Comprehensive Plan for residential purposes, it would not be possible to designate the area under a zoning ordinance as commercial. In this case, a commercial zoning designation would require a Comprehensive Plan amendment, which could occur no more frequently than one time per year.

The Plan’s goals can also be achieved merely by making known the existence of the Plan and what it contains. Distribution of the Plan to other public and private agencies can improve the chance that the Plan will be implemented.

The County can make citizens aware of programs which give incentives to use land consistent with the Comprehensive Plan. Examples of such incentives include the Open Space Taxation Act, State forest and agriculture land tax laws, planned unit developments and grant programs.

Many activities that the County pursues, whether they be educational or physical improvements, are accomplished with the use of State, federal and private grant funds. The ability to access these funding sources depends upon a clear policy document adopted by the

County. This Plan can achieve many of its objectives through active pursuit of grant funds, as well as lessening the financial burden of local citizens.

The capital budget of the County and other public agencies can achieve many of the goals of the capital facilities element of the Plan. Investment in facilities such as roads, utilities, public buildings, parks, and transportation systems has a direct impact on the pattern of County development. Capital budget decisions of the County must be consistent with the Comprehensive Plan, as well as actions of State agencies. Other local public agencies are not mandated to invest in facilities as outlined by the Plan, although they must follow the general land use plans.

Implementation of the Plan must also include monitoring of new developments throughout the County so that the effectiveness of the Plan and growth patterns are determined. The process for review and amendment of this Plan must include active public participation in the process. The process for implementation of the Plan must be designed in a manner which is clear, well-coordinated and understandable.

The goals and policies of this Plan should be achieved first through incentives and public investments, and second through regulatory measures. Regulations should be the least restrictive to private property as necessary to accomplish the goals and objectives of this Plan.

31.08.200 Implementation goals.

(1) Clallam County shall assure that land use plans and regulations do not take private property for public use without just compensation having been made and that land use regulations and decisions are not arbitrary and discriminatory.

(a) Prior to adoption of regulations, the County should incorporate procedures recommended by the Attorney General. The Prosecuting Attorney's Office should be consulted prior to adoption of land use plans and regulations to ensure that they meet the constitutional limits of authority.

(b) After adoption of GMA approved plans, the County should "de-politicize" specific land use development decisions, including consideration of a hearing examiner system and grants of administrative authority.

(2) The Comprehensive Plan, land use regulations and/or environmental analysis should provide clear guidance to landowners and citizens as to the appropriate land uses and standards for development.

(a) The County should review land use decisions which include conditions of approval that are commonly applied and standardize them.

(b) The County should complete an environmental impact analysis of the land use plan and regulations which could allow future developments the ability to use in development of site-specific development projects. When combined with specific performance standards for development, projects that are proposed should be compatible with adjacent land uses and will include adequate protection for the environment. For example, a residential subdivision should generally not be required to complete additional environmental impact analysis when the County has adopted appropriate land use densities, sewage, drainage and traffic standards based on a thorough environmental analysis. If a project meets the standards, then it should be reviewed in a timely manner and considered to be appropriate and protective of the public health, safety, and welfare.

(3) Landowners shall be notified when changes are proposed to land use plans and regulations, such as Comprehensive Plan amendments, rezones or ordinance amendments, including this Plan. The ability of the County to initiate changes to the Comprehensive Plan or regulations should be limited to every five or 10 years except for emergencies or clear public need.

The County shall provide written notice to landowners prior to public hearings on proposed changes to land use plans and regulations, including plans and regulations of general applicability when substantive changes are proposed, including this Plan.

(4) Regulation of private property for protection of the public health, safety and welfare should be the least intrusive to property owners. Where the public desires more public benefit from private property, incentives such as density bonuses, tax breaks, etc., should be provided.

A purchase of development rights program for wetlands and other critical/resource lands that have public benefit should be pursued.

(5) The County and State should work cooperatively to assure that duplication of efforts or permits are not required.

- (6) Continuous opportunities for involvement of citizens in the planning process should be provided and encouraged. The public should be educated as to the purpose and benefits of planning and regulations.
- (7) To inform interested public and private agencies of the Plan's purposes and goals and enlist their cooperation in its implementation.
- (8) To encourage use of State tax relief laws which promote land uses which are consistent with the Plan.
- (9) To promote incentive measures which encourage innovative development which furthers the goals of the Plan.
- (10) To enact reasonable regulations and amend existing regulations which promote the goals and the land use pattern set forth in this Plan.
- (11) To encourage the planning and construction of public improvements which further this Plan unless emergency conditions require otherwise.
- (12) Monitor the effectiveness of the Comprehensive Plan. The Planning Director, or designee, shall report annually to the Planning Commission and Board of County Commissioners on growth management issues as outlined in the following table. This report shall be prepared prior, or concurrent with, the County's consideration of any annual amendments to the Comprehensive Plan.

Table 16. Implementation

Category	Monitoring Measures
General	
<i>Population</i>	Total County growth – births, deaths, net migration
<i>Demographics</i>	Age
<i>Development Activity</i>	Land divisions, building permits, shoreline and critical area permits

Category	Monitoring Measures
<i>Funding</i>	Planning Division and Department of Community Development budget
<i>Policies</i>	Report on unfinished agenda (implementation) in Plan – set annual work plan
Resource Lands	
<i>Forestry</i>	Timber harvest levels – private and State; employment
<i>Forest Land Conversion</i>	Class IV forest practice permits – total number, acreage and location
<i>Forest Land Taxation</i>	Changes and additions, including all existing parcels benefiting from open space tax status
<i>Agriculture</i>	Agricultural production; employment
<i>Agricultural Conversion</i>	Residential or nonresidential land development – acreage and location
<i>Minerals</i>	Extraction – quantities, sites, etc.
Urban Growth and Sprawl	
<i>Annexations</i>	Location, acreage, and populations annexed
<i>Population Growth</i>	Within cities, UGAs and rural areas – measurement should be either by estimated population or building starts, and development densities
<i>Public Facilities</i>	Water, sewer and transportation improvements – locations

Category	Monitoring Measures
<i>UGA Locations</i>	Amendments to boundaries
<i>Housing</i>	Multifamily housing starts
<i>Commercial or Industrial Development</i>	Location – inside or outside UGAs; development intensity
Natural, Historical and Cultural Resources	
<i>Water Quality</i>	Surface and groundwater monitoring results
<i>Fish and Wildlife</i>	Health of fish and wildlife stocks
<i>Wetlands</i>	Loss, gain, enhancements – location and acreages
<i>Groundwater</i>	Results of studies on quantity
<i>Floodplains</i>	New development within flood hazard zones
<i>Geologic Hazards</i>	New development within geologically hazardous areas
<i>Solid Waste and Recycling</i>	Program development; collection statistics
<i>Open Space</i>	Tax incentive programs; innovative development options; corridor protection
<i>Historic and Cultural Resources</i>	New site locations; alterations or losses of significant resources
Transportation	
<i>Level of Service</i>	County roads and State highways

Category	Monitoring Measures
<i>Traffic Growth Rates</i>	Average daily traffic
<i>Accidents</i>	Locations
<i>Road/Highway Improvements</i>	Locations, costs
<i>Access</i>	Road approach permits by road type
<i>Transit</i>	Ridership
<i>Airports</i>	Use and improvements
<i>Nonmotorized</i>	Improvements – locations
<i>Finance</i>	Costs per transportation system category; six (6) year improvement plan
Affordable Housing	
<i>New Construction</i>	Average value, type
<i>Demolition</i>	Number and type
<i>Mobile Home Parks</i>	Gains or losses
Economic Development	
<i>Jobs</i>	Jobs per household
<i>Per Capita Earnings</i>	Per capita income
<i>Poverty</i>	Poverty rate percentage of population

Category	Monitoring Measures
<i>Unemployment</i>	Unemployment rate
<i>Business Growth</i>	Building starts or improvements
<i>Regulatory Framework</i>	Timeliness of permit process; improvements to process
<i>Infrastructure</i>	Improvements – location
Utilities	
<i>Electric Service</i>	New service areas
<i>Telecommunication</i>	Improvements – locations, type
Capital Facilities	
<i>Level of Service</i>	Current service levels
<i>Finance</i>	Capital budget; six (6) year financing plan

(13) To facilitate development consistent with the purposes of this Plan by establishing a development permit coordination procedure which minimizes project application processing time.

(14) To encourage renovation and upgrading of deteriorating development to maintain aesthetic values.

(15) To design implementing regulations so that innovative and unique developments are encouraged.

(16) Actively pursue grant funding in order to accomplish the Plan's objectives.

(17) Zoning and other land use regulations shall be vigorously enforced.

(18) Pre-existing lots or parcels which do not meet the minimum lot size requirements of the land use classification in which it is located may be occupied by a use permitted in the zone subject to all other applicable County and State development requirements. In residential zones permitting multifamily dwellings, such multifamily structures shall be permitted only on a lot meeting the minimum standards of this code regarding minimum area required for multifamily dwellings.

(19) Pre-existing, nonconforming land uses should be allowed to expand only through the issuance of a conditional use permit when the proposed expansion is consistent with the policies of the Comprehensive Plan and is compatible with the surrounding neighborhood.

(20) To protect the public welfare, the rights of homeowners to the quiet enjoyment of their homes and lands should be protected in the following manners:

- (a) Potentially conflicting uses shall be designated as special or conditional uses. Potentially conflicting uses shall be defined as any uses which could cause adverse impacts exceeding the impact of worst-case placement of a single-family dwelling on the adjacent parcel.
- (b) The Zoning Code shall be structured to allow the County considerable latitude in mitigating adverse impacts of potentially conflicting land uses on existing residential development through measures such as, but not limited to, directing development to a specific portion of the property.
- (c) If such uses can not be sufficiently mitigated, the County shall have the authority to deny them.
- (d) Rezoning of property adjacent to existing residential development shall require a showing of a clear and compelling public benefit.

31.08.300 Comprehensive Plan may be amended.

The purpose of this section is to establish procedures and timelines for amending the Comprehensive Plan, including text and maps, through the annual Comprehensive Plan review process, as an emergency amendment, or as a minor amendment. The Growth Management Act (Chapter [36.70A](#) RCW) generally allows amendments to comprehensive plans,

comprehensive plan maps and associated development regulations only once per year, except in emergencies [as set forth under RCW 36.70A.130\(2\)\(b\)](#), in order to allow communities to consider the cumulative impacts of the proposed revisions. As the Comprehensive Plan is a 20-year plan for coordinated development of the County, and the Zoning Code is one of the major implementation tools of the Comprehensive Plan, amendments to the Plan and Zoning Code require careful review of a community-wide need for the proposed amendment. This chapter distinguishes between those types of minor map or text amendments which clarify or simplify the Comprehensive Plan and whose impacts have already been evaluated in existing environmental documents from those types of applications for text or map amendments in which the cumulative impacts must be evaluated.

Whenever necessity, convenience and general welfare require, the boundaries of the land use designations established on any Comprehensive Plan map of this title, and other provisions of this title may be amended consistent with the procedures and criteria in the following sections.

31.08.305 Type of amendments.

Clallam County has identified three types of amendments which are further described below. The determination of the type of amendment shall be made by the Administrator.

(1) Type A amendments are those applications submitted by an individual or group that do not require annual docketing for the annual amendment process. Type A amendments are minor in nature, are proposed to correct obvious map errors or minor Comprehensive Plan map boundary relocations to match property lines, are consistent with all Comprehensive Plan policies and the impacts of the change have already been evaluated by existing environmental documents. Type A amendments may be initiated at any time during the year and are scheduled for public hearing on a quarterly basis by the Administrator to be processed with other Type A amendments; except for the case of an emergency, as determined by the Board of Commissioners, which shall be processed as directed by the Board of Commissioners. All applicants for a Type A amendment must complete a preapplication conference with the Administrator prior to filing an application.

(2) Type B amendments include any minor text amendments for the purposes of correcting obvious errors or clarification of text of the comprehensive plan. Type B amendments may only be initiated by Clallam County in accordance with CCC [31.08.310](#).

(3) Type C amendments are proposals that do not qualify as Type A or B amendments. Type C amendments must be received by the end of September in any given year in order to be scheduled for annual review in the following year. No Type C map amendment will be accepted by the Administrator unless it meets the minimum zone size requirement for the zone requested, as established by CCC Title [33](#), if applicable. All applicants for a Type C amendment must complete a preapplication conference with the Administrator prior to filing an application.

31.08.310 Initiation of amendment.

Amendments of this title may be initiated by one of the following methods:

- (1) By the application of a majority of owners of property which is proposed to be reclassified; or
- (2) By the application of a person to amend the text of this title; or
- (3) By the adoption of a motion by the Board of County Commissioners requesting the Planning Commission to act on a specific amendment and to set the matter for hearing and make a recommendation, along with the reason for requesting the amendment; or
- (4) By adoption of a motion by the Planning Commission; or
- (5) By initiation of the amendment by the Department of Community Development as specified in Chapter [26.01](#) CCC.

31.08.320 Initiation of amendment application.

An application to amend this title shall be filed with the Department of Community Development on forms prescribed by the Administrator, and shall include fees required under Chapter [5.100](#) CCC, Consolidated Fee Schedule. If the application is for an amendment to the official Comprehensive Plan map, it shall include a legal description and a map showing the location of the property to be redesignated. A map amendment application must be signed by a majority of the owners of properties proposed to be redesignated.

Applications for a comprehensive plan map amendment shall include the tax parcel numbers, names and addresses of all owners of property proposed to be redesignated or “rezoned” and such other information which the Administrator deems necessary for the Planning Commission and the Board of County Commissioners to make a well reasoned decision. A completed application shall be processed by the Administrator in a manner prescribed by the County Code in accordance with State law.

31.08.330 Public hearing is required.

The Planning Commission shall hold at least one public hearing before taking action on any amendment to this title, and notice of such hearing shall be given as provided in the CCC Title [33](#), Zoning, applicable to zoning ordinance amendments. If, for any reason, testimony on any matter set for public hearing, or being heard, cannot be completed on the date set for such hearing, the Planning Commission may, before adjournment or recess of such matters under consideration, publicly announce the time and place of the continued hearing and no further notice is required.

Type A and B amendments can be processed throughout a calendar year. Type C Comprehensive Plan amendments can occur no more frequently than once every year. Whenever possible, all proposals shall be considered by the Planning Commission concurrently so the cumulative effect of the various proposals can be ascertained. However, the County may adopt amendments or revisions to the comprehensive plan whenever an emergency exists, as determined by the Board of Commissioners.

Type A and B applications can be filed at any time during the year, will be completed by the Planning Commission within 90 days of filing a complete application, and the Board will process the applications within 60 days of receipt of the Planning Commission. However, Type C applications need to be filed by September 30th to be eligible for processing the following year. The Planning Director shall prepare a report to the Planning Commission in January of each year as to the proposed Type C amendments that are pending. The Planning Commission shall review the amendments and make recommendations to the Board of Commissioners in a timely manner, but no longer than nine months, and shall consider the processing of Type C applications to be a priority, and the Board will process the applications within 90 days of receipt from the Planning Commission. The Planning Commission shall include findings of fact

and conclusions of law upon which its action is based regarding approval or denial of the application.

31.08.340 Notice of Commission's decision.

When the Planning Commission's action is to recommend approval or denial of an amendment, the Administrator shall notify the applicant by mailing a notice of the action of the Commission to the applicant at the address shown on the application. Other persons requesting notice of the action shall be notified in the same manner as the applicant. A copy of the action together with the findings adopted by the Commission shall be forwarded to the Board of County Commissioners within 14 days of said action. The findings shall be made available to the public upon request. Action on all amendments to the Comprehensive Plan or comprehensive land use maps, whether such action is a denial or approval, by the Planning Commission, shall be recommendations to the Board of County Commissioners with the final decision resting with the Board.

31.08.360 Decision of the Board.

After the receipt of the report and recommendations of the Planning Commission, the Board of County Commissioners shall hold a duly advertised public hearing in accordance with the Clallam County Charter and shall take action on the recommendation in the manner set forth in State law and the Clallam County Charter. If the initiator of the amendment withdraws the application prior to the public hearing, the Board of Commissioners shall cancel the public hearing and take no further action on the application.

31.08.370 Required showing for an amendment.

The Planning Commission and the Board of County Commissioners shall determine that a proposed amendment is consistent with all the following criteria before approval:

- (1) The proposed amendment is consistent with the spirit and intent of this title.

- (2) The proposed amendment is consistent with the spirit and intent of CCC Title [33](#), Zoning, and with interlocal agreements, transportation, parks and recreation, capital facility, utility, watershed, and other applicable land use and environmental plans and policies adopted by the County.
- (3) The proposed amendment will not be detrimental to the public health, safety, and welfare.
- (4) The proposed amendment is necessary due to changed conditions or circumstances from the time the property was given its present designation which warrants consideration of a different land use designation. This criterion only applies to comprehensive plan and zoning map amendments.
- (5) The proposed amendment will not result in probable significant adverse impacts to the adequacy of public facilities and services including, but not limited to, transportation, sewer, water, storm water, utilities, and parks required to meet urban or rural needs, and will not place uncompensated burdens upon existing and planned services.
- (6) The cumulative effects of all proposed amendments have been assessed and determined to be consistent with the spirit and intent of this title.

31.08.380 Periodic uUpdate of Comprehensive Plan.

In accordance with the requirements of RCW 26.70A.130 as now or hereafter amended, the Comprehensive Plan shall be reviewed every 10 years and updated to ensure compliance with the current requirements of the Growth Management Act and in response to community needs and desires. To ensure adequate opportunity for public engagement and involvement and full consideration by the Planning Commission and the Board of Clallam County Commissioners, said review should be initiated 36-months prior to the deadlines established under RCW 26.70A.130(4) and (5), as applicable.

31.08.400 Severability.

The provisions of the Plan are severable. If any portion of this Plan or any application thereof to any person or circumstance is held invalid or unconstitutional for any reason by a court of

competent jurisdiction, such provision or portion thereof or any application thereof shall not affect the validity of the remaining portions of the Plan or its applicability to other persons and circumstances.

31.08.420 Repealer.

The Clallam County Comprehensive Plan, Title [31](#) Clallam County Code is hereby repealed.

31.08.430 Effective date.

This Plan is necessary for the preservation of the public health, safety and general welfare of the people of Clallam County, and shall take effect ~~460~~ days following adoption [and publication of notice of adoption](#) by the Clallam County Board of Commissioners.

The Clallam County Code is current through Ordinance 1032, passed August 26, 2025.

Disclaimer: The Commissioner's Office has the official version of the Clallam County Code. Users should contact the Commissioner's Office for ordinances passed subsequent to the ordinance cited above.

[County Website: www.clallam.net](http://www.clallam.net)

[Hosted by General Code.](#)