



December 14, 2010

Ms. Laura Gray
Grays Harbor County Planning Division
Grays Harbor County Administration Building
100 West Broadway, Suite 31
Montesano, Washington 98563

Via Electronic Submission: lgray@co-grays-harbor.wa.us
pbd@co-grays-harbor.wa.us

In re: Case #2010-1363

Dear Ms. Gray,

Thank you for this opportunity to comment on the above referenced proposed project

FOGH is a broad-based 100% volunteer tax-exempt 501(c)(3) citizens group made up of crabbers, fishers, oyster growers and caring citizens. The mission of FOGH is to foster and promote the economic, biological, and social uniqueness of Washington's estuaries and ocean coastal environments. The goal of FOGH is to protect the natural environment, human health and safety in Grays Harbor and vicinity through science, advocacy, law, activism and empowerment.

It is our understanding that you will be receiving and/or have received comments from Grays Harbor Audubon, Wildlife Forever Grays Harbor, Brady Engvall and Teri Franklin. We incorporate those comments and concerns by reference.

The proposed project by Mr. Bedell seeks to place three homes on three of the parcels that he owns Parcels:

- 1) 181120110020 (.72 acres, 31,543 square feet) ,
- 2) 181120110090 (.74 acres, 32365 square feet) and
- 3) 181120110100.(.79 acres, 34,532 square feet)

The properties are located in a general development five G-5 zoning district and are on the shoreline of the Grays Harbor Estuary a shoreline of statewide significance (RCW 90.58 and WAC 173-26-251).

Title 17 "Zoning" of the Grays Harbor Code. The code (17.24.050 Building Site) specifically states that the minimum lot size is "five acres, or one-one-hundred-twenty-eighth (1/128th) of a section if describable as a fraction of the section (17.23.050 A) and that the "B. Density: one dwelling unit for five acres..." (17.23.050 B. It does not appear that Mr. Bedell's project would be possible as the acreage involved only totals 2.25 acres, less than 50% of the required G-5 designation.

WAC 173-26-251 and RCW 90.58 state in part that "[t]he legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance." Because these shorelines provide major resources from which ALL people of the state benefit, local governments as part of their Master Programs must "...recognize and protect statewide interest over local interest..."

The authority to grant a variance under 18.06.040 of the Grays Harbor Title 18 State Environmental Policy Act (SEPA) Procedures hinges on the requirement that ALL of the requested action conforms to the criteria set forth and described in 18.06.040 B 1 – 10.

In considering this application for an exemption, we would request that the following questions and concerns be addressed:

1. What is the cumulative effect of allowing an increased density on G-5 designations?

2. What is the cumulative effect of allowing residential development and specifically multiple residential development on parcels that are less than one acre in the G-5 district?
3. What is the cumulative effect of allowing septic and water systems on parcels that are less than one acre in the G-5 district.
4. How would this affect erosion potentials where the footprint of each proposed home and septic system would essentially "fix" the shoreline dynamic zone?

Sea level rise is expected to have effect on the subject property and tsunami inundation include Highway 109 and Burrows Road. As the level rises, it is expected that even greater erosion events will take place. This will create greater danger to residents close to the water's edge and present an even greater likelihood that public assistance will be necessary.

5. How would this proposed exemption discourage bulkheading and armoring should continued erosion occur?

The parcels in question are in the Grays Harbor County Critical Area Ordinance Fish Habitat Conservation Areas and the Frequently Flooded Area as shown by the attached maps excerpted from County CAO maps.

6. What would be the effect to essential fish habitat (and oyster lands) with the addition of impervious surface, stormwater runoff and septic services on the shorelines of statewide significance?
7. What would be the cumulative effect of building septic services in an area where buffers and setbacks have been reduced?
8. What viewscapes would be affected by the proposed?

We believe that there is a major issue of cumulative effects by granting the proposed exemption and a full SEPA review with an appealable Shoreline Conditional Use Permit is required. If the G-5 designation is parsed to be less than 1 acre then the zoning for the entire area would need to be changed. The Grays Harbor Estuary Management Plan (GHEMP) would be compromised by this proposal and make a significant change to the low density agriculture and natural shoreline preference for this area. If the health requirement of 1 acre for waste water treatment is reduced, then the entire structure of health protection would have to be redeveloped for the entire County.

Septic placement requires a minimum of 100 foot setback from a well head and from wet areas and buffers. This project would require three septic systems and a minimum of two individual water systems. All drainfields would presumably be directed to the edge of the Grays Harbor Estuary where commercial oysterlands are present and nearby. We believe that an Environmental Impact Study is required.

We believe that approval of this proposed exemption would become a spot rezone as described in the definitions of Title 17, Chapter 17.08. "Spot rezone" means a circumstance in which a request to rezone a parcel of land, from a less intensive use zone classification to a more intensive use zone classification, that is inconsistent with the surrounding uses and the comprehensive land use plan. A request to rezone a parcel of land, from a more intensive use zone classification to a less intensive use zone classification, that is consistent with the surrounding uses and the comprehensive land use plan shall not be found to constitute a spot rezone."

Based on the above concerns, FOGH requests that the proposed exemption for reasonable use and shoreline setback modifications be denied. We believe that the land could be appropriately developed for less-intensive reasonable use.

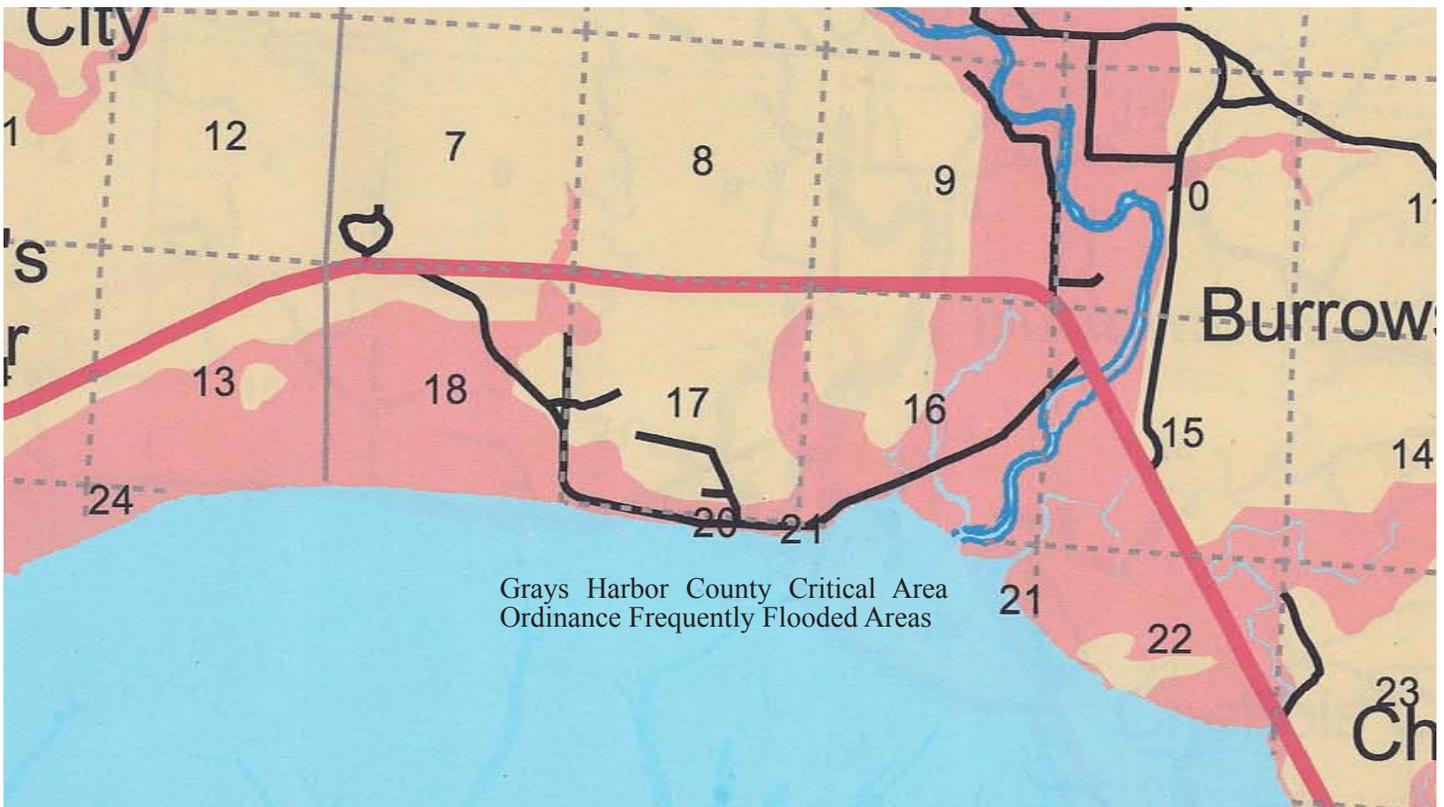
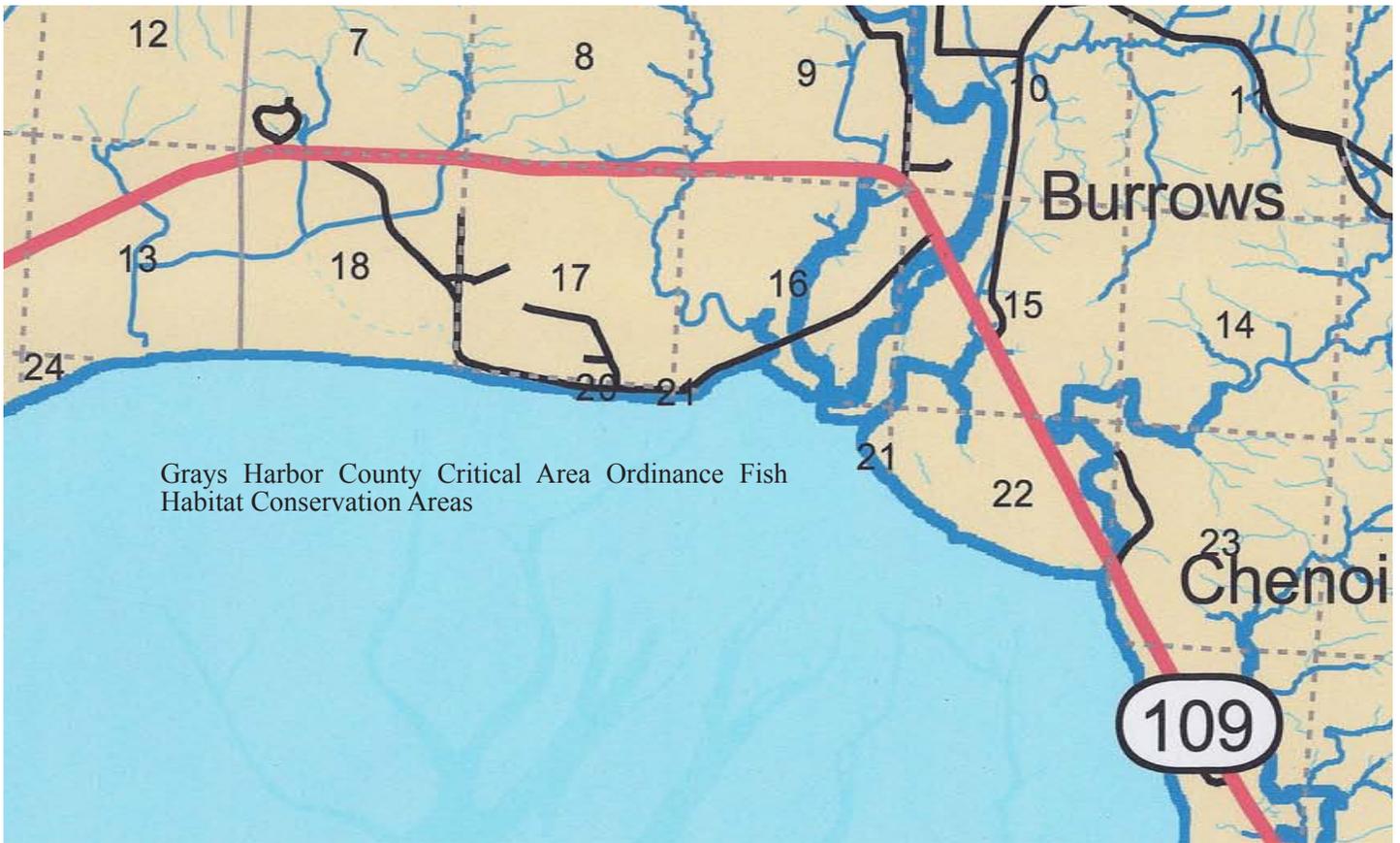
Thank you in advance for your careful consideration of this important concern for the shorelines of statewide significance and rural character of the G-5 district.

Sincerely,



Arthur (R.D.) Grunbaum





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