



Grays Harbor
Economic Development Council

November 6, 2008

Grays Harbor Planning Commission
100 W. Broadway Suite 31
Montesano, WA 98563

To whom it may concern:

Attached to this letter are comments regarding Draft 2 of Grays Harbor County Critical Areas Ordinance, code 18.06, from the Grays Harbor Economic Development Council (EDC).

The EDC recognizes the immense amount of work put in on this **State Mandated** document by the Staff of Grays Harbor County and compliments them on their effort, including the changes from draft 1 to draft 2 and taking into account much of the comments by other parties.

While we agree that that regulations are necessary for well planned growth, the level required by the State Mandated rules are exceedingly prescriptive, and will be costly both in time and financial resources to landowners, developers, business owners, and anyone that wants to make changes to their property.

The document, as written, would have little impact on counties in Eastern Washington where there are few rivers, streams, and wetlands. However, in Grays Harbor County where there are numerous, wetlands, rivers, floodplains, etc., the vast majority of property will be impacted, either by high costs of development, or locked up as a critical protection area of no growth.

We at the EDC look forward to continuing the process of implementing the CAO.

Sincerely,



Michael Tracy
President

Here are some concerns on Draft 2 of Grays Harbor County Code 18.02:

p. 11 (C) (2). Please delete. It is vague.

p. 12 (F) Needs to be clarified. What must be done before activities commence. This could be an impossible requirement.

p.12 18.06.020 (A) Concern about wording of "probable significant impact" and Special Studies. These are loose terms that could apply to almost all situations.

p. 13 (B) (2) vague. Recommend removal

p. 13 (C) (1) "add or rebuild after "the remodel"

p.13 (D) the entire section will make any growth or changes very expensive and a hindrance to sensible activities.

p. 15 18.06.25 (B) Include: "Provided further, however, that new construction or related activity connected with an existing single family residence shall not be considered further intruding into a critical area so long as the footprint of the structure lying within the critical area is not increased by more than 1,000 square feet and no portion of the structure is located closer to the aquifer recharge area, the wetland area, the fish and wildlife habitat protection area, or the geologically hazardous area than the existing structure."

p.18 (C) replace "exemption" with exception

p. 18: After (a) and (b). Is forwarding the copy of the exemption request a requirement of law? Is the county giving itself extra work?

p. 18: 18.06.035 (A): delete "all reasonable". It should read: "If the application of this chapter would deny use of the property..."

p. 18: 18.06.035 (C) (1): delete "all reasonable". Should read: "Application of this chapter would deny use...."

p. 19: continuation of 18.06.035 (C). Delete all of (2) at top page: "There is no other...."

p. 19: 18.06.035 (E) Delete "all reasonable". Should read deny use...

p. 19: 18.06.040 (B) (3) Delete "all reasonable". Should read "would deprive applicant of economic...."

p. 20: (9) Insert "consideration of" to read "The decision to grant the variance includes consideration of the best available science..."

p. 20: (C) Insert "reasonably" to read "...safeguards as are "reasonably" necessary...."

p. 20: 18.06.045: Change to read "The purpose of the variance procedures provided in this section is to permit the construction and substantial improvement of structures where full compliance with the provisions of this chapter would cause an exceptional hardship, and where granting of a variance would not result in additional threats to the public safety. Upon consideration of the criteria contained....."

p. 21: "C) Delete

p. 21: (D) Change beginning to "Variances may be issued..."

p. 22: 18.06.060 (A) Second paragraph. Delete: "It shall be the responsibility of the developer to verify the presence of any on site critical area."

p.23 (A) The paragraph after "Notice: this site ... inconsistent with .060 (A)

p. 24: 18.06.075. Delete "Permanent" in Title. Delete all of (C). It would be sign pollution.

p. 24: Delete last paragraph: "Temporary marking...pursuant to Section 18.06.020"

p.24.(C) Delete – causes sign pollution

p. 25: (2) Change to: "It shall be the goal of Grays Harbor County to achieve no...."

p. 25: 18.06.085: Delete last sentence: "Access to the monitored area.....seven calendar days prior to the inspection."

p. 28: (B) (1): An 8 percent slope (an eight-foot rise over a 100-foot distance) is not very steep. Should not this be revisited?

p. 31: (IV) remove "as determined in writing by a professional arborist." This is costly and unnecessary. Besides, trees often contribute to erosion of slopes and banks.

p.34: (18.06.115) (A) (4) delete "but may be designated in the future" in first two lines. It is too ambiguous.

Change "anticipated" to "currently permitted" in next to last line to read: "...where combined with all other existing and currently permitted development will not...." Again, anything can be "anticipated"

p. 35: (C) (3). Delete "certification shall be obtained from a professional engineer or architect licensed to practice in the State of Washington that".

p. 36: (6) what is defined by "shallow flooding"?

p. 39: 18.06.120 (G) (2) Read: Change to read: "...New sanitary sewer systems.... " instead of "New and replacement..."

p. 39: (G) (4): Change to: "Water wells shall be designed to minimize or eliminate infiltration of flood water..."

p. 43: 18.06.135 (4) Add "deliberate" to read: "There shall be no deliberate introductions of any...."

p. 43 (5) (5) Wetland Classifications.

What is the definition of "replace within a human lifetime"?

p. 45: 18.06.135 (6) Wetland Area Protection Standards. Please note that Dr. Pizzimenti's work shows 80% to 90% of all benefits are in the first 10 meters of the buffers. Larger buffers go beyond protection. See Swinomish ruling. In Grays Harbor there could be overlapping buffers on overlapping buffers. This is unreasonable.

p. 46: (b) Please delete. This is subjective.

p.47: ii (A) Suggest adding at the end "unless the utility would do no permanent harm. For instance: There are numerous cases of raptors nesting on urban buildings, port cranes and utility poles.

p. 48. (i) (4) buffer averaging at narrowest could be one quarter of the required width Especially important if it is one of the wider buffers.

p. 49 (ii) (4) same as above.

p. 49 (h) (4) Surface water retention or detention facilities should work for regional AND smaller and private projects.

p. 50 (i) (1) include private, single purpose trails as well as "public multi-purpose" The public would also benefit on public lands from some "single" purpose trails.

p. 50 (7) (i) Change to read: "...The following minimum performance standards should be met....

p. 51 (7) (i) (1) (2) (3) (4) (5) Change all "shall" to "should". Exact replication may be impossible to guarantee.

p. 51: (ii) (3) (A) is it possible to comply with so many different sources which may conflict?

p. 53: 18.06.140 (c) (1) Critical Protection Area Development Standards for Fish and Wildlife Habitat. Herring and smelt , Suggest eliminating these species at this time.

p. 53 and 54: (6) (a) Stream Buffers: Dr. Pizzimenti concludes 80% to 90% of the buffer benefits are derived in the first 10 meters. Larger buffers than 10 meters that are indicated here are up to FIVE TIMES the area that would bring most benefits.

p. 54: (E) (ii) Change "additional" to "equal"; i.e., "...will provide equal resource protection..."

p. 56: Top line. Please delete "declared" to read "...periods when use is critical to salmonids, except in the case of emergency." Sometimes a problem can be fixed better and faster if one does not have to wait for a "declared" emergency.

p. 57: (iv) Trails. Please delete (2) regarding expansion of buffers.

p. 58: (vi) Please include (2) and (3) from Draft 1.

p. 59: (x) Please include this but delete "1 cord" and "in any year"

p. 59 (h) (i) delete

p. 60: (iii) (E) Change "shall" to "should". The subsections may be impossible and cause paralysis.

p. 61: (3) Monitoring may rather than "shall".

p. 61-63: (B) Wildlife habitat. It would be hard to justify full-blown, expensive studies for anything but the largest projects.

p. 66: (5) Please change "shall" to "may". The January 2005 Puget Sound Action Team ... document entitled "Low Impact Development: Technical Guidance Manual for Puget Sound" may not be appropriate for Grays Harbor.

p. 66: (6) Fuel and gas dispensing and storage: Users who have current facilities properly built during existing regulations at the time should not be required to make changes unless they are expanding.

p. 67: 18.06.150 Violations – Penalties. \$1,000 per day or up to 90 days in Jail are excessive