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Grays Harbor Co. Web Page
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GRAYS HARBOR COUNTY

Planning Commission

Minutes of the November 6, 2008 meeting

I. PLEDGE OF ALLEGIANCE

II. CALL TO ORDER AND ROLL-CALL

Chairperson Grant Fry called the meeting to order at 6:30 p.m. Those who answered the roll call were Grant Fry, Ruth Kivi, Darrell Haglund, Bill Dineen and Floyd Davis. Lisa Scott, Jim Kalkwarf and Louis Muller called in and asked to be excused. Floyd Davis made a motion to excuse those who called in; Darrell Haglund seconded the motion. All approved by voice-vote; motion carried. Curt Crites served as Secretary to the Commission.

II. MINUTES. Floyd Davis made a motion to approve the August 19, 2008 minutes as written; Bill Dineen seconded the motion. All approved by voice-vote; motion carried.

III. VISITORS. None.

IV. OLD BUSINESS. None.

V. NEW BUSINESS.

- **Case 2008-1539.** A request by Grays Harbor County for a text amendment to *Grays Harbor County Code 17.56.180* through the establishment of new chapters in *Grays Harbor County Title 18* governing the protection of critical areas, which are further defined as geologically hazardous areas, frequently flooded areas, wetland areas, fish and wildlife habitat conservation areas, and critical aquifer recharge areas.
- **County Staff Presentation to the Commission.** Grays Harbor County Planning and Building Director Brian Shea gave

- background information on the history of environmental regulations, including the *Washington State Environmental Policy Act* (SEPA), the *Washington State Shoreline Management Act* (GMA), and the review of adverse impacts on the environment with projects of a certain size. Mr. Shea noted that the proposed *Critical Areas Ordinance* (CAO) was more specific than SEPA, and filled in the gaps that SEPA missed in regard to protecting critical areas. Mr. Shea also gave a synopsis on the applicability of the *Washington State Growth Management Act* to the CAO.

Mr. Shea referenced to public comment and agency comment received on the first and second drafts of the CAO, and also provided the Planning Commission with additional comments received to date. Mr. Shea noted that these comments would be located on the County's website for public viewing. Mr. Shea commented that it was very difficult to construct the CAO while taking into consideration zoning, property owner rights, and the economy.

Mr. Shea recommended that the Planning Commission forward the draft CAO, public comments, and agency comments to the Board of County Commissioner's for their consideration.

- **Planning Commission Discussion.** Mrs. Kivi inquired as to which recommendations and comments the County took into consideration in the preparation of draft 2 of the CAO, and where they were incorporated in the revised ordinance. Mr. Shea commented that there is another document that has color-coded comments, which would be provided for Planning Commission members.
- **Public Comment.**

Michael Tracy of the Grays Harbor Economic Development Council; 506 Duffy Street, Aberdeen, WA 98520. Mr. Tracy entered correspondence dated November 6, 2008 into the record that expressed their concerns in regards to the draft CAO.

William Stewart; 917 Lake Hill Road, Montesano, WA 98563. Mr. Stewart expressed concerns regarding to overlapping/layering of regulations, specifically those governing forestry. Mr. Stewart felt that forest practices were adequately regulated, and that adding more policy would make the permitting process impossible to complete in a timely manner.

Ellen Pickell; PO Box 736, Hoquiam, WA 98550. Ms. Pickell entered correspondence dated November 6, 2008 into the record expressing her concerns in regards to the draft CAO. She is a tree farmer and felt that forest practices were adequately regulated by the *Washington State Forest Practices Act*.

Owen Shaffner; 158 Geissler Road, Montesano, WA 98563. Mr. Shaffner is co-owner of Shaffner Farms, where they harvested agricultural products, such as hay and pumpkins. His concern was that his property was in a critical area, and he would be unable to construct a shed to hold hay so that his business could run properly. Mr. Shaffner was also concerned with the need to notify local tribes about his property.

Mr. Shaffner said his area flooded because it was located between the Wynoochee River and Geissler Creek.

Mark Bigelow of the Olympia Master Builders; 1211 State Avenue NE, Olympia, WA 98504. Mr. Bigelow entered correspondence into the record with comments and concerns in regards to CAO draft 2.

Dan Wood on behalf of the Pacific County Farm Bureau and himself; PO Box 8690, Lacey, WA 98569. Mr. Wood submitted into the record a CD from the Growth Management Resource Center, and a written document with suggestions and explanations. Mr. Wood spoke of recent case law concerning the application of the GMA on the CAO. Mr. Wood was concerned because he owned property in Brady that contained a barn that needed to be repaired, and that this would be impossible with the suggested new code. Mr. Wood felt there should be a forestry exemption and there should not be laws in Grays Harbor County that would prevent a homeowner from repairing their property. Comment was also offered as to the County's right of trespass with a 7-day notice; Mr. Wood said this is a bad precedent. Mr. Wood made comments about the CAO buffers being too large, and that the grade for a steep slope area was not appropriate.

Tim Hamilton; PO Box 179, McCleary, WA 98557. Mr. Hamilton stated that he understood that there would be groups that said that the County wasn't doing enough to protect wetlands and critical areas, and there would be others who said that the County was doing too much. He felt that the document left him uncertain, and that he would like the color-coded document added to the County website. Mr. Hamilton suggested that the draft be sent back to the Planning and Building Division.

Erik Goldman of the Grayland Neighbor's Association; PO Box 7, Grayland, WA 98547. Mr. Goldman wanted to know what comments/suggestions were given to the Planning and Building Division that were accepted/rejected. He would like to see the color-coded document put on the internet. Mr. Goldman understood the need to weigh the difference between property rights and the need to protect critical areas.

Leroy Tipton of the Grays Harbor Chamber of Commerce; 506 Duffy Street, Aberdeen, WA 98520. Mr. Tipton commented that Chamber supported the written comments from Ellen Pickell and Michael Tracy. He also supported Dan Wood's comments. Mr. Tipton was concerned that citizens may not be able to use their property if there was a disaster, and that the homeowner might not be able to improve/enhance their property. He argued that buffers should not be increased and that, if anything, that they be decreased. Mr. Tipton felt that it wouldn't be feasible to have studies for environmental protection in order to obtain a building permit.

Terry Franklin; 397 Powers Creek Road; Elma, WA 98541. Ms. Franklin entered correspondence dated November 6, 2008 into the record, with comments and concerns in regards to the CAO draft 2. She had concerns for the wetland buffers and

felt that they should be held to the recommendations from the Washington State Department of Ecology.

Jimmy Carlson of Lake Quinault. Mr. Carlson did not feel that the Planning Commission had reasonable time to absorb the amount of material that they've had been given. He also expressed concern about whether or not this update of the CAO was necessary. Mr. Carlson felt that there had been continual erosion of property rights, and that never any property rights been given to landowners in Grays Harbor County. He felt that land was continually being devalued, and he would like to see compensation to property owners. Mr. Carlson discussed his concern for the buffers and the need for sub-area planning.

Tim Bauher; PO Box 355, Hoquiam, WA 98550. Mr. Bauher felt there should be an additional meeting provided to explain the draft CAO to the public, and more time for input and discussion.

Mike Pinger; 43 Geissler Road, Montesano, WA 98563. Mr. Pinger commented that he was a victim of the "best science available". His barn was devastated during December storm, and that if he could not rebuild his structure that his property value would be diminished.

Rick Mraz of the Washington State Department of Ecology; Olympia, WA 98504. Mr. Mraz commented that the State supported the exemption of Agriculture activities in the draft CAO, and felts that Washington State Department of Natural Resource Forest Practice (FPA) Class IV Permits should be regulated under the CAO. He agreed that the Planning Commission would benefit from more time to review the information given to them, and offered to do a Powerpoint presentation on best available science (BAS). There was discussion between Darrell Haglund and Mr. Mraz about the Department's definition of farmland.

Dan Pearson; 994 South Bank Road, Oakville, WA 98568. Mr. Pearson is president of Grays Harbor/Pacific County Farm Bureau. Mr. Pearson made comment about the County's lack of mapping technology.

Jay Gordon; 5166 State Route 12, Elma, WA 98541. Mr. Gordon made comment about additional buffers.

Paul Easter of Grays Harbor County. Mr. Easter submitted a document from Dean Schwickerath, who wanted it on the record but had to leave the meeting early.

Grant Fry declared public comment closed.

- **Planning Commission Discussion.** Some Planning Commission members felt that they did not have enough information or enough time to make a decision, as to whether or not to forward the draft CAO to the Board of County Commissioners.

Bill Dineen felt that the new CAO should not be adopted and they should stick with the original documentation. Mr. Shea commented that the 1992 edition of the CAO was not sufficient to protect Critical Areas.

Darrell Haglund asked Mr. Shea for clarification on what the Planning Commission was being asked to do with the CAO, and what was the timeline needed to accomplish the ordinance adoption process. Mr. Shea stated that the Planning and Building Division was requesting that the Planning Commission forward the draft CAO, together with public and agency comments, to the Board of County Commissioner for their consideration. Mr. Shea also noted that the State was requiring the CAO process be completed by the end of 2008.

Grant Fry explained to Planning Commission members that the information gathered should be forwarded to the County Commissioners, as it was ultimately a policy decision that was beyond the scope of the Planning Commission. He felt that the draft CAO would most appropriately be dealt with by the Board of County Commissioners.

Darrell Haglund said that the Planning and Building Division would have additional requirements, which meant more work. Mr. Haglund inquired as to whether the extra cost for the County has been determined. Mr. Shea said that the cost to the County would have to be analyzed after the CAO was adopted and had undergone a sufficient trial period.

Mr. Shea reminded the Planning Commission members that they are not responsible for approving the draft CAO, but rather that it was appropriate that the CAO be forwarded to the County Commissioners, whose responsibility was to revise or accept it. The Planning Commissions' purpose was to collect public comment and hear testimony.

Mr. Shea committed to putting the requested color-coded document on the County website, include it in the information forwarded to the County Commissioners, and provide copies to the Planning Commission members.

Floyd Davis made a motion to forward the gathered information in its entirety, including the color-coded document, to the Board of County Commissioner's; Ruth Kivi seconded the motion. Bill Dineen and Grant Fry approved the motion; Darrell Haglund was opposed. Motion did not pass due to the lack of five affirmative votes.

Grant Fry explained that the Planning Commission was not accepting the information, but rather would be forwarding it to the Board of County Commissioners, who could accept and approve it.

Mr. Haglund supported his opposition by noting that he did not feel it was respectful to the public to unilaterally forward all the information obtained during the public hearing, as it contained new information and had not yet been completely reviewed by the Planning Commission.

Mr. Haglund noted that, as there was board consensus to forward the material to the Board of County Commissioners, he was willing to reconsider his vote if another motion was offered.

Floyd Davis offered a second motion to forward the gathered information in its entirety, including the color-coded document, to the Board of County Commissioner for their consideration; Ruth Kivi seconded the motion. All approved by voice vote. Motion carried.

VI. PLANNING REPORTS AND DISCUSSION. Brian Shea reminded the Planning Commission that they needed to appoint members for the nominating committee for the positions of Chair and Vice-Chair for the Commission's 2009 meetings.

Grant Fry requested that the nominating committee be comprised of Ruth Kivi, Bill Dineen, and Darrell Haglund. All accepted the request.

VII. ADJOURNMENT. Floyd Davis made a motion to adjourn the meeting; Darrell Haglund seconded the motion. All approved by voice-vote; motion carried. Meeting adjourned at 9:05 p.m.

Approved this _____ day of _____, 2008.

Chair

Attest: _____
Secretary