

Thurston County Board Briefing

<u>Briefing Date/Time:</u>	September 25, 2023 12:00 – 1:30 PM		
<u>Office/Department & Staff Contact:</u>	<p>Community Planning & Economic Development</p> <p>Andrew Deffobis, Senior Planner, ext. 5467</p> <p>Ashley Arai, Community Planning Manager, ext. 5476</p> <p>Joshua Cummings, Director, ext. 4995</p>		
<u>Topic:</u>	SMP Public Hearing Follow-up		
<u>Purpose:</u> (check all that apply)	<div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Decision needed <input type="checkbox"/> Follow up from previous briefing </div> <div style="text-align: right;"> Optimal Time Frame for Decision is: (dd/mm/yyyy) </div> </div>		
<u>Synopsis/Request/Recommendation:</u>			
<p>This briefing is a follow-up from briefings on May 24, June 14, July 26, and August 30, 2023, where the Board of County Commissioners (Board) began to discuss public comments received on the Shoreline Master Program (SMP) update. Staff will present information to facilitate Board discussion and decisions on elements of the draft SMP.</p>			
<u>Background</u>			
<p>Staff have prepared information on several topics discussed during the SMP public hearing and requested by the Board. The following topics will be explored during the September 25, 2023 briefing.</p> <p><u>Shoreline Environment Designation Reviews</u></p> <p>During the Board’s public hearing comment period, several requests were received to re-review the proposed shoreline environment designations (SEDs) for various shorelines. Staff will revisit information from the Board’s August 30 briefing on four requests received during the public comment period, including three requests for shoreline reaches on Eld Inlet, and one request on Pattison Lake.</p> <p><u>Synopses of Request and Staff Analysis</u></p> <p>Staff reports have been prepared and attached for the four shoreline reaches where SED reconsiderations have been requested. Criteria for designating SEDs are located in the 2013 SED Report; an excerpt is attached for reference (Attachment B). The following is a summary of current and proposed SEDs for the shoreline reaches in question, as well as citizen requests and a summary of options for the Board of County Commissioners. The Board may discuss additional options during the briefing.</p>			

Shoreline Water Body & Reach	Current SED	Proposed SED	Citizen Request	Options for BOCC
Pattison Lake: LPA-07—LPA-08 (one parcel)	Conservancy (Rural on southern tip)	Natural	Retain current split designation or provide Urban Conservancy SED to whole parcel	<ul style="list-style-type: none"> • Retain proposed Natural SED for subject parcel • Designate subject parcel Urban Conservancy • Create split SED for subject parcel (Shoreline Residential/Urban Conservancy)
Eld Inlet: MEL-29—MEL-30	Conservancy	Natural	Rural Conservancy or Shoreline Residential	<ul style="list-style-type: none"> • Retain proposed Natural SED for entire reach • Designate two parcels as Rural Conservancy, and retain proposed Natural SED for rest of reach.
Eld Inlet: MEL-02A—MEL-02B	Conservancy	Rural Conservancy	Shoreline Residential	<ul style="list-style-type: none"> • Retain proposed Rural Conservancy SED for 2 subject parcels • Revert to original Shoreline Residential SED
Eld Inlet: MEL-06—MEL-07 (one parcel)	Conservancy	Natural	Rural Conservancy	<ul style="list-style-type: none"> • Retain proposed Natural SED for entire reach • Designate one parcel as Rural Conservancy, and retain proposed Natural designation for rest of reach.

Assessment of Matrix Items Without Direct Public Comment

The Board directed staff to include items from the February 2023 SMP decision matrix in the Board's public hearing draft, in order to facilitate public comment on these items. At its May 24, 2023 briefing, the Board discussed possibilities for addressing the items in the decision matrix. One question raised was whether any items from the decision matrix did not receive public comment.

Staff reviewed public comments and the decision matrix to determine which items did not specifically receive public comment. While some comments generally addressed the *topics* covered by items in the decision matrix, the following items from the matrix do not appear to have received specific public

comment: 8-11, 13, 18-19, 21, 23, 27-30 from the list of “Ecology indicated required items”, and comments 31-37, 39-47, 49-58, 60-66, 68 from the “Ecology indicated helpful items”.

The Board received at least one comment on the remaining 21 items in the decision matrix. Some comments were substantive, and some expressed support for either the Planning Commission recommendation or for the included changes, depending on the issue. Additionally, the Board received several comments in support of the Planning Commission’s recommendation, which does not incorporate any items from the decision matrix.

Shoreline Variances

During the July 26, 2023 SMP work session, the Board requested additional information on Shoreline Variances, one of several types of SMP permits. A Shoreline Variance is a permit granting relief from specific bulk, dimensional or performance standards in the Master Program, but not use standards.

County Procedures For Reviewing Variances

A Variance is a Type III application under Section 20.60.020 Thurston County Code, and requires Hearings Examiner approval. Administrative Variances are considered Type I applications (Type II if SEPA is required). Administrative Variances are approved locally by County staff. All Variances and Administrative Variances require Ecology approval before the project may proceed.

The following table summarizes general timeframes from Chapter 20.60 TCC in which County application review takes place. The review clock is stopped during any period of time when corrections or additional information are requested from the applicant, an administrative appeal is being processed, and when an environmental impact statement is being prepared. If CPED is unable to issue its decision within the time limits provided, the department notifies the project applicant. The notice includes a statement of reasons why the time limits have not been met and an estimated date for issuance of a decision. A copy of this notice is forwarded to the Board.

	Type I	Type II	Type III
Completeness Determination <i>(Note: If additional information is requested, a determination shall be made within 14 calendar days of resubmittal)</i>	Within 28 calendar days of submittal	Within 28 calendar days of submittal	Within 28 calendar days of submittal
Decision (Approve/Approve with Conditions/Deny)	Within 58 days of submittal	Within 100 calendar days of complete application	Within 120 calendar days of complete application

Examples of Shoreline Variances

The following are some general examples of Shoreline Variances from the draft SMP, and who approves them. Note: Uses allowed with a Variance must still follow SMP development standards and are required to mitigate for unavoidable impacts to shoreline ecological function.

Activity	Variance Type	Local Approval Authority	Ecology Approval Required?
Landward expansion of existing structure within standard buffer	Administrative Variance	Development Services staff	Yes
Landward expansion of existing structure within reduced standard buffer	Variance	County Hearings Examiner	Yes
Waterward or lateral expansions of existing structures	Variance	County Hearings Examiner	Yes
General reduction of standard buffer on constrained lots (up to 25% reduction)	Administrative Variance	Development Services staff	Yes
General reduction of buffer beyond 25% (i.e. below reduced standard buffer)	Variance	County Hearings Examiner	Yes
Reduction of Shoreline Residential buffer (for non-residential uses)	Variance	County Hearings Examiner	Yes
Single Family Homes and Constrained Lots (where 1,200 SF footprint cannot be located outside buffer due to lot size, configuration)			
Marine and lakes, Rural/Urban Conservancy and Natural SEDs: Achieving reduced standard buffer	No Variance		
Marine and lakes, Rural/Urban Conservancy and Natural SEDs: Up to 25% reduction of reduced standard buffer	Administrative Variance	Development Services staff	Yes
Streams, Rural/Urban Conservancy and Natural SEDs: Up to 25% reduction of standard buffer:	No Variance		
All water types, Shoreline Residential SED, any reduction of standard buffer	Administrative Variance	Development Services staff	Yes

Activity	Variance Type	Local Approval Authority	Ecology Approval Required?
Any other buffer reductions	Variance	County Hearings Examiner	Yes

Variance Criteria

The criteria for reviewing a Variance are located in subsection 19.500.100(E) of the draft SMP, and are modeled on state requirements. According to the draft SMP, Variance permits should be granted in circumstances where permit denial would thwart the policy enumerated in RCW 90.58.020. In all instances, extraordinary circumstances must be shown and the public interest must suffer no substantial detrimental effect. Variances landward of the ordinary high water mark (OHWM) will only be authorized if the applicant can demonstrate certain criteria are met, including but not limited to:

- Strict application of the SMP's default standards preclude or significantly interfere with reasonable use of the property,
- The hardship is specifically related to the property, that the project's design is compatible with other authorized uses in the area
- The project will not cause net loss to shoreline ecological functions or conflict with existing water dependent uses
- The variance is the minimum necessary
- The public interest will suffer no substantial detrimental effect

Below the OHWM or within wetlands, Variances may be authorized if the applicant demonstrates that strict application of the SMP's default standards preclude all reasonable use of the property, the hardship relates specifically to the property, and that public rights of navigation and use of the shorelines will not be adversely affected.

In the granting of all Variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. The applicant shall demonstrate such consideration through submittal of a Cumulative Impacts Report, where required (Section 19.700.130).

Appeal of Variance Decisions

A matrix of County permit types and their appeal pathways is attached as Attachment C. Ecology decisions on Variance permits may be appealed to the Shoreline Hearings Board (SHB). Appeals of SHB decisions are heard by Thurston County Superior Court.

Shoreline Buffers Update

The Board provided guidance to staff on proposed shoreline buffer widths during previous work sessions. Shoreline buffers, as proposed by the Board, are as follows:

	Marine (in feet)	Lakes (in feet)	Streams (in feet)
Shoreline Residential	85	50	250
Urban Conservancy	250	100	250
Rural Conservancy	250	125	250
Natural	250	200	250

The Board has asked staff to review the proposed buffers with legal counsel and return with information regarding any potential liabilities for the County. Staff has initiated consultation with legal counsel, and will return to the Board with more information at a future work session.

Documents Attached:

- Attachment A: Staff Reports – Shoreline Environment Designation reviews
- Attachment B: Excerpt from Shoreline Environment Designations Report
- Attachment C: Thurston County Permit Types: Approval and Appeals

Summary & Financial Impact:

The Board has received public comments on several topic areas of the SMP update. The Board will provide guidance to staff for preparation of the final SMP draft.

Affected Parties:

County residents, CPED, Public Works

Decision Points:

1. Does the Board wish to modify any proposed shoreline environment designations?

Considerations:

- The SMP includes SED designation criteria to help guide decisions.
- Landowners have requested reconsideration of some proposed SEDs.
- Any mapping changes will be completed prior to submittal of SMP to Ecology.
- Following SMP adoption, amending a shoreline environment designation requires a formal SMP amendment.

2. Whether to retain changes reflected in Board's SMP public hearing draft which received no public comment:

Considerations:

- The Board directed staff to incorporate changes identified in the February 2023 SMP decision matrix to allow public comment.
- Proposed changes increase consistency of the draft SMP with state law, and improve internal consistency, clarity, implementation. Some specific changes increase flexibility for landowners or enhance protection of shoreline resources.
- Many residents expressed support for the Planning Commission recommendation as a whole.

Board Direction:

Prepare information on several topics in the SMP for Board consideration.

Next Steps/Timeframe:

The next Board briefing is scheduled for October 16, 2023 at 9:00 AM. Topics to be reviewed at future briefings include:

- Sea level rise, including shoreline armoring
- Aquaculture, including the County's role in permitting and review of other jurisdictions' practices
- Flooding issues/regulation of frequently flooded areas and connection to SMP
- Mooring structures, such as docks
- How to address remaining items in SMP decision matrix presented to Board in February 2023
- Review of substantive public comments

Attachment A

Staff Reports – Shoreline Environment Designation Reviews

SED Review Analysis: Eld Inlet – MEL-02A—MEL-02B



Fig. 1. General location of Reach MEL-02A—MEL-02B on Eld Inlet, highlighted in light blue.

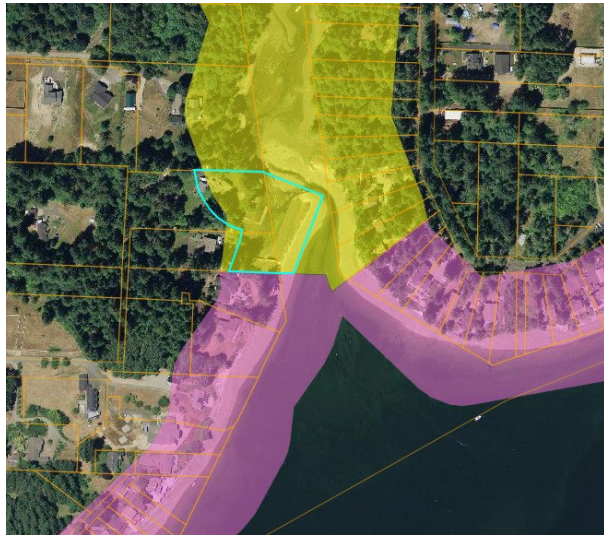


Fig. 2. Current SEDs on Reach MEL-02A—MEL-02B (reach boundaries in light blue). Yellow is Conservancy SED, pink is Rural SED.



Fig. 3. Proposed SEDs on Reach MEL-02A—MEL-02B and vicinity. Yellow (subject parcels) is Rural Conservancy SED, green is Natural SED, pink is Shoreline Residential SED.



Fig. 4. Zoomed-in aerial photograph of Reach MEL-02A—MEL-02B.

Current SED: Conservancy

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-02A—MEL-02B. During the Planning Commission's public comment period, a citizen requested the spit at the northern end of Reach MEL-02—MEL-03 remain as Rural Conservancy, and ideally to have the Rural Conservancy SED extend south $\frac{1}{4}$ mile from the north end of this reach. The concern was that the area is providing significant wildlife habitat, and land uses allowed in the Shoreline Residential SED could conflict with this. The Planning Commission voted to mimic the current SEDs and provide a Rural Conservancy SED to two residential parcels and the sand spit area shown in Figure 4. This area was given its own reach ID: MEL-02A—MEL-02B. During the Board's public comment period, the citizen requested the original proposal of Shoreline Residential be retained for their property.

The following tables provide a review of the Rural Conservancy and Shoreline Residential designation criteria from the Thurston County SED Report, alongside information contained in the SED Report, Inventory & Characterization (I&C), county GeoData mapping, and other sources. In addition, a portion of the reach is reviewed alongside criteria for the Natural SED.

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
Currently supporting low-intensity resource based uses such as agriculture, forestry, or recreation.	None noted	Private recreation on individual parcels.
Currently accommodating residential uses	I&C matrix lists the following land uses: Undeveloped, residential, other-tidelands	Yes – residential development within shoreline jurisdiction.
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	I&C matrix notes unstable, stable, and intermediate slopes. It also notes steep slopes in the north end of the reach, and potential landslide area.	This reach is mapped with steep slopes throughout. Estuarine/marine wetlands are mapped inside and outside of Sanders Cove. Reach is mapped within floodplain.
Can support low-intensity water-dependent uses without significant adverse impacts to shoreline functions or processes	Reach may contain the following species: smelt, rock sole. Reach may contain the following habitats: shellfish spawning, rearing and harvesting areas. SED report: High Priority restoration/preservation site for forage fish habitat, based on sediment source (north end of reach).	Such uses may be best suited to protecting ecological function of the more natural areas of this reach, including sand spit area.

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 noted in I&C matrix.	Parcels have individual access to the shoreline. Public may access the area from the water, though private ownership of tidelands appears to extend below the OHWM. Unsure if there is general public access to sand spit from the water.
Does not meet the designation criteria for the Natural environment.		The sand spit area may meet the criteria for the Natural SED, but the rest of this reach does not appear to.

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.	SED report includes this criteria.	Rural Conservancy: Reach appears to meet several criteria Natural: Majority of reach does not appear to meet this criteria
Predominantly single-family or multifamily residential development or are planned and platted for residential development.	SED report includes this criteria. Also says: Estimated average set back less than 50 feet from OHWM.	Yes. All lots in this reach contain residential development.
Majority of the lot area is within the shoreline jurisdiction.	SED report includes this criteria.	No.
Ecological functions have been impacted by more intense	From SED report: Shoreline vegetation is comprised of trees and shrubs that extend upslope into mostly residential areas, with some	Yes. Homes, appurtenances, and docks have been developed within the buffer that would be provided by

modification and use.	<p>areas of clearing to the shoreline</p> <p>I&C includes lists reach as “less degraded” (from Strategic Needs Assessment: Analysis of Nearshore Process Degradation in Puget Sound (Schlenger et al., 2011))</p> <p>From I&C: Restoration is recommended management strategy in vicinity of north end of reach (Puget Sound Water Characterization Mgmt Strategies (Stanley et al 2012))</p>	Rural Conservancy SED, with vegetation clearing visible.
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Conclusions: This shoreline reach was separated out from a larger shoreline reach when the SED was changed during Planning Commission review. The two residential lots in this reach appear to be less modified than the lots in Reach MEL-2B-MEL-03 (to the south), and more modified than the lots in Reach MEL-01—MEL-2A (to the north). These lots are larger and have more vegetation present than what is typical to the south. However, modifications on these lots are visible within shoreline jurisdiction, and particularly within the buffer that would be provided by a Rural Conservancy SED in the updated SMP.

This reach is currently designated Conservancy, and has been developed accordingly. The sand spit does not appear to be built out, and appears to be generally ecologically intact. The spit is located in or adjacent to estuarine wetlands, and is in the mapped floodplain. Given its size, configuration, and environmental constraints, it is unlikely to support legal development.

The Board may consider retaining the proposed Rural Conservancy SED for this reach, as this area appears to be a transition zone between more heavily developed shoreline to the south, and more natural shorelines further up the estuary. The Board could also revert to a designation of Shoreline Residential for this reach as proposed in the original SED report, given the pattern of development (homes, docks, and vegetation clearing within shoreline jurisdiction) and the methodology used to originally propose a Shoreline Residential SED (where SED changes generally occurred at locations where there is a significant change in shoreline conditions and development patterns).

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

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SED Review Analysis: Eld Inlet – MEL-06—MEL-07

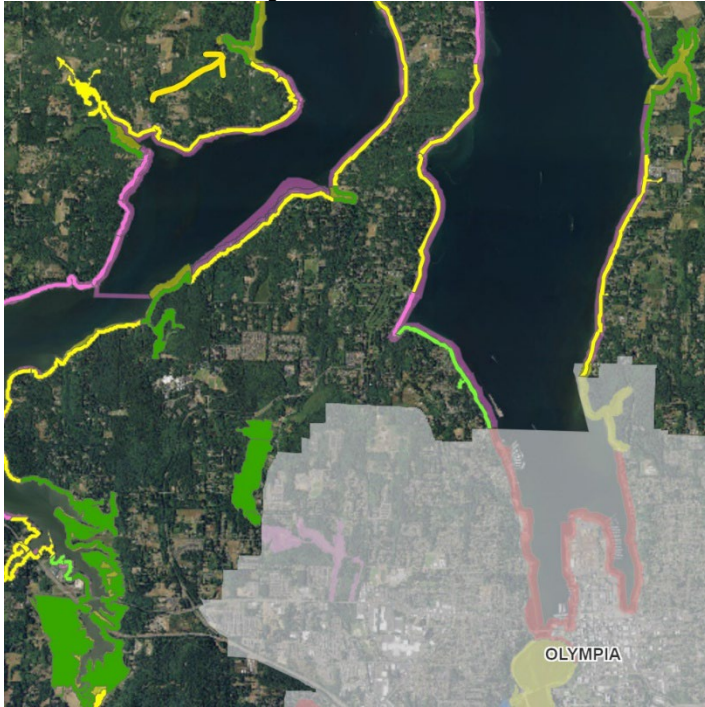


Figure 1. General location of Reach MEL-06—MEL-07, indicated by yellow arrow.

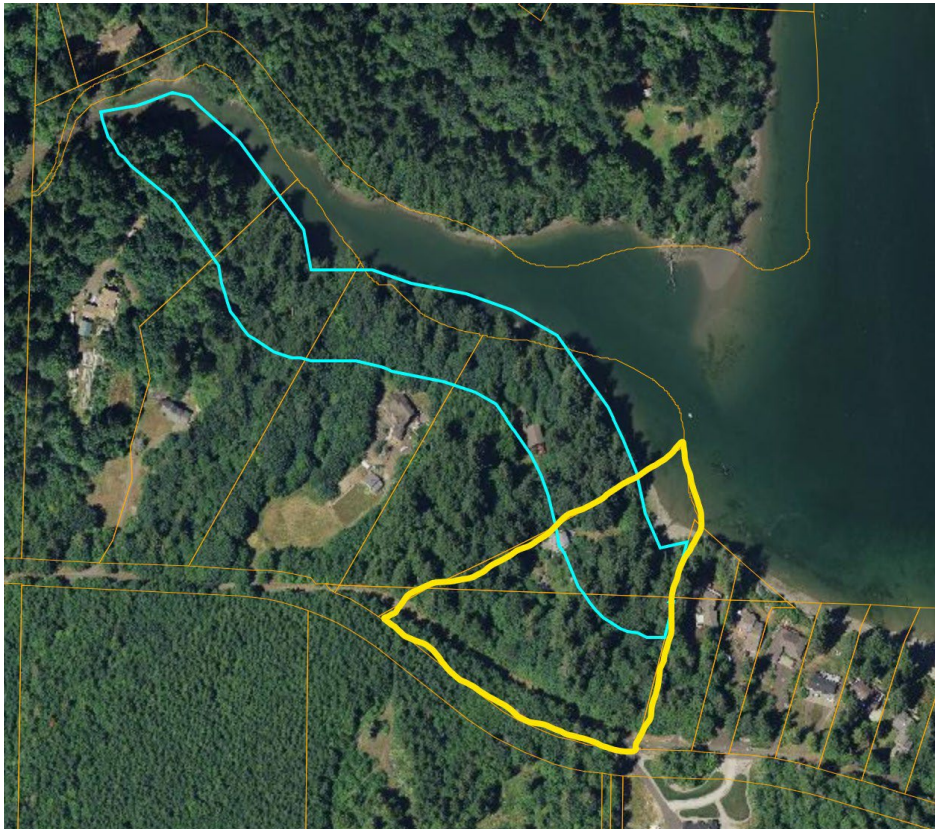


Figure 2. Aerial view of subject parcel (circled in yellow), and mapped extent of Reach MEL-06—MEL-07 (in blue).



Figure 3. Zoomed in aerial view of subject parcel

Current SED: Conservancy

Proposed SED: Natural

Citizen Request: Rural Conservancy

Staff Analysis:

This reach, located along the western shoreline of Eld Inlet, is immediately south of Frye Cove County Park. The reach is identified as MEL-06—MEL-07 in the Inventory and Characterization Report. During the Board’s public comment period, a citizen requested a Rural Conservancy SED be assigned for APN 12920330000. The property is currently in residential use, with an aquaculture operation occurring on the shoreline.

The following tables provide a comparison of the existing condition of Reach MEL-06—MEL-07 (including the subject parcel) with the designation criteria for the Natural and 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	SED report lists this criterion for this reach.	Yes. This reach appears to be mostly ecologically intact

currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity.	From Inventory & Characterization: Reach may contain coho salmon. Reach may contain the following habitats: shellfish spawning, rearing and harvesting areas, estuary, spawning tributary for coho salmon.	<p>within shoreline jurisdiction, based on the review performed. This reach appears to contain 6 parcels, five of which contain residential development. Two homes appear to be within shoreline jurisdiction. Conditions overall appear closer to natural, vs. degraded.</p> <p>The shoreline is heavily treed which provides habitat and a source of large woody debris recruitment to the shoreline.</p> <p>This reach is providing valuable functions for the larger aquatic and terrestrial environments which could be reduced by further development.</p>
Considered to represent ecosystems and geologic types that are of particular scientific and educational interest	<p>SED report lists this criterion for this reach: estuary</p> <p>Inventory & characterization: Prioritized high for forage fish habitat preservation/restoration.</p>	Yes. This reach contains an estuary.
Unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.	<p>SED report lists this criterion for this reach</p> <p>Inventory & Characterization: Reach mapped to contain: unstable slopes, steep slopes, potential landslide areas, past landslides,</p>	Yes. This reach as a whole, and the portion of the subject parcel within shoreline jurisdiction, appear to be relatively pristine within shoreline jurisdiction (most residential structures appear to be outside shoreline jurisdiction). This would suggest a higher degree of function which could be vulnerable to adverse impacts from development.

		Reach is mapped with steep slopes which would require further evaluation.
Includes largely undisturbed portions of shoreline areas such as wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats.	<p>SED report lists this criterion for this reach</p> <p>Inventory & Characterization notes stream mouth, inlet, estuary, tide flats. Reach mapped to contain: unstable slopes, steep slopes, potential landslide areas, past landslides.</p>	<p>Yes. Reach is adjacent to an estuary and is mapped with steep slopes. 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.</p> <p>This reach is mapped with steep slopes.</p>
Retain the majority of their natural shoreline functions, as evidenced by shoreline configuration and the presence of native vegetation.	<p>SED report lists this criterion for this reach</p> <p>SED report: Shoreline vegetation is heavily forested, with no evidence of development.</p>	<p>Yes. Shoreline configuration appears largely unmodified across entire reach. No shoreline armoring clearly visible. Subject parcel may contain landscaping or garden within shoreline jurisdiction. A native Douglas fir overstory is visible from aerial photography for much of the reach, though the condition of the understory is unknown. There is an aquaculture operation adjacent to the subject parcel, below the high tide line.</p>
Generally free of structural shoreline modifications, structures, and intensive human uses.	<p>SED report lists this criterion for this reach</p> <p>SED report: Shoreline vegetation is heavily forested, with no evidence of development.</p>	<p>Yes. This reach is largely free of structural modifications, structures, and intensive human uses within shoreline jurisdiction. Two homes appear to be within shoreline jurisdiction, including on the subject parcel, though forested conditions exist between these and the shoreline. The subject parcel has an aquaculture operation below the high tide line.</p>

		Otherwise, aerial photos do not provide indication that there is permanent modification to the reach within shoreline jurisdiction.
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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, this reach is outside the cities and UGAs.
Currently supporting low-intensity resource based uses such as agriculture, forestry, or recreation.	SED report: Public access within reach: Frye Cove County Park - Walking Access	Varies. The subject parcel has an adjacent aquaculture operation. One parcel adjacent to mapped shoreline reach is in private timber ownership.
Currently accommodating residential uses		Yes. Two homes are within shoreline jurisdiction, including on the subject parcel. The remaining residential structures in this reach appear to be outside shoreline jurisdiction.
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: Reach mapped to contain: unstable slopes, steep slopes, potential landslide areas, past landslides	Yes. Area is mapped with steep slopes. Floodplains are mapped at toe of slope.
Can support low-intensity water-dependent uses		This area may be best suited to such uses given the existing conditions.

without significant adverse impacts to shoreline functions or processes		
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.		<p>Reach primarily consists of single-family residential parcels.</p> <p>The entirety of Puget Sound is of great cultural significance to area tribes.</p>
Does not meet the designation criteria for the Natural environment.	SED report proposed designation of Natural for this reach, matching this reach to all of the criteria for the Natural SED.	The vast majority of this shoreline reach appears to meet the criteria for the Natural SED. Alterations visible within shoreline jurisdiction include two residential structures and one aquaculture operation. Most of the area within shoreline jurisdiction appears heavily forested and is mapped with steep slopes.

Conclusions:

The subject parcel contains a home and an existing aquaculture operation within shoreline jurisdiction. One other parcel in this reach also appears to contain a home within shoreline jurisdiction. There appears to be intact forest between these homes and the shoreline, which also appears to be true for other parcels in this reach that have homes which are outside mapped shoreline jurisdiction. The area within mapped shoreline jurisdiction features largely intact vegetation and a shoreline that is free of mooring structures or permanent structural modifications.

This reach meets several criteria of the Rural Conservancy environment, though one criterion for this SED is that the reach does not meet the criteria for the Natural environment.

This shoreline reach as a whole appears to best meet the criteria for the Natural SED. The Board could consider designating the subject parcel as Rural Conservancy, given the existing aquaculture operation and presence of residential development within shoreline jurisdiction. This property appears to be somewhat of a transition zone

between more heavily developed properties to the southeast, and less developed properties to the northwest.

From: [MARTY BEAGLE](#)
To: [Andrew Deffobis](#)
Subject: Re: Thurston County SMP Information
Date: Tuesday, May 16, 2023 9:58:25 AM

Hi again Andrew!

Well I looked at the map of proposed SED categories and would like to make supplication for reconsideration of the "Natural" designation of my property at 4120 Gravelly Beach Loop, parcel # 129 20 33 0000, and parcel # 129 29 22 0100. Currently the SED for my place is Conservancy- this designation essentially wraps around Frye Cove but also includes six lots to the "East" of my property- each of which are about 1 acre or so in size. The proposed Natural SED dos not include these 6 lots, instead the change in SED will occur at my "eastern' property line. So the proposed "Natural" SED begins at my "eastern" property line that includes a portion of a ravine that is shared with my neighbor at 3918 Gravelly Beach Loop, parcel 12929211400. Why that parcel is not proposed to have the Natural designation isn't clear to me as from an ecological viewpoint it provides nearly identical functions as much of its property includes the ravine, even more so when you consider the buffers that are mandated for such a topographical feature. Is that distinction simply because my property has no bulkhead? I would note the "stream" is of a seasonal nature and often dries up during the warmer weather.

My property lies just to the East of the entrance to Frye Cove and is already "built out" to capacity based on the building codes, as are the four lots to my "west"- they constitute the southern side of the Cove and are also rated 1 unit per 5 acres and currently support residential activities. Beginning sometime around 1900 my property was the homestead for Volney Young and much of the original vegetation within 200' of the bank was long ago altered and is not representative of a "Natural" state. In addition, cultivation of shellfish has occurred on the tidelands for over 75 years, according to Volneys daughter, Mrs. Virginia Chambers.

I don't have experience in debating the finer points of the distinction between Rural Conservancy and Natural Designations and would appreciate exploring that with the appropriate staff at the County so that I understand better the nuances between them. My approach to my property is to ensure any activity on it does not negatively impact the ecology of Eld Inlet or influence it's water quality, and I can assure you that will be the case regardless of what SED settles on it in the future.

thanks again for your work on this!

Marty Beagle
 360 866 1914

On 05/15/2023 12:39 PM PDT Andrew Deffobis
 <andrew.deffobis@co.thurston.wa.us> wrote:

Hello Marty,

Thanks for your call today. Here is a link to the [interactive tool](#) developed to help folks explore current and proposed shoreline environment designations (SEDs).

Here is a link to the [Inventory & Characterization report](#). It discusses the process used to characterize shorelines earlier in the SMP update process. It contains discussion of all waterbodies in the SMP, including Eld Inlet. [Appendix A](#) has specific information about each shoreline reach. Your shoreline reach is MEL-06—MEL-07. See page 202 for a list of information used to characterize the reach.

The [SED report](#) assigned proposed SEDs to shoreline reaches. The introduction has a discussion of how this work was performed. Your reach is specifically covered on page 111 (use page #s at bottom of page). Page 4 of this document shows the different SEDs and the criteria used to assign them to shoreline reaches.

If you would like to submit written comments, please do so by noon tomorrow. You can email me directly. Please let me know if you would like information on additional methods of making written comment.

It sounds like you're signed up for the Zoom meeting for the public hearing. The hearing begins at 5 PM. Should you wish to attend in person, you can do so by coming to Room 110 of the Thurston County Atrium, 3000 Pacific Ave SE in Olympia.

I hope this information is helpful. Please let me know if you have further questions.

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

SED Review Analysis: Green Cove, on Eld Inlet – Reach MEL-29—MEL-30

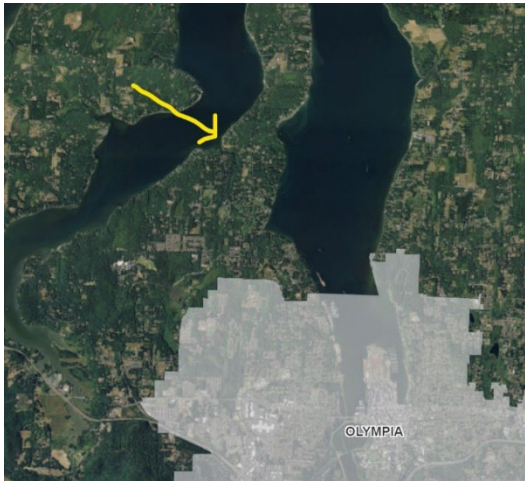


Fig. 1. General location of Green Cove on Eld Inlet, as indicated by yellow arrow.

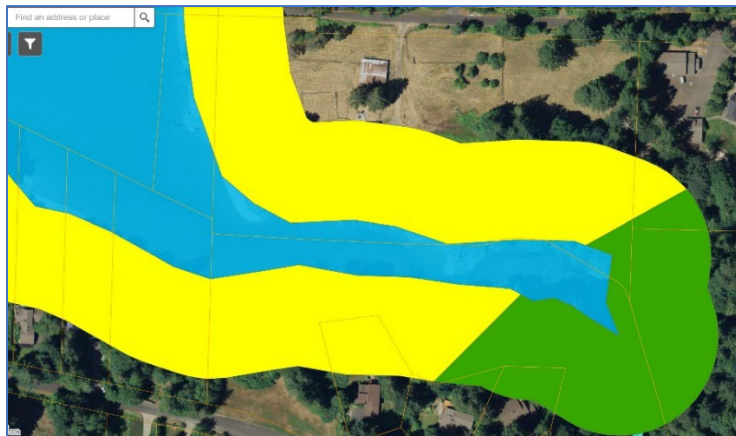


Fig 2. Original proposed reach breaks and SEDs for the Green Cove area, from 2013 SED report. A portion of Reach MEL-30—MEL-31 (Yellow, top), MEL-29—MEL-30 (Green), and MEL-28—MEL-29 (Yellow, bottom).



Fig. 3. Proposed reach breaks and SEDs from Planning Commission recommendation to BOCC. Reach MEL-29—MEL-30, shown in green, is the study area for this SED review.



Fig. 4. Aerial photograph of Reach MEL-29—MEL-30 (updated boundaries). The boundaries of this reach are outlined in light blue.

Current SED: Conservancy

Proposed SED: Natural (PC Recommendation)

Citizen Request: Rural Conservancy (Natural for one parcel)

Background and Staff Analysis:

Green Cove is located on Puget Sound, on the east side of Eld Inlet. Green Cove is currently designated Conservancy. Reach MEL-29—MEL-30 was proposed to be designated Natural. During the Planning Commission's recent public comment period, a citizen requested the Natural SED for Reach MEL-29—MEL-30 be expanded, stating that Green Cove is "a rich and rare estuary, and is essentially wild...from the creek inlet to estuary mouth". The concern expressed was that the area is not protected outside of the SMP, and there are important ecological functions that could be lost.

After review, the Planning Commission voted to expand Reach MEL-29—MEL-30 and provide a designation of Natural to additional parcels on both sides of Green Cove. Since that time, several citizens living in the affected area have provided written comments to the Board, asking for reconsideration of this change. Citizens commented that the Natural SED may be unsuitable for some residential properties, and that Rural Conservancy seems to be a better fit, given the degree and type of development in the area. Citizens also described the actions they take to preserve the ecological function of the shoreline, and maintain that the current designation of Conservancy has provided adequate protection for the shoreline. One citizen expressed support for a Natural SED on the recreational parcel on the south side of Green Cove. Written comments related to this SED review are attached to this staff report.

The following tables provide a review of the Natural, Rural Conservancy, and Shoreline Residential designation criteria from the Thurston County SED Report, alongside information contained in the SED Report, Inventory & Characterization (I&C), county GeoData mapping, and other sources about the areas of Green Cove adjacent to Reach MEL-29—MEL-30 (see “study area” in Figure 3, above).

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 states this for Reach MEL-29—MEL-30.	Conditions vary across reach – the south side of Green Cove appears to have more fully intact vegetation (and presumably function) compared to the north side of Green Cove, or to areas in the vicinity outside this reach. One parcel on south side is used for recreation, and three have single family residences. Additional parcels in this reach also contain residential development, with a varying degree of vegetation in shoreline jurisdiction. There are two parcels on the north side of Green Cove that have significant vegetation along the shoreline, though the outer half (estimated) of shoreline jurisdiction has had vegetation converted to lawn, and a house and appurtenances are visible. The east end of the larger of these parcels appears to be in a more natural state.
Considered to represent ecosystems and geologic types that are of particular scientific and educational interest	SED report states this for Reach MEL-29—MEL-30 (estuarine zone).	Yes – The whole area in question contains Green Cove, an estuary.

Unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.	I&C matrix lists unstable and stable slopes, and steep slopes, for Reach MEL-28/29, and MEL-30/31.	Some areas are more heavily vegetated than others. In these areas, new development could cause significant adverse impacts to ecological function. The entire area is mapped in steep slopes, which would be evaluated before development is permitted. Floodplain is mapped at toe of slopes.
Includes largely undisturbed portions of shoreline areas such as wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats.	SED report states this for Reach MEL-29—MEL-30.	Many areas adjacent to Green Cove appear to be largely undisturbed, though tree canopy cover obscures view of the ground. Some disturbances are visible within shoreline jurisdiction, including residential structures and/or lawns. Green Cove is mapped as estuarine and marine wetland.
Retain the majority of their natural shoreline functions, as evidenced by shoreline configuration and the presence of native vegetation.	SED report states this for Reach MEL-29—MEL-30.	Many areas of Green Cove retain a native Douglas fir overstory. Condition and composition of understory is unknown. From aerial photographs, the shoreline configuration in this area appears unmodified (e.g. no docks or bulkheads).
Generally free of structural shoreline modifications, structures, and intensive human uses.	SED report states this for Reach MEL-29—MEL-30.	There is a mixture of conditions in the study area; 3 homes are in or adjacent to SMP jurisdiction. Associated clearing of vegetation for lawns/human use is evident in some places. Much of the area within shoreline jurisdiction in this reach appears to be undisturbed/unmodified.

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 states this for reaches MEL-28—MEL-29 and MEL-30—MEL-31.	Yes, Green Cove is outside the cities and UGAs.
Currently supporting low-intensity resource based uses such as agriculture, forestry, or recreation.	SED report states this for reaches MEL-28—MEL-29 and MEL-30—MEL-31 (aquaculture)	Parcel owned by the Green Park Community Club on south side of cove is used for recreation.
Currently accommodating residential uses	SED report states this for reaches MEL-28—MEL-29 and MEL-30—MEL-31.	Yes, on most parcels. On several lots, homes are outside shoreline jurisdiction.
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 states this for reaches MEL-28—MEL-29 and MEL-30—MEL-31.	Yes. Area is mapped with steep slopes. Floodplains are mapped at toe of slope.
Can support low-intensity water-dependent uses without significant adverse impacts to shoreline functions or processes	SED report states this for reaches MEL-28—MEL-29 and MEL-30—MEL-31.	This area may be best suited to such uses given the existing conditions.
Private and/or publicly owned lands (upland areas landward of OHWM) of high recreational value	SED report states this for reaches MEL-28—MEL-29 - Green Park Comm. Club	Parcel owned by the Green Park Community Club is used for recreation. Other parcels have individual recreation potential and are in private ownership.

or with valuable historic or cultural resources or potential for public access.		The entirety of Puget Sound is of great cultural significance to area tribes.
Does not meet the designation criteria for the Natural environment.	SED report states this for reaches MEL-28—MEL-29 and MEL-30—MEL-31.	Portions of the area adjacent to Green Cove appear largely intact, though some structures and vegetation conversion are visible within SMP jurisdiction.

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: portions of reach appear to meet these criteria Natural: portions of reach appear to meet these criteria
Predominantly single-family or multifamily residential development or are planned and platted for residential development.		Most parcels in this reach have residential development (one parcel is owned and maintained by the HOA as a recreational property). Most residential structures in this reach are outside of shoreline jurisdiction.
Majority of the lot area is within the shoreline jurisdiction.		Many lots do not have a majority of their area within shoreline jurisdiction
Ecological functions have been impacted by more intense modification and use.		Overall, the area within shoreline jurisdiction does not appear to be intensely modified. Intact vegetation comprises most of the area within shoreline jurisdiction, and there are no visible modifications such as docks or bulkheads.

Conclusions: As a whole, Reach MEL-29—MEL-30 appears to best meet criteria for the Natural SED. Two parcels on the north end of the reach (APN 12933220400) appear to best meet criteria for the Rural Conservancy SED.

This reach is currently designated Conservancy, and portions are developed accordingly. However, much of this reach appears to better meet the criteria for the Natural SED. Based on a review of the area in question and the designation criteria in the draft SMP, Reach Break MEL-30 could be realigned to match the eastern parcel boundary of APN 12933220400 (residential parcel along north side of Green Cove). This would provide a Rural Conservancy SED to the most heavily impacted areas of shoreline jurisdiction in the study area, and would include this parcel in the same reach as others to the north with similar development patterns (in Reach MEL-30—MEL-31).

The remaining area of Reach MEL-29—MEL-30 could remain in a Natural designation, as brought forward in the Planning Commission recommendation. In this area, a proposed Natural SED is appropriate to protect the existing conditions and aid in the SMP achieving its requirement of no net loss of ecological function.



Fig. 5. Staff recommended reach breaks and SEDs for Reach MEL-29—MEL-30 (yellow is Rural Conservancy, green is Natural).

From: [Melodye](#)
To: [Andrew Deffobis](#)
Subject: Copy of Email Submitting to District 3 County Commissioner Ty Menser
Date: Tuesday, March 22, 2022 1:00:48 PM

Hello Andrew – Below is a copy of an email that I have submitted to our District 3 Commissioner and also cc'd all County Commissioners and staff. The email pertains to action taken at last Wednesday's meeting by the Planning Commission. I hope after reviewing this email, you will have a clear understanding of our position with regard to the actions taken by the Planning Commission, which affect our property on the north side of Green Cove. I also hope that you will help us to quickly correct the SED on our property, so that we are not forced to engage legal help.

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

Sent from [Mail](#) for Windows

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: 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.

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: 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

From: [Joe Rehberger](#)
To: [SMP](#); [Andrew Deffobis](#)
Cc: [Morava Nelson](#)
Subject: SMP Comments (John and Meloyde Cosley - Green Cove/Eld Inlet) (DOCUMENT ATTACHED)
Date: Monday, May 15, 2023 4:11:20 PM
Attachments: [Ltr to A. Deffobis re Shoreline Designations \(05.15.23\).pdf](#)
Importance: High

Re: Comments on Proposed SMP Update
Shoreline Designations - Green Cove
Cosley Property - 3125 46th Ave NE (TPN 1293322040)

Please see attached written comments submitted on behalf of John Cosley and Melodye Cosley, Trustees of the Cosley Family Trust concerning the Board of County Commissioner's consideration of shoreline environmental designations. This comment concerns the Cosleys developed residential property located at 3125 46th Ave NE, Olympia, WA (TPN 12933220400) adjacent to Green Cove and Eld Inlet. We ask that these comments be transmitted to the Board of County Commissioners for consideration prior to and at the public hearing. If you have any questions, or require anything further please do not hesitate to contact me.

Please let me know if you have any difficulty accessing or downloading the attached comment letter. Thank you for your and the County's consideration of this issue.

Joseph A. Rehberger
Cascadia Law Group PLLC
606 Columbia St. NW, Suite 212
Olympia, WA 98501
Direct Phone: 360-786-5062
Main Phone: 360-786-5057
Fax: 360-786-1835

This email message may contain confidential and privileged information and is sent for the sole use of the intended recipient. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

May 15, 2023



VIA EMAIL TO:

smp@co.thurston.wa.us

deffoba@co.thurston.wa.us

Shoreline Master Program Update
Thurston County Community Planning and Economic Development Dept.
Attn: Board of County Commissioners
c/o Andrew Deffobis
3000 Pacific Ave. SE
Olympia, WA 98501

Re: Comments on Proposed Shoreline Master Program Update
Shoreline Designations - Green Cove
Cosley Property – 3125 46th Ave NE (TPN 12933220400)

Dear Board of County Commissioners:

This firm represents John Cosley and Melodye Cosley, Trustees of the Cosley Family Trust (the “Cosleys”). The Cosleys own property located at 3125 46th Ave NE, Olympia, WA (TPN 12933220400) (the “Cosley Property”) within Green Cove and Eld Inlet which is currently designated Conservancy. The Cosleys respectfully request the Board adopt the Thurston County staff recommended **Rural Conservancy** designation, in lieu of the unsupported and unsubstantiated recommendation of the Planning Commission proposing to redesignate the Cosley Property as Natural. The Cosleys believe in and support environmental stewardship and are committed to preserving and protecting the environmental values of Eld Inlet and Green Cove. However, the Planning Commission’s proposed redesignation of their built residential property is inconsistent with the property’s historic and current use, would impose burdensome regulations immediately creating substantial non-conforming uses, and would restrict their private property rights creating irreconcilable and unnecessary conflict, and provide no or limited additional environmental benefit. The Cosleys firmly believe the Rural Conservancy, as proposed by County staff, is the most appropriate designation for their property.

Shoreline Designation. The Cosley Property is an approximate 9.3-acre parcel that is substantially improved, including a home which has been on-site

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1201 Third Avenue
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for 60 years, outbuildings, and substantial associated landscaping and improvements. Since at least the 1960s, the property was owned and operated by the Barton family and used as an Arabian horse ranch. The prior owners built the existing house, and a barn, and substantially altered the property from its natural state over the course of five decades. Since the Cosleys acquired the property, they have invested significant resources and worked hard to restore the health of many of the native species of trees and repair the property, all while being protective of the environment, with the goal of remodeling and developing their residence there consistent with the Conservancy designation under the current SMP regulations.

Under the Shoreline Rules, chapter 173-26 WAC, in considering any redesignation of property, the rules instruct that such designations “shall” take into account “the existing use pattern.” WAC 173-26-211(2)(a).

In this regard, the purpose of the “Rural Conservancy” environment (as proposed by Staff) is “to protect ecological functions, conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use, achieve natural flood plain processes, and provide recreational opportunities.” WAC 173-26-211(5)(b)(i). Examples of uses that are appropriate in a “rural conservancy” environment include low-impact outdoor recreation uses, timber harvesting on a sustained-yield basis, agricultural uses, aquaculture, low-intensity residential development, and other natural resource-based low-intensity uses. *Id.* This is the very use that has been and is currently being made of the Cosley Property. As Staff noted, consistent with the SED Criteria supporting Rural Conservancy, parcels (notably including the Cosley Property) are currently accommodating residential uses and the area is further best suited these residential uses and for “low-intensity water-dependent uses without significant adverse impacts to shoreline functions or processes” given “the existing conditions.” As such Staff reasonably concluded that the property constituting the Cosley Property “appear to best meet the Rural Conservancy criteria” and “should retain a designation of Rural Conservancy based on development pattern.”¹

In stark contrast to the above, the Shoreline Rules provide that the purpose of the “Natural” environment designation (as curiously and erroneously recommended by the Planning Commission) “is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require

¹ See Memorandum, Shoreline Environment Designation Reviews & Background (Mar. 9, 2022).

that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, local government should include planning for restoration of degraded shorelines within this environment.” WAC 173-26-211(5)(a)(i). As Staff concluded, and as is evident here, this is not an appropriate designation for the Cosley Property. The Cosley Property is and has been privately owned, is not “relatively free of human influence,” is not at all an existing undeveloped area currently performing important or irreplaceable “ecological functions and ecosystem-wide processes” that need to be maintained. As such the proposed redesignation to Natural would create an immediate and irreconcilable conflict between the current property uses and the proposed restrictive designation. This is inconsistent with how the County has addressed these designations elsewhere in this SMP update process.

The property has been used historically (going back over 60 years), with significant modifications for its historic use as an Arabian horse ranch, and its current and proposed use as developed private (low intensity) residential property within the shoreline jurisdiction, where there is already a house and there has been substantial grading, fencing, landscaping, and gardening done. The Cosleys are in the process of remodeling the house and plan to make it their home. While the Cosleys are mindful of and sensitive to environmental impacts, the Natural designation is simply inappropriate for this property. They do recognize that the Staff recommended and proposed **Rural Conservancy** designation also places restrictions on their use and development, restrictions that are designed to protect the environment – and are supportive of and have no objection to such designation.

Further, the Rural Conservancy designation would be entirely consistent with Thurston County Comprehensive Plan. See WAC 173-26-186(7); see also WAC 173-26-191(1)(e); WAC 173-26-211(2)(a). The Cosley Property is currently zoned rural residential (RRR 1/5 – Rural Residential/Resource) which is consistent with the Comprehensive Plan Existing Land Use Map (Residential) and Future Land Use Map (RRR 1/5). The Rural Conservancy designation is most consistent with the County’s Comprehensive Plan.

Planning Commission Process Concerns and Objections. In addition to the above, the Cosleys have real and significant procedural and substantive process concerns should the Planning Commission recommendation be maintained. Despite regular engagement with County Staff, the Cosleys were blindsided by the Planning Commission recommendation, which was based on inaccurate factual underpinnings, and moved through without any notice to the Cosleys.

First, the Planning Commission's deviation from the thoughtful and reasoned Staff recommendation was based on inaccurate information. The Planning Commission's deviation was based on a singular comment from a single individual who recommended expanding the Natural designation "to be as protective as possible," and erroneously asserting that the area is currently "wild all the way from the creek to the estuary mouth." This is inaccurate. This individual owns no property within Green Cove and owns no property affected by the designation. Further, based on comments made by certain Planning Commission members, the Planning Commission appeared to incorrectly infer and believe that the Cosley Property may have been public and not privately owned (based on its ownership in a family trust) which appeared to influence its recommendation.

Second, the Planning Commission's actions were fundamentally flawed and failed to afford basic notice and due process to the Cosleys (as affected property owners). The Cosleys received no notice that the Planning Commission was considering any redesignation of the Cosley Property. Failure to provide such notice violated the Cosley's basic and fundamental due process rights. See *cf. Chevron U.S.A., Inc. v. Hearings Bd.*, 156 Wn.2d 131, 138, 124 P.3d 640 (2005) ("due process rights, including the right to individual notice, may be implicated when a property owner's land is uniquely targeted by the government"). Further, had the Cosleys received actual notice of the proposed redesignation targeting their property, they would have appeared and presented at the Planning Commission stage to correct the above erroneous facts relied upon. Instead, the Cosleys had reviewed the proposed SMP designations and were materially in agreement with them (proposing Rural Conservancy). The Cosleys were given no notice that their property was being considered for a change to a Natural designation and had no opportunity to present to the Planning Commission the reasons why such designation was improper and inappropriate.

Finally, if the County were to maintain the Planning Commission's "Natural" recommendation specifically targeting the Cosley Property without justification, and without due (or any) regard for the historic existing built environment and inconsistent uses, and in deviation from the Shoreline Rules, such action raises significant private property, regulatory taking, and substantive due process concerns.

Based on the above, the Cosleys respectfully request the Board reexamine the proposed designation of the Cosley property and either maintain the recommended **Rural Conservancy** designation or otherwise direct staff to

May 15, 2023
Board of County Commissioners
Page 5

reevaluate this issue, as appropriate, prior to action by this Board. The Cosleys are committed to sound environmental stewardship of their property and Green Cove, balanced against the current developed nature of their property, and the Rural Conservancy designation best accomplishes these objectives.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jm R', with a stylized, cursive-like script.

Joseph A. Rehberger
Direct Line: (360) 786-5062
Email: jrehberger@cascadialaw.com
Office: Olympia

Enclosure

cc: John and Melodye Cosley

From: [Carolina Mejia-Barahona](#)
To: [Andrew Deffobis](#); [Jeremy Davis](#)
Subject: FW: What I couldn't address at the hearing (5/16/23)
Date: Thursday, May 18, 2023 10:45:19 AM
Attachments: [image.png](#)

fyi

From: heesoon@comcast.net <heesoon@comcast.net>
Sent: Wednesday, May 17, 2023 4:18 PM
To: Tye Menser <tye.menser@co.thurston.wa.us>; Carolina Mejia-Barahona <carolina.mejia@co.thurston.wa.us>; Gary Edwards <gary.edwards@co.thurston.wa.us>
Subject: What I couldn't address at the hearing (5/16/23)

Dear Commissioner, Menser, Commissioner, Mejia, and Commissioner Edwards:

Thank you so much for giving me an opportunity to speak for two minutes at the Hearing last night (5/16/2023). You must be exhausted since you listened to everyone so attentively.

My name is Heesoon Jun and my address is 3100 Sunset Beach Dr. NW. I requested my property should remain conservancy (Rural Conservancy). What I was not able to address yesterday was the fact that we (3 homeowners in the south side of Green Cove and 3 homeowners in the north side of Green Cove) were not notified by Andrew or his staff even though two Planning Commissioners addressed the importance of notifying property owners whose properties are impacted by SED change at the 3/16/2022 Planning Commission Meeting. One Commissioner requested Andrew to do so and he indicated he would.

The other issue at the Planning Commission Meeting on 3/16/22 was the relation of the "citizen" who requested SED "Natural"; one commissioner explored the possibility of the "citizen" being one of us; I believe Andrew said he didn't know. The "citizen" stated in her comment she lives in Eld Inlet, but one of us (6 property owners) emailed the group. He wrote, "I was able to identify the comment that caused the change for MEL 29-30. Unless I am mistaken, it appears to have come from Kirsten Harma. When looking at her name on Thurston County Assessor page, her owned property appears in the City of Olympia, not anywhere along the Eld." Kirsten made the statement based on no site visits, no input from us, and no consideration of constitutional rights of property owners. I am troubled by the fact that her comment was one of the major factors of the SED change while property owners were left in the dark. What was the purpose of keeping us in the dark when two Planning Commissioners addressed the importance of informing us? What had happened to 6 of us seem to go not only against **Thurston County Core Values** but also neglecting SMP's efforts to keep **"harmony"** between the needs of the Thurston County homeowners, public access to beaches clean water, salmon,..."

SED Review Analysis: Pattison Lake – LPA-07—LPA-08 – APN 11702140600

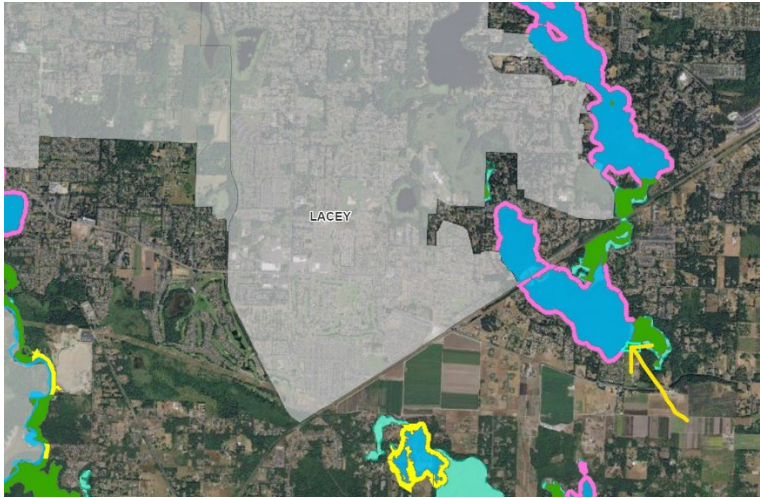


Fig. 1. General location of Reach LPA-07—LPA-08, indicated by yellow arrow.

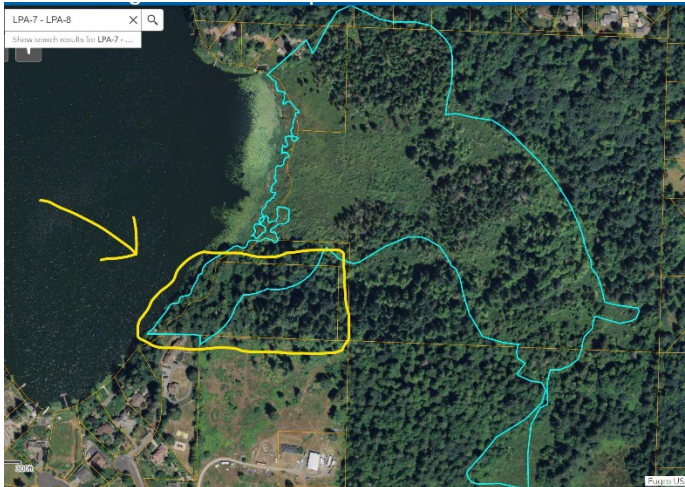


Fig. 2. Aerial view of subject parcel (circled in yellow), and mapped extent of Reach LPA-07—LPA-08.



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, Urban Conservancy for remainder; or Urban Conservancy for entire parcel

Staff Analysis:

This reach of Pattison Lake, located at the southern end of the lake, is identified as proposed Reach LPA-07—LPA-08. During the Planning Commission's SMP review, a citizen requested reconsideration of the proposed Natural designation for APN 11702140600—the southernmost lakefront parcel on this reach. The Planning Commission reviewed the request, the property and the SED criteria, and declined to change the SED for this parcel.

The landowners have made another request for the Board to reconsider the SED for this parcel, stating that there are residential-related impacts across a large area of shoreline jurisdiction of APN 11702140600, which is proposed to be designated Natural. They have indicated their future plans are to continue using the parcel for residential uses, and have concerns that the County's mapped parcel data does not accurately reflect the location of existing improvements on the subject parcel. The parcel contains existing unpaved paths (approx. 10 feet wide), existing cement block stairs (approx. 4 ft wide), a ramp, existing hillside landscaping, and an existing dock. The landowners submitted a site survey to enable environment designation to be assessed at the sub-parcel scale, and other materials prepared by their environmental consultant and legal counsel.

These materials proposed several options (written public comments related to this property are attached to this staff report), including:

- Retaining the current split designation using the survey completed onsite. Under this option, the southwestern portion of the property currently in residential use would have a Shoreline Residential SED, and the remaining portion of APN 11702140600 would be designated Urban Conservancy
- Designate the entire parcel Urban Conservancy

Staff note that the SED assignment process in general has a strategy to align reach breaks with parcel lines where possible, 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-07—LPA-08 (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 criterion for this reach.	<p>Yes, for most of reach. 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. This reach is providing valuable functions for the larger aquatic and terrestrial environments which could be reduced by human development.</p> <p>A portion of the southernmost parcel in this reach contains some level of residential development.</p>

Considered to represent ecosystems and geologic types that are of particular scientific and educational interest	None noted	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 criterion 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 criterion 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 boundary of the subject parcel. There are unpaved trails within the understory of this parcel.</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	SED report lists this criterion for this reach	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

configuration and the presence of native vegetation.		Douglas fir overstory is visible from aerial photography for much of the subject parcel, though the condition of the understory is unknown.
Generally free of structural shoreline modifications, structures, and intensive human uses.	SED report lists this criterion for this reach	Yes. This reach is largely free of structural modifications, structures, and intensive human uses. Some clearing and landscaping is present near the southern boundary of the subject parcel. A dock is present close to the parcel line/reach break, and the property includes trails and a ramp. 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.

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		<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>

areas of more intense development AND at least one of the following:		
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 the subject parcel is mapped with steep slopes, which would bear further investigation during land use permitting. The northernmost portion of the subject parcel is mapped with wetlands and within the floodplain, as is much of the remainder of this shoreline reach.
Potential for ecological restoration		Site appears largely intact from aerial photographs. Some replanting could theoretically occur on areas not permanently altered. Landowner has indicated that the planned use of the subject parcel is to maintain existing residential uses, and continue native planting in the landscaped area.
Retain important ecological functions, even though partially developed		Subject parcel has some human uses but also appears to retain ecological function as evidence by general lack of permanent development and extent of canopy coverage. Remainder of this reach does not appear to be developed.
Potential for development that is compatible with ecological restoration		Restoration work potential on subject 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.		This reach as a whole, and most of the subject parcel appear to meet several designation criteria for the Natural environment. Some improvements have been made in southwestern portion of subject parcel.
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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: no – parcel is inside Lacey UGA Natural: Reach/majority of subject parcel meets several criteria
Predominantly single-family or multifamily residential development or are planned and platted for residential development.		Subject property is adjacent to property with residential structures, under the same ownership. Parcel itself contains a septic drainfield, steps, landscaping, and unpaved trails but no primary residential structures.
Majority of the lot area is within the shoreline jurisdiction.		Hard to estimate due to parcel shift in imagery. 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, the subject 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. Some landscaping is visible in the southern portion of the parcel, and a dock adjacent to the subject parcel. Remainder of subject parcel, and reach as a whole, has not been intensely modified.

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 the most intensely modified residential shorelines.

The subject parcel marks a transition between more heavily developed parcels in Reach LPA-8—LPA-1A, and more natural conditions in the remainder of Reach LPA-07—LPA-08, and features residential uses and some degree of modification.

Staff generally 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. In this instance, a survey has been provided by the landowner and could be used to accurately depict a sub-parcel reach break. Providing a Shoreline Residential SED to the entirety of APN 11702140600 does not appear to be warranted by the designation criteria.

The Board may consider several options, including:

- Retaining the proposed designation of Natural for the subject parcel.
- Providing an Urban Conservancy designation to the subject parcel.
- Provide a split designation using the site survey information, with the more developed portion of APN 11702140600 joining Reach LPA-8—LPA-1A and having a Shoreline Residential SED. The remainder of APN 11702140600 would be designated Natural or Urban Conservancy.

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

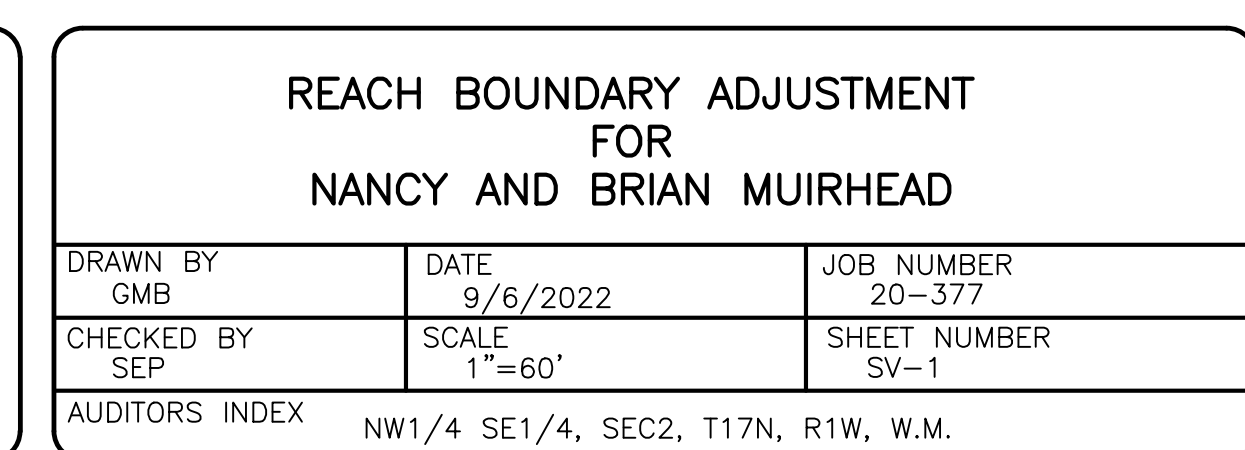
Tab B – SCJ Alliance Technical Memorandum, dated July 29, 2022

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



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.)

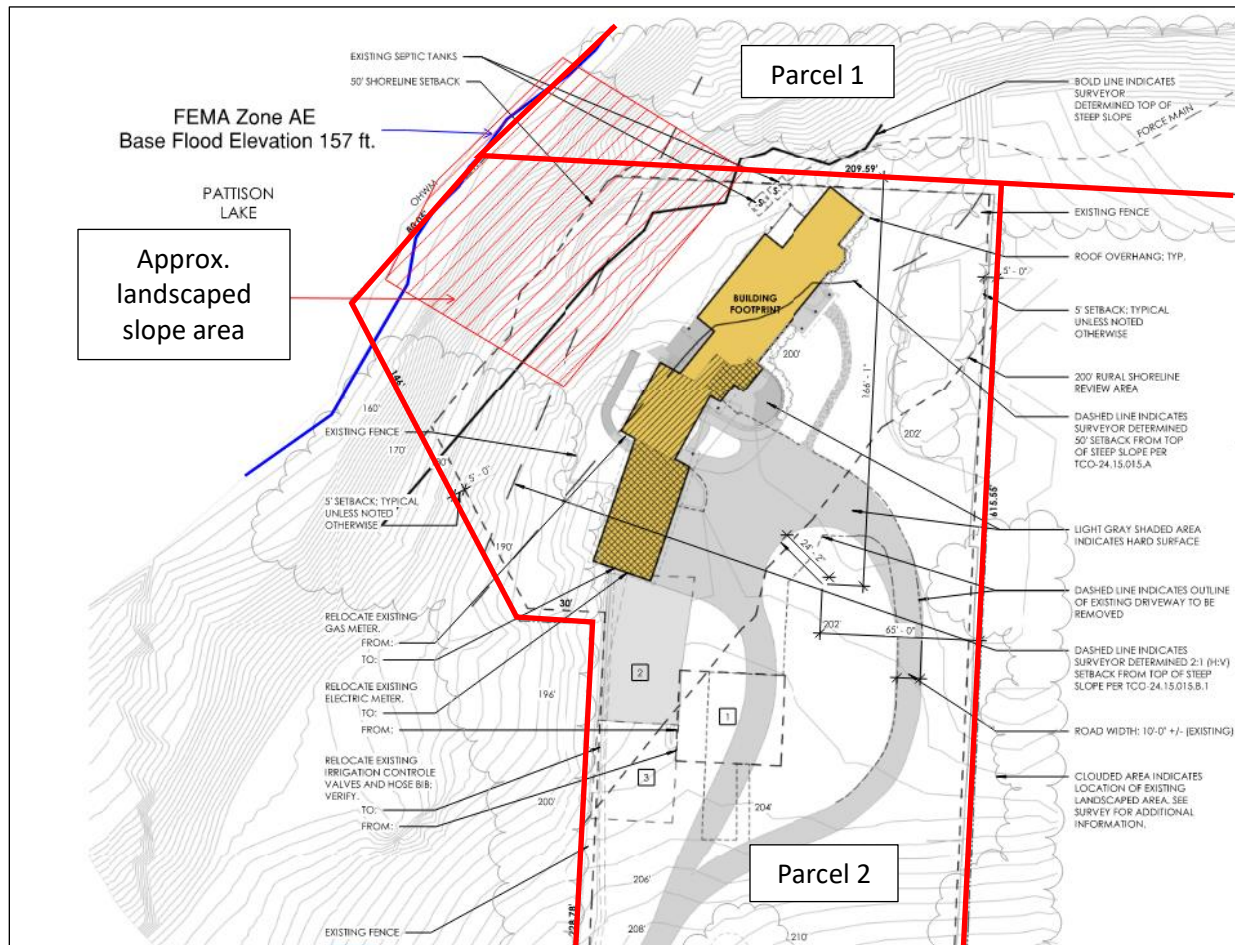
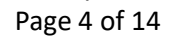


Figure 2. Project Area location in relation to existing home.

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**.



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.

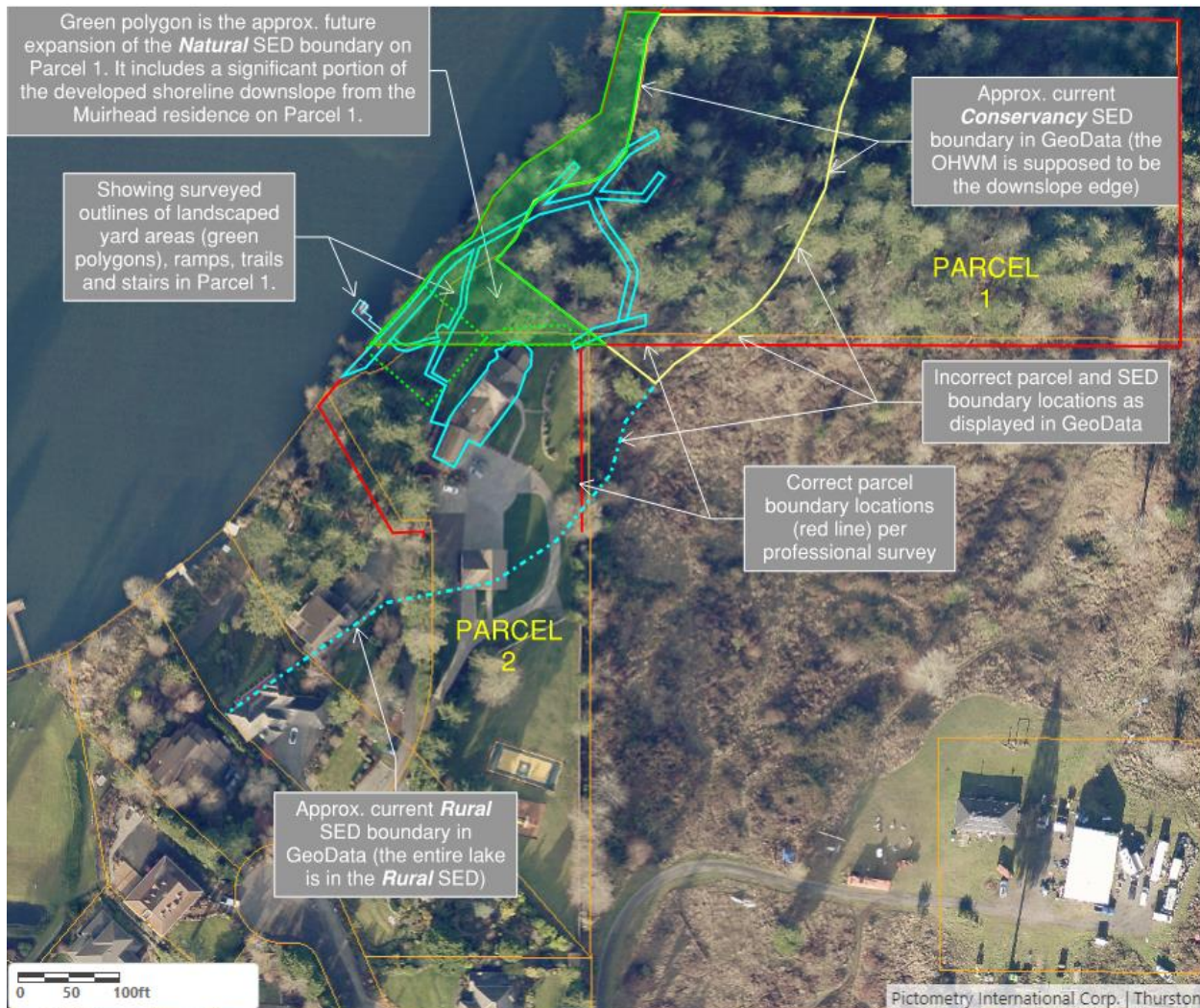


Figure 4. Adapted from Figures 2 and 3 to show conditions along the shoreline area targeted for redesignation. The surveyed trail pathways (used for passive recreation by the homeowners) continue throughout the shoreline zone and the parcel to the west, but were not surveyed since documenting trails 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; THENCE S12°00'00"E, 120.30 FEET TO THE SOUTHWEST CORNER OF LOT 3 OF SAID SECTION 2; THENCE N17°40'44"E, 15.70 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

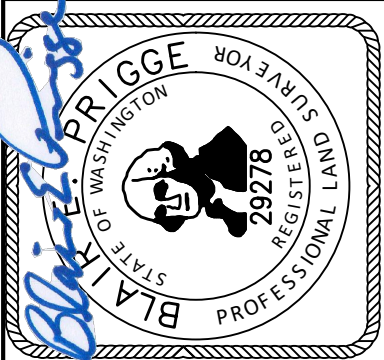
MAJOR CONTOUR

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
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Joe Beck
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Tab D

April 20, 2022 Staff Report

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

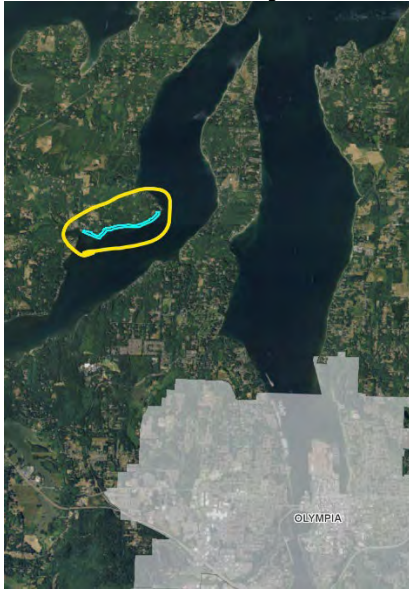


Fig. 1. General location of Reach MEL-09—MEL-10 on Eld Inlet, circled in yellow.



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

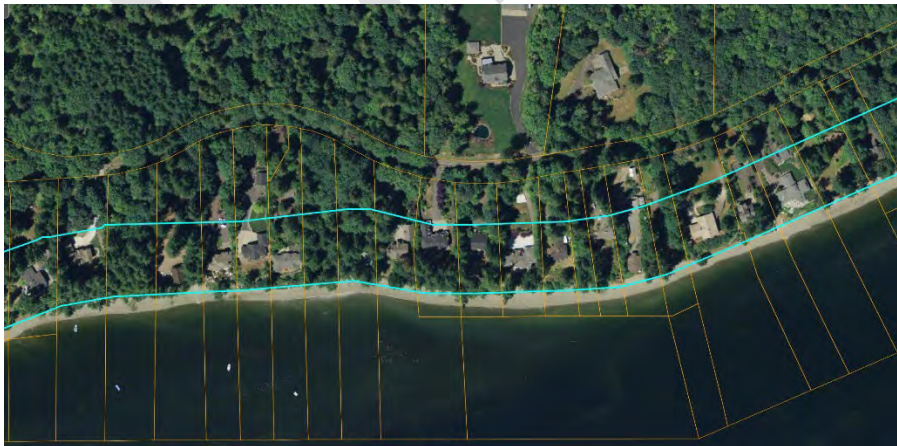


Fig. 3. Central portion of Reach MEL-09—MEL-10.



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

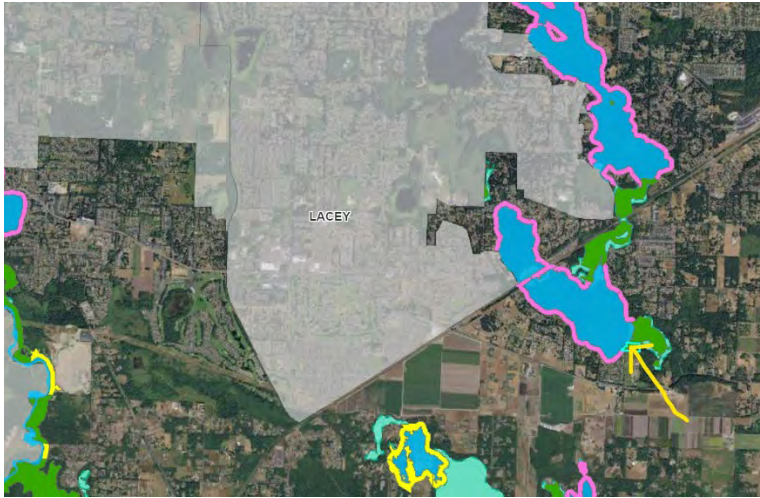


Fig. 1. General location of Reach LPA-7—LPA-8, indicated by yellow arrow.

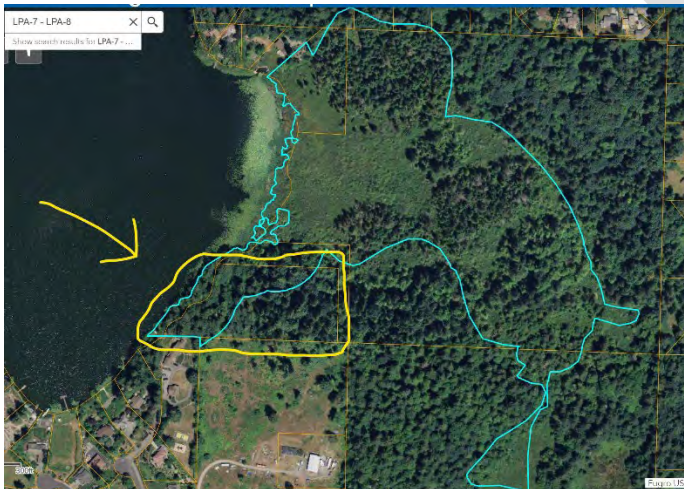


Fig. 2. Aerial view of subject parcel (circled in yellow), and mapped extent of Reach LPA-7—LPA-8.



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

		<p>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.</p>
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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.

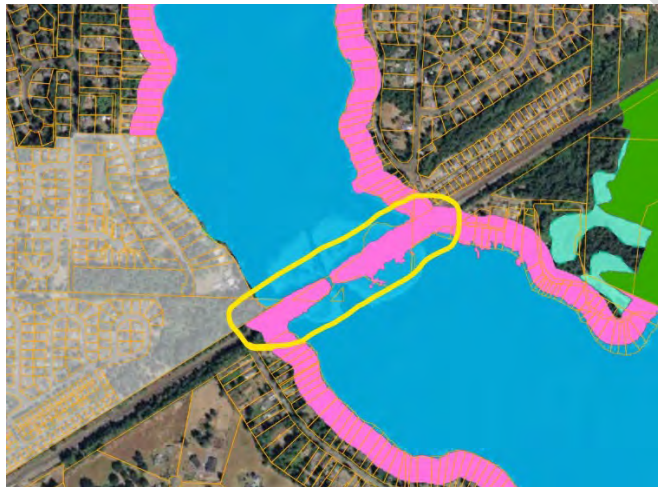


Fig. 2. Area in question with proposed SED shown.



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.

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

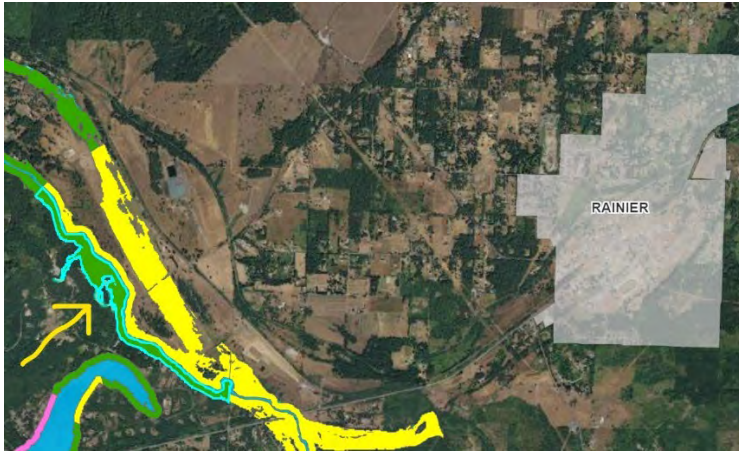


Fig. 1. General location of Reach DE-17—DE-18, indicated by yellow arrow.

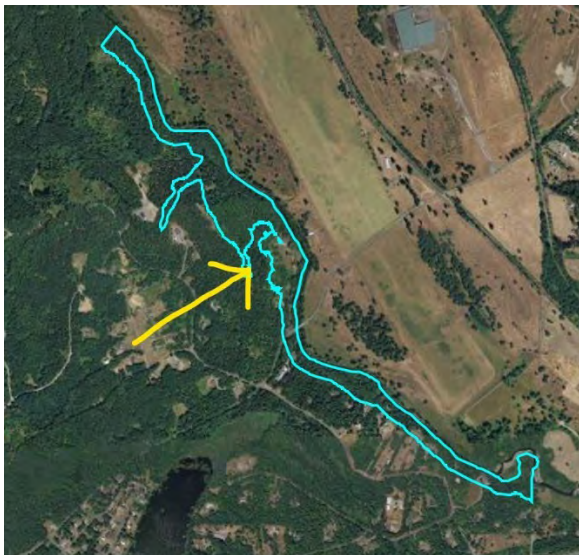
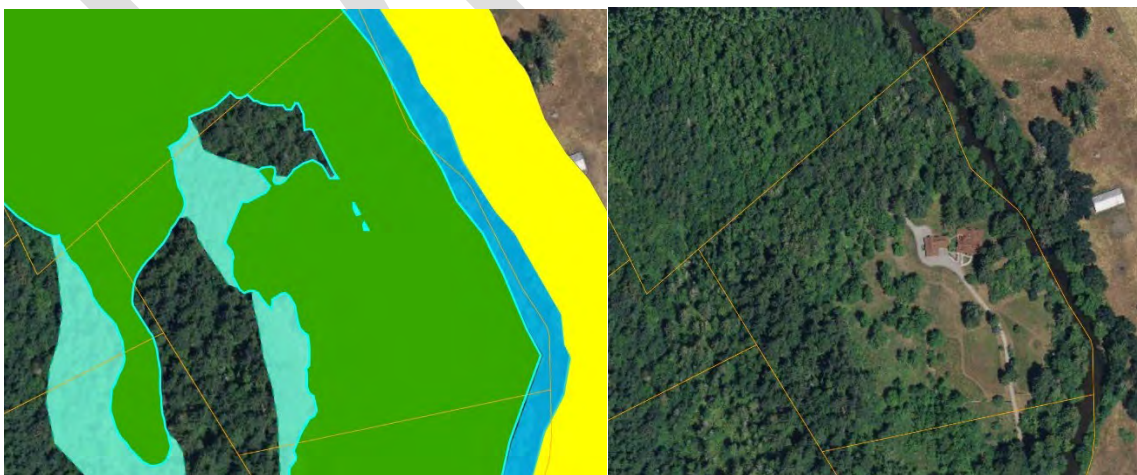


Fig. 2. Aerial view of Reach DE-17—DE-18 with subject parcel indicated by yellow arrow.



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.

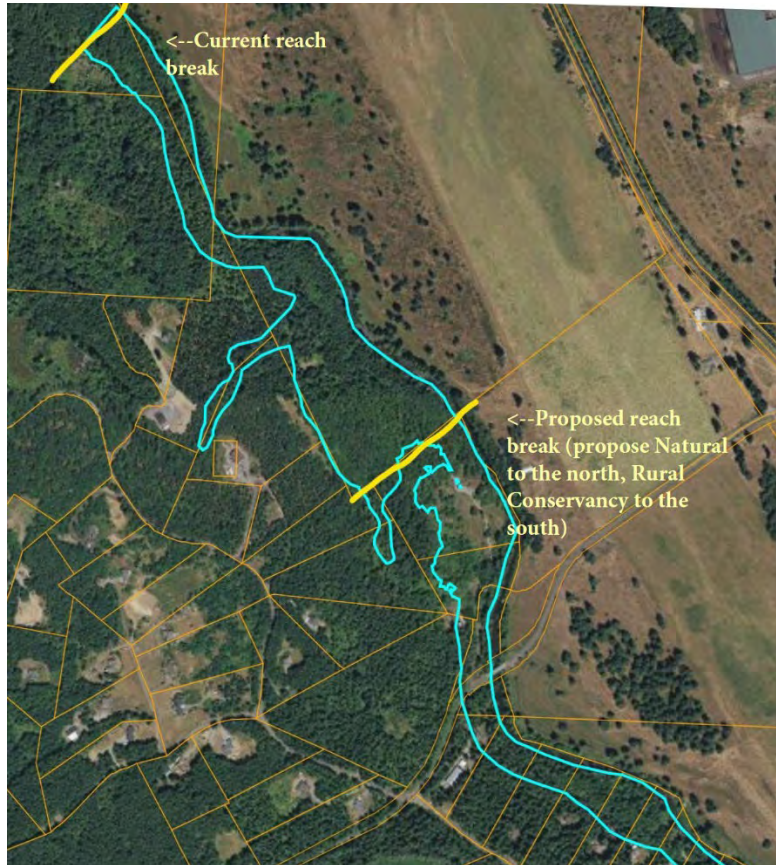


Fig. 5. Proposed relocation of reach break DE-17. This proposal would provide Natural SED to forestry parcels in north end of current reach DE-17—DE-18, and a Rural Conservancy SED to parcels south of the relocated reach break.

From: Brian Muirhead
 To: Andrew Deffobis
 Cc: Joshua Cummings
 Subject: Resend: Follow up on the SMP Working meeting 5/24/23
 Date: Thursday, May 25, 2023 5:13:18 AM
 Attachments: Screenshot 2023-05-24 at 12.15.55 PM.png
 Comments to BoCC on SMP 3 final cov.docx

Andrew,

I sent you the message below on Tuesday 5/23/23. I looked at your package and listened in on the BoCC Working Meeting today (5/24). I looked through your package and didn't see my formal inputs to you, or any reference to my comments at the Public Hearing. I've included (below and as an attachment) my full set of intended comments to the BoCC at the 5/16 Public Hearing, most of which I was able to cover in the 2 min limit.

From today's meeting I understand there are 5 cases of SED issues and that they are expected to be addressed at the 6/14 meeting. I also heard that commissioner Menser will be looking at them. I assume that our case is part of that package. Please confirm.

Have you reviewed our package and do you have a position on it. If you feel a need to interact with our expert, Lisa Palazzi, I'd be willing to try and set up a meeting. I've copied Joshua on this communication since I saw he was actively engaged in helping the commissioners work the various issues associated with completing the SMP review and approval process.

Brian

5/23/23 message

Andrew,

I understand that the BoCC will be addressing the various SMP issues at a 5/24 and 6/14 meetings. I'd like to know if my request for a review by staff (i.e. I assume by you) of our issue and proposed solution will be addressed at one of these meetings. Is there anything more I can do to be sure our issue is addressed.

Thanks,

Brian

Public comments made by Brian Muirhead to BoCC on SMP at 5/19 meeting.

My name is Brian Muirhead, my wife Nancy and I live at 6527 Alternate Lane SE and own two parcels of land on Pattison Lake.

We appreciate how complex the Shoreline Management Program process is and that we need to bring our specific situation to your attention through your defined process including this public meeting. I have been engaged in the SMP process for over a year and most recently attended your SMP working meeting on 2/22/23 and made public comments to you on 2/28/23. We have submitted formal paperwork back on 11/28/22 and we sent each of you emails on our specific issue associated with the proposed shoreline environmental designation (SED) in the SMP that impacts our property.

The issue we have is that SED current designation for our parcel at 6712 Alternate Ln SE (11702140600) is currently split as partial rural and partial conservancy, and but would be changed to 100% Natural in the new SMP, which expert analysis indicates is not appropriate or warranted and would significantly impact the use and cost of maintenance of our property. I have been in communication with Andrew Deffobis by email and phone on this issue since fall of 2021 and he's been helpful but has no authority to address this issue.

Much of our backyard along the lake is in the parcel at issue and was developed years ago to provide access to the lake, including a dock. I attended the Planning Comm. meeting on 4/20/22 at which time our parcel issue was presented by staff—and using an assessment based largely on a review of limited aerial images—the staff recommended that the proposed Natural designation for our entire parcel be accepted. *Without hearing our specific concerns, the PC accepted the staff recommendation.*

We retained a local certified wetland and soil scientist, Lisa Palazzi, and a land use and environmental law attorney, Heather Burgess, to evaluate the situation and prepare a formal position paper for presentation to you. We completed the position paper and filed it on 11/28/22 as required. **The primary finding was that a designation of “natural” for our parcel is neither appropriate or warranted under the Shoreline Management Act and Ecology’s SMP Guidelines.**

We are coming to the BoCC with a request that the existing split designation for reach the LPA-7 – LPA-8 on our property, as detailed in the filed paperwork, be maintained, with the revised designations names of Shoreline Residential for one part and Urban Conservancy for the rest. We request that you direct your staff to formally evaluate the analysis provided, respond to us, and make the appropriate changes to the SED for our parcel: 11702140600.

Thank you!

Public comments made by Brian Muirhead to BoCC on SMP at 5/19 meeting.

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Thank you!

Attachment B

Excerpt From Shoreline Environment Designations Report

		<ul style="list-style-type: none"> developed Potential for development that is compatible with ecological restoration
High Intensity	Provide high-intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions that have been previously degraded. Fully utilize existing urban areas before further expansion of intensive development is allowed.	<ul style="list-style-type: none"> Within incorporated municipalities, Urban Growth Areas, and industrial or commercial rural areas of more intense development AND Currently support high-intensity uses related to commerce, transportation or navigation; or are suitable and planned for high-intensity water-oriented uses.

Although Ecology has recommended a classification system, local governments may establish a different designation system or may retain their current environment designations, provided it is consistent with the purposes and policies of the guidelines WAC 173-26-211 (4) and (5). Local governments may also assign “parallel environments” where appropriate [(WAC 173-26-211 (4)(c))]. The policies and regulations for each designation should reflect the purpose and intent of each environment and reflect its specific conditions.

Future development locating within shoreline jurisdiction needs to be consistent with the rules and policies within the environment designation, as well as local government zoning and critical area regulations. Ecology guidelines require critical area protection within shoreline jurisdiction to be - at a minimum - equal to the protection provided under the currently adopted local critical area ordinance WAC 173-26-221(2)(b)(ii),(iii) and (c).

III Assigning Environmental Designations

Master programs must contain a system to classify shoreline areas into specific environment designations. The classification system must be based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through comprehensive plans as well as the criteria in this section [173-26-211 (2)(a)]. Environment designation assignment to shoreline reaches must assure the protection of existing shoreline ecological functions with the proposed pattern and intensity of development as well as be consistent with policies for restoration of degraded shorelines [WAC 173-26-211 (4) (b)].

Thurston County is recommending using five of the six Ecology recommended SEDs and criteria consistent with Ecology’s provided criteria for each of the environment designations: Aquatic, Natural, Urban Conservancy, Rural Conservancy, and Shoreline Residential [WAC 173-26-211(5)]. Thurston County does not have any “High Intensity” shorelines within its jurisdiction. In addition to the five Ecology recommended SEDs, Thurston County is proposing to use one additional SED: Mining. The following table (Table 2) identifies the menu of proposed shoreline environment designations for the Thurston County SMP Update. For each designation, the purpose, criteria, and relation to the 1990 SMP system and/or state guidelines (WAC) is shown.

Table 2. Thurston County Recommended Shoreline Environment Designation Menu (WAC 173-26-211) (5).

SED	Purpose	Designation Criteria (Reach must meet some of the criteria but not all)	Relation to 1990 SMP system and/or state guidelines (WAC)
Aquatic	Protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark.	<ul style="list-style-type: none"> • Lands waterward of the ordinary high-water mark • May include wetlands 	The "Aquatic" SED is updated from the 1990 SMP to be consistent with the WAC designation.
Natural	Protect those shoreline areas that are relatively free of human influence, and/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.	<ul style="list-style-type: none"> • Ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity. • Considered to represent ecosystems and geologic types that are of particular scientific and educational interest • Unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety. • Includes largely undisturbed portions of shoreline areas such as wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats. • Retain the majority of their natural shoreline functions, as evidenced by shoreline configuration and the presence of native vegetation. • Generally free of structural shoreline modifications, structures, and intensive human uses. 	The "Natural" SED is updated from the 1990 SMP to be consistent with the WAC designation.
Rural Conservancy	Provide for sustained resource use, public access, and recreational opportunities while protecting ecological functions, and conserving existing ecological, historical, and cultural resources,	<ul style="list-style-type: none"> • Outside incorporated municipalities and outside urban growth areas, AND at least one of the following: • Currently supporting low-intensity resource-based uses such as agriculture, forestry, or recreation. • Currently accommodating residential uses • 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 • Can support low-intensity water-dependent uses without significant adverse impacts to shoreline functions or processes • Private and/or publically owned lands (upland areas landward of OHWM) of high recreational value or with valuable historic or cultural resources or potential for public access. • Does not meet the designation criteria for the Natural environment. 	The "Rural Conservancy" SED is consistent with the WAC designation. It is most closely related to the 1990 SMP Conservancy Designation. The designation is newly labeled "rural conservancy" as it is intended for rural areas that have intact ecological functions.
Urban Conservancy	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.	<ul style="list-style-type: none"> • Appropriate and planned for development that is compatible with maintaining or restoring of the 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: • Suitable for low-intensity water-dependent, water-related or water-enjoyment uses without significant adverse impacts to shoreline functions or processes • Open space, flood plain, or other sensitive areas that should not be more intensively developed 	The "Urban Conservancy" SED is consistent with the WAC designation. It is most closely related to the 1990 SMP Conservancy Designation. This designation is newly labeled "urban conservancy" as it is intended for urban or planned urban areas that have intact ecological functions.

		<ul style="list-style-type: none"> • Potential for ecological restoration • Retain important ecological functions, even though partially developed • Potential for development that is compatible with ecological restoration • Does not meet the designation criteria for the Natural environment. 	
Shoreline Residential	To accommodate residential development and appurtenant structures and provide appropriate public access and recreational uses in areas where medium and high density residential developments and services exist or are planned.	<ul style="list-style-type: none"> • Does not meet the criteria for the Natural or Rural Conservancy Environments. • Predominantly single-family or multifamily residential development or are planned and platted for residential development. • Majority of the lot area is within the shoreline jurisdiction. • Ecological functions have been impacted by more intense modification and use. 	This is a new SED intended for residential or planned residential areas that generally do not have intact ecological functions. The "Shoreline Residential" SED is consistent with the WAC designation. It is most related to the 1990 SMP Rural Designation.
Mining	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.	<ul style="list-style-type: none"> • Outside incorporated municipalities and outside urban growth areas, AND: • Contains shorelines created from mining activity in areas where no previous naturally occurring SMA shoreline existed. 	This is a new SED intended to improve consistency between the SMP and the Comprehensive Plan. The designation is most closely related to the "Rural Conservancy" WAC designation.

In order to assign preliminary environment designations, staff evaluated the inventory and characterization information for each shoreline reach in relation to the corresponding designation criteria for each environment. In evaluating each reach in the context of each shoreline environment designation purpose and criteria, ecological processes and functions were considered first, and existing and planned land use were considered second. The preliminary shoreline environment designations were made to assure the protection of existing shoreline ecological functions with the proposed pattern and intensity of development and to be consistent with policies for restoration of degraded shorelines. Preliminary recommended shoreline environment designations are provided in tables 3 -5, and shown on Maps 2 through 7 in Appendix A. The preliminary environmental designations may be revised based on input from the STAG, Ecology, and the public.

In some cases, multiple designations are recommended for a given shoreline reach, and the approximate 'break' in the designation boundary is provided. In general, reaches or portions of reaches were designated Natural if they had high quality habitat characteristics and/or minimal shoreline modification. Reaches or portions of reaches were designated Shoreline Residential if they were platted and/or developed for relatively high-density residential development and showed signs of more intense modification/use, including containing the majority of the lot area within shoreline jurisdiction. Reaches that contain shorelines created by mining activity were designated Mining. All other shorelands upland of the Ordinary High Water Mark received an Urban or Rural Conservancy designation. Public Parks that are wildlife refuges or pristine, undeveloped environments, were designated Natural, and Public Parks that did not fit that criteria were designated Rural Conservancy. An Aquatic designation is recommended for all areas waterward of ordinary high water mark--essentially creating a parallel designation for all shorelines (one for the shoreland or upland area and one for the water). For Shorelines of Statewide Significance, environment designation policies, boundaries, and use provisions were

all chosen to implement SMA preferred use policies of RCW 90.58.020(1) through (7) [WAC 173-26-251(3)(c)].

All areas within shoreline jurisdiction that are not mapped and/or designated are automatically assigned a “rural conservancy” designation, or “urban conservancy” designation if within an urban growth area, until the shoreline can be re-designated through a master program amendment.

After public review, formal boundaries will be established for each SED and policies and regulations prepared specific to that environment. These policies and regulations will apply to all uses allowed with the environment.

IV. Maps

An up-to-date and accurate map of the shoreline area delineating the shoreline environment designations and their boundaries will be maintained in the Thurston County Permit Assistance Center in Thurston County Courthouse Building One [WAC 173-26-211 (2)(b)]. In the event of a mapping error, Thurston County will rely upon common boundary descriptions and the criteria contained in RCW 90.58.030(2) and chapter 173-22 WAC pertaining to determinations of shorelands, as amended, rather than the incorrect or outdated map.

Attachment C

Thurston County Permit Types: Approval and Appeals

Thurston County Permit Types: Approval and Appeals

<u>Permit Type</u>	<u>Approval Process</u>	<u>Appealed 1</u>	<u>Appealed 2</u>	<u>Appeal 3</u>
Administrative Site Plan Review	Administrative - CPED Lead	Hearing Examiner	BoCC	Superior
Appeal	Hearing Examiner - CPED Lead	BoCC	Superior	
Boundary Line Adjustment	Administrative - CPED Lead	Hearing Examiner	BoCC	Superior
Design Review	Administrative - CPED Lead	Hearing Examiner	BoCC	Superior
Environmental Checklist	Administrative or Hearing Examiner - CPED Lead	Hearing Examiner	BoCC	Superior
Forest Land Conversion	Hearing Examiner - CPED Lead	BoCC	Superior	
Forest Land Conversion	Administrative - CPED Lead	Hearing Examiner	BoCC	Superior
Innocent Purchaser	Administrative - CPED Lead	Hearing Examiner	BoCC	Superior
JARPA-Conditional Use (Current SMP)	Hearing Examiner - CPED Lead	BoCC	Superior	
<i>JARPA - Conditional Use (Proposed SMP)</i>	<i>Administrative - CPED Lead</i>	<i>Hearing Examiner</i>	<i>BoCC</i>	<i>Superior</i>
<i>JARPA - Conditional Use (Proposed SMP)</i>	<i>Hearing Examiner - CPED Lead</i>	<i>BoCC</i>	<i>Superior</i>	
JARPA - Exemption (Current & Proposed SMP)	Administrative - CPED Lead	Hearing Examiner	BoCC	Superior
JARPA - Variance (Current SMP)	Administrative - CPED Lead	Hearing Examiner	BoCC	Superior
JARPA - Variance (Current SMP)	Hearing Examiner - CPED Lead	BoCC	Superior	
<i>JARPA - Variance (Proposed SMP)</i>	<i>Administrative - CPED Lead</i>	<i>Hearing Examiner</i>	<i>BoCC</i>	<i>Superior</i>
<i>JARPA - Variance (Proposed SMP)</i>	<i>Hearing Examiner - CPED Lead</i>	<i>BoCC</i>	<i>Superior</i>	
JARPA - Shoreline Substantial Development (Current SMP)	Hearing Examiner - CPED Lead	BoCC	Superior	
<i>JARPA - Shoreline Substantial Development (Proposed SMP)</i>	<i>Administrative - CPED Lead</i>	<i>Hearing Examiner</i>	<i>BoCC</i>	<i>Superior</i>
<i>JARPA - Shoreline Substantial Development (Proposed SMP)</i>	<i>Hearing Examiner - CPED Lead</i>	<i>BoCC</i>	<i>Superior</i>	
Large Lot	Administrative - CPED Lead	Hearing Examiner	BoCC	Superior
On Site Sewage System	Administrative (Article IV of TC Sanitary Code)	Hearing Officer (Article I of TC Sanitary Code)		
Open Space				
Other Administrative Actions	Administrative - CPED Lead	Hearing Examiner	BoCC	Superior

Preliminary Plat	Hearing Examiner - CPED Lead	BoCC	Superior	
Reasonable Use Exception	Hearing Examiner - CPED Lead	BoCC	Superior	
Release of Moratorium	Administrative - CPED Lead	Hearing Examiner	BoCC	Superior
Short Plat	Administrative - CPED Lead	Hearing Examiner	BoCC	Superior
Administrative Site Plan Review (ASPR)	Administrative - CPED Lead	Hearing Examiner	BoCC	Superior
Special Use Permit	Administrative - CPED Lead	Hearing Examiner	BoCC	Superior
Special Use Permit	Hearing Examiner - CPED Lead	BoCC	Superior	
Variance	Hearing Examiner - CPED Lead	BoCC	Superior	
Variance	Administrative or Hearing Examiner - CPED Lead	Hearing Examiner	BoCC	Superior
Waiver of Moratorium	Administrative - CPED Lead	Hearing Examiner	BoCC	Superior

NOTES: 1. CPED is lead agency for all permits listed above EXCEPT On-site Sewage System Permits. CPED receives applications and routes them to EH and Public Works for review and comment. EH recommendation based on whether the proposal meets or can meet the applicable requirements in state law and the county sanitary code. CPED considers this and recommendations from other reviewers when deciding whether to approve application or recommend approval to hearing examiner. Requirements and authority established in Thurston County Code.

2. EH is has primary review and approval authority for on-site sewage system permits. Applications in county are reviewed by CPED for consistency with applicable county code. Requirements and authority established in Thurston County Sanitary Code. Appeal processes are legally separate from CPED.

3. Shoreline Variances and Conditional Use Permits must be approved by the State Department of Ecology before they take effect. Decisions made by Ecology are appealable to the Shoreline Hearings Board, and then to Thurston County Superior Court.