

From: [Genevieve & Tim](#)
To: [Thomasina Cooper](#)
Subject: No to Minority Report
Date: Monday, March 6, 2023 8:10:38 AM

Good day,

It is difficult to understand why the Thurston County Commissioners would even entertain a Minority Report related to Lake Lawrence when the Shoreline Master Program (SMP), still in draft form, has even yet to be decided upon. As property owners on Lake Lawrence since 1999 we have seen many changes on the lake and shoreline. When a 'new' Lake Management committee members decide to make changes when they have not been directly involved with the lengthy process, how can this lack of experience on the area of Lake Lawrence benefit those who have lived there?

TOPIC 1: Vegetation Conservation and Buffers

The minority report fails to address the use of fertilizers and other 'additives' which people have added and continue to add to their lawn area as well as their shoreline. If there was better enforcement of property owners to NOT use such chemical additives along sensitive shoreline areas this would mitigate the claimed areas within the paragraph of the report.

TOPIC 2: CRITICAL AREAS

The minority report addresses saltwater and Lake Lawrence does not have any saltwater affiliation. Again the lack of knowledge related to Lake Lawrence is clearly lacking and although the author(s) may address specific saltwater areas these areas are not called out within the report.

TOPIC 3: AQUACULTURE

Again, the minority report addresses areas which do not pertain to Lake Lawrence. Recommend the either the areas be specifically called out by location or stricken from the report as the author(s) are lacking in knowledge of Lake Lawrence.

TOPIC 4: MOORING STRUCTURES, OVERWATER STRUCTURES AND ACTIVITIES (19.600.160)

Until the SMP is an approved document the areas contained within the minority report should not be considered due to the lack of basis. Although the Army Corps of Engineers has written areas which pertain to the above mentioned area the current SMP which will encompass Lake Lawrence has not been approved so therefore this should not apply. Again, the author(s) are lacking in knowledge related to Lake Lawrence.

Bottom line is this. Until the SMP is finalized and approved the minority report and it's recommendations should be stricken from applicability in all areas related to Lake Lawrence as the author(s) have failed terribly to recognize the specific area. We continue to support the Planning Commission's recommendations that have been in the process of creation for eight years, for the Shoreline Management Program and

emphatically do not support the minority report!

*Sincerely,
Genevieve & Timothy Cass
Cell-360.932.9253*

Sent from [Mail](#) for Windows

From: [Reggie Grantham](#)
To: [Tye Menser](#)
Cc: [Barry Halverson](#)
Subject: Thurston County Shoreline Master Program / Support for Planning Commission Draft Recommendations
Date: Monday, March 6, 2023 8:16:21 AM

Council Member Menser,

I am a property owner on Lawrence Lake in Yelm. I have participated in support of our local commissioner & spokesman Barry Halverson to draft a proposal for the Shoreline Master Plan. It has come to my understanding that following initial approval of the draft plan, a minority report has been assembled and is being considered. I along with many other lakefront owners find the minority report unacceptable. Barry and our community have worked hard for many years to construct a reasonable plan. It appears that the draft plan is threatened to be overrun by non stake-holders with a personal agenda. This ultimately has the feel of a government land grab under the environmental banner of 'climate change'. Nothing in the minority plan has any relevance to climate change.

As a concerned citizen and landowner at Lawrence Lake I strongly advise accepting the previously approved draft plan and rejecting the minority plan.

Thank you,

Reggie Grantham
15825 Wildaire Dr SW
206-391-4358

From: [Cindy w](#)
To: [Tye Menser](#)
Subject: Shoreline at Lake Lawrence
Date: Monday, March 6, 2023 7:21:30 AM

To the County Commissioners :

I totally support the Planning Commissions recommendations for the SMP and do not support the minority report. We have lived here for 30 years and have supported The planning commissions ever since. We also comply with their recommendations on property vegetation and lawn care. Paying into our community dues yearly for their support of our lake.

Again WE DO NOT SUPPORT the MINORITY REPORT.

Thank you,

Fred and Cindy Wahl
17106 Pleasant Beach DR SE
Yelm, WA

Sent from [Mail](#) for Windows

From: [Gary Witley](#)
To: [Tye Menser](#)
Subject: Support the DRAFT SMP
Date: Monday, March 6, 2023 6:11:17 AM

Commissioner Menser,

I am very dismayed that the proposed changes to the Shoreline Master Program (DRAFT SMP) that the Thurston County Planning Commissioners worked on for years and was approved 5 to 3 by the Planning Commissioners last year is now in jeopardy. I strongly urge you to vote to respect their work and endorse the DRAFT SMP that the Planning Commissioners worked so hard to improve.

Gary Witley

From: [Pres LLCC](#)
To: [Tye Menser](#); [Gary Edwards](#); [Carolina Mejia-Barahona](#)
Subject: Fwd: Shoreline Master Program Work Session 3/7/23
Date: Sunday, March 5, 2023 10:12:17 PM

All concerned,

I received word of SMP changes that affect my community and wanted to contribute. Thank you for your consideration.

In response to the minority report:

I disagree with the false urgency pushed by the minority report. The planning commission review may have been lengthy but this is the purpose of the government, to do the will of the people. I do not see where this urgency exists. This false urgency portends making a hasty decision which would lead to negative outcomes long term.

I agree with the shorter buffer areas in opposition to the minority report and in accordance with the planning commission. The minority report focuses on "climate change" which is not in accordance with WAC 173-26-010 stating:

"Shoreline Management Act is intended to be a cooperative program between local government and the state. It is the intent of this chapter to provide minimum procedural requirements as necessary to comply with the statutory requirements while providing latitude for local government to establish procedural systems based on local needs and circumstances"

Climate change is not local. Climate change does not fall under the purpose of the SMA WAC. This push is an appeal to fear and is logically inconsistent. Setbacks in Thurston County have limited effect on climate change.

As president of the Lake Lawrence Community Club, I can only speak to our lake but we have not experienced ecological loss discussed by the minority report, nor the climate change yet again stated as the reasoning for this. Obviously the minority report believes the climate takes precedence over the will of the governed, upon which we disagree. In my community most of our residents want to do what they feel is in the best interest of their property. Not the interest of someone who has never seen their lake or land.

In regards to decision points for the BOCC:

Topic 1: I support the PC approved recommendation prior to the 2/22/23 meeting.

Topic 2: I support the PC approved recommendation prior to the 2/22/23 meeting.

Topic 3: I support the PC approved recommendation prior to the 2/22/23 meeting.

Topic 4: I strongly support the use of conforming. Using anything otherwise allows any current structures to later be affected by the next SMP update. This adds confusion to the local owners and layers of complexity to any changes they would make to their property which when built was conforming and legal but now arbitrarily is not.

Topic 5: I support the PC approved recommendation prior to the 2/22/23 meeting.

In response to ecology required items:

Topic 7: I agree with designation of eutrophic lakes being different.

Topic 12: I agree with PC approved recommendation.

Topic 24: I agree with PC. How is spending more money for public access ever ecologically prosperous? This seems an overstep via Ecology as this would entail construction inside buffers.

Topic 26: Agree with PC.

Thank you for your time and consideration. We appreciate the planning commission's time and dedication and care of those they represent.

Derick Mordus

Current President LLCC

From: [John Woodford](#)
To: county.commissioners@co.thurston.wa.us
Cc: [Joshua Cummings](#); [Christina Chaput](#); [Andrew Deffobis](#)
Subject: Things to consider at your SMP Work Session, March 7, 2023.
Date: Monday, March 6, 2023 1:18:26 PM
Attachments: [CoalitionLtr -Conforming.docx](#)

Thurston County Shoreline Stakeholders Coalition

7541 Holmes Island Rd SE, Olympia, WA 98503-4026

March 6, 2023

To: Thurston County Board of County Commissioners

From: John H. Woodford, Chair

Re: Coalition's Issues with the SMP Update - BOCC Decision Matrix

County Commissioners,

We, the Thurston County Shoreline Stakeholders Coalition, have serious concerns about the BOCC Decision Matrix prepared by CPED staff. There seems to be an ever widening divide between 1) the acknowledgment that single-family residential uses are given preference under the Shoreline Master Act and 2) the ever tightening of restrictions on what we waterfront dwellers can do with our own homes and yards. In this email I will focus on Topic 1, Shoreline buffer widths, and Topic 4, Referring to non-conforming uses.

Topic 1, Shoreline buffer widths. The County has been operating under its original Shoreline Master Plan since 1990; it is still in place. Residential shoreline reaches were designation as *Rural*, an inappropriate nomenclature for what is now called *Shoreline Residential*. The buffer width, per the extant SMP, for thirty three (33) years now, has been 50-feet for these residential reaches. And, even further back, my humble 1,176 square foot home was built here on Holmes Island, Long Lake, in 1955 (68 years ago) with a 50-foot setback from the lake...that's what Code called for and my home complies.

Community Planning and Economic Development's own *Cumulative Impacts Analysis of Thurston County's Shoreline Master Program* acknowledges that the **Shoreline Residential SED properties accounts for only 3.5% of the total County shoreline acreage**. Rural Conservancy accounts for 63.5%, Natural – 31.9% and Urban Conservancy – 1.1%. So, Shoreline Residential makes up only a very small portion of the County's shoreline. Further, the vast majority of parcels located in Shoreline Residential SEDs are already built out; there are very, very few vacant parcels available for any form of new development. What's to be gained by increasing the Shoreline Residential buffer? How will an increased buffer width impact Net Loss in either a positive or negative manner? Our homes won't move; the buffers will just wrap around them. What's to be gained by that? While members of the Coalition are divided regarding other SED buffer widths, I would have no problem with returning to wider buffers in Urban Conservancy, Rural Conservancy and Natural SEDs.

Topic 4, Referring to non-conforming uses. On August 31, 2020, I submitted a letter to the Planning Commission addressing this very issue. Rather than just copying that material here, I am attaching that letter below. The way the Coalition sees it, any legally established structure that does not meet the standards of later implemented Codes or Ordinances **shall be considered a conforming structure.** The way we see it, the State of Washington agrees. CPED oversees permit applications and issues permits for new construction and alterations all the time. And Codes (Plumbing and Electrical, for example) are all periodically revised and updated. Buildings of all types and/or location are not declared “nonconforming” or “legally existing nonconforming” upon the adoption of a new Code update. This should not be an issue with the SMP.

As a footnote to this...if you were to expand the buffer widths and and go with some form of non-conforming language you would create a situation where over 90% of all shoreline residences would be designated “non-conforming.”

Thank you for your consideration of the Coalitions stand on these key issues. I will be at the SMP Work Session tomorrow if you have any questions.

Respectfully submitted,

John H. Woodford, AIA

Emeritus Architect

Management District Steering Committee

Thurston County Shoreline Stakeholders Coalition

Member, Long Lake

Chair,

Thurston County Shoreline Stakeholders Coalition

7541 Holmes Island Rd SE, Olympia, WA 98503-4026

August 31, 2020

To: Thurston County Planning Commissioners

From: John H. Woodford, Chairman
Thurston County Shoreline Stakeholders Coalition

Re: Conforming vs. Non-Conforming or Legally Non-Conforming

Commissioners,

Since the introduction of the draft Shoreline Master Program (SMP) in the summer of 2017, there has been a dispute between homeowners and the planning staff regarding the designation of legally built homes and appurtenant structures that may now be located wholly or in part within the newly defined shoreline buffers. Many older homes were constructed before there were any designated setbacks. Some homes may have been constructed closer to the waterline line because of a variance having been granted due to some other site restriction. Whatever the reason, these homes have always, until staff presentation of this draft SMP, been considered “conforming.”

The State of Washington recognizes that such structures are “conforming” in RCW 90.58.620.

RCW 90.58.620

New or amended master programs—Authorized provisions.

(1) New or amended master programs approved by the department on or after September 1, 2011, may include provisions authorizing:

(a) Residential structures and appurtenant structures *that were legally established and are used for a conforming use, but that do not meet standards for the following to be considered a conforming structure**: Setbacks, buffers, or yards; area; bulk; height; or density; and

(b) Redevelopment, expansion, change with the class of occupancy, or replacement of the residential structure if it is consistent with the master program, including requirements for no net loss of shoreline ecological functions.

(2) For purposes of this section, “appurtenant structures” means garages, sheds, and other legally established structures. “Appurtenant structures” does not include bulkheads and other shoreline modifications or overwater structures.

(3) Nothing in this section: (a) Restricts the ability of a master program to limit redevelopment, expansion, or replacement of overwater structures located in hazardous areas, such as floodplains and geologically hazardous areas; or (b) affects the application of other federal, state, or local government requirements to residential structures.

[2011 c 323 § 2.]

NOTES:

Findings—2011 c 323: “(1) The legislature recognizes that there is concern from property owners regarding legal status of existing legally developed shoreline structures under updated shoreline master programs. Significant concern has been expressed by residential property owners during shoreline master program updates regarding the legal status of existing shoreline structures that may not meet current standards for new development.*

(2) Engrossed House Bill No. 1653, enacted as chapter 107, Laws of 2010 clarified the status of existing structures in the shoreline area under the growth management act prior to the update of shoreline

regulations. *It is in the public interest to clarify the legal status of these structures that will apply after shoreline regulations are updated*.*

(3) Updated shoreline master programs must include provisions to ensure that expansion, redevelopment, and replacement of existing structures will result in no net loss of the ecological function of the shoreline. Classifying existing structures as legally conforming will not create a risk of degrading shoreline natural resources." [2011 c 323 § 1.]

*The blue and bold selected portions of the RCW were so designated by me for emphasis.

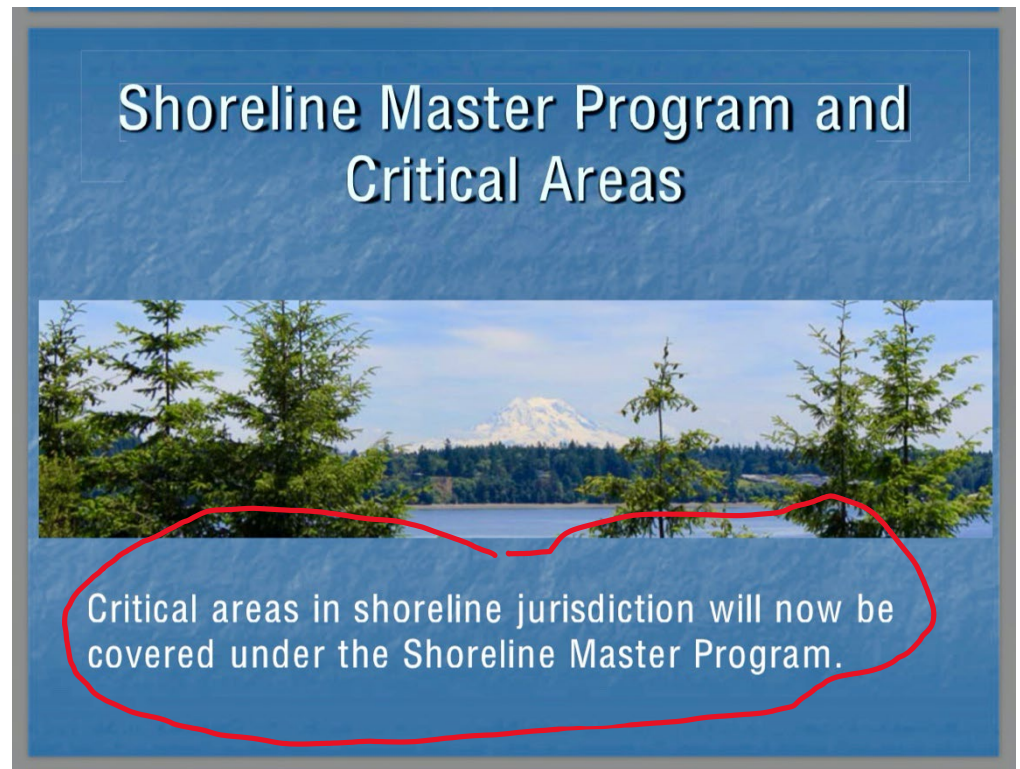
Early on Senior Planner Brad Murphy devised the term "legally non-conforming" to apply to structures legally established within designated buffers prior to adoption of this SMP. Mr. Murphy has repeatedly said, "It's just a name, why should it matter to you." At the December 19, 2018, SMP Open House one of the displayed panels said, *What's In a Name?*

Whether they are called "conforming," "legally non-conforming," or any other name, structures in buffers must follow the same rules for repair, expansion and replacement.

Mr. Murphy has acknowledged that "conforming" is allowed by the State but has said such a designation would be in conflict with other County regulations. But other Codes are updated regularly...Building Codes, Mechanical Codes, Plumbing Codes, Electrical Codes, etc. Existing structures are not mandated to undergo upgrades at the time of each Code update, and they are not labeled "legally non-conforming" upon County adoption of those Code updates.

If the above conflict is with the Critical Areas Ordinance, Comprehensive Plan, Zoning Ordinance and/or Development Permitting consider the following.

At the June 7, 2017, Planning Commission meeting, Mr. Murphy introduced the current draft SMP to you Commissioners. He made his introduction through the use of a PowerPoint presentation. Here are copies of three of the individual slides from that presentation. As you can see, in the first slide Mr. Murphy stated, *"Critical areas in shoreline jurisdiction will now be covered under the Shoreline Master Program."*



In this second slide, Mr. Murphy said both that, *"Critical area protections 'transfer' to updated SMPs"* and *"Updated SMPs are to provide 'sole' regulation of critical areas in shoreline jurisdiction."*

In this third slide, Mr. Murphy made these declarations about the powers of the SMP even more impactful by stating, *"A local SMP is essentially a shoreline-specific combined comprehensive plan, zoning ordinance, and development permit system all in one."*

Conforming vs. Non-Conforming or Legally Non-Conforming may be largely a symbolic issue. But it is an issue rooted deeply in the hearts of many of us. As stated above in RCW 90.58.620, *"It is in the public interest to clarify the legal status of these structures..."*

As we stakeholders see it...if there is a conflict between the SMP and other County regulations, it's either those other regulations that should change or the SMP should be able to stand alone within the shoreline jurisdiction and be able to declare that all legally built structures shall be "conforming."

Thank you for your consideration.

Respectfully submitted,

John H. Woodford, Chairman

Critical area protections "transfer" to updated SMPs

2003 law, clarified by Legislature in 2010:

Updated SMPs are to provide "sole" regulation of critical areas in shoreline jurisdiction.

Ecology's test for adequacy of critical area regulations is whether they achieve "no net loss of functions"

EHB 1653 CERTIFICATION OF ENROLLMENT
ENGROSSED HOUSE BILL 1653
 Chapter 107, Laws of 2010
 61st Legislature
 2010 Regular Session
 GROWTH MANAGEMENT ACT--SHORELINE MANAGEMENT ACT
 EFFECTIVE DATE: 03/19/10

Passed by the House February 18, 2010
 Title 18 Page 18

FEARL CHISS
 Speaker of the House of Representatives

Passed by the Senate March 2, 2010
 Title 18 Page 12

BRAD OWEN
 President of the Senate
 Approved March 18, 2010, 2:28 p.m.

CHRISTINE GREGG
 Governor of the State of Washington

CERTIFICATE
 I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1653** as passed by the House of Representatives and the Senate on the dates herein set forth.

BARBARA BAKER
 Chief Clerk

FILED
 March 18, 2010

SECRETARY OF STATE
 State of Washington

- Statute on CAOs/SMPs; RCW 36.70A.480
- SMP guidelines: WAC 173-26-191(2)(b), -221(2)

Shoreline Master Programs (SMPs)

- A local SMP is essentially a shoreline-specific combined comprehensive plan, zoning ordinance, and development permit system all in one.
- Goals & Policies → SED map → Use Table

From: [chris ireland](#)
To: [County Commissioners](#)
Subject: Greetings: SMP
Date: Tuesday, March 7, 2023 11:44:43 AM

Greetings County Commissioners,
I have been reading about the Shoreline Master Program. I would like to voice that I do not support the minority report! I support the Planning Commissions recommendations for the SMP.

--

Chris Ireland <><

From: [Paul Fossum](#)
To: [County Commissioners](#)
Subject: SMP
Date: Monday, March 6, 2023 8:42:01 PM

Good evening Commissioners,
I am writing in support of the Planning Commission's recommendations for the SMP and more importantly to express that I adamantly reject the recommendations made in the minority report. This hope that you will too.

Thank you,
Paul Fossum
17109 Lakepoint Dr Se
Yelm, WA 98597

From: [Raed Gyekis](#)
To: [County Commissioners](#)
Subject: Support Our Community
Date: Monday, March 6, 2023 8:13:08 PM

> Dear Elected Representative of the People,
>
> I am writing to emphatically support the Planning Commissions recommendations for the SMP.
>
> I do NOT support the minority report, nor should you.
>
> My wife and I have raised our children on Lake Lawrence, we deeply care for our community and the health of our lake, and we've served our nation in the military for the last 25 years.
>
> The DRAFT SMP approved 5 to 3 by the Planning Commissioner last year was a product of 8 years of collaborative community and government work. As someone who has worked across party, nationality, and ideological lines to construct solutions to complex problems and civic issues, that is no small feat.
>
> It is an incredible miscarriage of our Thurston County and American process to sideline almost a decade of collaborative efforts and compromise, and instead support this minority report by those who declined to even take part in the collaborative process.
>
> Bottom Line: support the Draft SMP and the team of civic leaders and community members who took the time and made the effort to develop a comprehensive, 8 year collaborative solution for our community. Do NOT support the Minority Report.
>
> Respectfully,
> Raed & Kate Gyekis

From: [Jamie Chaloner](#)
To: [County Commissioners](#)
Subject: Shoreline management
Date: Monday, March 6, 2023 4:28:42 PM

County Commissioners,

My name is James Chaloner and I have 2 lots on Lake Lawrence. I am the President of the HOA board for Wildaire Estates. My family has owned this property since 1965. The commissioners approved the draft SMP which I APPROVE with this draft. I DO NOT APPROVE the Minority Report that was written. There are hand tying regulations in this document and you are penalizing the owners of shoreline property. Please stay with the already approved SMP.

Thank You,

Jamie Chaloner
JCM Consultants
253-381-3358 Cell

From: [Joseph O'Keefe](#)
To: [County Commissioners](#)
Subject: Urgent: SMP
Date: Monday, March 6, 2023 4:02:47 PM

Thurston County Commissioners,

As a resident of Thurston County who owns property on Lake Lawrence, I have serious concerns with the proposed changes to the Shore Master Program. I wanted to lend my voice as a taxpayer that the DRAFT SMP that was voted for last year should be approved. The currently proposed MINORITY REPORT has significant deficiencies that will have a negative impact on myself and MANY other residents.

Namely;

1. A push for larger (wider) buffers isn't feasible for many of us and limits our property owner rights.
2. Designating existing structure within the buffer as "nonconforming" or "legally existing nonconforming" instead of "conforming," puts lawful structures at risk.
3. Reimposing rigid dimensional standards for docks and piers is problematic for historical docks that have been in existence as well as the fact that not all properties are the same related to access, not all water levels and not all docks are used the same, therefore sizes need to be different.
4. Removal of acknowledgement that non-salmon bearing eutrophic lakes are different. These ecosystems are not the same and shouldn't be treated the same.
5. Impose restrictions on any alterations to a structure within the buffer. MANY houses and structures are in the proposed buffer and ANY improvement would have to endure unnecessary process and permitting.

I urge you to please consider moving forward with the original DRAFT SMP and NOT the MINORITY REPORT.

With regards,

Joseph O'Keefe

From: [LACIE PARRINO](#)
To: [County Commissioners](#)
Subject: Supporting the planning commission's recommendations for the SMP
Date: Monday, March 6, 2023 3:00:49 PM

To whom it may concern:

We support the Planning Commissions recommendations for the SMP and do not support the minority report. We just purchased a cabin at 15840 Lawrence Place SE on Lawrence Lake. Our names are John (Rick) Norton and Lacie Parrino. Our phone numbers are 253-261-4009 (Rick) and 206-850-8653 (Lacie).

Thanks, Rick and Lacie Norton

From: [Aaron Weller](#)
To: [County Commissioners](#)
Subject: Regarding Shoreline Master Program updates
Date: Monday, March 6, 2023 2:55:07 PM

Greetings commissioners. Firstly, I'd like to thank you for all of the work that you do to help maintain healthy water and shorelines in Thurston County.

I write to you with some concerns about the proposed changes to the Shoreline Master Plan, and in particular the recommendations of the "minority report" which would directly impact me.

I am a resident of Thurston County, with lakeside property on Lake Lawrence. I live in a house that was constructed in the 1960s approximately 15 feet from the high water line of the lake. By definition, non-conforming with the current SMP.

As a result, I spent nearly 3 years and over \$15,000 obtaining a permit to replace a dangerous deck which was rotting, and to obtain approval for a dock for this property, which was finally granted last year.

This process was extremely time consuming and expensive, but I wanted to do the right thing and both protect the existing shoreline and vegetation while maintaining the value of my property, and the safety of my children who use the existing rotting deck.

Some of the recommendations that were provided to me during this process included:

- Your deck can have a maximum height of a few inches off the ground. When it already had 3 sliding glass doors on an upper level that would have had a 6 foot drop to the new deck.
- "You need to plant vegetation on your property (where none currently exists) for the first 20 feet from the lake". This would literally have resulted in not being able to enter my lower level, where the door is closer than 20 feet from the lake if applied fully.
- And similar nonsensical requirements that didn't consider the fact that my property, including a deck, has been in the same location since 1963, now well inside the buffer zone.

I was informed by county officials during a site visit that "Over 80% of what you see around the lake has not been permitted" and that "we do not have the resources to take action against people who do not obtain permits"

The proposed minority report amendments to the Shoreline Management Plan will serve to further exacerbate this situation. By making requirements even more onerous than they already are, more people will simply choose to bypass the process – which will have an overall negative impact on shorelines across the county.

As one memorable figure stated, the more that restrictions are tightened, the more people will choose to willfully non-comply.

Focus – Robin Writes



While we are not talking about the destruction of planets here, the SMP directly affects my day to day life and ability to enjoy my property.

To best achieve the desired outcome of the Shoreline Management Plan, restrictions cannot be so onerous as to create a clear incentive for residents to bypass the process altogether.

Residents need to feel that there is a balance between overall objectives to preserve and maintain important ecological habits, and the benefits of living on waterfront property that we are incentivized to protect and maintain.

When I hear from a county employee that many people are ignoring the existing code completely due to how onerous it is, the answer for me is not tightening restrictions further, rather it is enforcing the ones that we have.

With best wishes and kind regards
Aaron

From: [JOHN CARPENTER](#)
To: [County Commissioners](#)
Subject: Fwd: Shoreline Master Plan support for SMP not the Minority Report
Date: Monday, March 6, 2023 11:51:39 AM

Good day Commissioners,

Our family has happily lived here on Lawrence Lake for over 50 years, three generations now and we expect our heirs to be here for many many more years. Thus, we are concerned with the changes being proposed to the Shoreline Master Plan particularly ones that may hamper or incur a very high cost to maintain our home and accessory buildings, dock etc. in the future and impact our home.

By all means we want the lake development controlled to protect our water and wildlife and have been involved in the LMD program, but we also want to be able to AFFORD to maintain what we have and that goes for many if not most other people around the lake as well.

Our house was built to all existing standards of the time, so I find it concerning nor do I appreciate that we might be designated as "non-conforming" or "legally existing non-conforming." I think this raises the possibility of a definition being used against us drastically raising our cost and effort to repair/replace after say an earthquake or wildfire or other natural disaster.

Thank you,

John and Jill Carpenter, 16213 Lawrence Lake Rd SE, Yelm 98597
jcarpenter373@comcast.net

From: [Muriel Rockman](#)
To: [County Commissioners](#)
Subject: Fwd: SMP
Date: Monday, March 6, 2023 11:15:38 AM

----- Forwarded message -----

From: **Muriel Rockman** <murielrock55@gmail.com>
Date: Mon, Mar 6, 2023 at 9:11 AM
Subject: SMP
To: <county.commissioners@co.thurston.wa.us>

As a landowner on Lawrence Lake I want to let you know that I support the planning commissioners recommendation for the SMP.

I DO NOT support the minority report.

Regards,

Muriel Rockman

From: [Meredith Rafferty](#)
To: [Andrew Deffobis](#)
Subject: Fwd: Changes to draft SMP update before public hearing
Date: Tuesday, March 7, 2023 7:50:17 AM

Comments as provided to the Board of County Commissioners.

----- Forwarded message -----

From: **Meredith Rafferty** <meredith.raff@gmail.com>
Date: Tue, Mar 7, 2023 at 7:21 AM
Subject: Changes to draft SMP update before public hearing
To: <county.commissioners@co.thurston.wa.us>

March 7, 2023

To: Commissioner Mejia
 Commissioner Edwards
 Commissioner Menser

We are homeowners in unincorporated Thurston County who have actively participated in the update to the Shoreline Master Program since 2013. Approved by your Planning Commission, that update is now before you. Thousands of residences line the shores of our County's rivers, lakes and marine waters. In our minds, that puts homeowners up front and center in protecting our shorelands. So we and many others stepped up to the challenge of updating the SMP that so intimately affects our properties. This update had a special challenge: to rethink the myriad regulations within the SMP because we, the County, are tasked by the State to address a new goal, the goal of "no net loss" from this day forward.

Now you are being asked by staff if you wish to revise this draft SMP before you hold your public hearing on it. Making technical corrections and additions is understandable. However, before making changes such as buffer widths, we ask that you consider this:

- You do not yet have the analysis that says whether the draft SMP would achieve the mandated "no net loss". The draft as it sits before you today is incomplete. It is missing Appendix D of the SMP, the "cumulative effects" analysis. In other words, what is presented in this draft SMP may work well and not require revision. We need the cumulative effects analysis.
- There is an interplay between various restrictions that was considered. For example, protections exist in three tiers across each shoreland property: there is the 200 foot width of the SMA jurisdiction itself and within that is a more restrictive "buffer" and a "setback". Each tier has protections. The buffer width is not the only control. And its width is allowed to vary within a given range, in consideration of the density of existing development and quality of the environment.

We also ask that you support wording of a "conforming" rather than "nonconforming" status for legal development that occurred before SMA requirements. "Nonconforming" puts our property in jeopardy; we are forever dependent upon our regulator (the County) to continue use of our property. These are days of constant legal challenges over the intricacies of wording. It is not enough to have our regulator verbally say, "Don't worry, we would never act to stop your use because you're nonconforming." We are legally conforming.

Donovan & Meredith Rafferty
 Shoreline Property Owners
 Unincorporated Thurston County

From: [Thomasina Cooper](#)
To: [Andrew Deffobis](#)
Subject: FW: Draft SMP
Date: Tuesday, March 7, 2023 10:49:59 AM

Hi Andy-
Please find comment for the record below.

Thanks!
Thomasina

From: jwilson570@comcast.net <jwilson570@comcast.net>
Sent: Tuesday, March 7, 2023 10:27 AM
To: Tye Menser <tye.menser@co.thurston.wa.us>
Subject: Draft SMP

Dear Commissioner Menser,

As long time residents of Lake Lawrence our family has followed the progress of the updates to the SMP with concern and interest.

We would like to convey to you our strong support for the work done by the planning commission since it's inception and think that the Draft SMP is the best approach.

We do not support the proposals in the minority report. Implementing the changes proposed in the minority report will have significant negative implications on our lake front community.

Please support the Draft SMP as written.

Sincerely,
John and Cindy Wilson
16332 Pleasant Beach Dr SE
Yelm, WA 98597
206 909-3588

From: [Thomasina Cooper](#)
To: [Andrew Deffobis](#)
Subject: FW: Shoreline Master Program
Date: Tuesday, March 7, 2023 1:14:11 PM

Hi Andy-

Please add the comment below to the record.

Thanks!

Thomasina

From: Daniel Moffett <dmoffett@hotmail.com>
Sent: Tuesday, March 7, 2023 11:37 AM
To: Tye Menser <tye.menser@co.thurston.wa.us>
Subject: Shoreline Master Program

Commissioners Menser, Mejia and Edwards

I am a resident of Thurston County and owner of lakeside waterfront property in Thurston County.

I support the Planning Commission's recommendations for the DRAFT Shoreline Master Plan without the added Minority Report. I do not support the Minority Report.

I am specifically concerned with short notice minority report that includes changes having to do with:

- A push for larger (wider) buffers
- Designating existing structure within the buffer as "nonconforming" or "legally existing nonconforming" instead of "conforming"
- Reimposing rigid dimensional standards for docks and piers
- Removal of acknowledgement that non-salmon bearing eutrophic lakes are different
- Impose special restrictions on any alterations to a structure within the buffer
- Minimize the size of decks and viewing platforms

Dan Moffett

Dan Moffett

From: johncosley3@gmail.com
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Tuesday, March 14, 2023 11:59:42 AM

Your Name (Optional):

John & Melodye Cosley

Your email address:

johncosley3@gmail.com

Comment:

We are the current owners of a shoreline lot at 3125 46th Ave NW, Olympia (Parcel #: 12933220400) which is being proposed to have its shoreline designation changed from Conservancy to Natural. In the original Planning Department recommendation it was to be changed to Rural Conservancy, which we agreed with. This shoreline area contains a house which we are currently remodeling and plan to move into when completed, several acres of graded, fenced areas which for many years were part of a horse ranch, and various existing trails to the shoreline as well as garden areas. In our plans for cleaning up and rehabilitating this parcel we have every intention of doing everything possible to stabilize it and enhance its effectiveness as a natural reserve area. However, since it does have a house on it and some amount of human presence/activity it does not seem appropriate to categorize it as Natural. Rural Conservancy is a much better fit for this parcel as originally recommended by the Planning Department, we respectfully request that this designation be applied to our lot. Thank you for your consideration.

Time: March 14, 2023 at 6:59 pm

IP Address: 67.168.191.218

Contact Form URL: <https://thurstoncomments.org/comment-on-the-proposed-shoreline-code-update/>

Sent by an unverified visitor to your site.

From: hwbranch@aol.com
To: [Joshua Cummings](#); [Christina Chaput](#); [Maya Teeple](#); [Brad Murphy](#); [Andrew Deffobis](#); [Dana Bowers](#); [Ashley Arai](#); whisman@co.thurston.wa.us; [Leah Davis](#); [Kaitlynn Nelson](#); [Andrew Boughan](#); [Amelia Schwartz](#); [Emily Pitman](#)
Subject: smp
Date: Sunday, April 2, 2023 9:30:19 AM

Re: Minority Opinion and other opinions.regarding updates to the Shoreline Master Program (SMP).

Shoreline buffers need to be increased not decreased. The majority opinion violates our mandate to "do no further harm" and "take a precautionary approach when developing along marine shorelines to prevent further, irreparable damage". (1) (2)

Science tells us that ecological buffers in nearshore areas span varying widths depending on geological parameters. Estuarine tide flats and salt marsh in Budd Inlet would in places require over a thousand feet to be 80% effective. "The range of buffer widths that met a minimum 80% effectiveness for this function was 5 – 600 m (16-1920 ft; Appendix G). This wide range relates to the breadth of water quality issues..." (3)

The County's SMP claims to protect shorelines, ensuring their ability to: "remove sediment, nutrients and toxic compounds before they enter the water"; provide "habitat for fish and wildlife"; "maintain water temperatures vital to fish and other marine organisms' survival"; and "promote preservation and restoration of ecological areas". How? Where?

To the question "Are Shoreline Environmental Designations (SEDs) based on Science?" the answer is: "Yes. Thurston County used aerial photographs, site visits, and other data to guide the proposed SEDs." What data? We should at least get a summary. "Thorough studies were done to ensure that no net loss of shoreline ecological function occurs through time." What studies? We have some observation and perhaps a vague hypothesis but no tests or supported conclusions.

"We're evaluating a site based on whether it has characteristics of high-quality habitat and/or minimal shoreline modification". In other words, the baseline is what exists today, in a damaged state. A site should be evaluated on how physical parameters are impacting chemical and biological parameters. Federal law requires that in a damaged water body like Budd Inlet restoration must at least be on the table in every consideration.

Harry Branch
 239 Cushing St NW
 360-890-2949

(1) <https://wsg.washington.edu/wordpress/wp-content/uploads/Marine-Riparian-Function-Assessment.pdf>

(2) https://s3.us-west-2.amazonaws.com/thurstoncountywa.gov-if-us-west-2/s3fs-public/2023-01/cped-cp-docs-A-6_SMP_Minority_Report-Signed.pdf

(3) <https://wdfw.wa.gov/sites/default/files/publications/00693/wdfw00693.pdf>

From: [Tris Carlson](#)
To: [Andrew Deffobis](#)
Subject: Re: Shellfish Protection District E-mail List
Date: Wednesday, April 12, 2023 1:10:43 PM
Attachments: [SMP letter 41223.docx](#)

Hello Andrew,

Yes I would like to remain on the mailing list. I did try to log on the last meeting but I missed your later message.

I would also like to ask you your observation as to the county's desire to continue with the SPD. I would consider getting involved again if the county see's a need for continuation.

As you transition away from the SPD I await the adoption of the SMP. I believe you also would like to see that item off your agenda. I have letter of concern in regards to the planning commission SMP minority report. I have attached a draft copy.

I want to wish you the best in your endeavors.

Sincerely

Tris

-----Original Message-----From: Andrew Deffobis <andrew.deffobis@co.thurston.wa.us>
Sent: Apr 12, 2023 10:10 AM
To: trcarlson@earthlink.net <trcarlson@earthlink.net>
Subject: Shellfish Protection District E-mail List

Hi Tris,

I am going to be transitioning shellfish coordination duties over to Laura Blakely in Environmental Health. I realized you are still signed up to receive the meeting notifications —do you wish to remain on this list?

Hope all is well.

Regards,

Andrew Deffobis, Senior Planner

Thurston County Community Planning and Economic Development Department

3000 Pacific Ave SE

Olympia, WA 98501

Cell Phone: (360) 522-2593

Office Phone: (360) 786-5467

Fax: (360) 754-2939

Tris Carlson
6936 Puget Beach Rd NE
Olympia, Wa 98516
(360) 790-8093

April 12 ,2023

Commissioner Mejia
Commissioner Menser
Commissioner Edwards
County Manager Chavez
Director Cummings
Senior Planner Deffobis

As a long time interested party in clean water issues, I have followed Thurston County's update process of the Shoreline Master Program (SMP). I have been involved in multiple aspects of the update, having served on the SMP Science and Technical Advisory Group (STAG), a stakeholder group that was composed of governmental entities and tribes, science advisors, and commercial interests that would be impacted.

My service also extended to Thurston County's Shellfish Protection District and the Storm and Surface Water Advisory Board (SSWAB). Each of these also had interest in the SMP, and while not directly crafting policy positions, we had overlap and connection with the Planning Commission's work.

I was made aware that at a SMP Work Session on March 7, 2023, a commissioner remarked on something I feel must be addressed. During the discussion on the minority report, a commissioner mentioned that the signors of that report were not part of the deliberative process, nor the public engagement portion of the Planning Commissions work. Another commissioner then remarked that two signors of the Planning Commission's recommendation (erroneously referred to as the 'Majority Report'), Commissioners Casino & Halverson, were both also not there for the full accounting. This seemed to be an equivocation to justify the demeaning of the Planning Commission's recommendation.

This discounting is unwarranted and short sighted. While Mr. Casino and I have had differences of opinion on some aspects of the SMP, to imply that he has limited experience or knowledge is just plain wrong. My first encounter with Mr. Casino was at STAG. Soon after that, I worked directly with him at SSWAB, where he represented District 2. I also encountered him at every SMP Open House, and multiple other SMP community events that I attended. Mr. Casino likewise was present at Dept of Ecology SMP work sessions, and regularly attended Planning Commission meetings. I also recognize that he was part of the County's 'SMP Small Group', all before being appointed to the Planning Commission in 2019, approximately two years before their SMP Public Hearing.

Another aspect of the sheer amount of efforts Mr. Casino has put into the SMP was his ability to then engage viewpoints from across the spectrum. This type of public engagement informs decision makers, exiting ideological echo chambers. Not only have I been able to articulate my positions to Mr. Casino, I am aware of his engaging everyone from Black Hills Audubon Society and Protect Zangle Cove to Taylor Shellfish as well as others.

This is not to say anything negative towards the four signors of the minority report. I am familiar with Derek Day who works at DOE in the Stormwater Division through my work at SSWAB. Frankly I am surprised that he signed onto the minority report. Though he is not part of the Shorelands Program at Ecology, one would believe he would recognize that the SMP has to be consistent with Department of Ecology Guidelines. During the time I've been actively involved in SMP, before their appointments to the Planning Commission, I was never aware of them attending any SMP public hearings, attending Planning Commission meetings, at STAG, at any other board or commission, or at any of the SMP community events. I am unsure that any of them were even appointed by the time of the Planning Commission's last Public Hearing (the end date of public testimony), so their engagement of the public in regards to the SMP is, most likely, very limited.

You will be hearing more from me during the Board's public comment period for the SMP, as I would like to see some changes from the Planning Commission recommendation. But, that aside, it would be an error to confound the arduous, deliberative, and engaged recommendation from the Planning Commission with that of the minority report.

My last comment is that the minority report puts great emphasis on climate change and sea level rise in its rationale for further examination of the Draft SMP. I would believe that re-examining the document for such a consideration, thus further delaying its implementation, is detrimental to the public's interest. . It is my understanding that SMP's are supposed to be updated every 8 years. It has been 33 years since the last update. Let us adopt and implement the Draft soon. We can then begin documenting facts that support the goals of the SMA in the next SMP update.

Please feel free to reach out to me if you have any questions or concerns.

Thank you,

Tris Carlson

Carolina.mejia@co.thurston.wa.us
tye.menser@co.thurston.wa.us
gary.edwards@co.thurston.wa.us
Ramiro.chavez@co.thurston.wa.us
Joshua.cummings@co.thurston.wa.us
andrew.deffobis@co.thurston.wa.us

From: [Maya Teeple](#)
To: [Andrew Deffobis](#)
Subject: FW: Clean Black Lake Alliance comments on SMP
Date: Monday, April 17, 2023 8:49:53 AM
Attachments: [image001.png](#)



Maya Teeple (She/Her) | **Senior Planner**
Thurston County Community Planning & Economic Development
Community Planning Division
 3000 Pacific Ave SE, Olympia, Washington 98501
Cell (Primary): (360) 545-2593
Maya.Teeple@co.thurston.wa.us | www.thurstonplanning.org

From: Thomasina Cooper <thomasina.cooper@co.thurston.wa.us>
Sent: Monday, April 17, 2023 11:12 AM
To: Maya Teeple <maya.teeple@co.thurston.wa.us>
Cc: Sara Develle <sara.develle@co.thurston.wa.us>; Robin Courts <robin.courts@co.thurston.wa.us>
Subject: FW: Clean Black Lake Alliance comments on SMP

Hi Maya,

Below is comment the commissioners received on the SMP. Please add it to the record.

Thanks bunches!

Thomasina

From: Esther Grace Kronenberg <wekrone@gmail.com>
Sent: Friday, April 14, 2023 2:58 PM
To: Tye Menser <tye.menser@co.thurston.wa.us>; Gary Edwards <gary.edwards@co.thurston.wa.us>; Carolina Mejia-Barahona <carolina.mejia@co.thurston.wa.us>
Subject: Clean Black Lake Alliance comments on SMP

Dear Commissioners,

The Clean Black Lake Alliance writes in support of the Minority Opinion updates to the Shoreline Master Program (SMP).

We previously commented on the SMP in October 2021 pointing out the failure of the current “no net loss” standard to safeguard water quality and aquatic habitat in our lakes and marine waters. Healthy shorelines are essential for fish and wildlife habitat and as filters to remove nutrients and toxicants before they enter the water.

However, it is clear from the continuing loss of shorelines and increasing problems of water quality in our lakes and marine waters that the “no net loss” standard is insufficient to protect our shoreline ecological systems and the life they support. Thurston County’s use of already degraded shorelines and habitats as a baseline to evaluate its compliance with the intent of the Shoreline Management Act is clearly flawed. There is insufficient data to make a true assessment of how the physical parameters are impacting water quality and habitat. Restoration of these damaged shorelines is not being considered, contrary to federal law.

The Minority Report calls particular attention to the Planning Commission’s recommended reduction of shoreline buffers, which include vegetation buffers, urban/shoreline residential buffers and riparian buffers. Further reduction of already struggling shoreline buffers conflicts with best available science and the goals of the Thurston Climate Mitigation Plan. We propose a “net ecological gain” standard to begin the important work of restoration.

The Clean Black Lake Alliance has been working to come up with solutions to water quality in our lakes through the use of low cost filtration systems that remove nutrients and toxicants from effluent streams before they enter a water body. Obviously, reduced buffers will decrease the effectiveness of these kinds of filtration systems, leaving the County with much more expensive and unwieldy methods to control the recurring algae blooms and increased water pollution from stormwater runoff that promises to increase according to climate change predictions.

We also note the need for larger buffers to mitigate for the effects of wave action that are eroding the shoreline from boats, and the need to protect any endangered species habitat for the Oregon spotted frog existent in ditches.

Now is not the time to further loosen regulations and requirements for the protection of our natural resources. We are all witness to the increasing degradation and cannot continue to pretend that the loss of healthy habitat and biodiversity will not cause serious environmental consequences to our ecosystems and the public health.

Please incorporate the recommendations of the Minority Opinion of the Planning Commission into the SMP. They will provide the greatest long term benefit for County residents and for generations to come.

Thank you for your consideration.

Gary Kline and Esther Kronenberg
Clean Black Lake Alliance

From: [Brian Muirhead](#)
To: [Andrew Deffobis](#)
Subject: Re: Trying to send you an email on SED input but your server is rejecting
Date: Thursday, April 20, 2023 10:46:15 AM
Attachments: [2022.11.28 Ltr. to BOCC - Muirhead SMP.pdf](#)

Here's attachment, which I believe you already have on file. Please let me know you got it.
 Thanks

On Apr 20, 2023, at 10:42 AM, Brian Muirhead <brian91011@earthlink.net> wrote:

Andrew, Glad you got this. I was copying you on an email to Commissioner Mijia, but when it was bounced back I tried to just send it to you. Attached is what was trying to send you without the attachment. I'll send the attachment separately. Thanks, Brian

Commissioner Mejia,

I'm writing to you as a follow up to an email I sent to all commissioners on 3/1/23 with respect to an issue we have with the proposed Shoreline Environmental Designation (SED), in the proposed SMP, for a parcel of land we own on Pattison Lake. I have been in contact with Andrew Deffobis on this topic many times over the past couple of years.

At the BoCC February 28, 2023 meeting I made comments on our issue during the public comment period. This was one week after Andrew had present to you on the status of the SMP. Attached is the letter and support information on our issue and our requested action by the BoCC. This package was filed with your Community Planning and Economic Development Department back on 11/28/22.

We are asking you to have your staff look into our issue and our proposed solution and get back to us and you on their assessment before the SMP public hearing on May 16.

Thank you for all your hard work on behalf of the citizens of Thurston County.

Brian and Nancy Muirhead
 6527 Alternate Lane SE
 Olympia, WA 98513

On Apr 20, 2023, at 10:31 AM, Andrew Deffobis

<andrew.deffobis@co.thurston.wa.us> wrote:

Hi Brian,

Are you trying to send it directly to me? I received this message just now....

Andrew Deffobis, Senior Planner
Thurston County Community Planning and Economic Development
Department
3000 Pacific Ave SE
Olympia, WA 98501
Cell Phone: (360) 522-2593
Office Phone: (360) 786-5467
Fax: (360) 754-2939

-----Original Message-----

From: Brian Muirhead <brian91011@earthlink.net>

Sent: Thursday, April 20, 2023 10:30 AM

To: Andrew Deffobis <andrew.deffobis@co.thurston.wa.us>

Subject: Trying to send you an email on SED input but your server is rejecting

Andrew, Please respond if you get this email. Thanks, Brian

November 28, 2022

TRANSMITTED VIA ELECTRONIC MAIL ONLY

smp@co.thurston.wa.us

andrew.deffobis@co.thurston.wa.us

Thurston County Board of County Commissioners
Attn: Andrew Deffobis
Shoreline Code Update
Thurston County Community Planning & Economic Development Department
2000 Lakeridge Drive SW, Building 1
Olympia, Washington 98502

**Re: Comment on Shoreline Master Program (“SMP”) Update
Request for Revision to Pattison Lake Shoreline Designation (LPA-7
and LPA-8)**

Dear Thurston County Board of County Commissioners:

This firm represents Brian and Nancy Muirhead (the “Muirheads”).

The Muirheads own two parcels of property located at 6712 and 6527 Alternate Lane SE, Olympia, Thurston County, Washington (the “Property”). The Property is located on the southeast shore of Pattison Lake within the City of Lacey Urban Growth Area (“UGA”) and identified as part of the LPA-7 – LPA-8 reaches in the proposed SMP update.

As currently proposed, the SMP update would eliminate the split shoreline designation of the 6712 Alternate Lane SE parcel (Thurston County Tax Parcel 117021-40-600) (the “6712 parcel”) as it has existed since 1990, which currently has a majority of developed shoreline designated “Rural” and the remainder, “Conservancy,” and re-designate the entire 6712 parcel based on the property line to the far more restrictive “Natural” designation.

According to the 2013 Final Inventory and Characterization Report, this change is not a shoreline regulatory requirement – instead, it is being done in an effort to “place reach breaks on parcel lines.”¹ However, the Muirheads had a professional survey prepared², which shows that

¹ Thurston County Planning and Economic Development, Thurston County Shoreline Master Program Update: Inventory and Characterization Report - SMA Grant Agreements: G0800104 and G1300026 (Final Draft) (June 30, 2013), available at <https://www.thurstoncountywa.gov/planning/planningdocuments/shoreline-update-inventory-characterization-report-draft.pdf>, at 13.

² Reach Boundary Adjustment Survey, Mtn2Coast Surveyors, dated September 6, 2022 (attached at **Tab A**).

the County's mapped parcel data does not accurately reflect the location of existing improvements on the 6712 parcel, all of which will be rendered legally non-conforming if the re-designation to "Natural" is approved. In addition to this apparent mapping error, a site-specific evaluation of existing conditions on the Property³ completed by a certified wetland and soil scientist⁴ demonstrates that designation of the entire 6712 parcel as "Natural" is neither appropriate nor warranted under the Shoreline Management Act (RCW 90.58) and Ecology's SMP Guidelines (WAC 173-26).

In considering this request, the Board should be aware that the Muirheads have actively participated in the SMP update process, including engaging with staff and submitting written comments and drawings and appearing – without representation – before the Planning Commission at its October 20, 2021 and April 20, 2022 meetings.

The April 20, 2022 Planning Commission meeting included the staff presentation and Planning Commission consideration of the Muirheads' request to change the proposed designation for the 6712 parcel.⁵ At that time, County staff did not support the Muirheads' requested revision, because staff concluded that the parcel did not "appear to have significant alteration" and was "generally free of structural shoreline modifications, structures and intensive human uses" in spite of also noting the presence of a dock, concrete staircase, pathways and landscaping in the 6712 parcel. Staff noted that they were basing their assessment on aerial photographs and did not visit the site, although the Muirheads had proposed and would have allowed just such a visit. The staff's stated justification was in order to, "avoid sub-parcel reach break changes if possible, to ease future implementation of the SMP."⁶ The Planning Commission adopted staff's recommendation and declined to revise the proposed designation as requested.

Following the Planning Commission's action in April, the Muirheads had the attached reach survey and Technical Memorandum prepared, both of which directly refute the facts and staff analysis upon which the Planning Commission's recommendation was based.

The County has a duty to update its SMP in a manner consistent with the Shoreline Management Act (RCW 90.58) and the SMP Guidelines (WAC 173-26). In addition, WAC 173-26-201(2)(a) requires the County to "identify and assemble the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern" (emphasis added). Proper shoreline designation is a critical feature of the County's update process. Because the site-specific analysis of the 6712 parcel clearly demonstrates that the proposed reach break meets none of the criteria in the SMP Guidelines for the proposed "Natural" designation and instead meets multiple criteria for "Urban Conservancy," we respectfully request that the Board revise the proposed shoreline environmental designations for LPA-7 – LPA-8 on the 6712 parcel prior to adoption of the SMP, as follows:

³ SCJ Alliance Technical Memorandum, dated July 29, 2022 (attached at **Tab B**).

⁴ CV of Lisa Palazzi (attached at **Tab C**).

⁵ Copies of the Staff Report and presentation from the April 20, 2022 Planning Commission Work Session are attached at **Tab D**.

⁶ P. 3 of April 20, 2022 Planning Commission Staff Report (Tab D).

- (1) Retain the split designation of 6712 Alternate Lane SE parcel at the existing reach break identified on the survey²; with this change, 6527 Alternate Lane SE parcel and the developed portion of the 6712 parcel would both be designated “Shoreline Residential” under a single reach; and
- (2) Designate the balance of 6712 Alternate Lane SE parcel “Urban Conservancy.”

Thank you for the opportunity to comment.

Very truly yours,



Heather L. Burgess

HLB/dlg

cc: Client (via email only)

Attachments:

Tab A – Reach Boundary Adjustment Survey

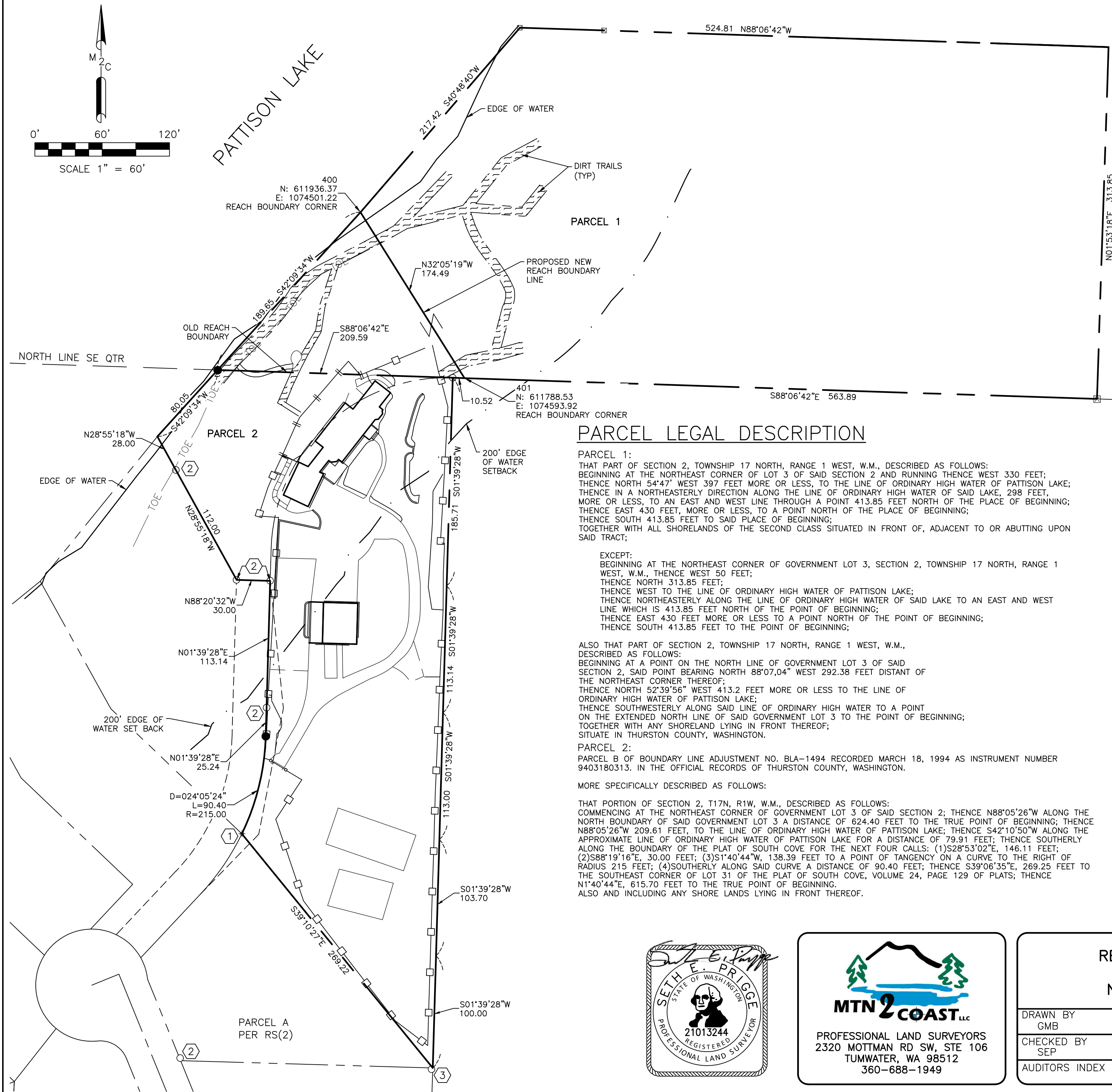
Tab B – SCJ Alliance Technical Memorandum, dated July 29, 2022

Tab C – Curriculum Vitae of Lisa Palazzi

Tab D – Staff Report presentation from the April 20, 2022 Planning Commission Work Session

Tab A

Reach Boundary Mapping



RS(X) REFERENCED SURVEYS

1. PLAT OF SOUTH COVE DIVISION 1, AFN 9012040180 VOLUME 24.
2. BOUNDARY LINE ADJUSTMENT-1494, AFN 9403180313.

DATUM

HORIZONTAL - WASHINGTON STATE PLANE COORDINATES, SOUTH ZONE, NAD 83/2011 BASED ON STATIC GPS TIES POST PROCESSED THROUGH OPUS. BEARINGS AND DISTANCES SHOWN ARE IN GROUND SCALE. SCALED ABOUT N. 611624.147 E. 1074502.23 USING A COMBINED SCALE FACTOR OF 0.99993310.

(X) MONUMENT NOTES

1. FOUND PK NAIL
2. FOUND 5/8" REBAR WITH YELLOW CAP MARKED "RAYMOND LS 22346".
3. FOUND 5/8" REBAR WITH YELLOW CAP MARKED "RAYMOND LS 22346", 1.1' SOUTH OF AND 1.0' WEST OF CALCULATED PROPERTY CORNER.

SURVEY NOTES

1. INSTRUMENT USED: SOKKIA SRX 3 TOTAL STATION AND TOPCON GR5 GPS.
2. THIS SURVEY MEETS OR EXCEEDS THE STANDARDS OF WAC 332-130-090 AND 332-130-145.
3. SURVEY COMPLETED 11/2021.
4. ALL MONUMENTS SHOWN AS FOUND VISITED 11/2021.
5. PURPOSE OF THIS MAP IS FOR ADJUSTMENT OF THE NEW PROPOSED REACH BOUNDARY.
6. MTN2COAST (M2C) WAS PREVIOUSLY RETAINED BY NANCY AND BRIAN MUIRHEAD TO ESTABLISH THE PROPERTY LINES UNDER RECORD OF SURVEY AFN 4820809, AND CREATE A TOPOGRAPHIC MAP. M2C USED THIS MAP INFORMATION TO SHOW THE PROPOSED REACH LINE AS REQUESTED BY BRIAN MUIRHEAD IN THIS MAP.

LINE TYPE

BUILDING OVERHANG	=====
BUILDING LINE	=====
IRON FENCE	=====
WOOD FENCE	=====
PROPERTY LINE	=====
LOT LINE	=====
EASEMENT LINE	-----

LEGEND

- ⊕ REBAR AND CONROL CAP
⊕ PK NAIL
○ REBAR AND CAP
● SET 5/8"x24" LONG REBAR WITH YELLOW CAP MARKED "MTN2COAST LS 29278"
⊗ SET WOODEN HUB AT APPROXIMATE CORNER LOCATION

PARCEL LEGAL DESCRIPTION

PARCEL 1:
THAT PART OF SECTION 2, TOWNSHIP 17 NORTH, RANGE 1 WEST, W.M., DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF LOT 3 OF SAID SECTION 2 AND RUNNING THENCE WEST 330 FEET;
THENCE NORTH 54°47' WEST 397 FEET MORE OR LESS, TO THE LINE OF ORDINARY HIGH WATER OF PATTISON LAKE;
THENCE IN A NORTHEASTERLY DIRECTION ALONG THE LINE OF ORDINARY HIGH WATER OF SAID LAKE, 298 FEET,
MORE OR LESS, TO AN EAST AND WEST LINE THROUGH A POINT 413.85 FEET NORTH OF THE PLACE OF BEGINNING;
THENCE EAST 430 FEET, MORE OR LESS, TO A POINT NORTH OF THE PLACE OF BEGINNING;
THENCE SOUTH 413.85 FEET TO SAID PLACE OF BEGINNING;
TOGETHER WITH ALL SHORELANDS OF THE SECOND CLASS SITUATED IN FRONT OF, ADJACENT TO OR ABUTTING UPON SAID TRACT;

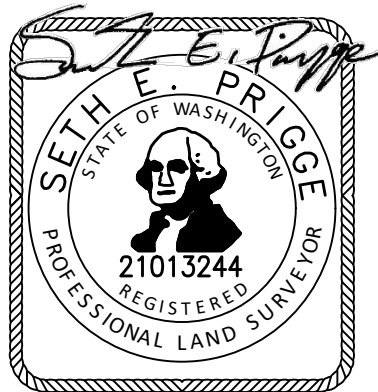
EXCEPT:
BEGINNING AT THE NORTHEAST CORNER OF GOVERNMENT LOT 3, SECTION 2, TOWNSHIP 17 NORTH, RANGE 1 WEST, W.M., THENCE WEST 50 FEET;
THENCE NORTH 313.85 FEET;
THENCE WEST TO THE LINE OF ORDINARY HIGH WATER OF PATTISON LAKE;
THENCE NORTHEASTERLY ALONG THE LINE OF ORDINARY HIGH WATER OF SAID LAKE TO AN EAST AND WEST LINE WHICH IS 413.85 FEET NORTH OF THE POINT OF BEGINNING;
THENCE EAST 430 FEET MORE OR LESS TO A POINT NORTH OF THE POINT OF BEGINNING;
THENCE SOUTH 413.85 FEET TO THE POINT OF BEGINNING;

ALSO THAT PART OF SECTION 2, TOWNSHIP 17 NORTH, RANGE 1 WEST, W.M., DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE NORTH LINE OF GOVERNMENT LOT 3 OF SAID SECTION 2, SAID POINT BEARING NORTH 88°07'04" WEST 292.38 FEET DISTANT OF THE NORTHEAST CORNER THEREOF;
THENCE NORTH 52°39'56" WEST 413.2 FEET MORE OR LESS TO THE LINE OF ORDINARY HIGH WATER OF PATTISON LAKE;
THENCE SOUTHWESTERLY ALONG SAID LINE OF ORDINARY HIGH WATER TO A POINT ON THE EXTENDED NORTH LINE OF SAID GOVERNMENT LOT 3 TO THE POINT OF BEGINNING;
TOGETHER WITH ANY SHORELAND LYING IN FRONT THEREOF;
SITUATE IN THURSTON COUNTY, WASHINGTON.

PARCEL 2:
PARCEL B OF BOUNDARY LINE ADJUSTMENT NO. BLA-1494 RECORDED MARCH 18, 1994 AS INSTRUMENT NUMBER 9403180313. IN THE OFFICIAL RECORDS OF THURSTON COUNTY, WASHINGTON.

MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

THAT PORTION OF SECTION 2, T17N, R1W, W.M., DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF GOVERNMENT LOT 3 OF SAID SECTION 2; THENCE N88°05'26"W ALONG THE NORTH BOUNDARY OF SAID GOVERNMENT LOT 3 A DISTANCE OF 624.40 FEET TO THE TRUE POINT OF BEGINNING; THENCE N88°05'26"W 209.61 FEET, TO THE LINE OF ORDINARY HIGH WATER OF PATTISON LAKE; THENCE S42°10'50"W ALONG THE APPROXIMATE LINE OF ORDINARY HIGH WATER OF PATTISON LAKE FOR A DISTANCE OF 79.91 FEET; THENCE SOUTHERLY ALONG THE BOUNDARY OF THE PLAT OF SOUTH COVE FOR THE NEXT FOUR CALLS: (1)S28°53'02"E, 146.11 FEET; (2)S88°19'16"E, 30.00 FEET; (3)S1°40'44"W, 138.39 FEET TO A POINT OF TANGENCY ON A CURVE TO THE RIGHT OF RADIUS 215 FEET; (4)SOUTHERLY ALONG SAID CURVE A DISTANCE OF 90.40 FEET; THENCE S39°06'35"E, 269.25 FEET TO THE SOUTHEAST CORNER OF LOT 31 OF THE PLAT OF SOUTH COVE, VOLUME 24, PAGE 129 OF PLATS; THENCE N1°40'44"E, 615.70 FEET TO THE TRUE POINT OF BEGINNING.
ALSO AND INCLUDING ANY SHORE LANDS LYING IN FRONT THEREOF.



MTN2COAST LLC

PROFESSIONAL LAND SURVEYORS
2320 MOTTMAN RD SW, STE 106
TUMWATER, WA 98512
360-688-1949

**REACH BOUNDARY ADJUSTMENT
FOR
NANCY AND BRIAN MUIRHEAD**

DRAWN BY GMB	DATE 9/6/2022	JOB NUMBER 20-377
CHECKED BY SEP	SCALE 1"=60'	SHEET NUMBER SV-1
AUDITORS INDEX NW1/4 SE1/4, SEC2, T17N, R1W, W.M.		

Tab B

July 29, 2022 Technical Memorandum Prepared by SCJ Alliance

TECHNICAL MEMORANDUM

TO: Brian and Nancy Muirhead

FROM: Lisa Palazzi, CPSS, PWS, SCJ Alliance

DATE: July 29, 2022

PROJECT #: 00-516901

SUBJECT: Proposed DRAFT Shoreline Environmental Designation Assessment (SED),
Reach LPA-7-LPA-8

1.0 PROJECT OVERVIEW

The subject property includes two parcels on Pattison Lake in common ownership (Brian and Nancy Muirhead, Figure 1).

- Parcel 2 (2.91 acres, zoned MGSA – TPN 11702420100) is a developed residential parcel and is located at 6527 Alternate Lane SE.
- Parcel 1 (4 acres, zoned MGSA – TPN 11702420600,) is located directly adjacent to the north at 6712 Alternate Lane SE. This parcel includes some developed areas within the Shoreline zone at the western end of the parcel.

Thurston County is in the process of reviewing and updating the County Shoreline Master Plan (SMP), which includes assessing and updating Shoreline Environmental Designations (SEDs) – i.e., redefining



Figure 1. Project Site location map at Pattison Lake



SED categories and revising maps that define how various shoreline sections will be regulated under the updated SMP.

Under the current 1990 SMP, SED boundaries often cut across parcel boundaries, however, according to the 2013 “Final Inventory and Characterization Report,”) (p. 13) as part of the SMP update, County staff applied a different policy of aligning reach breaks with parcel lines:

“Proposed reach breaks were reviewed by multiple parties for accurate assessment of physical, biological, and land use features as well as for ultimate use as a management tool. The resulting final reach breaks represent the product of a detailed assessment process. During the creation of final reach breaks, an effort was made to place reach break points on parcel lines. This was done to avoid the potential for a parcel to contain more than one environmental designation. Due to the emphasis of placing reach break points on parcel lines, these locations do not always exactly line up with the locations of key environmental changes (e.g., topography might begin to change shortly before or after a reach break point). Breaks were located closest to the environmental change that was also on a parcel line. Despite this focus on parcel line reach break placement, there were some instances when a reach break was located mid-parcel because that was where the geographic change occurred (e.g., basin lines). This was particularly true when an environmental change occurred within a large parcel.

The current Shoreline Environmental Designation (SED) for the shoreline zone on Parcel 2 and most of the developed shoreline areas within Parcel 1 is **Rural**. The current SED for the rest of Parcel 1 is **Conservancy**. (See Table 1 for details)

The County proposes to change the SED designation on Parcels 1 and 2, and to change the SED reach boundary on Parcel 1. The proposed SED on Parcel 2 would be **Shoreline Residential**, and the proposed SED for Parcel 1 would be **Natural**. The proposed new SED boundary on Parcel 1 would be relocated to include the entire parcel, which would include currently developed shoreline areas – landscaping, ramps, stairs and a dock – that were previously regulated as **Rural**.

The purpose of this Technical Memo is to discuss the definition of the old versus new SMP SED categories, and to discuss implications and impacts of the proposed policy to extend the **Natural** SED to include ALL of Parcel 1. This SED revision plan will impact future use of the existing developed areas on Parcel 1, which are downslope of the Muirhead residence located on Parcel 2.

2.0 DISCUSSION

One of the proposed SED revisions will affect a parcel located in the southeastern portion of Pattison Lake – specifically, existing shoreline development and infrastructure in the western portions of TPN 11702420600 (Parcel 1). The shoreline at the western end of Parcel 1 and on the adjacent commonly owned TPN 11702420100 (Parcel 2), is developed.

The property owners (Muirheads) are currently involved in a residential remodel project that affects developed portions on both Parcels 1 and 2 (displayed in Figure 2, adapted from TAS architects site plan drawing dated June 27,2021).

Per requirements of remodel permitting processes, the Muirheads have a recently completed professional survey of the parcel boundaries and related residential infrastructure at Parcel 2. Figure 3 is the survey map of the Muirhead parcel, adapted from the Mtn2Coast survey dated 11/23/2021. (The entire survey map is provided as an attachment to this Technical Memo.)

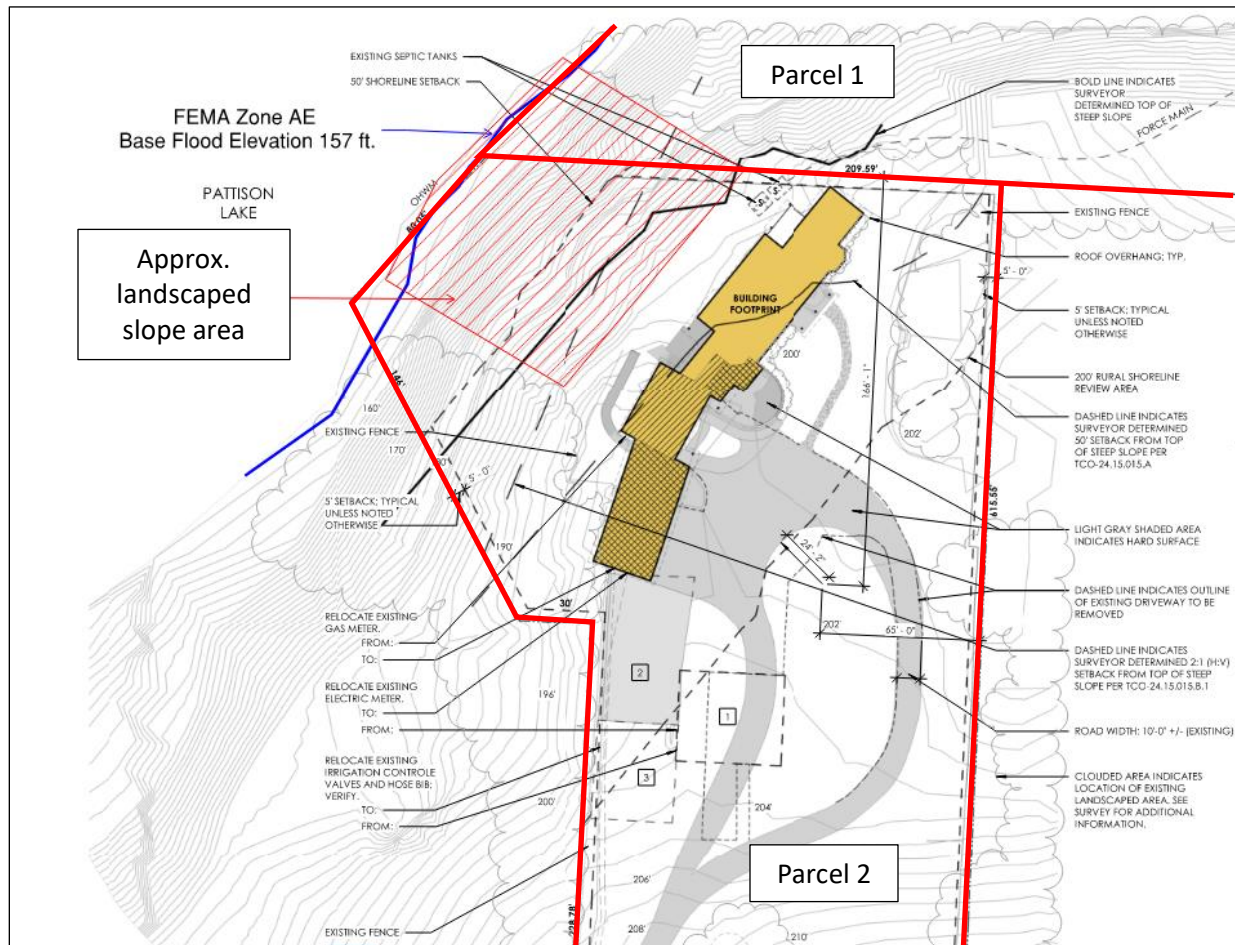


Figure 2. Project Area location in relation to existing home.

The Figure 3 survey map shows the location and extent of developed infrastructure on both parcels. The approximate current southern edge (per current GeoData maps) of the **Conservancy** SED boundary on Parcel 1 is added to Figure 3. Shoreline areas southwest of that line are currently designated **Rural**. The proposed revision would convert all of Parcel 1 SED to **Natural**, which would extend the current SED boundary to include all of the western end of Parcel 1, most of which is currently developed.

Figure 4 takes the survey information from Figure 3 and overlays the trails, ramps, and currently landscaped areas on a GeoData aerial photo. Figure 4 shows both GeoData parcels and surveyed parcel boundaries. This Figure is intended to show that the parcel and SED boundaries displayed in the GeoData mapping are incorrect and misrepresent critical developed features on the Muirhead parcels. Specifically, the area that is proposed to be redesignated as **Natural** on Parcel 1 includes about half of a currently landscaped slope between the residence and Pattison Lake, landscaped area around the northern end of the house, several 8-10 ft wide trails, a midslope ramp with a landscaping wall and sitting area, stairs, and a dock.

The current SED boundary between the **Rural** versus the **Conservancy** shoreline areas was based more on actual environmental conditions, but still ignored the fact that there were several well-developed trails throughout the shoreline area that was designated as **Conservancy**.

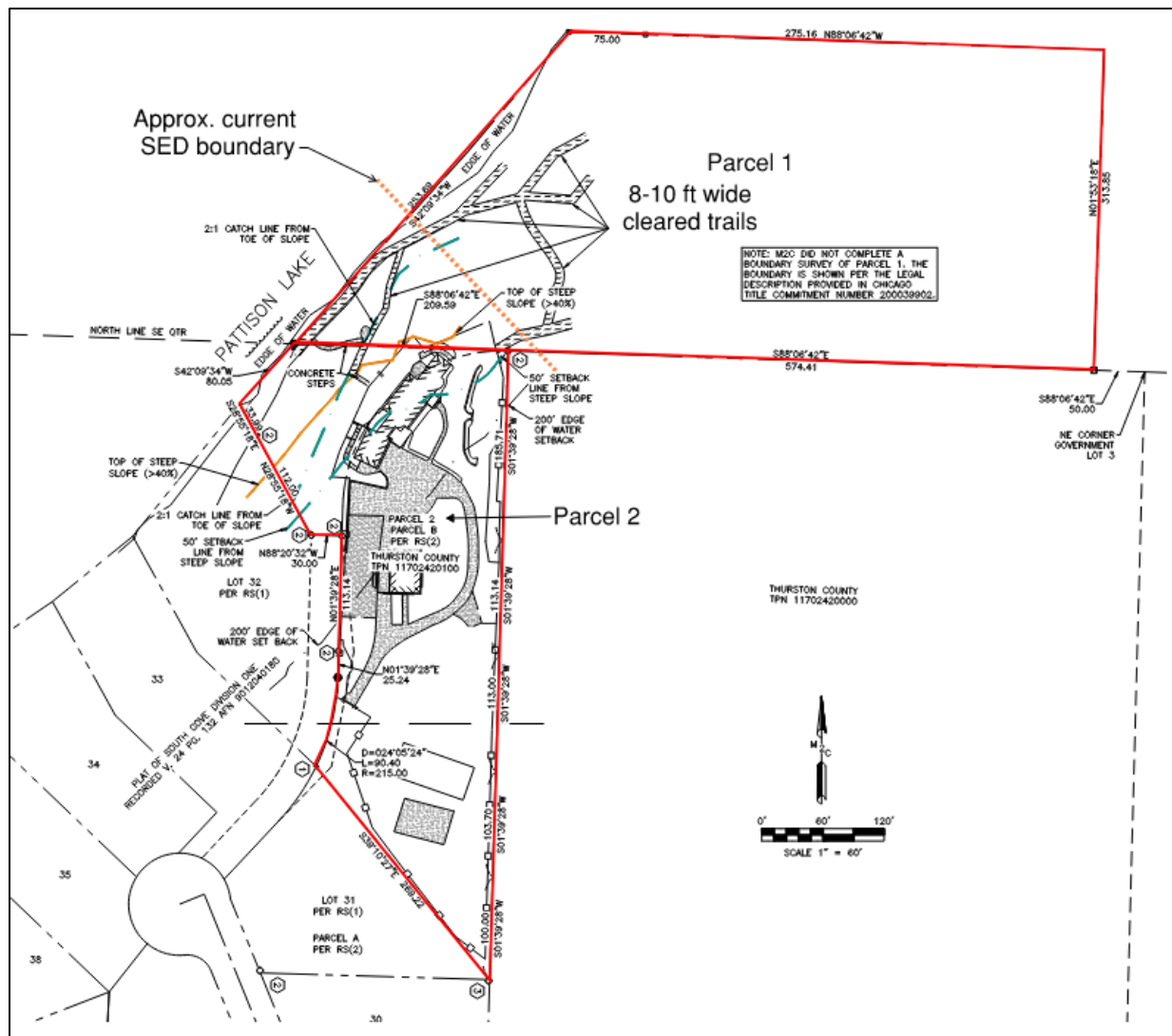


Figure 3. Adapted from survey map of Parcels 1 and 2, showing developed conditions at western end of Parcel 1

Based upon materials which staff prepared for the Planning Commission on April 13, 2022 in response to the Muirheads' request for change to the proposed SED, it appears that , the proposed the SED change has been made primarily to simplify regulatory review, i.e., including all of Parcel 1 in the same SED will make it easier for the County to apply future regulations. Unfortunately, this also means that the developed area will be regulated more stringently than it was in the past, and because all of the redesignated area is already developed, being regulated as **Natural** is inappropriate in any case. **This redesignation to Natural, per the proposed SED, would make most of owner's current backyard legally non-conforming and therefore subject to additional conditions, risks and costs associated with maintenance and safety of the current actively used area.** The proposed SMP update includes significant constraints on alterations, remodels, expansion, and reconstruction of these types of existing legally nonconforming structures, appurtenances, and uses. See Ch. 19.400.100 (Existing Development).

These errors misrepresent site conditions in Parcel 1, and create potential for significant unanticipated impacts to future use and maintenance of the currently developed shoreline downslope from the Muirhead residence.

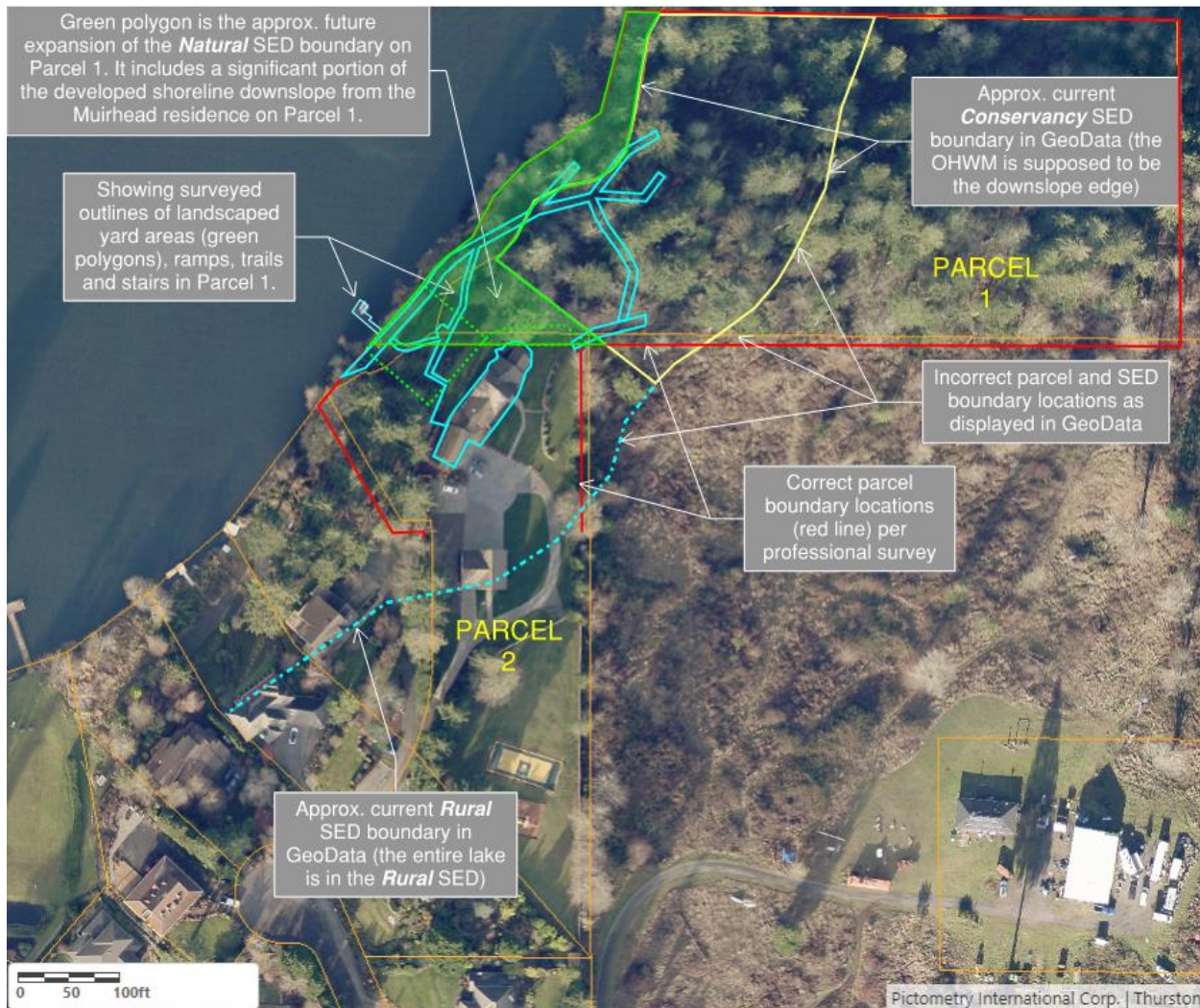


Figure 4. Adapted from Figures 2 and 3 to show conditions along the shoreline area targeted for redesignation. The surveyed trail pathways (used for passive recreation by the homeowners) continue throughout the shoreline zone and the parcel to the west, but were not surveyed since documenting trails was not a primary goal of the survey at that time.

2.0 REGULATORY OVERVIEW RELATED TO PROPOSED SED REVISION

Shoreline Master Plan

The Thurston County Shoreline Master Plan (SMP) regulates activities that occur within 200 ft of a County Shoreline – which includes larger lakes and stream systems. Shoreline Jurisdiction is: 200 feet from the edge of Ordinary High Water Mark—OR the edge of the 100 year floodplain—OR the edge of associated wetlands, whichever is greater.

Pattison Lake is one of several lakes in the County that are regulated as shorelines. Land clearing and grading in the 200 ft shoreline zone requires a shoreline permit, or an exemption from the County.

Certain sections of each shoreline is assigned a “Designation”, a classification that describes the relative ecological condition and defines allowed activities deemed suitable for that condition. Designations in the current Thurston County SMP include: Urban, Suburban, Rural, Conservancy and Natural-Aquatic Environments. Current SEDs around Pattison Lake are ***Rural*** and ***Conservancy***.



Conservancy areas are mapped in the far southeastern corner of the lake and in a wetland connection to the north between Long Lake and Pattison Lake. The rest of the Lake shoreline as well as the entire Lake surface is designated **Rural**.

The parcels subject to this discussion are located in the southern corner of the Lake. The shoreline along the downslope edge of the Muirhead residence on Parcel 2 is currently designated as **Rural** – recognizing that although less dense than many urban areas, the subject site is already developed for residential use, and the Lake surface is regularly used by boaters and related water traffic. The less developed Shoreline zone to the north overlays part of adjacent Parcel 1 (also owned by the Muirheads) is currently designated **Conservancy**, which is a slightly less protective SED than the **Natural** designation and recognizes presence of some development or associated impacts. According to the SMP, *“This [Conservancy] environment is characterized by low-intensity land use and moderate-intensity water use with moderate to little visual evidence of permanent structures and occupancy.”*

The **Rural** Designation assigns a basic 50 ft. setback for residential structures, measured from the Ordinary High Water Mark (OHWM) at the lake. A buffer of existing ground cover must be maintained in the area between the ordinary high-water mark and twenty (20) feet from the structure, and per feedback from County staff, *“the first 30 feet from the lake is considered a native, vegetated buffer”*.

Under a **Conservancy** designation, a dock, landscaping, etc. is permitted under certain protective circumstances with greater setbacks than under the **Rural** designation. Under a **Natural** designation, most development is discouraged as the overall intent is to retain the shoreline an undisturbed naturally vegetated condition.

The Muirheads’ house is located more than 100 ft from the edge of the lake, but areas downslope between the house and lake



Figure 5. Two views above of landscaped areas located partially in Parcel 1.

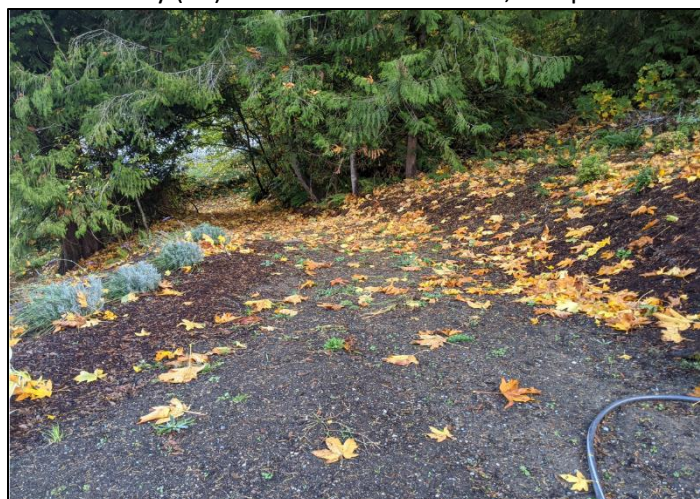


Figure 6. Showing ramp trail surface extending north in Parcel 1.



includes landscaping, a ramp, stairs, sitting area, a decorative landscaping wall and a dock. Therefore, the current **Rural** designation is appropriate for existing conditions and SED mapping boundaries. The **Conservancy** designation that covers the rest of the northern parcel still allows for maintenance of the existing trails.

Shoreline SED Revision Issues

The Muirheads are in the process of restoring native landscaping on the slope between the house and the water (Figure 5), which includes the portion of Parcel 1 currently designated **Rural**, but proposed to be designated as **Natural** in the future. The balance of Parcel 1, which is currently designated Conservancy would be redesignated as **Natural**. Current SMP regulations under both **Rural** and **Conservancy** designations allow for continued use and maintenance of the existing ramp, trails, stairs, and dock.

Table 1 below compares the current **SED Purposes** and **Definitions** and to the proposed **SED Purposes** and **Designation Criteria**. This comparison is referenced above and below in relation to the proposed changes for Parcel 1.

The current slope restoration project includes removal of Himalayan blackberry thickets, replacing cleared areas with predominantly native plant species, and improving erosion control through bioengineering in steeper slope areas. The slope revegetation and mitigation plan was designed to meet County code requirements, and describes how the slope will be landscaped and managed in the future under the current **Rural** SED standards. Aside from normal trail maintenance, no actions requiring permit review are underway within the **Conservancy**-designated portions of Parcel 1.

The proposed updated SED for Parcel 2 would be **Shoreline Residential**, and for Parcel 1 would be **Natural**. Maintenance of existing development in an already built area would be allowed under the **Shoreline Residential** SED. However, standard landscaping and related residential site maintenance for safety and/or future potential dock or stairs replacement activities would not be in compliance with what is explicitly allowed or encouraged in a shoreline area with a **Natural** designation.

The existing house is approximately 110 ft from the Shoreline edge, and the ongoing slope revegetation plan (which will take several seasons to complete) is designed to control Himalayan blackberry, and to increase overall cover with native plants. However, the landscaped area between the house and the lake area is not currently or in the future intended to be converted to a native forest environment. The existing ramps, stairs, trails and dock will continue to be used and maintained. The Muirheads have great concerns associated with the ease of future landscape and trail maintenance and/or stair, dock or ramp resurfacing or replacement as may be needed during the course of normal maintenance and repair actions over time.

Based on the Designation Criteria under the **Natural** designation, these sections of shoreline are to be *“relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. Only very low intensity uses are allowed in order to maintain the ecological functions and ecosystem-wide processes.”* Maintenance actions presumably would be greatly scrutinized and possible even not permitted. This not reasonable or logical, as the current developed condition does not meet the ecological definition of the **Natural** SED. Therefore, despite the intent of the policy being to simplify regulation, this will make implementation of the SMP during a permit review process more difficult as there will be no clear guidance as to how much or what types of maintenance will be allowed in an already developed area within this designation.



The Muirheads have been assured by County staff that existing infrastructure would not be affected by this change, but there is no assurance of that concept in the stated **Purpose** or **Designation Criteria** of the **Natural** SED.

Under the proposed **Urban Conservancy** SED, there is recognition of potential inclusion of developed areas within a relatively undisturbed shoreline, which would appear a more appropriate SED for Parcel 1, and would still allow for redesignation of the entire parcel – thereby meeting the County’s policy goal for simpler regulations – as long as maintenance of existing developed areas and infrastructure is explicitly allowed within the **Urban Conservancy** SED. This is also a better match to the original (current) **Conservancy** designation. Even under the current SED system, a **Natural** designation for Parcel 1, which includes residential-related impacts across a large portion of the Shoreline zone would not have been appropriate.

New Policy to Designate Entire Parcels Without Splitting

Briefly, the redesignation and mapping process under the updated SMP includes a new policy that is intended to reduce permitting complexity by designating an entire parcel shoreline into one SED category (cited above). In the past, the SED boundaries were located based on actual environmental conditions on the ground, but the SMP did not provide for a technical protocol that could be used to locate that environment condition boundary in the field. According to County staff there is no existing legal definition of reach boundary lines, only the approximate lines from Geodata.

On the Muirhead parcels, the line between **Conservancy** and **Rural** was drawn more or less at the edge of the cleared, landscaped slope – i.e., the more intensely developed portion of the Shoreline. Therefore, the reasoning behind the boundary as well as the edge of the **Rural** designation was relatively clear and easy to find and define on the site.

With the new policy preferring to define reach breaks along parcel lines, the area on Parcel 1 proposed to be redesignated **Natural** will include these already developed areas, and the complexity associated with permitting future maintenance or revisions will increase rather than decrease, because half of the developed areas will be designated **Shoreline Residential** and half will be designated **Natural**. But the same activities and maintenance work will presumably be occurring in both areas with no clear boundary showing where the “already developed” areas end. Therefore, the purpose of this policy fails on the Muirhead site.

The original boundary is more clear and easier to regulate in the future, and can be clearly and legally defined on the survey map of Parcel 1 as needed, just as we define wetland and buffer boundaries.

In addition, this policy cannot solve the problem associated with the SED overlaying only part of a parcel. It only attempts to resolve this concern at an adjacent property line. But the outer edge of the SED, which includes the 200 ft shoreline zone plus associated wetland and floodplain – will still overlay part of a parcel, and will still require that the SED boundary be defined and surveyed on the parcel. For this reason, it appears simpler from a technical, regulatory and policy perspective for the County to apply the SED condition (as shown in Table 1), and to have that SED boundary defined, flagged and surveyed in the field along with the OHWM and any wetland or floodplain boundary that also occurs within the parcel. Certainly, the differences between a **Natural** versus **Urban Conservancy** versus **Shoreline Residential** condition should be easy to define in the field.



Table 1. Comparing the current SED definitions to the new proposed definitions and revised designations.			
Current SED	Description	Proposed SED	Designation Criteria
Natural	<p>Purpose. Preserve, maintain or restore a shoreline as a natural resource existing relatively free of human influence, and to discourage or prohibit those activities which might destroy or degrade the essential, unique or valuable natural characteristics of the shoreline.</p> <p>Definition. Shoreline areas in which unique natural systems and resources are to be preserved or restored. This environment is characterized by severely limited land and water use with little or no visual evidence of man-developed structures or occupancy. Development or utilization of soil, aquatic and forest resources, as well as nonrenewable mineral and nonmineral resources is prohibited. Public access and recreation are limited to a degree compatible with the preservation or restoration of the unique character of this environment.</p>	Natural	<p>Purpose: Protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. Only very low intensity uses are allowed in order to maintain the ecological functions and ecosystem-wide processes.</p> <p>Designation Criteria. Shorelines having a unique asset or feature considered valuable for its natural or original condition that is relatively intolerant of intensive human use are assigned a “natural” shoreline designation. This includes shorelines both in and out of the UGA or LAMIRD when any of the following characteristics apply:</p> <ol style="list-style-type: none"> 1. The shoreline is ecologically intact and currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity; or 2. The shoreline is considered to represent ecosystems and geologic types that are of scientific and educational interest; 3. The shoreline is unable to support new development or uses without adverse impacts to ecological functions or risk to human safety. 4. The shoreline includes largely undisturbed portions of shoreline areas such as wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats. 5. Retain the majority of their natural shoreline functions, as evidenced by shoreline configuration and the presence of native vegetation. 6. Generally free of structural shoreline modifications, structures, and intensive human uses.



Table 1. Comparing the current SED definitions to the new proposed definitions and revised designations.			
Current SED	Description	Proposed SED	Designation Criteria
Conservancy NOTE: The new SED system includes a Rural and Urban Conservancy	<p>Purpose. The intent of a Conservancy Environment designation is to protect, conserve and manage existing resources and valuable historic and cultural areas in order to ensure a continuous flow of recreational benefits to the public and to achieve sustained resource utilization. The preferred uses are non-consumptive of the physical and biological resources of the area and activities and uses of a nonpermanent nature which do not substantially degrade the existing character of the areas. Non-consumptive uses are those uses which utilize resources on a sustained yield basis while minimally reducing opportunities for other future uses of the resources of the area.</p> <p>Definition. The "Conservancy Environment" designates shoreline areas for the protection, conservation and management of existing valuable natural resources and historic and cultural areas. This environment is characterized by low-intensity land use and moderate-intensity water use with moderate to little visual evidence of permanent structures and occupancy. Sustained management of the pastoral, aquatic and forest resources, as well as rigidly controlled utilization of nonrenewable and other nonmineral resources which do not result in long-term irreversible impacts on the natural character of the environment are permitted. Intensity of recreation and public access may be limited by the capacity of the environment for sustained recreational use.</p>	Urban Conservancy (Inside of UGA)	<p>Purpose: Protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses</p> <p>Designation Criteria. Shoreline areas within UGAs or LAMIRDs that are appropriate and planned for development that is compatible with maintaining or restoring of the ecological functions of the area and generally are not suitable for water-dependent uses. Such areas must also have any of the following characteristics:</p> <ol style="list-style-type: none"> 1. Area suitable for low-intensity water-related or water-enjoyment uses without significant adverse impacts to shoreline functions or processes; 2. Open space, floodplain or other sensitive areas that should not be more intensively developed or used to support resource-based uses; 3. Potential for ecological restoration; 4. Retains important ecological functions, even though partially developed; or 5. Potential for development that is compatible with ecological restoration or Low Impact Development techniques that maintain ecological functions. 6. Does not meet the designation criteria for the Natural Environment. 7. Land having any of the above characteristics and currently supporting residential development. 8. Land having any of the above characteristics and into which a UGA boundary is expanded.
Urban NOTE: there is a Suburban	<p>Purpose. The purpose of an Urban Environment designation is to obtain optimum utilization of the shorelines within urbanized areas by providing for intensive public and private urban uses</p>	Shoreline Residential	<p>Purpose: To accommodate residential development and appurtenant structures and provide appropriate public access and recreational uses in areas where medium and high</p>



Table 1. Comparing the current SED definitions to the new proposed definitions and revised designations.			
Current SED	Description	Proposed SED	Designation Criteria
SED described in the 1990 SMP, but no areas are mapped as such.	<p>and by managing development of affected natural resources.</p> <p>Definition. The "Urban Environment" designates shorelines within urbanized areas which provide for intensive public use and which are developed in a manner that enhances and maintains shorelines for a multiplicity of urban uses. This environment is characterized by high-intensity land and water use, visually dominated by manmade residential, commercial and industrial structures and developments. Both renewable and nonrenewable resources are fully utilized, and public access and recreation encouraged to the maximum compatible with the other activities designated in the environment.</p>		<p>density residential developments and services exist or are planned.</p> <p>Designation Criteria.</p> <ol style="list-style-type: none"> 1. Does not meet the criteria for the Natural or Rural Conservancy Environments. 2. Predominantly single-family or multifamily residential development or are planned and platted for residential development. 3. Majority of the lot area is within the shoreline jurisdiction. 4. Ecological functions have been impacted by more intense modification and use.
Rural	<p>Purpose. The primary purposes of the Rural Environment are to protect areas from urban expansion, restrict intensive developments along undeveloped shore-lines, function as a buffer between urban areas, and maintain open spaces for recreational purposes compatible with rural uses. New developments in a Rural Environment are to reflect the character of the surrounding area.</p> <p>Definition. The "Rural Environment" designates shoreline areas in which land will be protected from high-density urban expansion and may function as a buffer between urban areas and the shorelines proper. This environment is characterized by low intensity land use and moderate to intensive water use. Residential development does not exceed two dwellings per acre. Visual impact is variable with a moderate portion of the environment dominated by structures of impermeable surfaces. Intensive cultivation and development of the renewable soils, aquatic and</p>	Rural Conservancy (Outside of Urban and UGA)	<p>Purpose: Provide for sustained resource use, public access, and recreational opportunities while protecting ecological functions, and conserving existing ecological, historical, and cultural resources.</p> <p>Designation Criteria.</p> <p>Shorelines outside the UGA or LAMIRD that have one or more of any of the following characteristics:</p> <ol style="list-style-type: none"> 1. Currently support lower-intensity resource-based uses, such as agriculture, aquaculture, forestry, or recreational uses, or are designated agriculture or forest lands; 2. Currently accommodate residential uses but are subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, or flood plains or other flood-prone areas; 3. Can support low-intensity water-dependent uses without significant adverse impacts to shoreline functions or processes; 4. Private and/or publicly owned lands (upland areas landward of



Table 1. Comparing the current SED definitions to the new proposed definitions and revised designations.			
Current SED	Description	Proposed SED	Designation Criteria
	forest resources, as well as limited utilization of nonrenewable mineral resources is permitted. Recreational activities and public access to the shoreline are encouraged to the extent compatible with other rural uses and activities designated for this environment.		OHWM) of high recreational value or with valuable historic or cultural resources or potential for public access; 5. Does not meet the designation criteria for the Natural environment; 6. Land designated Urban Conservancy and from which a UGA boundary is retracted may be designated as Rural Conservancy, if any of the above characteristics are present.
Aquatic	All four of the shoreline environments apply equally to upland areas as well as aquatic lands and surface water. The specific location of the individual shoreline environments is mapped and further detailed in SECTION FIVE. As a part of those maps, a "Natural-Aquatic Environment" has been identified as a specific sub-environment is defined as follows: Definition. That surface water together with the underlying lands and the water column of all marine water seaward of ten (10) fathoms (60 feet) in depth. <i>The surface of all rivers, all marine water bodies, and all lakes, together with their underlying lands and their water column seaward or waterward of the ordinary high-water mark (OHWM); including but not limited to bays, straits, harbor areas, waterways, coves, estuaries, streamways, tidelands, bedlands and shorelands.</i>	Aquatic	Purpose: Protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark Designation Criteria. Lands waterward of the OHWM, which include tidelands, bedlands, and lands beneath shorelines of the state (may also include wetlands), and shorelines of statewide significance are assigned an "aquatic" shoreline designation. *Aquatic SED applies to all shorelines of the state below the ordinary high water mark. Please see Map 1, Thurston County Shorelines of the State to identify areas where the Aquatic SED will apply
Deschutes River SMA and Percival SMA	Site specific shoreline management plans for certain drainages	Mining	Purpose: To protect shoreline ecological functions in areas with mining activities within shoreline jurisdiction. To provide sustained resource use, and protect the economic base of those lands and limit incompatible uses.
Compare current SEDs to proposed SEDs (Draft SMP 2022) Current maps: https://www.thurstoncountywa.gov/planning/planningdocuments/Current_SMP_Jurisdiction_Map.pdf Current SMP: https://www.thurstoncountywa.gov/planning/planningdocuments/current-SMP1990-full-doc.pdf Proposed maps: https://www.thurstoncountywa.gov/planning/planningdocuments/Designations-map.pdf Proposed Draft SMP: https://www.thurstoncountywa.gov/planning/planningpcagenda/Thurston_SMP_Working_Draft_10.21.2020.pdf			



SUMMARY

The shoreline along the downslope edge of the Muirhead residence on Parcel 2 and the western end of Parcel 1 is currently designated as **Rural**. The less developed Shoreline zone on Parcel 1 to the north (also owned by the Muirheads) is currently designated **Conservancy**. The County is redesignating and remapping shoreline areas, which currently is proposed to change the designation of Parcel 1 to **Natural** and Parcel 2 to **Shoreline Residential**.

Under the future **Natural** designation, the shoreline area is to be “*relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. Only very low intensity uses are allowed in order to maintain the ecological functions and ecosystem-wide processes.*” The current developed condition does not meet the ecological definition of the **Natural** SED.

Therefore, despite the intent of the policy being to simplify regulation, the proposed redesignation as **Natural** taken together with the policy to designate all of Parcel 1 as **Natural** will make implementation of the SMP during a permit review process more difficult, as there is no clear guidance as to how much or what types of structures or maintenance will be allowed in an already developed area within this designation.

In an attempt to simplify regulatory review, the County is proposing to designate an entire shoreline zone within any single parcel as the same SED, even if parts of the shoreline do not meet the definition. But this will complicate rather than simplify review. Ongoing site maintenance in already developed areas will require a formal regulatory decision as to the defining the edge between the “developed” versus “less developed” parts of the parcel under a single designation.

There are two reasonable solutions to this problem at the Muirhead property:

1. Keep the SED boundary at the current transition point, which can be delineated in the field and formally documented on the plat map, just as we currently do with wetland or stream boundaries. This will ensure that the already developed areas of Parcel 1 are clearly defined and can continue to be maintained and managed as in the past.
2. Apply the **Urban Conservancy** designation to Parcel 1 instead of the **Natural** designation, as this will allow ongoing intensive residential uses.



ATTACHMENT 1: PROFESSIONAL SURVEY MAP OF MUIRHEAD PARCELS

LEGAL DESCRIPTION

PARCEL 1: THAT PART OF SECTION 2, TOWNSHIP 17 NORTH, RANGE 1 WEST, W.M. DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 3 OF SAID SECTION 2 AND RUNNING THENCE WEST 330 FEET; THENCE NORTH 54°47' WEST 397 FEET MORE OR LESS, TO THE LINE OF ORDINARY HIGH WATER OF PATTISON LAKE; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE LINE OF ORDINARY HIGH WATER OF SAID LAKE, 298 FEET, MORE OR LESS, TO AN EAST AND WEST LINE THROUGH A POINT 413.85 FEET NORTH OF THE PLACE OF BEGINNING; THENCE EAST 430 FEET, MORE OR LESS, TO A POINT NORTH OF THE PLACE OF BEGINNING; THENCE SOUTH 413.85 FEET TO SAID PLACE OF BEGINNING; TOGETHER WITH ALL SHORELANDS OF THE SECOND CLASS SITUATED IN FRONT OF, ADJACENT TO OR ABUTTING UPON SAID TRACT;

PARCEL 1
THURSTON COUNTY
TPN 11702140600

EXCEPT: BEGINNING AT THE NORTHEAST CORNER OF GOVERNMENT LOT 3, SECTION 2, TOWNSHIP 17 NORTH, RANGE 1 WEST, W.M., THENCE WEST 50 FEET; THENCE SOUTH 313.85 FEET; THENCE WEST TO THE LINE OF ORDINARY HIGH WATER OF PATTISON LAKE; THENCE NORTHEASTERLY ALONG THE LINE OF ORDINARY HIGH WATER OF SAID LAKE TO AN EAST AND WEST LINE WHICH IS 413.85 FEET NORTH OF THE POINT OF BEGINNING; THENCE EAST 430 FEET MORE OR LESS TO A POINT NORTH OF THE POINT OF BEGINNING; THENCE SOUTH 413.85 FEET TO THE POINT OF BEGINNING;

ALSO THAT PART OF SECTION 2, TOWNSHIP 17 NORTH, RANGE 1 WEST, W.M., DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF GOVERNMENT LOT 3 OF SAID SECTION 2, SAID POINT BEARING NORTH 88°07.04" WEST 292.38 FEET DISTANT OF THE NORTHEAST CORNER THEREOF; THENCE NORTH 52°39'56" WEST 413.2 FEET MORE OR LESS TO THE LINE OF ORDINARY HIGH WATER OF PATTISON LAKE; THENCE SOUTHWESTERLY ALONG SAID LINE OF ORDINARY HIGH WATER TO A POINT ON THE EXTENDED NORTH LINE OF SAID GOVERNMENT LOT 3 TO THE POINT OF BEGINNING; TOGETHER WITH ANY SHORELAND LYING IN FRONT THEREOF; SITUATE IN THURSTON COUNTY, WASHINGTON.

PARCEL 2: OF BOUNDARY LINE ADJUSTMENT NO. BJA-1494 RECORDED MARCH 16, 1994 AS INSTRUMENT NUMBER 9403180313 IN THE OFFICIAL RECORDS OF THURSTON COUNTY, WASHINGTON.

MORE SPECIFICALLY DESCRIBED AS FOLLOWS: THAT PORTION OF SECTION 2, T17N, R1W, W.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF GOVERNMENT LOT 3 OF SAID SECTION 2; THENCE N88°05'26"W ALONG THE NORTH BOUNDARY OF SAID GOVERNMENT LOT 3 A DISTANCE OF 624.40 FEET TO THE TRUE POINT OF BEGINNING; THENCE N88°05'26"W 209.61 FEET, TO THE LINE OF ORDINARY HIGH WATER OF PATTISON LAKE; THENCE S42°10'50"W ALONG THE APPROXIMATE LINE OF ORDINARY HIGH WATER OF PATTISON LAKE FOR A DISTANCE OF 79.91 FEET; THENCE SOUTHERLY ALONG THE BOUNDARY OF THE PLAT OF SOUTH COVE FOR THE NEXT FOUR CALLS: (1)S28°53'02"E, 146.11 FEET; (2)S88°19'16"E, 30.00 FEET; (3)S1°40'44"W, 138.39 FEET TO A POINT OF TANGENCY ON A CURVE TO THE RIGHT OF RADIUS 215 FEET; (4)SOUTHERLY ALONG SAID CURVE A DISTANCE OF 90.40 FEET; THENCE S39°06'35"E, 268.25 FEET TO THE SOUTHEAST CORNER OF LOT 3 OF THE PLAT OF SOUTH COVE FOR THE NEXT FOUR CALLS: (1)S1°40'44"E, 145.70 FEET TO THE TRUE POINT OF BEGINNING, ALSO AND INCLUDING ANY SHORE LANDS LYING IN FRONT THEREOF.

HATCHING

GRAVEL

ASPHALT

CONCRETE

RS(X) REFERENCED SURVEYS

- 1. PLAT OF SOUTH COVE DIVISION 1, AFN 9012040180 VOLUME 24;
- 2. BOUNDARY LINE ADJUSTMENT-1494, AFN 9403180313.

DATUM

HORIZONTAL – WASHINGTON STATE PLANE COORDINATES, SOUTH ZONE, NAD 83/2011 BASED ON GPS TIES TO MONUMENTS USING WASHINGTON STATE REFERENCE NETWORK.

VERTICAL – NAVD 88 BASED ON GPS TIES TO MONUMENTS AND POST PROCESSING THROUGH OPUS.

UTILITY NOTE

UTILITIES SHOWN HEREON ARE FROM FIELD MAPPING, VISIBLE SURFACE APPURTENANCES, AND MAPPING UTILITY PAINT MARKS FROM A UTILITY LOCATING SERVICE. BURIED UTILITIES ARE ONLY SHOWN AS APPROXIMATE AND SHOULD BE VERIFIED BEFORE CONSTRUCTION.

SURVEY NOTES

- 1. INSTRUMENT USED: SOKKIA SRX 3 TOTAL STATION AND TOPCON GR5 GPS;
- 2. THIS SURVEY MEETS OR EXCEEDS THE STANDARDS OF WAC 332-130-090 AND 332-130-145.
- 3. SURVEY COMPLETED 11/2021.
- 4. ALL MONUMENTS SHOWN AS FOUND VISITED 11/2021.
- 5. PURPOSE OF TOPOGRAPHICAL MAPPING IS FOR FUTURE DEVELOPMENT OF SITE.
- 6. 200' SET BACK LINE OF EDGE OF WATER SHOWN ON MAP.
- 7. MTN2COAST (M2C) WAS RETAINED BY NANCY AND BRIAN MUIRHEAD TO COMPLETE A BOUNDARY AND TOPOGRAPHIC SURVEY OF THE DESCRIBED PROPERTY.

MONUMENT NOTES

- 1. FOUND PK NAIL
- 2. FOUND 5/8" REBAR WITH YELLOW CAP MARKED "RAYMOND LS 22346"
- 3. FOUND 5/8" REBAR WITH YELLOW CAP MARKED "RAYMOND LS 22346", 1.1' SOUTH OF AND 1.0' WEST OF CALCULATED PROPERTY CORNER.

LINE TYPE

BUILDING OVERHANG

BUILDING LINE

IRON FENCE

WOOD FENCE

WATER LINE

BURIED POWER

NATURAL GAS LINE

BURIED CABLE TV LINE

BURIED TELEPHONE

PROPERTY LINE

LOT LINE

EASEMENT LINE

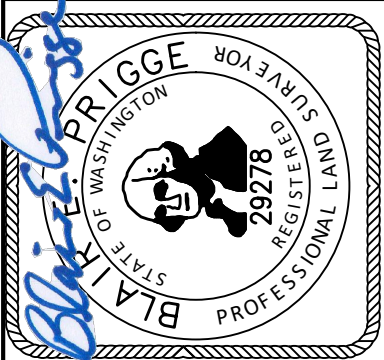
MAJOR CONTOUR

MINOR CONTOUR

LEGEND

- ☒ NATURAL GAS METER
- ☒ HOSE BIB
- ☒ IRRIGATION CONTROL VALVE
- ☒ WATER METER
- ☒ SEPTIC TANK
- LS LANDSCAPE
- BDFF BUILDING FINISH FLOOR
- ⊗ REBAR AND CONROL CAP
- + PK NAIL
- REBAR AND CAP
- SET 5/8"x24" LONG REBAR WITH YELLOW CAP MARKED "MTN2COAST LS 29278".
- ▣ SET WOODEN HUB AT APPROXIMATE CORNER LOCATION

DATE	11/23/2021
SCALE	1" = 60'
M2C PROJECT NO.:	20-377
DRAWN	MYC
CHECKED	PBJ
APPROVED	BEP



PROFESSIONAL LAND SURVEYORS
2320 MOTTMAN RD SW, STE 106
TUMWATER, WA 98512
360.688.1949

PROJECT NAME:	PATTISON LAKE, ALTERNATE LN SE LACEY WA SURVEY
CLIENT NAME:	NANCY AND BRIAN MUIRHEAD

SHEET NAME:	SV-1
SHEET NO.	1
OF	1

Tab C

Lisa M. Palazzi Curriculum Vitae

Curriculum Vitae
Lisa M. Palazzi
lisampalazzi@gmail.com



Home: 1603 Central NE
Olympia, WA 98506
(360) 789-4069 (cell)
(360) 352-1465 (x137) (work)

Education

1989 Master's degree in Soil Science: Oregon State University, Corvallis, OR
Emphasis in Soil Physics¹ and Microclimatology, Minor in Forest Science

1985 Bachelor's degree in Soil Science: Montana State University, Bozeman, MT
Emphasis in Soil Physics and Geology, Minor in English Composition

Certifications and Accreditations

Soil Science Society of America: Certified Professional Soil Scientist (CPSS)
Society of Wetland Scientists Professional Certification Program: Professional Wetland Scientist (PWS)

Lisa M. Palazzi, CPSS, PWS
RESEARCH AND WORK EXPERIENCE

Ms. Palazzi has over 35 years of professional experience in her field of expertise – soil and wetland science.

Ms. Palazzi's university education was focused on soil science and forest ecology. She attained her Bachelor of Science degree in 1985, graduating with highest honors from Montana State University with a major in Soil Science and a minor in English Composition. Her Master of Science thesis work, completed at Oregon State University in 1989, was focused on forest science and soil physics -- the study of water and heat transport in soils.

Ms. Palazzi's post-graduate research (1989 to 1991) included participation in an interdisciplinary team of Oregon State University scientists studying ecosystem function of riparian systems in disturbed watersheds of Oregon's Coast Range, and working as a soil scientist for the USFS PNW Research Lab in Olympia, WA.

In 1991, she became the principal and owner of a soil and wetland science consulting firm in Olympia, WA (Pacific Rim Soil & Water, Inc. [PRSW]), which provided soils and hydrology assessment services for over 20 years throughout Washington state and the Pacific Northwest. In 2012, she closed PRSW and joined SCJ Alliance, a well-respected planning and engineering firm in Lacey, Washington, where she continued to provide expert services in soils, wetlands, and hydrology assessment, and related environmental science consulting issues. More details are provided below:

June 1991 to present: Consulting Soil Scientist and Wetland Scientist

Soils and Hydrology Consulting: *SSSA certified professional soil scientist (CPSS)*

- Expert witness and/or advice in soils, wetland hydrology and soil hydrology related cases at City, County, State and Federal level

¹ Soil Physics is the study of water and heat movement through soil.

- Soil and hydrology assessment and detailed soil mapping expert
- Hydric (wetland) soil determinations on potential wetland sites
- Soil hydrology studies for stormwater or wetland mitigation projects –restoration, enhancement, or creation
- Soil physics studies to estimate percolation rates and determine suitability for septic treatment and/or stormwater treatment or infiltration
- Determination of surface and soil water quantity and quality control features for site specific stormwater management or septic system design
- Low Impact Development (LID) services as relate to effective protection of soil functions and management of stormwater
- Groundwater or surface water monitoring wells with dataloggers for stormwater system design or verification of wetland hydrology conditions
- Detailed soil mapping studies, necessary for determination of agricultural potential, or other soil-limited development activities
- Soil assessment and sampling for hazardous waste conditions and cleanup
- Soil sampling for physical or chemical lab analysis
- Teacher of various soil science workshops: Hydrology monitoring; Interpretation of hydric (wetland) soil characteristics; Erosion and sediment control plans; Basic local geology and related soil development; Interpretation of soil characteristics for septic system design.

Wetlands Consulting: *SWS certified professional wetland scientist (PWS)*

- Expert witness and/or advice in wetlands regulations, permitting, hydric soils and wetland hydrology at City, County, State and Federal level.
- Wetland delineation expert, trained in the 1987 Army Corps of Engineers method as well as the 2010 Regional (PNW) Supplements to the 1987 Manual
- Hydric soil and wetland hydrology assessment
- Groundwater or surface water monitoring wells with dataloggers for determination of wetland conditions, as well as for wetland mitigation projects –restoration, enhancement, or creation
- Wetlands rating, as per the Washington State Wetlands Rating System (1993, 2004 and 2014 methods)
- Development and design of wetland mitigation and restoration projects
- Expert witness in hydric soils and wetland hydrology related cases at City and County level
- Teacher of various wetland and hydric soils training workshops, including: workshops in the 2010 ACOE Regional Supplements to the 1987 Manual; hydric soils interpretation and description; groundwater monitoring; soil hydrology and related regulatory issues at any level of audience expertise

REFERENCES

Chris Beale

City of Puyallup Sr. Planner
253-841-5418
cbeale@puyallupWA.gov

Ben Alworth

Stemilt Growers
Director of Operations
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Joe Beck

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Tab D

April 20, 2022 Staff Report



COUNTY COMMISSIONERS

Carolina Mejia
District One

Gary Edwards
District Two

Tye Menser
District Three

**COMMUNITY PLANNING &
ECONOMIC DEVELOPMENT DEPARTMENT**

Creating Solutions for Our Future

Joshua Cummings, Director

MEMORANDUM

TO: Planning Commission

FROM: Andrew Deffobis, Interim Senior Planner

DATE: April 13, 2022

SUBJECT: Shoreline Environment Designation Reviews & Background

Introduction & Background

The Planning Commission is being provided additional information regarding shoreline environment designations (SEDs) ahead of the planned work session on April 20, 2022, staff will ask for direction from the Planning Commission on the five case studies presented in this memo.

During the public hearing comment period for the SMP Update, the Planning Commission received comments for approximately twelve shoreline environmental designation reaches, with citizens requesting the County consider different designations than what was proposed.

Overall, the Shoreline Master Program (SMP) update has been under review with the Planning Commission since 2017. Shoreline environment designations (SEDs) have been the topic of many of the Planning Commission discussions, both prior to and after the October 20, 2021, public hearing. Recommendations on these reaches are a portion of the overall Planning Commission recommendation to the Board of County Commissioners (Board). The Board is eager to receive the Planning Commission's recommendation and begin its review so the County may meet its statutory requirement to produce a comprehensive SMP update.

Shoreline Environment Designation Process

The SMP is built upon an [inventory and characterization](#) and includes proposed environment designations for the County's shorelines, which were developed in an earlier phase of the project. The Inventory & Characterization report serves as a snapshot of shoreline conditions for planning purposes. The County conducted field reviews and reviewed available data to assemble information on the existing condition of County shorelines, including but not limited to physical

features, priority habitats and species, water quality, riparian vegetation width, land use, zoning, development potential, public access, shoreline modifications, and management issues and opportunities.

This Inventory and Characterization Report and report supplement were used alongside designation criteria based on Ecology's recommended Shoreline Environment Designation system ([WAC 173-26-211](#)) to propose shoreline environment designations (SEDs) for County shorelines. SEDs contribute to achieving no net loss of ecological function by tailoring allowed uses, permit requirements, and development and mitigation standards to different shoreline environments based on their sensitivity and level of ecological function. SEDs range from relatively undisturbed "Natural" shorelines to more highly developed, impacted "Shoreline Residential" shorelines. The County's [SED Report](#) and [SED Report supplement](#) describe SEDs used in the SMP update, the methodology for assigning designations to shoreline reaches, and lists the proposed designations for shoreline reaches.

Staff have attempted to analyze the current SED review requests in a manner consistent with how the County conducted this work for all shoreline reaches earlier in this project. The County uses the best information available in planning and permitting decisions. However, the scope of the current review and available resources are smaller than previous efforts, and there are limitations to the analysis that can be provided. The Planning Commission is encouraged to consider the decisions before them in a landscape context, as it is difficult in some cases to focus the data at hand to the parcel or sub-parcel level. In addition, the SED criteria were not intended to be applied at a parcel-by-parcel level.

Staff acknowledges that many of the review requests focus on individual parcels, or portions of parcels. Many times, these have been in areas where one reach ends and another begins (known as reach breaks). Shoreline reaches were identified during the Inventory & Characterization, and that information was used to apply appropriate SEDs to these reaches. It may be instructive to review how proposed reach breaks were formed during the inventory and characterization:

During the creation of final reach breaks, an effort was made to place reach break points on parcel lines. This was done to avoid the potential for a parcel to contain more than one environmental designation. Due to the emphasis of placing reach break points on parcel lines, these locations do not always exactly line up with the locations of key environmental changes (e.g., topography might begin to change shortly before or after a reach break point). Breaks were located closest to the environmental change that was also on a parcel line. Despite this focus on parcel line reach break placement, there were some instances when a reach break was located mid-parcel because that was where the geographic change occurred (e.g., basin lines). This was particularly true when an environmental change occurred within a large parcel. (Inventory & Characterization, p. 13)

Citizen Requests for Specific Shoreline Reaches

Staff plan to review five citizen requests at the April 20, 2022 meeting. Staff recommendations and options are summarized in this memo. A more detailed review of each request is attached, in draft form. In addition, the Planning Commission may review the [SED comparison web tool](#) that was developed to enable the user to view County shorelines and toggle between current and proposed SEDs.

Eld Inlet (Reach MEL-09—MEL-10)

This request was to review the proposed SED for Reach MEL-09—MEL-10 on Eld Inlet. The reach is currently designated Rural, with a proposed Rural Conservancy SED. The citizen requested a Shoreline Residential SED for this reach, consistent with other reaches to the south.

Staff analysis for this reach is attached. Based on a review of the designation criteria in the County's SED report and existing shoreline conditions, the existing ecological function in this reach would be best protected by retaining the proposed Rural Conservancy SED for this reach. This SED appears best suited to achieve no net loss requirements.

The Planning Commission could opt to retain this designation, or propose a different option that is consistent with the designation criteria and prevention of net loss of ecological function.

Pattison Lake (Reach LPA-7—LPA-8)

This request came from a landowner on Pattison Lake who owns a parcel at the southern end of Reach LPA-7—LPA-8. Their home is one parcel to the south, at the southern end of Reach LPA-8—LPA-1. The request is to extend the proposed Shoreline Residential SED in Reach LPA-8—LPA-1 onto a portion of an adjacent parcel they own in Reach LPA-7—LPA-8 (APN 11702140600), to essentially encompass the portion of the adjacent parcel that is in residential use. The area in question is currently designated Conservancy (a small piece is Rural), and the proposed SED is Natural.

Staff analysis is attached. Based on a review of existing conditions and the designation criteria, staff propose retaining the proposed designation of Natural on the parcel. **The parcel in question does not appear to have significant alteration. The proposed SED appears to be best suited to achieve the SMP's no net loss requirement, and this approach would be consistent with the overall methodology of avoiding sub-parcel reach breaks and multiple SEDs on a single parcel.**

The Planning Commission may opt to retain the Natural SED for this parcel or propose a different option that is consistent with the designation criteria.

Pattison Lake (Reaches LPA-8—LPA-1 and LPA-2—LPA-3)

This request was to review the portions of Reaches LPA-8—LPA-1 and LPA-2—LPA-3 where the lake is bisected by a railroad crossing, associated fill and adjacent wetlands. The area is

currently designated Rural and proposed to be designated Shoreline Residential. A citizen has suggested that Rural Conservancy or Urban Conservancy would be a better fit.

Staff analysis is attached. Based on a review of designation criteria and how similar areas were designated, staff would support either retaining the existing proposed SED, or changing it to Urban Conservancy.

The Planning Commission may opt to retain the proposed Shoreline Residential SED for this portion of the reach, change the proposed SED to Urban Conservancy, or propose a different option that is consistent with the designation criteria.

Lake St. Clair (Reach LSC-1—LSC-2)

This request was to change the proposed SED for a parcel on Reach LSC-1—LSC-2 of Lake St. Clair from Natural to Shoreline Residential, given that a home has been constructed on the parcel. Staff analysis is attached. Based on a review of existing conditions and the designation criteria, staff recommend a Rural Conservancy SED. This SED would reflect that development has occurred onsite but that ecological function still remains.

Planning Commission may opt to change the proposed designation for this parcel to Rural Conservancy, or a different SED consistent with the designation criteria. If the proposed SED changes, the Planning Commission could create a stand-alone reach for this parcel, or leave the parcel in its existing reach.

Deschutes River (Reach DE-17—DE-18)

This request was to change the proposed SED for one parcel within Reach DE-17—DE-18 from Natural to Shoreline Residential. Staff analysis is attached. Based on a review of designation criteria and existing conditions, it appears most of this reach better fits the criteria for Rural Conservancy given development patterns within shoreline jurisdiction. Parcels enrolled in Designated Forest Land north of the subject parcel appear to best meet the criteria for the Natural SED. Staff recommends making these SED changes and moving reach break DE-17 south to the northern parcel line of the subject parcel.

The Planning Commission may opt to change proposed SEDs within this reach consistent with the destination criteria. Additionally, the Planning Commission may choose to move the DE-17 reach break south to the boundary between developed parcels and forestry parcels.

SED Review Analysis: Eld Inlet – MEL-09—MEL-10

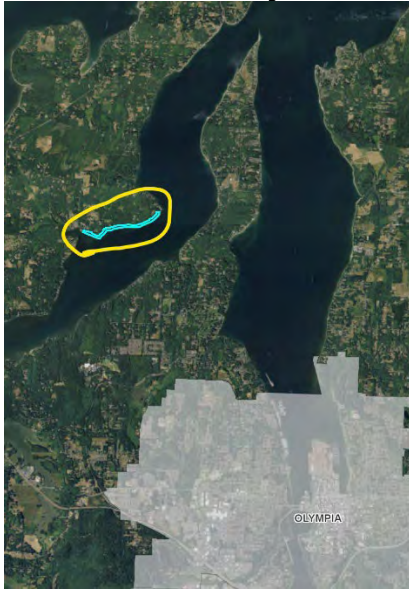


Fig. 1. General location of Reach MEL-09—MEL-10 on Eld Inlet, circled in yellow.



Fig. 2. Western end of Reach MEL-09—MEL-10.

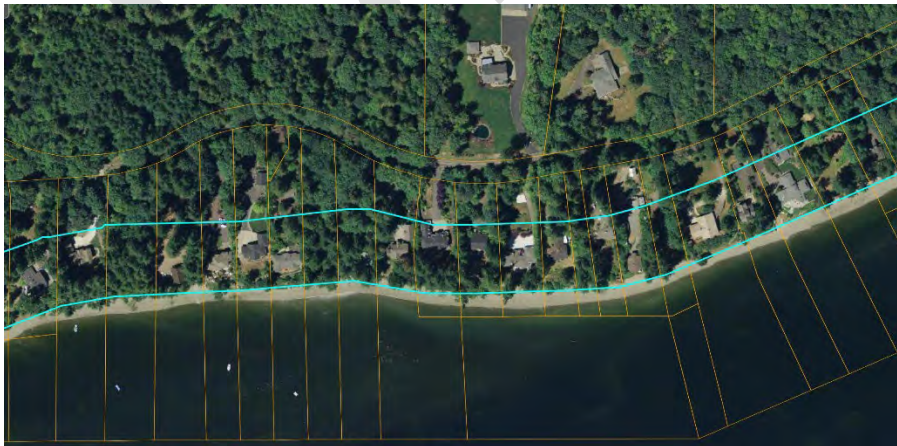


Fig. 3. Central portion of Reach MEL-09—MEL-10.



Fig. 4. Eastern end of Reach MEL-09—MEL-10

Current SED: Rural

Proposed SED: Rural Conservancy

Citizen Request: Shoreline Residential

Staff Analysis:

This reach of Puget Sound shoreline on the west side of Eld Inlet is identified as MEL-09—MEL-10. During the recent public comment period, a citizen has requested a Shoreline Residential SED for this reach, stating that it has been developed consistently with reaches to the south, which are proposed to be designated Shoreline Residential.

The following tables provide a review of the Rural Conservancy and Shoreline Residential designation criteria from the Thurston County SED Report, alongside information about Reach MEL-09—MEL-10 contained in the SED Report, Inventory & Characterization (I&C), county GeoData mapping, and other sources.

Rural Conservancy SED

SED Criteria from SED Report	Inventory & Characterization/SED Report Information	Staff Analysis
Outside incorporated municipalities and outside urban growth areas, AND at least one of the following:	SED report includes this criteria.	Yes, reach is outside cities and UGAs.

Currently supporting low-intensity resource based uses such as agriculture, forestry, or recreation.		Not significantly. May support private recreation at parcel scale, though residential use is primary use of reach.
Currently accommodating residential uses	SED report includes this criteria.	Yes. Residential use is the prevailing use of this reach. The majority of lots have primary residences within 125 feet of the shoreline, and many are closer than that. Very few vacant lots exist.
Supporting human uses but subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, wetlands, flood plains or other flood prone areas	SED report includes this criteria, noting unstable slopes, steep slopes, potential landslide areas, past landslides.	Yes. Mapped floodplain appears to encroach on several properties. Steep slopes also noted in GeoData.
Can support low-intensity water-dependent uses without significant adverse impacts to shoreline functions or processes	<p>SED report includes this criteria.</p> <p>SED report notes reach is prioritized high for forage fish habitat preservation/restoration: Gravel, high bluffs, many landslides, littoral connection (North portion of reach); High: reasoning Littoral input (South portion of reach) (Herrera and TRPC 2005).</p> <p>Reach may contain the following species: purple martin, smelt, sand lance, rock sole. Reach may contain the following</p>	Most parcels are already developed, though many still retain function in the buffer as evidenced by the presence of native vegetation. Further development would be subject to vegetation conservation and development standards of SMP to prevent loss of ecological function. Low-intensity uses may be best for areas that retain high ecological function.

	habitats: shellfish spawning, rearing and harvesting areas, smelt/sand lance and rock sole spawning beaches. Per I&C, restoration is noted as the preferred management strategy for this reach (Puget Sound Water Flow Characterization Management Strategies, Stanley et al., 2012)	
Private and/or publicly owned lands (upland areas landward of OHWM) of high recreational value or with valuable historic or cultural resources or potential for public access.	None Noted	None noted in GeoData. Puget Sound and its shorelines are of significant cultural value to area tribes.
Does not meet the designation criteria for the Natural environment.	SED report includes this criteria.	This reach does not appear to meet the Natural criteria based on development patterns.

Shoreline Residential SED

SED Criteria from SED Report	Inventory & Characterization/SED Report Information	Staff Analysis
Does not meet the criteria for the Natural or Rural Conservancy Environments.		Natural SED: no. Rural Conservancy: yes, meets several criteria.
Predominantly single-family or multifamily residential development or are planned and platted for		Yes. Most parcels have residential development, only a few vacant parcels exist. Many homes are close to the water, and the majority are within est. 125 feet. Some homes are further from the water but have alterations to

residential development.		property closer to the water in shoreline jurisdiction (appurtenances, bulkheads, lawn). Zoning is LAMIRD 1/1.
Majority of the lot area is within the shoreline jurisdiction.		Yes, overall. This criterion is also met when considering only the landward extent of parcels.
Ecological functions have been impacted by more intense modification and use.	<p>SED report notes: Shoreline vegetation is shrub and fragmented forest, with evidence of development and clearing for residential use. Bulkheads throughout reach.</p> <p>I&C notes reach as moderately degraded (PSNERP Strategic Needs Assessment, Schlenger, 2011).</p>	Vegetation is still heavy in some areas and provides ecological function, with some parcels in an intact state, though the majority of lots feature homes within an estimated 125 feet of the water (many are significantly closer). Bulkheads are visible on many lots. Overall, development does not appear as dense or close to the water as in many other reaches with a Shoreline Residential SED.

Conclusions:

Single family residences are the prevailing development in this reach. This reach is mapped with environmental limitations, including steep slopes and floodplain. The majority of lots appear to have primary residences encroaching within the buffer that a Rural Conservancy SED would provide; however significant amounts of native vegetation still exist in several areas. Other lots with homes outside that buffer exhibit modifications between the home and water.

Staff Recommendation:

Based on the level of ecological function that remains along the shoreline, staff concur with the original proposed designation of Rural Conservancy. Even with the degree of development present, a Shoreline Residential SED would allow for additional development in areas that are currently vegetated and/or undeveloped and could lead to a net loss of ecological function.

SED Review Analysis: Pattison Lake – LPA-7—LPA-8 – APN 11702140600

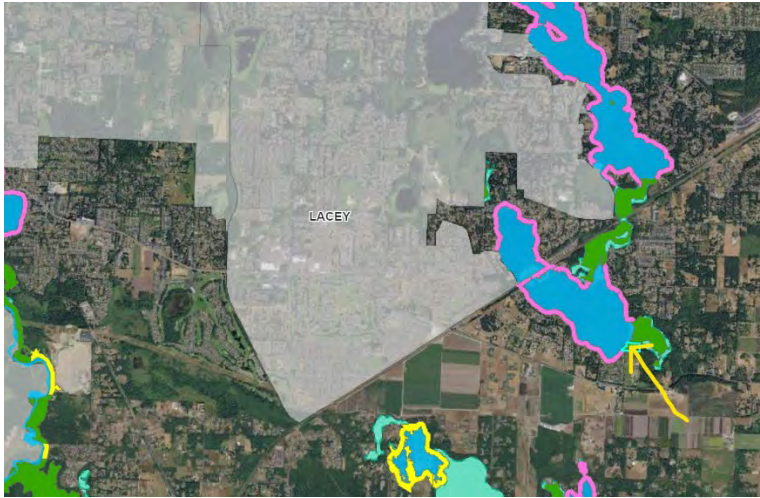


Fig. 1. General location of Reach LPA-7—LPA-8, indicated by yellow arrow.

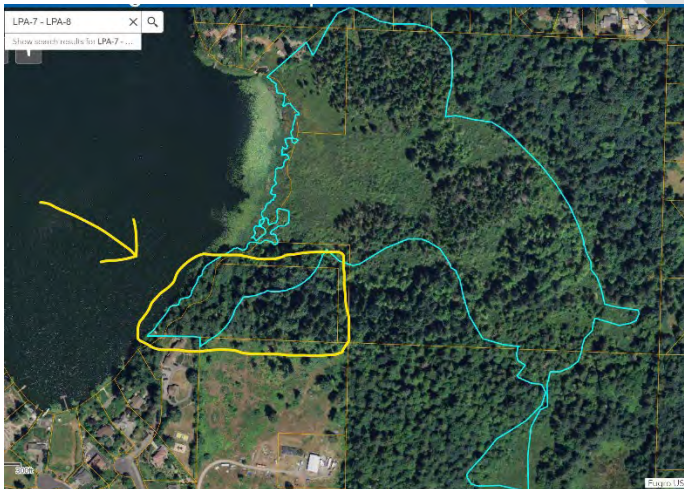


Fig. 2. Aerial view of subject parcel (circled in yellow), and mapped extent of Reach LPA-7—LPA-8.



Fig. 3. Zoomed in aerial photograph of subject parcel.

Current SED: Conservancy (small portion at southern end of reach is Rural)

Proposed SED: Natural

Citizen Request: Shoreline Residential (for portion of APN 11702140600), Natural for remainder

Staff Analysis:

This reach of Pattison Lake, located at the southern end of the lake, is identified as Reach LPA-7—LPA-8. During the recent public comment period, a citizen requested a Shoreline Residential SED be assigned for a portion of APN 11702140600—the southernmost lakefront parcel on this reach—stating that it already contains human development, including existing paths (approx. 10 feet wide), existing cement block stairs (approx. 4 ft wide), existing hillside landscaping, and an existing dock.

The citizens have proposed that the reach boundary line be moved to envelop all areas of APN 11702140600 that are in residential use. Staff note that the SED assignment process in general has a strategy to align reach breaks with parcel lines, and avoid providing “sub-parcel” designations where possible, to avoid implementation challenges.

The Inventory and Characterization report discusses the approach taken to designate reach breaks relative to parcel lines:

During the creation of final reach breaks, an effort was made to place reach break points on parcel lines. This was done to avoid the potential for a parcel to contain more than one environmental designation. Due to the emphasis of placing reach break points on parcel lines, these locations do not always exactly line up with the locations of key environmental changes (e.g., topography might begin to change shortly before or after a reach break point). Breaks were located closest to the environmental change that was also on a parcel line. Despite this focus on parcel line reach break placement, there were some instances when a reach break was located mid-parcel because that was where the geographic change occurred (e.g., basin lines). This was particularly true when an environmental change occurred within a large parcel. (2013 report, page 13)

Parcel lines, SMP jurisdiction layer, and other layers can “shift” relative to the aerial image underneath, which can lead to confusion as planners attempt to discern which areas of a parcel are subject to which designation. When reach break lines follow the same basic shape of parcel lines, it can still be inferred whether the parcel boundary was intended to be the reach break.

The following tables provide a comparison of the existing condition of Reach LPA-7—LPA-8 (including the subject parcel) with the designation criteria for the Natural, Urban Conservancy and Shoreline Residential SEDs from the Thurston County SED Report,

alongside other information contained in the SED Report, Inventory & Characterization (I&C), county GeoData mapping, and other sources.

Natural SED

SED Criteria from SED Report	Inventory & Characterization/SED Report Information	Staff Analysis
Ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity.	SED report lists this criteria for this reach.	<p>Yes. This reach appears to be mostly ecologically intact, based on the review performed. Conditions appear closer to natural, vs. degraded.</p> <p>The shoreline is heavily treed which provides a source of large woody debris recruitment.</p> <p>This reach is providing valuable functions for the larger aquatic and terrestrial environments which could be reduced by human development.</p>
Considered to represent ecosystems and geologic types that are of particular scientific and educational interest		None noted
Unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.	SED report lists this criteria for this reach	<p>Yes. This reach as a whole, and most of the subject parcel, appear to be relatively pristine. This would suggest a higher degree of function which could be vulnerable to adverse impacts from development.</p> <p>A portion of property is mapped with steep slopes which would bear further evaluation.</p>

Includes largely undisturbed portions of shoreline areas such as wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats.	SED report lists this criteria for this reach	<p>Yes. Aerial photographs indicate a closed forest canopy and forested shoreline with large woody debris recruitment, which would suggest the shoreline is ecologically intact. However, staff have not been on site. Some shoreline vegetation clearing is visible on the southern parcel boundary.</p> <p>A portion of property is mapped with steep slopes which would bear further evaluation.</p>
Retain the majority of their natural shoreline functions, as evidenced by shoreline configuration and the presence of native vegetation.	SED report lists this criteria for this reach	<p>Yes. Shoreline configuration appears largely unmodified across entire reach. Some clearing and landscaping is visible on the southern edge of the subject parcel. A native Douglas fir overstory is visible from aerial photography for much of the subject parcel, though the condition of the understory is unknown.</p>
Generally free of structural shoreline modifications, structures, and intensive human uses.	SED report lists this criteria for this reach	<p>Yes. This reach is largely free of structural modifications, structures, and intensive human uses. Some clearing is present near the southern boundary of the subject parcel. A dock is present close to the parcel line/reach break. Otherwise, aerial photos do not provide indication that there is permanent modification to the property. The citizen stated a four-foot wide concrete staircase is present on the parcel. There is a force main from a septic system that enters SMP jurisdiction.</p>

Urban Conservancy SED

SED Criteria from SED Report	Inventory & Characterization/SED Report Information	Staff Analysis
Appropriate and planned for development compatible with maintaining or restoring ecological functions of the area, that lie in incorporated municipalities, urban growth areas, or commercial or industrial rural areas of more intense development AND at least one of the following:		<p>The subject area is within the Lacey urban growth area.</p> <p>Development may potentially occur outside shoreline and critical areas buffers, and subject to the MGSA zoning.</p>
Suitable for low-intensity water-dependent, water-related or water-enjoyment uses without significant adverse impacts to shoreline functions or processes		Majority of parcel appears to be in an undisturbed condition. If development does occur, low intensity uses may be the most appropriate in more intact portions of this parcel.
Open space, flood plain, or other sensitive areas that should not be more intensively developed		The southern third to half of the shoreline of this parcel is mapped with steep slopes, which would bear further investigation during land use permitting.
Potential for ecological restoration		Site appears largely intact from aerial photographs. Replanting could occur on southern parcel boundary in the future.

Retain important ecological functions, even though partially developed		Site has human uses but also appears to retain ecological function as evidence by general lack of development and extent of canopy coverage.
Potential for development that is compatible with ecological restoration		Restoration work potential on this parcel appears limited. Development in southern portion of parcel could be paired with additional shoreline plantings to re-establish buffer vegetation.
Does not meet the designation criteria for the Natural environment.		The subject parcel appears to meet several designation criteria for the Natural environment.

Shoreline Residential SED

SED Criteria from SED Report	Inventory & Characterization/SED Report Information	Staff Analysis
Does not meet the criteria for the Natural or Rural Conservancy Environments.		Rural Conservancy: no – parcel is inside Lacey UGA Natural: meets several criteria
Predominantly single-family or multifamily residential development or are planned and platted for residential development.		Property is adjacent to property with residential structures, under the same ownership. Parcel itself contains a septic drainfield but no primary residential structures.
Majority of the lot area is within the shoreline jurisdiction.		Hard to estimate. Parcel is 4 acres in size; there appears to be buildable area outside shoreline jurisdiction.
Ecological functions have been impacted by more intense modification and use.		Overall, this parcel appears to be relatively ecologically intact. Landowner has included information about 8-10' wide cleared paths on the property, but there is no

		indication these are permanent features. There is a force main from a septic system that enters SMP jurisdiction, and concrete stairs noted by the landowner. A dock and some shoreline vegetation clearing is visible on the southern parcel boundary.
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Conclusions:

The majority of APN 11702140600 appears to reflect the conditions present in the rest of Reach LPA-7—LPA-8 (with a proposed Natural SED). Although there are some modifications to the parcel noted by the landowner, the majority of the parcel appears to be in a relatively undisturbed condition. Residential development may occur in all SEDs, subject to standards. The Shoreline Residential SED is intended for intensely modified residential shorelines.

Staff Recommendation:

Staff recommends avoiding sub-parcel reach break changes if possible, to ease future implementation of the SMP and to be consistent with the approach used to designate most shorelines in an earlier phase of the SMP update. Placing a reach break inside this parcel, or providing a Shoreline Residential SED, does not appear to be warranted by the designation criteria, existing conditions or the general methodology used to propose SEDs for other County shorelines.

This parcel appears to best meet the criteria for the Natural SED, and therefore staff does not recommend changing the proposed SED for this parcel and reach.

SED Review Analysis: Pattison Lake – LPA-2—LPA-3 & LPA-8—LPA-1

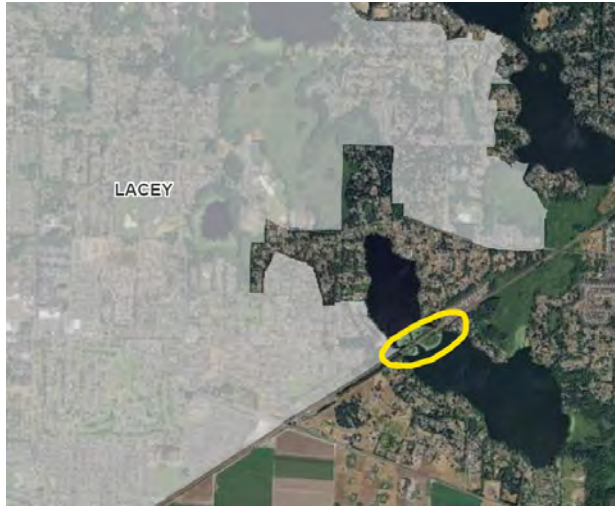


Fig. 1. General location of subject area in Reaches LPA-8—LPA-1 and LPA-2—LPA-3, circled in yellow.

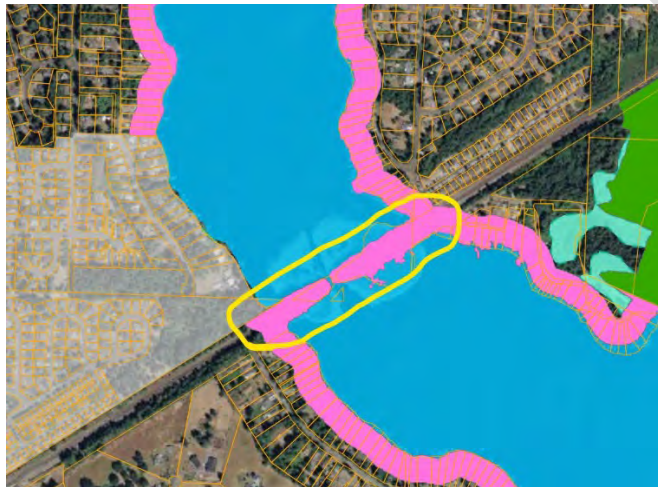


Fig. 2. Area in question with proposed SED shown.



Fig. 3. Zoomed in photograph of area in question.

Current SED: Rural

Proposed SED: Shoreline Residential

Citizen Request: Urban/Rural Conservancy

Staff Analysis:

This analysis is for portions of Reaches LPA-8—LPA-1 and LPA-2—LPA-3, which are located in the center of Pattison Lake where the lake is crossed by railroad tracks. During the recent public comment period, a citizen has stated that the proposed Shoreline Residential SED is inappropriate for this area, and that Urban or Rural Conservancy would be a better fit, based on the designation criteria.

The following tables provide a review of the Urban Conservancy and Shoreline Residential designation criteria from the Thurston County SED Report, alongside information from the SED Report, Inventory & Characterization (I&C), county GeoData mapping, and other sources.

Urban Conservancy SED

SED Criteria from SED Report	Inventory & Characterization/SED Report Information	Staff Analysis
Appropriate and planned for development compatible with maintaining or restoring ecological functions of the area, that lie in incorporated municipalities, urban growth areas, or commercial or industrial rural areas of more intense development AND at least one of the following:		The area in question is inside the Lacey urban growth area. Any development will likely be performed by the railroad industry and could potentially feature restoration so long as this does not impact railroad operations.
Suitable for low-intensity water-		Area may be suitable for water enjoyment as part of

dependent, water-related or water-enjoyment uses without significant adverse impacts to shoreline functions or processes		general boating access to Pattison Lake. May not suitable for more intense uses based on use in active railroad operations.
Open space, flood plain, or other sensitive areas that should not be more intensively developed		Area mapped with steep slopes, and partially in floodplain and mapped wetlands. Should not be more intensively developed due to proximity to active railroad operations.
Potential for ecological restoration		Potentially, given artificial nature of shoreline.
Retain important ecological functions, even though partially developed		May provide some habitat and source of woody debris, however the area consists of artificial fill and therefore may be impeding ecological functions in the lake.
Potential for development that is compatible with ecological restoration		Any development will be performed by the railroad industry and could potentially feature restoration so long as this does not impact railroad operations.
Does not meet the designation criteria for the Natural environment.		Does not meet the designation criteria for the Natural SED.

Shoreline Residential SED

SED Criteria from SED Report	Inventory & Characterization/SED Report Information	Staff Analysis
Does not meet the criteria for the Natural or Rural Conservancy Environments.		Rural Conservancy: no Natural: no
Predominantly single-family or multifamily	SED report includes this criterion for both reaches in question.	No - the area does not contain residential development, nor is it platted

residential development or are planned and platted for residential development.		for such. Area in question consists of artificial fill and active railroad tracks.
Majority of the lot area is within the shoreline jurisdiction.		Yes – majority of area is within shoreline jurisdiction. Area consists of railroad right-of-way and wetlands, not developable lots.
Ecological functions have been impacted by more intense modification and use.		Ecological functions of lake were originally impacted by installation of fill in 1890s.

Conclusions:

The methodology used to designate SEDs for this update generally assigned a Shoreline Residential SED for areas that were intensely modified by or planned for residential development and assigned a Natural SED for areas with high quality habitat or minimal modification. Shorelands upland of the Ordinary High Water Mark received an Urban or Rural Conservancy SED if they do not meet the criteria for Natural or Shoreline Residential.

The area in question appears to fit neither the Shoreline Residential nor Natural criteria but may have been designated Shoreline Residential because of its location within a larger area that met the criteria for Shoreline Residential. The area appears very different in character than surrounding areas with a proposed Shoreline Residential SED. However, other areas in the county where railroad lines cross shoreline jurisdiction have been designated the same as the surrounding area, and virtually all as Natural or Rural Conservancy. It is highly unlikely that residential development would occur in the area in question, given its active use as a rail corridor and the presence of wetlands.

Staff Recommendation:

Staff support two options: changing the proposed SED to Urban Conservancy to be consistent with the criteria, or keeping the proposed Shoreline Residential SED, which would be consistent with how other portions of the County's rail corridors were designated.

SED Review Analysis: Lake St. Clair, Reach LSC-1—LSC-2 (APN 21829330300)



Fig. 1. General location of subject parcel, within Reach LSC-1—LSC-2, indicated by yellow arrow.



Fig. 2. Zoomed in aerial photograph of subject parcel.

Current SED: Rural

Proposed SED: Natural

Citizen Request: Shoreline Residential

Staff Analysis:

Reach LSC-1—LSC-2 of Lake St. Clair is located at the north end of the lake. During the recent public comment period, a citizen requested a Shoreline Residential SED be assigned for APN 21829330300, given that the parcel is now developed, and is adjacent to other properties with a Shoreline Residential SED.

The following tables provide a comparison of the existing condition of the subject parcel with the designation criteria for the Natural, Rural Conservancy and Shoreline Residential SEDs from the Thurston County SED Report, alongside other information contained in the SED Report, Inventory & Characterization (I&C), county GeoData mapping, and other sources.

Natural SED

SED Criteria from SED Report	Inventory & Characterization/SED Report Information	Staff Analysis
Ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity.	SED report lists this criterion for this reach	This parcel features residential development within approximately 60 feet of the shoreline (depicted on aerial photography), though alteration is mostly on the western half of the parcel. The eastern half of the parcel is less developed and retains significant canopy coverage. A gravel driveway is present along the length of the shoreline.
Considered to represent ecosystems and geologic types that are of particular scientific and educational interest	SED report lists this criterion for this reach	
Unable to support new development or uses without significant adverse impacts to ecological	SED report lists this criterion for this reach	This parcel has been developed since the inventory & characterization was performed. Ecological function does appear to remain in the eastern half of

functions or risk to human safety.		<p>the parcel, which could be impacted by further development.</p> <p>The parcel is mapped with steep slopes but to a lesser extent than surrounding parcels.</p>
Includes largely undisturbed portions of shoreline areas such as wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats.	SED report lists this criterion for this reach	This parcel has been disturbed in the recent past by the construction of a single-family home and related appurtenances, though the eastern half of the parcel appears to be significantly more intact.
Retain the majority of their natural shoreline functions, as evidenced by shoreline configuration and the presence of native vegetation.	SED report lists this criterion for this reach	Shoreline configuration appears largely natural, but significant vegetation removal has occurred to construct a single-family home and related appurtenances on a portion of the parcel.
Generally free of structural shoreline modifications, structures, and intensive human uses.	SED report lists this criterion for this reach	This is true for the remainder of Reach LSC-1—LSC-2, but the parcel in question has been developed since the inventory and characterization was performed. A portion of this parcel contains structures and intensive human uses.

Rural Conservancy SED

SED Criteria from SED Report	Inventory & Characterization/SED Report Information	Staff Analysis
Outside incorporated municipalities and outside urban growth areas, AND		Yes, the parcel is outside cities and UGAs

at least one of the following:		
Currently supporting low-intensity resource based uses such as agriculture, forestry, or recreation.		No – supporting residential use
Currently accommodating residential uses		Yes
Supporting human uses but subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, wetlands, flood plains or other flood prone areas		Yes – parcel supports residential use. The parcel is mapped with steep slopes but to a lesser extent than surrounding parcels.
Can support low-intensity water-dependent uses without significant adverse impacts to shoreline functions or processes		Parcel is already supporting more intense use, which has likely impacted shoreline functions and processes. Low-intensity uses may be more appropriate for undeveloped portions within shoreline jurisdiction.
Private and/or publicly owned lands (upland areas landward of OHWM) of high recreational value or with valuable historic or cultural resources or potential for public access.		No – public access limited to individual private use.
Does not meet the designation criteria		Parcel does not appear to meet the criteria for the Natural SED.

for the Natural environment.		
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Shoreline Residential SED

SED Criteria from SED Report	Inventory & Characterization/SED Report Information	Staff Analysis
Does not meet the criteria for the Natural or Rural Conservancy Environments.		Rural Conservancy: meets some criteria Natural: no
Predominantly single-family or multifamily residential development or are planned and platted for residential development.		Yes
Majority of the lot area is within the shoreline jurisdiction.		Yes
Ecological functions have been impacted by more intense modification and use.		A home and appurtenances have been constructed approximately 60-65 feet from the mapped shoreline of the lake. A gravel driveway parallels the shoreline approximately 150' from the mapped shoreline. However, the eastern portion of the parcel, and the shoreline between the home and the water, appear to be significantly less altered.

Conclusions:

This parcel does not appear to meet the criteria for the Natural SED—it has been partially developed since the original SED report was written. Looking at a lakewide-scale, this parcel is more like other developed parcels than it is to other parcels in

Reach LSC-1—LSC-2. Though partially developed, this parcel appears to retain ecological function, specifically in the eastern half and in the shoreline area between the newly-constructed home and water. The parcel is also subject to environmental limitations, as evidenced by the presence of mapped steep slopes. There are entire reaches on Lake St. Clair that are of similar size to this parcel.

Staff Recommendation:

To reflect existing conditions and to be consistent with the requirement to achieve no net loss of ecological function, staff recommends a Rural Conservancy SED for this parcel. This is supported by the presence of ecological function and environmental limitations on a parcel that has been partially developed. This could be accomplished by creating a separate reach for this parcel, or by changing the designation and retaining the existing reach break location.

DRAFT

SED Review Analysis: Deschutes River – DE-17—DE-18 – APN 09560002000

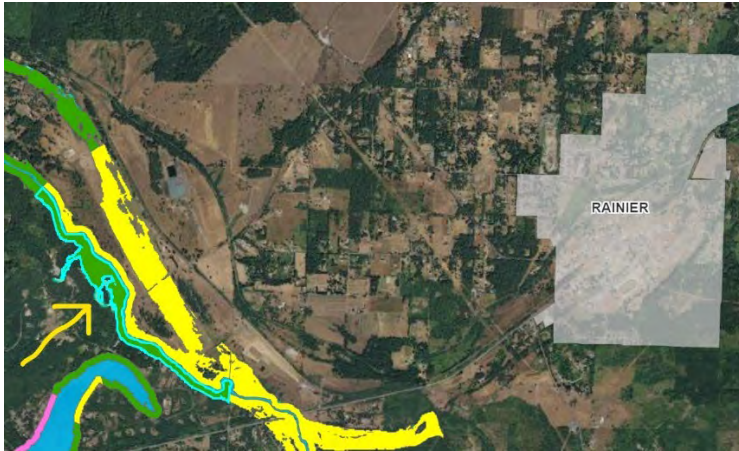


Fig. 1. General location of Reach DE-17—DE-18, indicated by yellow arrow.

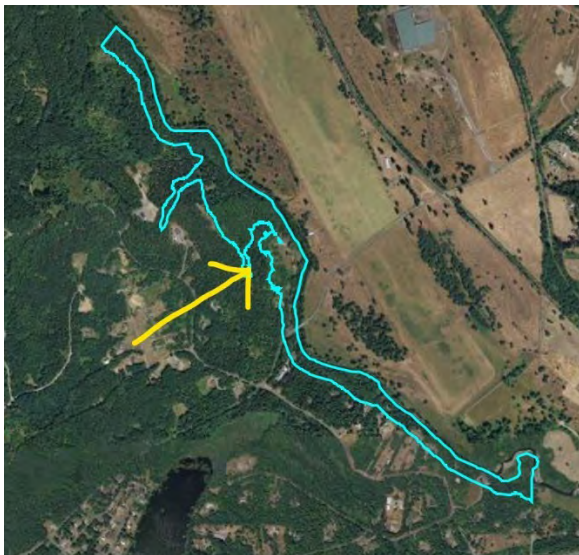
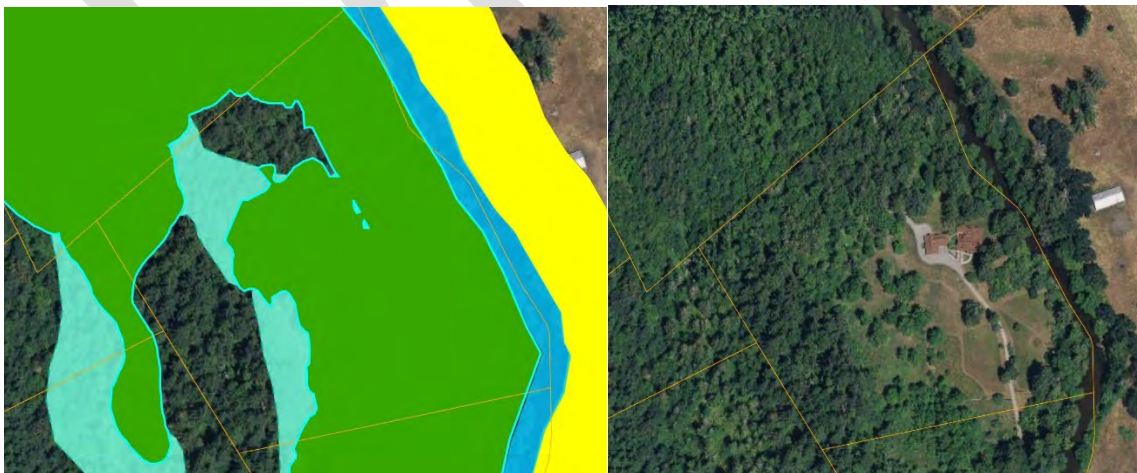


Fig. 2. Aerial view of Reach DE-17—DE-18 with subject parcel indicated by yellow arrow.



Figs. 3 & 4. Subject parcel with proposed SED (left), and aerial photograph (right).

Current SED: Conservancy

Proposed SED: Natural (left bank), Rural Conservancy (right bank)

Citizen Request: Shoreline Residential (for APN 09560002000, on the left bank)

Staff Analysis:

This reach of the Deschutes River, located between Tenino and Rainier, is identified as Reach DE-17—DE-18. This analysis will focus on the left bank of the river. During the recent public comment period, a citizen requested a Shoreline Residential SED be assigned for parcel 09560002000, stating “Shoreline Residential” seems a more appropriate designation, given the multiple single-family structures adjacent, upriver, and surrounding. Given this section of the river, historically, a portion of a Weyerhaeuser park, has always been a favored spot for steelhead and fly fishing and rafters, it seemingly falls under a different designation in many ways.

The citizen stated that the Natural SED was incorrect for their property, and that: “it is not “... free of structural shoreline modifications, structures, and intensive human uses.” It is “Currently accommodating residential uses.” As I stated previously there exist multiple single family residences since approximately 1924 ; a portion of the property was farmed (strawberries) and raised cattle; a portion was forested, once a Weyerhaeuser park and “Currently provides public access and recreational use where medium density and residential developments and services exist and are planned”. Shoreline Residential is the appropriate designation.

The following tables provide a comparison of the existing condition of the left bank of Reach DE-17—DE-18 (including the subject parcel) with the designation criteria for the Natural, Rural Conservancy and Shoreline Residential SEDs from the Thurston County SED Report, alongside other information contained in the SED Report, Inventory & Characterization (I&C), county GeoData mapping, and other sources.

Natural SED

SED Criteria from SED Report	Inventory & Characterization/SED Report Information	Staff Analysis
Ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide	I&C report matrix states: The Deschutes River is heavily forested on the left bank (SW) which shows no sign of development....	Portions of this reach appear ecologically intact within shoreline jurisdiction. Parcels at the north end of the reach have historically been logged, though not since at least the mid-1990s. The subject parcel has been modified

process that would be damaged by human activity.		within shoreline jurisdiction, to include a residential structure, driveway, and lawn within 200' of the river. The northeast corner of the subject parcel appears more ecologically intact.
Considered to represent ecosystems and geologic types that are of particular scientific and educational interest	<p>This criterion is listed in the SED report for this reach.</p> <p>The I&C states that highest protection is the preferred management strategy for this reach (from Puget Sound Water Flow Characterization Management Strategies, Stanley et al., 2012)</p>	
Unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.		Development in fully forested areas could result in significant impacts to ecological function. Portions of the reach are mapped with wetlands, floodplains, and steep slopes, all of which would require review to assess human safety risks.
Includes largely undisturbed portions of shoreline areas such as wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats.	<p>This criterion is listed in the SED report for this reach.</p> <p>I&C report matrix states: Reach may contain the following species: fall chinook, resident cutthroat, sea-run cutthroat, winter steelhead, coho salmon, wild turkey, elk. Reach may contain...wetlands and associated buffers...anadromous fish spawning and/or rearing habitat (coho, chinook, winter steelhead), elk overwintering habitat. A small stand of oak-</p>	Reach contains mapped floodplain and wetlands. Staff disagrees there is no sign of development on left bank. Many properties are developed with homes within shoreline jurisdiction. The shorelines are forested by varying degrees.

	conifer/woodland canopy forest is mapped just to the west of the eastern reach break. The entire extent of this reach is within the 100-year floodplain. The Deschutes River is heavily forested on the left bank (SW) which shows no sign of development....	
Retain the majority of their natural shoreline functions, as evidenced by shoreline configuration and the presence of native vegetation.	This criterion is listed in the SED report for this reach.	Shoreline configuration is largely intact, except for Military Rd. crossing. Native vegetation is present through much of reach, though some areas have been cleared and contain lawn or residential development. Majority of reach appears to be vegetated.
Generally free of structural shoreline modifications, structures, and intensive human uses.	This criterion is listed in the SED report for this reach. I&C report matrix lists road/bridge and culvert at Military Rd. SE	Many properties feature residential development within shoreline jurisdiction. Some properties with homes within SMP jurisdiction appear to still contain significant shoreline vegetation.

Rural Conservancy SED

SED Criteria from SED Report	Inventory & Characterization/SED Report Information	Staff Analysis
Outside incorporated municipalities and outside urban growth areas, AND at least one of the following:		Yes, outside both city and UGA boundaries.
Currently supporting low-intensity resource-based uses such as agriculture,	I&C report matrix lists the following land uses: residential, undeveloped, timber/forest land, agricultural	Mostly not. 2 parcels in north end of reach are Designated Forest Land, and 1 is in the Assessor's current use agriculture program.

forestry, or recreation.		
Currently accommodating residential uses		Yes. Predominant use for properties in this reach.
Supporting human uses but subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, wetlands, flood plains or other flood prone areas		Yes – supporting residential uses in many areas, but properties may be subject to wetland, floodplain, and slope limitations.
Can support low-intensity water-dependent uses without significant adverse impacts to shoreline functions or processes		Development of this type may be best suited to avoid significant adverse impacts.
Private and/or publicly owned lands (upland areas landward of OHWM) of high recreational value or with valuable historic or cultural resources or potential for public access.	I&C report matrix lists Military Rd. SE as public access within this reach.	No. Land is privately owned with limited public access opportunities. No noted historic sites on this side of Deschutes River (Linklater Ranch located on right bank).
Does not meet the designation criteria for the Natural environment.		Majority of reach does not meet Natural SED criteria (however the undeveloped parcels in north end of reach do).

Shoreline Residential SED

SED Criteria from SED Report	Inventory & Characterization/SED Report Information	Staff Analysis
Does not meet the criteria for the Natural or Rural Conservancy Environments.		Portions of this reach meet the Natural SED and other portions meet the Rural Conservancy SED.
Predominantly single-family or multifamily residential development or are planned and platted for residential development.		Many parcels have residential development but not all have homes within shoreline jurisdiction.
Majority of the lot area is within the shoreline jurisdiction.		Many properties in this reach do not meet this criterion.
Ecological functions have been impacted by more intense modification and use.		Most properties in this reach do not meet this criterion.

Conclusions:

This reach appears to contain two different land use types (undeveloped land enrolled in Designated Forest Land current use in the north end, and partially developed residential parcels in the middle and south end). The undeveloped forestry parcels appear to reflect the criteria for the Natural SED, while the more developed parcels appear to best match Rural Conservancy criteria. Most parcels in this reach feature residential development, though not all parcels have residential structures located inside shoreline jurisdiction. The majority of parcels in this reach retain significant vegetation within shoreline jurisdiction. The subject parcel has residential development and vegetation modification within shoreline jurisdiction.

Staff Recommendation:

Considering conditions across this reach, staff recommends moving the reach break at the north end of this reach south to the northern boundary of the subject parcel. This

would move the undeveloped forestry parcels in this reach into Reach DE-16—DE-17 and provide a Natural SED. Staff recommends the proposed SED for the remainder of Reach DE-17—DE-18 change from Natural to Rural Conservancy based on the existing conditions and criteria.

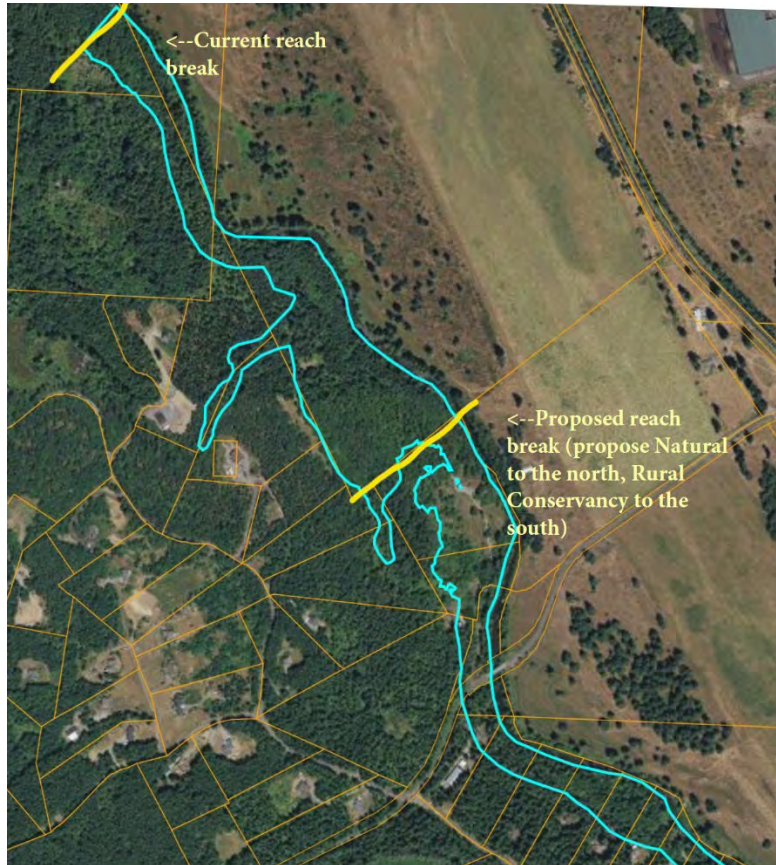


Fig. 5. Proposed relocation of reach break DE-17. This proposal would provide Natural SED to forestry parcels in north end of current reach DE-17—DE-18, and a Rural Conservancy SED to parcels south of the relocated reach break.

From: mlcosley@gmail.com
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Friday, April 21, 2023 10:48:05 AM

Your Name (Optional):

Melodye Cosley

Your email address:

mlcosley@gmail.com

Comment:

My husband and I are the property owners of parcel #12933220400, which represents the north shore of Green Cove on the Eld Inlet. As my husband stated in his public comment on March 14, 2023, at the Planning Commission (PC) meeting on 3/16/2022, commissioners voted to over-ride the Planning Department Staff's recommendation and to recommend that all of Green Cove shoreline have a SED of "Natural", instead of Staff's recommendation of "Rural Conservancy". This vote was taken without notice to the six affected private property owners on Green Cove. Most importantly, a "Natural" SED is in direct conflict with our residential use of our properties. At that March 16, 2022 PC meeting, Planning Staff's presentation stated that they were aware of residential uses on the Green Cove parcels and that there was a "lack of information about the condition of the understory" in the area. For discussion purposes that evening, the PC looked solely at an aerial overview, which did not clearly show the location of affected homes on the south shore of Green Cove. Our house (which is located inside the buffer area) was clearly visible in those aerial photos but was quickly discounted by one Commissioner's comment that our house looked like some kind of barn-type structure. We had no opportunity to correct these misstatements prior to the PC taking a vote to designate all of Green Cove shoreline with a Natural SED. There were two planning commissioners that evening who did express concern over the fact that affected property owners had not been notified of this impending change. When I became aware of what had transpired at the meeting (four days later), I tried to address the problem by writing a letter to my Commissioner, Tye Menser, and I also cc'd the entire BoCC and staff. In my letter I requested that, given the facts of what had occurred, he direct the PC to revisit their decision at their next available PC meeting. Unfortunately, my efforts were ineffective. I was told that my opportunity would come to address this situation when the SMP update came before the Board of County Commissioners (BoCC). That time has now come and here we are. We realize that the SMP update project is a very lengthy and comprehensive process, one that has required considerable time and effort by Planning Staff and the PC to bring before the BoCC. We also understand that some Commissioners may be reluctant to delve back into the "granular" layer of specific parcel SED issues. However, since we have been denied an opportunity to address what is, by definition, an unsuitable SED for our residential properties, we are respectfully requesting here, in public forum, that our elected BoCC direct Planning Department Staff to re-evaluate the SED recommendations for all of Green Cove's shoreline. In closing, we fully understand and support the need to protect the ecological balance of Green Cove. The "Rural Conservancy" SED would put extensive protections and constraints upon parcels, while still allowing property owners to enjoy "human use" of their properties. We understand the SMP has a requirement of "no net loss of ecological function"; however, long-standing residential property owners should not be used as an aid to achieve that balance.

Time: April 21, 2023 at 5:47 pm

IP Address: 67.168.191.218

Contact Form URL: <https://thurstoncomments.org/comment-on-the-proposed-shoreline-code-update/>

Sent by an unverified visitor to your site.

From: chriscannon2003@yahoo.com
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Saturday, April 22, 2023 1:53:39 PM

Your Name (Optional):

Chris Cannon

Your email address:

chriscannon2003@yahoo.com

Comment:

Last night, 4/21/23, I found out for the first time that there has been an ongoing effort to designate Green Cove and the surrounding properties as “Natural.” This affects our property, 4514 Green Cove Ct NW, Olympia, WA, and the HOA beach access that we use and that was an important part of why we moved here. There was no attempt from the government to inform us that this has been taken been taking place. We only recently found out about this from another neighbor who has an affected property. I feel like we should have been informed and involved at the onset.

As I have studied this proposal, it would appear that the designation of “rural conservancy” would be much more appropriate than “natural”. This would take into account the fact that there has been establish residency’s in this area for many decades.

The residents in this area take good care of the cove and wish to preserve its natural beauty. We feel like we can do this without negatively impacting all of us that live here. We deserve to have some involvement on deciding what happens to our property. Such decisions should done without our knowledge or consent. We respectfully ask that the designation be changed to “residential conservancy”. Thank for your time and consideration,

Chris Cannon

Time: April 22, 2023 at 8:53 pm

IP Address: 67.168.82.236

Contact Form URL: <https://thurstoncomments.org/comment-on-the-proposed-shoreline-code-update/>

Sent by an unverified visitor to your site.

From: Indycannon@yahoo.com
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Saturday, April 22, 2023 2:41:04 PM

Your Name (Optional):

Lindy Cannon

Your email address:

Indycannon@yahoo.com

Comment:

I was surprised to learn that the property that we have lived on for almost a decade (4514 Green Cove Ct. NW) may soon be considered a “natural” habitat and we will be in violation of having a home on this property. Our home was built in 1977. That makes our property nearly 50 years old. How can it suddenly be illegal?

Even if we are grandfather in what will that mean for us when our children are grown and we need to eventually move into a smaller home? Will we be able to sell our home? A home is a major investment. How can we as members of this community never have been consulted or even informed?

This reminds me of the way Native people were once treated when they were told they did not belong on the land they have always inhabited. “Natural” land seems best suited for property that has not already been inhabited for decades. Do not get me wrong. I am a believer in caring for the environment and preserving nature.

I just don’t understand this proposal. As residents we care for the beach and the wild area that is next to our property. We maintain a trail that is only used by residents in the community. It is not heavily trafficked. We do not litter or mistreat the land. We love it and are committed to preserving it.

How would stripping residents of our property rights and putting us in violation improve anything. Please don’t make a rash decision that looks fine on paper but is actually unfair and unreasonable. Please change this from a “natural area” to “Rural Conservancy” or “Shore-land Residential.”

Respectfully,

Lindy Cannon

Time: April 22, 2023 at 9:40 pm

IP Address: 67.168.82.236

Contact Form URL: <https://thurstoncomments.org/comment-on-the-proposed-shoreline-code-update/>

Sent by an unverified visitor to your site.

From: [Thomasina Cooper](#)
To: [Andrew Deffobis](#); [Christina Chaput](#)
Subject: FW: Copy of Email sent to Tye Menser regarding Planning Commission Action on 3-16-2022
Date: Tuesday, April 25, 2023 9:49:49 AM
Attachments: [GREEN COVE Group Letter 4-24-2023.docx](#)

Hi Andy and Chris,

Residents from Green Cove are meeting with Tye on Thursday afternoon to discuss their concern about the PC recommendation that their zoning change to Natural, from Conservancy, and instead of the proposed Residential Conservancy as staff proposed. Can you tell me a little about why the PC made the recommendation as they did, and if the current use of the properties was taken into account during their discussion.

Any context or information you can share is much appreciated!

Thanks!

Thomasina

From: Melodye <mlcosley@gmail.com>
Sent: Monday, April 24, 2023 9:32 AM
To: Thomasina Cooper <thomasina.cooper@co.thurston.wa.us>
Subject: RE: Copy of Email sent to Tye Menser regarding Planning Commission Action on 3-16-2022

Hi Thomasina,

Great – thank you for this information.

I want to let you and Tye know that there will be a few others joining us for the meeting. There are six Green Cove property owners affected by the SED recommendation we will be discussing with Tye. There is one (possibly two) property owners who have asked if they could join us. Also, a Green Park Community Club Board Member (John Callery, Board Treasurer) has requested to join us.

Also, I also have a letter for Tye from the affected Green Cove property owners – which includes Green Cove's HOA. In order to help him brief for the meeting, I have attached the letter here, in advance. Please let me know if there are any questions. If not, we look forward to seeing you on Thursday, at 4:00.

Best,
Melodye

Sent from [Mail](#) for Windows

From: [Thomasina Cooper](#)
Sent: Monday, April 24, 2023 8:54 AM

To: [Melodye](#)

Subject: RE: Copy of Email sent to Tye Menser regarding PlanningCommissionAction on 3-16-2022

Hi Melodye-

Sounds good, we look forward to seeing on the 27th at 4pm. Please come to our office at 3000 Pacific Ave SE, Suite 200 (second floor). Our front desk staff will greet you and let me know when you've arrived.

Warmly,
Thomasina

From: Melodye <mlcosley@gmail.com>

Sent: Friday, April 21, 2023 6:21 PM

To: Thomasina Cooper <thomasina.cooper@co.thurston.wa.us>

Cc: John Cosley <johncosley3@gmail.com>

Subject: RE: Copy of Email sent to Tye Menser regarding PlanningCommissionAction on 3-16-2022

Hi Thomasina,

The Thursday, April 27th at 4pm appointment works well for us. We will plan to come to Tye's office.

Thank you so much for facilitating this meeting.

Best Regards,
Melodye

Sent from [Mail](#) for Windows

From: [Thomasina Cooper](#)

Sent: Friday, April 21, 2023 3:38 PM

To: [Melodye](#)

Cc: [John Cosley](#)

Subject: RE: Copy of Email sent to Tye Menser regarding PlanningCommissionAction on 3-16-2022

Hi Melodye,

I'm happy to find time for you and Tye to meet. Might one of these times work for you?

- Thurs April 27 at 4pm
- Fri May 5 at 3pm
- Fri May 12 at 3
- Mon May 15 at 10am or 3:15pm

You are welcome to meet with Tye in his office (3000 Pacific Ave SE, Suite 200) or via Zoom, whichever you prefer.

Thanks so much!

Thomasina

Thomasina Cooper

Executive Aide

Thurston County Commissioner Tye Menser, Dist 3

360-786-5414 (desk)

360-490-2243 (cell)

[Follow Tye on Facebook!](#)

This communication is a public record and may be subject to disclosure under the Washington State Public Records Act, RCW 42.56

From: Melodye <mlcosley@gmail.com>

Sent: Friday, April 21, 2023 11:10 AM

To: Thomasina Cooper <thomasina.cooper@co.thurston.wa.us>

Cc: John Cosley <johncosley3@gmail.com>

Subject: RE: Copy of Email sent to Tye Menser regarding Planning Commission Action on 3-16-2022

Hi Thomasina,

I hope all has been well with you since we last corresponded on our SMP/SED issue in 2022. As we are now approaching the public hearing phase before the BoCC, I have submitted my public comment today (copy attached). My husband and I are requesting a meeting with Tye before the May 16th public hearing. Please let me know when we can speak with him.

Thank you very much for your help,

Melodye Cosley

mlcosley@gmail.com

(916) 806-7929 Mobile

Please let me know when we c

Sent from [Mail](#) for Windows

From: [Thomasina Cooper](#)

Sent: Thursday, March 24, 2022 10:48 AM

To: [melodye cosley](#)

Cc: [Sara Develle](#); [Robin Courts](#)

Subject: RE: Copy of Email sent to Tye Menser regarding Planning Commission Action on 3-16-2022

Hi Melodye,

I've been in touch with staff about your email and concerns. I understand your frustration about not knowing your property designation was up for discussion at the 3/16 Planning Commission meeting. A quick note about district representation- Mr. Jim Simmons is a D3 representative; he simply misspoke when introducing himself. Our other two district representatives were excused from the meeting due to conflicting schedules.

As you may know, the Planning Commission's recommended changes to the proposed shoreline environment designations are not a final decision. Those recommendations will be part of the package that is presented to the Board of County Commissioners (BOCC). The public will be able to make additional comments as the BOCC reviews the SMP and holds its own public hearing. The environment designations will also be part of the SMP package that is sent to Ecology for final approval after the BOCC adopts the SMP. In other words, we are far from done on the SMP, and there will be other opportunities to share your concerns with the final decision-makers.

Meanwhile, I will share your feedback with Commissioner Menser, so he is aware, and will continue to keep an eye on this with the Planning Commission as well.

I hope this helps. Please reach out if I can offer any further information.

Warm regards,
Thomasina

Thomasina Cooper

Executive Aide to Tye Menser

Thurston County Commissioner, District #3

360-786-5414

360-490-2243 (cell)

[Follow Tye on Facebook!](#)

From: melodye cosley <mlcosley@gmail.com>

Sent: Tuesday, March 22, 2022 3:54 PM

To: Thomasina Cooper <thomasina.cooper@co.thurston.wa.us>

Subject: Re: Copy of Email sent to Tye Menser regarding Planning Commission Action on 3-16-2022

Thank you very much for your help, Thomasina. Please let Commissioner Menser know that we would like to talk with him. We are hoping this can be resolved quickly.

Best Regards,
Melodye Cosley

Sent from my iPhone

On Mar 22, 2022, at 2:30 PM, Thomasina Cooper
<thomasina.cooper@co.thurston.wa.us> wrote:

Hi Melodye,
Thank you for reaching out to Commissioner Menser. I am aware of the property and discussion at the Planning Commission last week. I am happy to share your email with both SMP staff, as well as Comm. Menser for their consideration.

Warm regards,

Thomasina Cooper

Executive Aide to Tye Menser
Thurston County Commissioner, District #3
360-786-5414
360-490-2243 (cell)

[Follow Tye on Facebook!](#)

From: Thurston County | Send Email <spout@co.thurston.wa.us>
Sent: Tuesday, March 22, 2022 12:30 PM
To: Thomasina Cooper <thomasina.cooper@co.thurston.wa.us>
Subject: Copy of Email sent to Tye Menser regarding Planning Commission Action on 3-16-2022

This email was created by the County Internet web server from the email masking system. Someone from the Public has requested to contact you with the following information:

To: **Thomasina Cooper**

Subject:

From: **Melodye Cosley**

Email (if provided): mlcosley@gmail.com

Phone: (if provided): **916-806-7929**

Message:

March 22, 2022

Hello Commissioner Menser:

I am writing to ask for your help in resolving an issue created by the Thurston County Planning Commission's actions at their last meeting, on Wednesday, March 16, 2022. The issue involves the Planning Commission's preparation of the Shoreline Master Program (SMP) update and actions taken by the Commissioners that impacted our private property.

The Planning Commission's action affected our property (APN 12933220400), which is located on the north side of Green Cove on the Eld Inlet. My husband and I are the sole owners of the property, and the property is vested in our family trust. To be clear, we received absolutely no notice that the Planning Commission would be considering any action regarding our property at this meeting. It was only when I went online, five days later, to check for upcoming SMP update meetings, that I discovered what had occurred. It was the last item on the evening's agenda and considered a request by an unidentified citizen to expand the "Natural" zoning designation in Green Cove. After an extensive review, the Planning Staff's recommendation to the Planning Commission was to: 1) only expand the "Natural" designation on the south side of Green Cove, where an existing HOA recreational park is located and 2) to re-align a small portion of the southeastern corner of the designation zones, so that they would follow property line boundaries. The Staff's recommendation was to designate the north shore (our property) as "Rural Conservancy", since it contained structures within the buffer zone and the natural habitat had been altered from its natural state. After some discussion over whether the property was privately held, the Planning Commission voted to approve a motion made by Commissioner Wheatly that would also designate our north shore property as "Natural".

We believe this motion was completely inappropriate and the correct designation for our property should be "Rural Conservancy", as was recommended in the Staff report. As defined in the Shoreline Environment Designation (SED) Criteria: the "Natural" criteria states properties should be "generally free of structural shoreline modifications, structures, and intensive human uses." Again, our house sits within the affected Shoreline buffer zone. The "Rural Conservancy" criteria would accommodate residential uses outside urban growth areas and is "supporting human uses but subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, or flood plains or other flood prone areas". This is exactly the situation with our property. This

designation would protect the wildlife habitat and also protect our residential use of the property.

During their discussion, Commissioners Halverson and Karman both voiced concern over approving a motion when property owners had not been notified of an action affecting their property. Chair Commissioner Eric Casino called for a motion, which was made by Commissioner Wheatly to include our private property as "Natural". Unfortunately, with no further discussion the motion was swiftly approved and the meeting was concluded.

In our opinion, what transpired was nothing short of a "land grab" by this Commission. It is something we can not and will not accept. We are hopeful that with your support and direction, the Planning Commission will correct this situation immediately, and we can avoid the need for legal action.

BACKGROUND

In August of 2021 my husband, John Cosley, and I purchased the 9.33 acre property located at 3125 46th Ave NW Olympia. The property contains a house that is located near the Green Cove bluff and within the 200' shoreline buffer zone. We are in the process of remodeling that house, which was built in the 1960's. Our property contains shoreline that wraps both the Eld inlet and the north side of Green Cove inlet. Our current residence is nearby at 4825 Bayshore Ln NW, which is also situated on the Eld. As such, we are fully aware of and appreciate the need to protect the wildlife habitat of Green Cove. We consider ourselves to be environmentalists, who seek to preserve and protect the unique beauty of the Eld and its inlets.

The property was owned and operated since the 1960s by the Baker family, as an Arabian horse ranch. The Bakers built the existing house and substantially altered the property from its natural state over the course of five decades. Upon the death of Mrs. Baker in 2014, the property was gifted to a family friend, Beverly Bosworth. She and her husband began to remodel the existing house. Unfortunately, due to her husband's failing health, she was forced to sell the property last year. The sale process generated intense interest from a variety of potential buyers, including those seeking to subdivide the property. Beverly chose to sell the property to us, because she understood it was not only our intention to build our single-family home there, but also to preserve and protect the unique beauty of Green Cove from future development.

Prior to purchase, we visited the Thurston County Planning Department and spoke with a planner about the remodel process. We were shown an aerial map of the property and the 200' buffer zone, within which the house is located. It was explained to us that the house could be remodeled as a non-conforming structure within its existing footprint. With that information, we moved forward with the purchase of the property on August 27, 2021. Since then, we have done extensive work to clean up the property, as much of it had fallen into disrepair. Over the past six months, we have worked hard to

restore the health of many of the native species of trees. Due to years of neglect, these gorgeous trees were being choked off by a variety of invasive vines, which have encroached throughout the property. We demolished and removed a dilapidated old barn, as it had partially collapsed onto the ground. We have also had a full topo map and survey completed on the property, in preparation for the submittal of our building plans.

PLANNING COMMISSION ACTION ON MARCH 16, 2022

As previously mentioned, the Planning Commission did not provide any notice to us that our property would be under discussion at the March 16th meeting. In addition, there wasn't a single District 3 Planning Commissioner in attendance at this meeting. To be clear, not only were we not notified, but District 3 had zero representation at this meeting.

I have carefully listened to the audio and video public records of this meeting several times. Interestingly, District 2 Commissioners Doug Karman and Barry Halverson both raised questions and voiced concern over the fact that property owners affected by this decision (namely ourselves) had not been notified of the meeting, and were therefore denied any opportunity to participate in this process. Senior Staff Planner Andrew Deffobis stated in the meeting that the "Natural" designation was not well suited for private property, since it would create problems with any existing structures on the land. In addition, back on December 22, 2021, I spoke by phone with Andrew Deffobis about our property and its buffer zone limitations for building. He emailed me an aerial photo of our property showing both a 200' and a 250' buffer zone, since it appeared that a 250' marine riparian zone could affect our building envelope. Given that exchange, it is incredulous to me that he did not bring up our conversation, nor did he mention that our house is located within the buffer zone. Had we been given the opportunity to address these issues with the Planning Commission, I believe this situation would never have occurred. Again, my husband and I are seeking to protect the wildlife habitat of Green Cove, as much as anyone.

Therefore, we are appealing to you for immediate help to correct this situation, so that the need for legal action is not necessary. We are asking that the Planning Commission correct this designation either in a special session or at their next scheduled public meeting on March 30, 2022. Swift action is needed on this issue. The SED that they have now designated for our property is in direct conflict with its residential use. I have cc'd this email to all Thurston County Commissioners, to all Thurston County Planning Commissioners, and to pertinent staff members. We very much look forward to hearing from you soon.

Sincerely,

Melodye Cosley

PH: 916-806-7929

Email: mlcosley@gmail.com

April 24, 2023

Thurston County Board of County Commissioner Tye Menser
3000 Pacific Avenue SE, Suite 200
Olympia, WA

RE: Green Cove Property Owners Request / Proposed Green Cove SED

Dear Commissioner Tye Menser:

We are writing to ask for your help in resolving an issue that originated when the Thurston County Planning Commission voted to recommend changing Green Cove’s Shoreline Environmental Designation (SED) from its current “Conservancy” designation to a “Natural” designation, in its Shoreline Master Project (SMP) Update. This recommendation is now before the Board of County Commissioners (BoCC) for your review and approval. Our group consists of the six Green Cove property owners whose properties would be directly affected by this proposed change, as well as the Green Park Community Club (Green Cove’s HOA) whose recreational community park and beach access would also be directly affected.

The Green Cove estuary is a beautiful, well-functioning natural resource which currently supports a wide variety of wildlife. All property owners living in the cove cherish this sanctuary and understand the need to protect it. Since the 1990 Shoreline Master Program Update, Green Cove has been designated as “Conservancy”. It is important to underscore that the current “Conservancy” designation has been extremely effective in protecting Green Cove’s ecological system. Within the current Proposed SMP Update, the “Rural Conservancy” SED provides the same balance between natural protections and reasonable use of private property.

Conversely, the “Natural” SED is inappropriate for our shoreline, as it is intended to protect properties that are “relatively free of human influence”. It specifically applies to properties where the goal is to protect non-human use. Clearly our long-standing residential uses of our properties and Green Cove HOA’s Community Park recreational use and beach access do not align with the “Natural” SED criteria.

As your constituents, we are respectfully asking for your help in rectifying this situation. We are requesting that you direct the Planning Department Staff to re-evaluate the SED recommendation for all of Green Cove’s shoreline. The new “Rural Conservancy” SED would continue Green Cove’s longstanding tradition of ecological protection, without removing our property rights of residential and recreational use.

We sincerely hope that we can rely on your help and support.

John and Melodye Cosley
3125 46th Avenue NW
Olympia, WA 98502
Parcel #12933220400

Stephen and Alyssa Vogt
3049 46th Avenue NW
Olympia, WA 98502
Parcel #12933220302

Michael and Valerie Cerovski
3041 46th Avenue NW
Olympia, WA 98502
Parcel #12933220303

Heesoon Jun
3100 Sunset Beach Drive NW
Olympia, WA 98502
Parcel #42520003500

Eric and Rebecca Jansen
4615 Green Cove Ct NW
Olympia, WA 98502
Parcel #42520003800

Chris and Lindy Cannon
4514 Green Cove Ct. NW
Olympia, WA 98502
Parcel #42520003900

Green Park Community Club (Green Cove HOA)
Connie Gray, Board President
John Callery, Board Treasurer
PO Box 11423 Olympia, WA 98508
Parcel #42520100000

From: Heesoon@comcast.net
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Monday, May 1, 2023 1:59:13 PM

Your Name (Optional):

Heesoon Jun

Your email address:

Heesoon@comcast.net

Comment:

First, I would like to express my sincere appreciation to Andrew Deffobis, Interim Senior Planner, for providing necessary information for me to understand what factors contributed to propose “Natural” in place of “Conservancy” for the south side of Green Cove. As I was reading all the comments in Comment Letter 43, I re-realized his excellent professionalism (delivered “exceptional public service”) which is one of the Core Values of Thurston County. I was also glad to read others’ appreciation of him and his staff.

Actions taken by the Planning Commissioners will impact 6 private property owners (3 in the north side of Green Cove and 3 in the south side) and our HOA recreational property. I was not aware of the proposed SED until I received a call from one of 3 property owners in the north side on 4/6/2023. None of us received the postcard in the fall of 2021 and 5 of us knew nothing about what had happened before Melodye informed us. Since then, I have been reading WACs, RCWs, “Avoiding Unconstitutional Takings of Private Property” (Attorney General’s Office, 1992; 2018), SMP materials from Andrew and Melodye (e.g., Shoreline Master Program, Shoreline Environment Designation Reviews & Background, Comment Letter 43, etc.) Constitution of the State of Washington, and my HOA minutes since 1998. I was also gathering information from Melodye about the north side of Green Cove while gathering information from the other two in my side (south). This extensive work was to understand what caused the Planning Commissioners to propose “Natural” SED without our input when we (N=6 + HOA) have worked hard to preserve the natural beauty of Green Cove.

I am grateful for the opportunity to share what I think is the main contributing factor with the Board of County Commissioners who are faced with making the best decision that reflects “keeping harmony between the needs of Thurston County homeowners..... and salmon,....” (From the SMP website, 4/30/23). The decision that keeps harmony will also meet the requirement of RCW36.70A.370, Protection of Private Property which states, “(1) State attorney general shall establish... an orderly, consistent process,...that better enables state agencies and local governments to evaluate proposed regulatory or administrative actions to assure that such actions do not result in an unconstitutional taking of private property....” (Office of Attorney General, Sept. 2018).

The major contributing factor seems to be not collecting data from the property owners (N=6 + HOA) who will be impacted by “Natural” SED. As a person who has spent most of her adult life analyzing social science research to examine the validity, generalizability, and applicability in real life it makes no sense that no one asked us (6 + HOA) about the impact of the decision on our properties. How could a citizen whose property will not be impacted by the SED, “Natural” recommend the SED “Natural” to our properties without evidence to support her suggestions? She did not interview us, and she did not provide evidence to support

her suggestions (Comment Letter 43, #53). For example, she did not state what deteriorations she had observed to recommend "Natural". She wrote, ".....appreciate shorelines and their values every day. As you know, shorelines provide critical functions for fish and wildlife in our region, and are being degraded at a rate faster than they can be restored - your regulations need to be as protective as possible and they need to be enforced. I would encourage you to expand the extent of the "natural" designation that has been added for Green Cove. This is a rich and rare estuary, and is essentially wild all the way from creek inlet to estuary mouth. This cove is completely unprotected outside of shoreline regulations. Please expand the "natural" designation all the way to the mouth to protect this important ecosystem before it is lost."

I read all 88 letters (it says 89 but one was a duplicate) in Comment Letter 43 and all comment letters were related to the writers' properties or situations except her letter. Her letter was the only one about the Green Cove. However, her suggestions did not reflect on facts related to Green Cove. For example, I found our HOA President's Report on Activities of the Board, 1997-98. It says, "During the year the Board has maintained contact with the Thurston County Stream Team coordinator for Green Cove Creek and has received information from the County on the Green Cove Creek Comprehensive Drainage Basin Plan presently under development. The Board has written in support to the county...." Our HOA has been working closely with the County for all these years. If she insists her suggestions are based on the facts of Green Cove, I would like her to present evidence supporting her suggestions at the hearing on May 16, 2023. Her comment, "they need to be enforced" is an insult to all of us (N=6 + HOA) since the reason "it is a rich and rare estuary....." is because we have been working hard to preserve the beauty of the cove. Furthermore, her suggestions did not reflect on SMP which states proposed updates to Thurston County's SMP is to "help balance growth and development consistent with protections that prioritize healthy and safe shoreline for people, fish, and wildlife...." Her comments say nothing about people whose properties will be impacted by her suggestion, "Natural".

South side of Green Cove is "a rich and rare estuary" because we (3 homeowners and HOA) have been taking care of it to preserve the cove's natural beauty. We voluntarily have been spending our personal/HOA money and time to repair, improve, or maintain the beauty. I am listing some specific examples of work by three property owners whose properties will be impacted by SED change.

Property Owner, Chris: "I think the neighborhood does a good job of preserving the areas natural beauty and having minimal impact on our surroundings. Every time I kayak up the cove, I am impressed by how untouched everything looks, even though there have been residential homes here for nearly 50 years (some maybe longer). So, the current status seems to be working at preserving the cove and no need for changes".

Property Owner, Heesoon: I have been living in my property since 1993. I spent my own money to hire a surveyor to prevent the HOA from building a bridge on my property to reopen the creek trail in 2005. I will bring Feb. 13, 2006, Board Meeting Minutes for verification to the hearing on 5/16. The creek trail has been closed since 2004 or 2005. I have been Kindly informing people that the creek trail is closed whenever I see people heading for the creek trail.

Property Owner, Eric: He served as a board member in 2015-16 and was instrumental on not reopening the trail due to potential impact to slopes. The HOA Board agreed with him and

decided to focus on the beach trail in 2016. He said, “With the beach trail we installed drainage and consulted with the County to make sure construction was low impact, putting in straw wattle for erosion control and constructing everything with hand tools. We’ve also cleaned up trash that floats into the cove and pulled a huge tractor tire out once. John gets most credit for that.” John is our HOA Board member who should be recognized by SMP committee for his effort to maintain the cove as “a rich and rare estray”. The HOA populated “native plants to hopefully keep the area healthy for future generations”. Eric didn’t run for re-election in 2017 because he became a parent of twins, but he continues to work on maintaining or improving the slope by moving “cedar saplings from places they can’t grow (too close to house/driveway or on the drain field) to the slope. If they do thrive in their new location, they’re most likely “won’t grow significantly in my lifetime.” The HOA paid for all the expenses and HOA Board members and HOA members contributed their time and labor for projects.

As you can see, we are not the type of people who need to be “enforced”. Making negative generalizations about us without input from us is minimizing us and making us invisible. Changing “conservancy” to “natural” will impact not only our property values but also our trust with the County.

“Rural Conservancy” will keep “harmony between the needs of” homeowners,and salmon, and wildlife. In addition, Thurston County will not only be compliant with RCW36.70A.370, Protection of Private Property but also honoring Core Values of Thurston County.

Sincerely,
Heesoon Jun

Time: May 1, 2023 at 8:59 pm

IP Address: 73.221.16.241

Contact Form URL: <https://thurstoncomments.org/comment-on-the-proposed-shoreline-code-update/>

Sent by an unverified visitor to your site.

From: phyllisfarrell681@hotmail.com
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Thursday, May 4, 2023 6:47:34 PM

Your Name (Optional):

Phyllis A Farrell

Your email address:

phyllisfarrell681@hotmail.com

Comment:

Greetings, thank you for the opportunity to comment on the draft SMP.

I commend the staff and Planning Commission for the extensive research and work in developing the draft. I have followed the process for several years and it has been arduous! Overall, I think the draft has many good provisions and improvements, but there are some areas that need to be addressed.

Vegetation Buffers:

The Minority Report states the proposed provisions are not protective enough to meet Shoreline Management Act (SMA) policy goals and prevent net loss.

The Planning Commission recommended Option A to decrease Shoreline Environmental Designation buffers. They also recommended buffers for Rural Conservancy designations to be reduced by 50% or 125 feet. The Minority Report states these recommendations do not “reflect the policy goals of the act” (WAC 173.26.186)

Thurston County SMP buffers need to reflect best available science. Option B had more protective buffers, especially in marine shorelines (85’ Marine Shoreline Residential and 250’ in Urban Conservancy, Rural Conservancy and Natural). Buffers are important for maintaining ecological function!

Projected sea level rise might shorten buffers.

Reducing buffers will make mitigation and restoration efforts more expensive and complicated.

Gwen Lentes, WDFW, shared in an e mail 10.19.20, WDFW recommends designating riparian buffers as critical areas and using the larger buffer option to more closely align with recent best available science.

The riparian wetlands guidance for fish and aquatic species recommends prioritization of the “pollution removal function when appropriate,” and adoption of Site-Potential Tree Height (SPTH), based on potential tree height at 200 years, as “a scientifically supported approach if the goal is to protect and maintain full function of the riparian ecosystem.”

The Department of Ecology recommends a Riparian Habitat Area width of 250 feet for Type “S” (Shorelines of the State) and all fish (Type “F”) streams regardless of whether they are currently or just potentially used, and whether they flow all year or not. The Draft SMP matches the Ecology guideline of 250 feet only for Type S streams and other streams greater

than 20 feet wide. The range of protection for other fish streams is 150 to 200 feet. The more protective buffer width of 250' for both Type S and F streams is needed to ensure NNL and account for climate changes in stream temperatures.

Vegetation requirements should be for mitigation purposes should be native vegetation; the non native vegetation allowance in the Planning Commission recommendations should be removed.

No Net Loss can only be achieved with restoration of vegetation in buffers.

Critical Areas:

Critical areas are an essential tool of the GMA for preventing loss of environmental function.

The Minority Report states: The SMP should assure that critical areas within the shoreline are protected in a manner consistent with the Critical Areas Ordinance (CAO) of the Growth Management Act (GMA). We are concerned that there is insufficient consideration given to critical saltwater areas. We note that permitting of critical areas is treated differently in the Draft SMP from the CAO in an important respect: the application of the principle of Reasonable Use (which is highly protective of ecological function) is replaced by shoreline variances. Without some revision, the Draft SMP will likely result in net loss of shoreline critical areas and their functions.

Per the Minority Report, it is recommended to add a Policy (SH-15) "Critical saltwater habitats should be protected and restored according to the principles of WAC 173-26-221"

Armoring:

Armoring (bulkheads and logs/stones to stabilize shorelines) results in loss of shoreline sediment important for habitat for marine organisms. It is estimated that more than 27% of Puget Sound shorelines have armoring adversely affecting forage fish habitat and salmon recovery. The Department of Ecology states that more than 700 miles of Puget Sound's shoreline is armored – with approximately four miles added every two years.

The Puget Sound Partnership recommends reduction of shoreline armoring by 25%, more protective permitting requirements and substituting "soft" or natural armoring for impervious bulkheads.

The Puget Sound Partnership's Regional Estuary Program Shoreline Armoring Implementation Strategy offers an approach that identifies effective implementation, compliance monitoring and enforcement improvements within and across regulatory agencies in Puget Sound. These efforts will reduce new (and especially illegal) armoring and reduce the impacts of repairs. The SMP should align with the PSP Regional Estuary Program Shoreline Armoring Implementation Strategy recommendations.

The Minority Report indicates the draft SMP is not as protective against No Net Loss as it should be.

The Minority Report recommendations should be inserted in the SMP...incorporating the Ecology SMP Handbook Guidelines, most notably that shoreline designations must be supplemented with consideration of specific shoreline environmental conditions and cumulative impacts.

With potential sea level rise encroaching on homeowners' vegetation buffers, there will be

requests for armoring. Require "soft" armoring for repairs and limit armoring expansions; allowing only if the modifications do not result in a net loss of ecological function.

1. Docks should be prohibited in Natural designations
2. Maintain the requirement that docks must be grated to allow light
3. Limit new docks and require multi-family or community docks

Aquaculture:

Monitoring, Inspections and Enforcement Current and historical practices have demonstrated a lack of adequate inspection, monitoring and enforcement of aquaculture permits. New procedures and practices are required to minimize environmental impacts. Every site should be inspected at the time of planting, when structural changes occur, such as with removal of nets, and when harvesting occurs. There must be a mechanism for reporting permit violations by county personnel and citizens and a response by the county.

Adaptive Management: The principle of Adaptive Management should be applied to aquaculture. This should include a formal means of observing and reporting information about industry practices and impacts on the environment, as well a formal process to revise regulations as new information emerges.

No use of plastics: Polyvinyl Chloride (PVC) and High Density Polyethylene (HDPE) plastics are used extensively in aquaculture. They are toxic during their manufacture and use in the marine environment. The toxic elements include mercury, asbestos and/or polyfluoroalkyl substances (PFAS). There is no safe level of PFAS chemicals for humans. The use of these plastics for aquaculture must be eliminated and sustainable practices required.

Non-disruptive harvesting: Current geoduck harvesting techniques involve the liquification of the tidelands to a depth of three feet by the use of high pressure hoses. This damages the benthic environment and reduces biodiversity. Because sites are continuously replanted after each harvest, there is no time for recovery. Hydraulic harvesting should be prohibited in favor of sustainable techniques.

Additionally, intensive oyster bag cultivation with plastic bags and netting covers large sections of tideland disrupting naturally occurring flora and fauna. Spacing and buffers based on available science with adaptable management practices should be put in place to protect the tideland environment.

Individual permits (not consolidated): Because aquaculture sites can vary greatly even when in close proximity, each site must be evaluated for environmental impacts. The consolidation of multiple adjacent parcels into one permit application prevents proper environmental evaluation and should be prohibited.

Thank you,

Phyllis Farrell
Sunwood Lakes

IP Address: 73.157.25.183

Contact Form URL: <https://thurstoncomments.org/comment-on-the-proposed-shoreline-code-update/>

Sent by an unverified visitor to your site.

From: [Howard Glastetter](#)
To: [Andrew Deffobis](#); [Andrew Deffobis](#)
Subject: Shoreline Master Plan
Date: Friday, May 5, 2023 4:45:58 PM

Mr. Diffobis,

I'm writing this as a comment to the Thurston County Shoreline Master Plan (TCSMP). I live on the Nisqually Valley Delta between I-5 and Old Pacific Hwy. My location is affected by several government entities. Please note the URL below.

The URL from Washington State Department of Transportation (WSDOT) shows they will be replacing the Nisqually River bridges. They will also be removing fill under the current I-5 freeway when finished. This could have a detrimental high water effect on my three contiguous lots (that were in the 500 year flood plain) and the two houses there on. WSDOT and consultants are studying this issue, but there are currently unknowns. Read the first page of the URL carefully. The Federal Government, WSDOT, the Nisqually Tribe and JBLM apparently support this effort. There should be a way to make this win / win for all parties.

<https://wsdotblog.blogspot.com/2022/11/i-5-nisqually-river-valley.html>

Below is an unpublished letter-to-the-editor I sent to the daily Olympian about how the Tacoma Power Utility could run the Alder Lake Dam more safely. It has yet to be published. The City of Tacoma is evidently satisfied with their modus-operandi. Pierce County evidently has no objections. Nor does the Nisqually Tribe or JBLM seem to.

Alder Dam & Nisqually Valley Flood

Avoidance

Thurston County's Nisqually Valley had no Pineapple Express or Atmospheric River floods from Hawaii this fall / winter. Mother Nature sent this season's storms to California. However, we don't need to hope that our misery gets passed to other states in order to avoid it.

Most of the flooding in Nisqually Valley from severe storms is the result of how the Tacoma Power Utility (TPU) runs Alder Lake Dam. They have no flood mitigation responsibilities in their Federal Energy Regulatory Commission (FERC) license. TPU's goal is energy production. They attempt to keep the reservoir as full as possible, even in fall / winter. Often little action is taken even when the National Oceanic and Atmospheric Administration (NOAA) graphics* predict a storm on the horizon. NOAA produces three graphs that predict Alder Lake flood dangers 10 days in advance, with increasing accuracy until the storm hits. Simple evasive actions by TPU, (e.g., running the La Grande generators below Alder Dam at full capacity (2,300 cubic feet a second) for a few days prior to a predicted storm), would easily avoid or strongly mitigate potential Nisqually floods.

Paying close attention to these graphic predictions would allow simple protection of the valley below the dam. This is becoming an even bigger issue as the proposal to rebuild I-5 across the lower valley nears. This simple evasive action can be done at no financial disadvantage to TPU.

*<https://www.nwrhc.noaa.gov/river/station/flowplot/flowplot.cgi?ALRW1>

So, folks on the border of an issue, need cooperation from other contiguous government entities, beyond their boundaries. Thurston County has at least an obligation to raise this issue to other entities.

Sincerely,

Howard Glastetter

Howard.glastetter@comcast.net

Cell (360)556-1574

Everything should be as simple as it can be, but no simpler.

Albert Einstein

From: [Derick Mordus](#)
To: [Andrew Deffobis](#)
Subject: 5/16/23
Date: Saturday, May 6, 2023 9:29:22 PM
Attachments: [BOCC letter May Mordus.pdf](#)

Mr. Deffobis,

I will not be able to make the SMP meeting on May 16th, 2023.

Please present this to the commissioners in my absence.

Thank you,

Derick Mordus

6 May 2023

SUBJECT: Shoreline Master Program Public Hearing 5/16/23

Dear Commissioners,

I am sending you this letter in support of the Recommendation of the Planning Commission SMP from August 3, 2022.

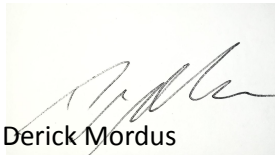
Decision point 1: I support the Planning Commission recommendation for a 50-foot buffer for Shoreline Residential.

Decision point 4: I strongly support the use of "conforming". I do not want to be in a position in the future where my current conforming then "legally nonconforming" structures become 'illegally nonconforming' due another change without my vote or consent on land that I own.

From reviewing past meeting minutes Ms. Sarah Cassal (Shoreline Planner at the Department of Ecology) is quoted as saying "'conforming' was just fine".

Thank you for taking the time to understand my position.

Sincerely,

A handwritten signature in black ink, appearing to read "Derick Mordus", is written over a light blue rectangular background.

Derick Mordus

Thurston county resident and homeowner

From: [Shelley Kaurin](#)
To: [Andrew Deffobis](#)
Subject: Re: Thurston County Shoreline Master Program Update - Response to Public Comment
Date: Sunday, May 7, 2023 9:21:59 PM

Dear Mr. Andrew Deffobis,

I greatly appreciate the work of SMP personnel and the dedication to preserving and protecting our environment and communities. I also appreciate the opportunity for public comment and for your committee's listening and thoughtful comment consideration.

In my zeal to "save the planet", I suggested our parcel, 72000001000, be changed from the initial planned SED of "Shoreline Residential" to "Rural Conservancy". I was motivated by concern for preservation of the spit in front of the property.

I must confess I was ignorant of the details of my request. Following your kind email of 4/20/2023 acknowledging my request and proposing the change I requested, I became better informed.

I am now aware of the property lines, and our property contains just a toehold on the spit.

For WAC 173-26-211(iii) designation criteria, I recognize only one criterion for "Rural Conservancy" need be met – but I think there is only one, which is the steep bank.

The 125ft buffer from the high-water mark into our lot includes all the house and all but 7ft of the attached garage. The draft SMP fact Sheet #2 says we can rebuild after a natural disaster or fire, and do an interior remodel. It isn't clear if we can maintain the exterior.

Follow up request:

After consideration, your original proposal of "Shoreline Residential" designation seems most appropriate for this property. The 50-foot buffer would be at the edge of the deck to the house. This still protects the steep bank and spit. My initial concern was that construction not encroach on the spit, which I now understand was unfounded.

Thank you for your time.

Sincerely,

Darryl Kaurin
 2802 81st Ave NW
 Olympia, WA 98502
 503-523-9096 (cell)

On Thu, Apr 20, 2023 at 1:11 PM Andrew Deffobis <andrew.deffobis@co.thurston.wa.us> wrote:

Dear Mr. Kaurin,

I am the project lead for Thurston County's Shoreline Master Program (SMP) update. I am writing inform you of a proposed change to how your property is designated under the draft SMP. A shoreline environment designation (SED) controls the types of land uses that can occur on a property, the shoreline buffer and development rules that apply to land use projects, and the types of permits required for development.

During the Planning Commission's review of the SMP update, you requested reconsideration of the SED in the vicinity of your property. **After review of this shoreline area and SED criteria in the draft SMP, the Planning Commission voted to change the proposed SEDs as follows:**

Parcel	Original Proposed SED	New Proposed SED
72000001002	Shoreline Residential	Rural Conservancy
72000001000	Shoreline Residential	Rural Conservancy

The Planning Commission's recommendation was included in an updated SED map provided to the Board of County Commissioners along with the Planning Commission's overall SMP recommendations.

Landowners are encouraged to contact staff to discuss how the SMP update may affect any proposed or future development of their property. More information about the SMP update is available at www.thurstonbmp.org. Proposed changes to SEDs may be viewed in [this web application](#).

The Board of County Commissioners will hold a public hearing on the SMP update on **May 16, 2023 at 5 PM**. If you wish to provide further public comment, please do so by noon on May 16, 2023. Or attend the public hearing, either in person in Room 110 of the Thurston County Atrium, 3000 Pacific Ave. SE, Olympia, WA 98501, or online by [registering via Zoom](#).

Regards,

Andrew Deffobis, Senior Planner

Thurston County Community Planning and Economic Development Department

3000 Pacific Ave SE

Olympia, WA 98501

Cell Phone: (360) 522-2593

Office Phone: (360) 786-5467

Fax: (360) 754-2939

From: [John Woodford](#)
To: [Andrew Deffobis](#)
Subject: Coalition comments on SMP Public Heari
Date: Monday, May 8, 2023 5:20:35 AM
Attachments: [SMP Itr to BoCC5.8.2023.docx](#)

Good morning Andy,

Please forward my attached letter to the County Commissioners ASAP. We, the Coalition, have many questions about developments following finalization of the Planning Commission SMP Recommendation on August 3, 2022.

Thank you,

John Woodford

Thurston County Shoreline Stakeholders Coalition

7541 Holmes Island Rd SE, Olympia, WA 98503-4026

May 8, 2023

To: Board of Thurston County Commissioners

From: John H. Woodford, Chair, Thurston County Shoreline Stakeholders Coalition

Re: Coalition comments on SMP Public Hearing

Dear Commissioners Carolina Mejia, Tye Menser and Gary Edwards,

Your Board of County Commissioner's **Public Hearing on the Shoreline Master Plan** is now just over a week away.

Some background material

The current SMP was adopted in 1990, and Thurston County is way overdue for incorporating State mandated revisions and updates. In general, the newly proposed Planning Commission SMP Recommendation is much more protective of the environment than the 1990 version, especially in areas where there is little to no human development.

Most of us Thurston County shoreline residents live in areas that have been assigned a Shoreline Environmental Designation of "Shoreline Residential." Our SED of Shoreline Residential is the most developed, having had the most human impact. But, our Shoreline Residential SED reflect the fact that quite intense shoreline development has already taken place and our neighborhoods are already built-out. And, as I've pointed out many times in the past, the *Cumulative Impacts Analysis of Thurston County's Shoreline Master Program* acknowledges that **Shoreline Residential SED properties accounts for only 3.5% of the total County shoreline acreage**. The other SEDs are Urban Conservancy (1.1%), Rural Conservancy (63.5%) and Natural (31.9%)...all with considerably less existing development and, appropriately, with more development restrictions. Further, the vast majority of parcels located in Shoreline Residential SEDs are already built out; there are very few vacant parcels available for new development. Our shoreline residential properties should not bear the brunt of the SMP's very restrictive regulations.

Within the Shoreline Residential SED, we currently have a 50-foot buffer to restrict shoreline development. This buffer regulations impose many restrictions on what can be done within the first 50-feet from the water. After that 50-feet, building and development can happen with fewer restrictions, until you get out to the 200-foot mark where SMP

jurisdiction ends. The development restrictions are all encompassing. They would include things such as buildings and structures, including not just your home, but patios, docks, bulkheads, fire pits, sport courts, fencing, storage sheds, and landscaping. If a shoreline resident wanted to make changes to nearly anything within the buffer, he/she most certainly will be required to obtain a permit...and may have to mitigate the impacts to assure “no net loss” of ecological function. An example might be if that resident wanted to remove 100 square feet of vegetation to install a patio, he/she would then be required to put in 200 square foot of rain gardens or other ‘natural’ landscaping. Tree removal and trimming for views, or any other reason, is also strictly regulated.

If buffer widths were to be increased, as suggested in the Minority Report (see item 2 below), the Decision Matrix (see item 3 below) and the Staff’s Decision Points (see item 4 below), the buffer would extend further inland from the shoreline and, in most cases, wrap right around the shoreline homes. For what purpose? How would this contribute to “no net loss” of ecological function?

The Thurston County Planning Commission (PC) worked for years to develop their new draft of the SMP. Much of what the PC did was to incorporate the new laws that have passed on a state level since 1990 and make some local decisions on how to handle things. Some of the decisions made were to increase the buffers in the Natural and Conservancy SEDs, but to keep the 50-foot buffer in Shoreline Residential. This decision was made because the Planning Commission believes the environmental impacts have already been made, are already highly regulated, and further regulation will have no appreciable impacts for the environment. Shoreline residents are often the first stewards of the lake, marine waters, rivers and streams...with self interest in protecting these waters and their shoreline properties.

Where we are now

This all leads us to where we are now. The Planning Commission's SMP Recommendation Draft has been forwarded to you, the Board of County Commissioners. You will decide if you want to accept the draft as is, make some changes to it, or throw it out and start over. It appears that you will accept the majority of the PC Draft, but are contemplating some changes. The material before you is and will be (until close of the Public Hearing):

1. The **Planning Commission SMP Recommendation**, August 3, 2022, (this is, in fact, a very reasonable path forward toward “no net loss” of ecological function while protecting homeowner rights and property use),
2. The **PC Minority Report**, August 8, 2022, (presented by ‘newbies’ on the PC who did not participate in the years of testimony, Work Sessions, etc.),
3. Thurston County **SMP Update - BoCC Decision Matrix** (an unprecedented Staff presentation to you, the BoCC, for your February 22, 2023, SMP Work

Session...with 68 SMP items that staff suggests the BoCC maintain, delete or modify...to get Ecology approval). Why weren't these items presented to the Planning Commission? ...and resolved before the move to the BoCC?

4. Planning staff's **5 major Decisions Points** (companion documents to the above Item 3, Matrix...) Decision Points 1 and 4 are the most impactful for shoreline residents.

Decision Point 1: Push to widen buffers...Shoreline Residential from 50' by the PC to 75' for lakes/85' for marine waters. Ecology has said the 50' buffer is, "...within the realm of justifiable..." Also, see my comments in the third paragraph of **Some background material** above. The 50' buffer has been in place since the 1990 SMP.

Decision Point 2: Shoreline Modifications in Natural SEDs (Beach stairs, docks floats, buoys). No comment.

Decision Point 3: Development Standards for Mooring Structures (PC referenced WDFW Hydraulic Project Approval...while staff is pushing to restore specific TC development standards). No comment.

Decision Point 4: Age old battle of "conforming" v "legally nonconforming"...for existing, legally built, homes within the buffer. If this Decision Point were to be coupled with Decision Point 1, almost all of our shoreline homes would become "legally nonconforming" as that buffer wraps around us. Staff now says that Ecology has stated that the use of the word 'conforming,' "...**is inconsistent** with the requirement that the SMP's regulations be of 'sufficient scope and detail' to ensure implementation of the SMA (WAC 173-26-191(2)(a)(ii)(A)) and **is not approvable as drafted.**" I have read and re-read this referenced law and do not see how it is relevant to this labeling of structures. Ms. Sarah Cassal, who was the Shoreline Planner at the Department of Ecology providing input to the Planning Commission during much of the PC's deliberations, said repeatedly that "conforming" was just fine. I have done lot of research on this matter, so, here again are my findings. The State of Washington recognizes that such structures are "conforming" in RCW 90.58.620.

RCW 90.58.620

New or amended master programs—Authorized provisions.

(1) New or amended master programs approved by the department on or after September 1, 2011, may include provisions authorizing:

*(a) Residential structures and appurtenant structures **that were legally established and are used for a conforming use, but that do not meet standards for***

the following to be considered a conforming structure:* Setbacks, buffers, or yards; area; bulk; height; or density; and

(b) Redevelopment, expansion, change with the class of occupancy, or replacement of the residential structure if it is consistent with the master program, including requirements for no net loss of shoreline ecological functions.

(2) For purposes of this section, "appurtenant structures" means garages, sheds, and other legally established structures. "Appurtenant structures" does not include bulkheads and other shoreline modifications or overwater structures.

(3) Nothing in this section: (a) Restricts the ability of a master program to limit redevelopment, expansion, or replacement of overwater structures located in hazardous areas, such as floodplains and geologically hazardous areas; or (b) affects the application of other federal, state, or local government requirements to residential structures.

[2011 c 323 § 2.]

NOTES:

*Findings—2011 c 323: "(1) **The legislature recognizes that there is concern from property owners regarding legal status of existing legally developed shoreline structures*** under updated shoreline master programs. Significant concern has been expressed by residential property owners during shoreline master program updates regarding the legal status of existing shoreline structures that may not meet current standards for new development.*

(2) Engrossed House Bill No. 1653, enacted as chapter 107, Laws of 2010 clarified the status of existing structures in the shoreline area under the growth management act prior to the update of shoreline regulations. *It is in the public interest to clarify the legal status of these structures that will apply after shoreline regulations are updated*.*

(3) Updated shoreline master programs must include provisions to ensure that expansion, redevelopment, and replacement of existing structures will result in no net loss of the ecological function of the shoreline. Classifying existing structures as legally conforming will not create a risk of degrading shoreline natural resources." [2011 c 323 § 1.]

The **blue and bold selected portions of the RCW were so designated by me for emphasis.*

Decision Point 5: Permit Standards for bulkheads...higher standards. No comment.

5. **Public input**, now by letters and emails, and by speaking out May 16 at the **Public Hearing**.

The SMP Public Hearing

The May 16th **Public Hearing** is the last opportunity for shoreline residents, and others that love the County's waters and shorelines, to make their feeling heard. I cannot stress enough the importance of Item 5, above, **public input**. Please listen attentively to what the public has to say. We care! We understand that we live in a fragile environment! We understand the need for "no net loss" of environmental function! We also value our rights!

And, following the **Public Hearing**, we will be silenced. So, please be attentive during our final chance to address you regarding the SMP.

Respectively submitted,

John H Woodford, AIA, Emeritus Architect

cc: Mr. Andrew Deffobis, Senior Planner, CPED

From: [mark bryant](#)
To: [Andrew Deffobis](#)
Subject: SMP
Date: Monday, May 8, 2023 11:16:45 AM

Dear Sir:

As we are unable to attend the hearing regarding the Shoreline management Plan (SMP) on the 16th, we wish to present our input. Updating this plan has been in the works by the Thurston County Planning Commission and has been thoughtfully and thoroughly developed to meet state requirements as well as concerns of property owners. We have been fulltime residents on Lake Lawrence for 20 years in a home built in 1989. As longtime lake owners, we are very cognizant and careful to be good stewards of our special and fragile environment. We are supportive of an updated shoreline management plan and believe the extensive work of the Planning Commission over the years has sufficiently addressed this.

We have several concerns as Shoreline Residential Property owners

1. Our lake properties are nearly fully built out and as such, human environmental impact due to further development is unlikely. Therefore, Shoreline Residential properties should not bear the brunt of the SMP's very restrictive regulations.
2. Maintaining the 50' buffer for lake properties has been established by Ecology as "within the realm of justifiable", has been in place since the 1990 SMP and therefore should be maintained
3. Legally built structures should be maintained as being "conforming". Extensive work done by the Planning Commission with conjunction with ecology agrees upon this point. The State of Washington recognizes that such structures are "conforming" in RCW 90.58.620

Therefore, we urge the acceptance of the Planning Commissions SMP Recommendation of August 3, 2022. This is a very reasonable path toward "no net loss" of ecological function while protecting homeowner rights and property use.

Sincerely,

Mark and Karla Bryant
16646 Pleasant Beach DR SE
Yelm, WA 98597

From: mcerovskilfd3@gmail.com
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Tuesday, May 9, 2023 8:28:40 PM

Your Name (Optional):

Michael Cerovski

Your email address:

mcerovskilfd3@gmail.com

Comment:

My wife Valerie and I purchased 3041 46th Ave NW July 6th, 2021. Changing this designation prevents our family, including our three children, from enjoying our 5-acre property recreationally. This proposed redesignation is inappropriate as the term Natural refers to locations free from human activity. The land which is under question is steep terrain and not usable in any real sense, except for recreational enjoyment. This redesignation potentially jeopardizes our property investment and our future property value.

Time: May 10, 2023 at 3:28 am

IP Address: 98.97.37.74

Contact Form URL: <https://thurstoncomments.org/comment-on-the-proposed-shoreline-code-update/>

Sent by an unverified visitor to your site.

From: [Michael Cerovski](#)
To: [Andrew Deffobis](#); [Michael Cerovski](#); [Valerie Cerovski](#)
Subject: SMP related to 3041 46th Ave NW - Cerovski Residence
Date: Wednesday, May 10, 2023 7:34:47 AM
Attachments: [SMP redesignation Cerovski Request - May 2023.pdf](#)

Good morning Andrew Deffobis,

Thank you for meeting with Valerie and I along with our neighbors and County Commissioner Ty Menser a few weeks ago regarding the shoreline environmental designations as they relate to Green Cove Creek and our properties.

I have attached for you a letter regarding our property and our request for you to consider refraining from the redesignation as proposed from Rural Conservancy to Natural, specifically in the areas of MEL 29-30.

I look forward to the May 16th Public Hearing and am hopeful that we can identify a healthy balance between protection of our environment as well as taking into account the homeowners and their properties.

Regards,

Michael and Valerie Cerovski
3041 46th Ave NW, Olympia, WA 98502
970-222-9119 / 970-381-9894
mcerovskilfd3@gmail.com
valcerovski@gmail.com

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Michael Cerovski
mcerovskilfd3@gmail.com
970-222-9119

Andrew Deffobis, Senior Planner
Community Planning and Economic Development
3000 Pacific Avenue SE, Suite 200
Olympia, WA 98501

RE: Green Cove Property Owner / Proposed Green Cove SED

Dear Andrew Deffobis

I am writing to you as the owner of 3041 46th Avenue Northwest, Olympia, WA 98502. I am requesting that you reconsider your recommendation to list our property as "NATURAL" based on a recommendation from a citizen ***(MEL 29-30, Thurston County SMP Update Shoreline Environment Designation Report Supplement, updated in 2021).***

My wife Valerie and I purchased 3041 46th Ave NW July 6th, 2021. Changing this designation prevents our family, including our three children, from enjoying our 5-acre property recreationally. This proposed redesignation is inappropriate as the term Natural refers to locations free from human activity. The land which is under question is steep terrain and not usable in any real sense, except for recreational enjoyment. This redesignation potentially jeopardizes our property investment and our future property value.

I am concerned that this planning process did not seek to include property owners who this redesignation specifically impacts. Yet, this process accepted comments from stated citizens that do not live anywhere near Green Cove Creek and are not listed as property owners near this redesignation. I am the owner of the property that is most affected by this redesignation. I have never been included in the process to comment on this proposed designation. This designation contravenes any use by owners to recreate on their own property.

We cherish our home here in Thurston County. We appreciate and respect the land on which we live and recreate. We are advocates for our property and adjacent properties. We are the definition of human activity, as this is our home. I implore you to leave our designation as Rural Conservancy. There has been no negative impacts resulting from this designation, prior to our ownership of the property, and since 2021 when we purchased our home.

I have been a public servant for over 29 years and continue to serve today. What I have learned in my career is the importance of service, transparency, and equity for those who we serve. Please reconsider leaving the designation as Rural Conservancy, as it is currently used as it relates to MEL 29-30 on the proposed Thurston County SMP Update to the Shoreline Environmental Designation.

I appreciate your time and attention in this matter. I look forward to the May 16th Public Hearing on the proposed changes to the County's Shoreline Master Program.

Regards,

A handwritten signature in blue ink, appearing to read "MICHAEL CEROVSKI", with a large, stylized flourish extending from the end.

Michael and Valerie Cerovski
Owners, 3041 46th Avenue Northwest
Olympia, WA 98502
970-222-9119/970-381-9894