

Thurston County Board Briefing

<u>Briefing Date/Time:</u>	October 16, 2023 9:00 – 11:00 AM
<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 to the Board of County Commissioners’ (Board) May 2023 public hearing on the Shoreline Master Program (SMP) update. It is an opportunity for the Board to discuss public comments received. Staff will present information to facilitate Board discussion and decisions on elements of the draft SMP. This briefing is the latest in a series of briefings on this topic, including May 24, June 14, July 26, August 30, and September 25, 2023 Board briefings.</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 October 16, 2023 briefing. In addition, the Board may discuss the timeframe for completing its review of the SMP update.</p> <p><u>Assessment of Matrix Items Without Direct Public Comment</u></p> <p>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. These items were intended to ensure consistency with state requirements, increase clarity and internal consistency, reduce redundancy, aid implementation, increase flexibility for landowners, or enhance protections for shoreline resources. The matrix is included in this briefing as Attachment A.</p> <p>At its May 24, 2023 briefing, the Board discussed how to address the decision matrix. One question asked was if any items from the matrix did not receive public comment. Staff reviewed public comments to determine which items did not specifically receive public comment. While some comments generally addressed <i>topics</i> 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”.</p>	

The Board received 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 <i>(Approve/Approve with Conditions/Deny)</i>	Within 58 days of submittal	Within 100 calendar days of complete application	Within 120 calendar days of complete application

Examples of Shoreline Variances

Shoreline Variances are generally required for expansions into the standard or reduced shoreline buffer, lateral expansions, or cases where specific bulk, performance, or dimensional standards cannot be met. Attachment B provides a table of select scenarios where Shoreline Variances are required, 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.

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.

Sea Level Rise & Shoreline Armoring

Several public comments received by the Board addressed climate change and sea level rise. The full text of public comments is available at www.ThurstonSMP.org. Themes expressed by the public include, but are not limited to:

- Thurston County must adapt and mitigate climate change to protect shorelines
- Support for larger buffers to mitigate the projected effects of climate change, including sea level rise, changes in stream temperatures and riparian microclimates, and increases in the rates of flooding, coastal erosion and bluff retreat
- Concern that climate change does not fall under the purpose of the Shoreline Management Act (SMA) and its implementing rules
- Climate change can be considered with the next update, but the current update effort should not be prolonged
- Recommendations for additional policy language that could be included in the SMP
- Concern that future sea level rise will result in more requests for shoreline armoring

Currently, the SMA does not require local jurisdictions to specifically address sea level rise in their SMPs. However, the Washington state legislature amended the SMA in 2023 to require Ecology to develop requirements for jurisdictions to address the impact of sea level rise and increased storm severity in future SMP updates.

While not specifically addressed in the SMP update, the draft SMP does address sea level rise indirectly in the following ways:

- Mapped SMP jurisdiction has been updated using the best available data on the location of the Ordinary High Water Mark (OHWM). SMP jurisdiction must be verified in the field, and as the OHWM moves, so too will the area subject to SMP jurisdiction. A higher sea level could result in buffers extending further landward than they otherwise would based on the current location of the OHWM.
- The Inventory & Characterization and Shoreline Environment Designation Reports analyzed existing shoreline development and environmental features to help ensure that less developed areas receive more protection. Generally speaking, areas with less development will receive larger shoreline buffers with the update, which will prevent new development from locating closer to the water's edge, relative to more developed areas.
- The SMP update adopts by reference the frequently flooded area data used to evaluate all development in Thurston County. Development is severely restricted in frequently flooded areas such as floodplains. The SMP update will automatically reference the most up-to-date data on frequently flooded areas to help ensure new development will not be at risk from increased flooding and sea level rise.
- The restoration plan (Appendix C of the SMP) calls for prioritizing restoration projects as more information about the impacts of SLR are known. It also calls for an expedited permit process for nearshore restoration.

In addition, Thurston County is involved with other planning efforts to address the impacts associated with climate change and sea level rise. These include, but are not limited to:

- Finalizing the Thurston Climate Action Plan with partner jurisdictions to take action on climate change. Thurston Regional Planning Council issued a progress report in 2022 that describes actions taken by Thurston County and others to reduce greenhouse gas emissions.
- The Water and Hazards Data Services division of Community Planning is currently undertaking a comprehensive review of all environmental monitoring data collected by the Thurston County Monitoring Network and others over the past 20+ years, including streamflow, precipitation and groundwater data, identifying statistically relevant climate signatures, coordination with UW Climate Impacts Group to calibrate long-term climate forecast models with Thurston County data, and other activities. Sea level rise and its impacts are planned to be incorporated into the analysis. This work will inform the County's ongoing climate change response efforts.
- The in-development Comprehensive Plan update, which will include goals and policies for climate mitigation and resilience, greenhouse gas inventory, and identifying and addressing climate change-related hazards. Future SMP updates will align shoreline regulations with climate change elements in the updated Comprehensive Plan.
- Recent adoption of a low impact development ordinance.
- Incentive programs such as Open Space Tax Program and Conservation Futures which encourage land to remain in an undeveloped state, or acquire easements and properties that may provide carbon sinks and/or prevent development in areas vulnerable to sea level rise.
- The in-development Healthy Forests Program which will, in part, outline tree protections for single family home development projects and update tree protection standards to promote growth in forest canopy.
- Ongoing replacement of outdated or undersized culverts that remove barriers to fish passage and reduce the severity of future flood events.
- Go Green Yard Care Program which incentivizes yard management practices that reduce stormwater runoff and bluff erosion, and increase shading of structures through planting.

- SMP user guide, for which the department was awarded an Ecology grant in 2023. This project will kick off in 2024. This presents an opportunity to further inform residents of the hazards associated with climate change when planning future development of their property.

Shoreline Stabilization

The Board also asked for information regarding how shoreline stabilization (also in some cases referred to as shoreline armoring) is addressed in the SMP update. Shoreline stabilization is defined in the SMP update as:

“actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind or wave action.

These actions include structural and nonstructural methods. Nonstructural methods, for example, include approaches such as building setbacks, structure relocation, groundwater management, and land use planning. Structural methods can be “hard” or “soft”. “Hard” structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads, while “soft” structural measures rely on less rigid materials, such as bioengineering vegetation measures or beach enhancement. “Hybrid” structures are a composite of both soft and hard elements along the length of the armoring. Generally, the harder the construction measure, the greater the impact on shoreline processes including sediment transport, geomorphology, and biological functions.” (TCC 19.150.720)

Some public comments included concerns about the effects of increased shoreline armoring in the future, while others expressed concerns about the ability for landowners to protect their properties from erosion. The draft SMP adopts shoreline stabilization standards in the state’s SMP guidelines (WAC 173-26-231(3)(a)). These guidelines recognize that shoreline erosion is a natural process that provides ecological benefits, and that hardening the shoreline typically results in impacts to shoreline ecological functions. The SMP guidelines include policies and regulations that jurisdictions should (or in some cases must) include in order to avoid individual and cumulative loss of ecological functions.

The draft SMP prohibits new structural stabilization measures except:

1. When necessary to protect legally existing primary structures
2. In support of existing water-dependent development
3. In support of new non-water-dependent development where there is no alternative location to safely locate the primary structure
4. To protect ecological restoration or hazardous substance remediation projects

The draft SMP requires that soft shoreline stabilization measures shall be utilized unless demonstrated through a geotechnical analysis not to be sufficient to protect primary structures, dwellings and businesses. Use of hard stabilization is generally limited to those instances where a primary structures is at risk of damage within three years as a result of natural shoreline erosion (soft armoring may be justified in these instances). The draft SMP requires that applicants provide a description of alternatives to hard approaches where proposed, and a thorough discussion of the environmental impacts of each alternative. Structural stabilization is generally not allowed as a means to protect non-primary structures.

Net changes in vegetation and shoreline armoring are parameters that will be monitored as part of the SMP’s no net loss monitoring requirements.

Documents Attached:

- Attachment A: BOCC SMP Decision Matrix
- Attachment B: Examples of Development Requiring Shoreline Variances in the Draft SMP
- 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. 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.

2. Does the Board wish to make any changes to the SMP, or require further information, regarding shoreline variances?:**3. Does the Board wish to make any changes to the SMP, or require further information, regarding sea level rise or shoreline armoring?****4. What are the Board's preferences on the schedule to complete the SMP update?****Board Direction:**

Prepare information and brief the Board on several topics in the SMP update.

Next Steps/Timeframe:

The next Board briefing is scheduled for October 30, 2023 at 9:00 AM. Topics to be reviewed at future briefings include:

- How to address SMP decision matrix items that received public comment
- Review of additional substantive public comments
- Mooring structures, such as docks
- Aquaculture, including the County's permitting role and review of other jurisdictions' practices
- Flooding issues/regulation of frequently flooded areas and connection to SMP

Attachment A

BOCC SMP Decision Matrix

	Thurston County SMP Update - BOCC Decision Matrix					
	Topic	Reference location	PC approved recommendation	Ecology relayed position	BoCC Decision (Maintain, Delete, Modify)	Notes
	BOCC Main Decision Points					
1	Shoreline buffer widths	19.400.120 (in general)	Lake and Marine 50 ft Shoreline Residential 100 ft Urban Conservancy 125 ft Rural Conservancy 200 ft Natural Streams 250 ft (all designations)	This buffer scheme is within the realm of justifiable with revisions to ensure the “minimum necessary” approach and generally requiring a variance for buffer reduction, depending on what you see as you develop the Cumulative Impacts Analysis. WDFW advocated for retaining larger buffers from previous drafts of the SMP.	1. Retain buffers in PC recommendation. 2. Restore larger buffers from earlier drafts: Lake and Marine 75/85 ft Shoreline Residential 125/250 ft Urban Conservancy 150/250 ft Rural Conservancy 250 ft Natural Streams 250 ft (all designations) 3. Propose alternative buffer widths.	
2	Shoreline modification allowances in Natural Shoreline Environment Designations - Docks, floats, buoys, beach stairs	19.400.120(D), 19.600.105, 19.600.160	<u>Allow following in Natural SED with CUP:</u> Beach stairs Single Use Docks (marine) <u>Allow in Natural SED with SDP/AdSDP:</u> Floats Buoys Single Use Docks (lakes)	Allowing new docks is inconsistent with the purpose and management policies of the Natural environment (WAC 173-26-211(5)(a)). Recommend prohibiting them (allow joint use docks with CUP). Ecology recommends prohibiting beach stairs in Natural SED (Allow with CUP if demonstrated to be necessary to provide access to a permitted moorage facility.) WDFW suggests that dock restrictions remain on Natural shoreline designation to protect sensitive marine embayments, pocket estuaries, salt marsh, and lake fringe wetland habitats.	1. Retain permit requirements proposed in draft SMP. 2. Change permit requirements for shoreline modifications in the Natural SED: --Prohibit single use docks in Natural SED (allow joint-use docks with CUP). --Prohibit beach stairs in Natural SED (allow for access to permitted moorage facility with a CUP). --Prohibit floats and buoys in Natural SED of lakes.	
3	Dimensional standards for mooring structures	19.600.160(C)(3)	Remove specific development standards for mooring structures (such as docks, piers, buoys) and reference WDFW Hydraulic Project Approval standards.	Ecology has indicated this is a workable approach.	1. Retain reference to HPA standards. 2. Restore specific development standards.	

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4	Referring to nonconforming uses	19.400.100, 19.150.247 & .592	Use the word "conforming" to refer to legally existing development that no longer conforms to modern permit and development standards (e.g. a home built close to shoreline before buffers were adopted).	The proposed approach is inconsistent with the requirement that the SMP’s regulations be of “sufficient scope and detail” to ensure implementation of the SMA (WAC 173-26-191(2)(a)(ii)(A)) and is not approvable as drafted.	1. Proceed with use of phrase "conforming" throughout document. 2. Use "legally nonconforming" throughout document. Clarify that SFRs may be considered "conforming" based on 2011 carve-out law (Note: Alterations of such structures must still meet SMP standards). 3. Use an alternate reference for said development, such as "nonconforming" or "legally existing nonconforming".	
5	Permit standards for bulkheads	19.600.175(A), 19.600.105	Hard Stabilization: Allow with SDP in all upland designations Hybrid Stabilization: Allow with SDP in all upland designations	Ecology recommendation: Hard stabilization: Prohibit in Natural SED in most cases (can make allowances for existing SFRs). Recommend administrative CUP for Conservancy SEDs. Hybrid stabilization: Allow with CUP.	Previous versions of draft required CUPs for all new hard and hybrid stabilization. 1. Retain PC recommenation for stabilization permits. 2. Incorporate permit requirements recommended by Ecology. 3. Revert to previous draft: require CUP for all new hard stabilization; administrative CUP for hybrid or soft stabilization.	
Ecology Indicated Required Items						
6	References to critical areas within the SMP	Throughout		References to critical area standards incorporated into SMP should be clear. The CAO itself is not being adopted into the SMP, rather specific provisions from the CAO are being incorporated, and included in Appendix E of the SMP for reference.	1. Amend references to critical areas in SMP for clarity and accuracy. 2. Retain references to critical areas proposed in draft SMP as-is.	
7	Allowing bulkheads for eutrophic lakes	19.150.210, 19.600.175(B)(2), 19.600.175(D)(2)(c)(v)	PC included an additional allowance for bulkheads on eutrophic lakes in addition to what is permitted by WAC, to prevent erosion and introduction of sediment.	This is inconsistent with the WAC and should be removed.	1. Remove specific allowances for bulkheads in eutrophic lakes to ensure consistency with WAC. 2. Retain allowance for bulkheads in eutrophic lakes proposed in draft SMP.	
8	Definition of floodway	19.150.379.5	PC recommendation includes a definition of floodway that is used in other county codes.	There are two statutory definitions. The County’s definition must be consistent with one of them.	1. Use WAC definition but also referring to floodway definition used in other codes to ensure consistency. 2. Retain definition proposed in draft SMP.	
9	Definition of mitigation sequencing	19.150.560		Refer to WAC for appropriate language to describe mitigation sequencing.	1. Amend definition for consistency with WAC. 2. Retain definition proposed in draft SMP.	

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10	Dollar thresholds in substantial development permit exemption definition	19.150.770	PC included updated cost thresholds in other sections of SMP	Recommend using updated dollar thresholds in document.	1. Update cost thresholds for SDP exemptions to the most current dollar amounts. 2. Retain cost thresholds proposed in draft SMP.	
11	Reference to wetlands in shoreline jurisdiction definition	19.200.109(A)(6)	PC recommendation implies that wetlands are separate from shorelands.	Reference to shorelands is incorrect (RCW 90.58.030(2)(d)). Associated wetlands are included in the definition of “shorelands”; they are not included in SMP jurisdiction <u>in addition to</u> shorelands.	1. Amend reference to wetlands within shorelands for consistency with WAC. 2. Do not amend reference to wetlands within shorelands.	
12	Referencing WAC substantial development permit exemption criteria in Existing Structures regulations	19.400.100(B)(1)(g)	PC intended to allow alterations of structures within existing footprint without an SDP.	Exemption criteria in the WAC control how exemptions may be authorized in SMP.	1. Insert reference to WAC SDP exemptions standards (retains PC intent; clarifies that WAC controls such exemptions) 2. Do not amend statement text proposed in SMP.	
13	Referencing WAC regarding allowances for floating homes to be considered conforming	19.400.100(B)(4)		Revisions required for consistency with statute. This section is combining and conflating a few different topics covered in RCW 90.58.270.	1. Insert language from WAC to clarify how certain existing floating homes/floating on-water residences may be considered conforming. 2. Do not insert WAC language.	
14	Locating structures on constrained lots to prevent need for shoreline stabilization	19.400.105(A)(3)	New development on lots constrained by depth, topography or critical areas shall be located to <u>minimize</u> , to the extent feasible, the need for shoreline stabilization.	This provision is inconsistent with WAC 173-26-231(3)(a)(iii). Such development would require a shoreline variance.	1. Replace "minimize" with "avoid" to be more consistent with statute. 2. Do not make change in draft SMP.	
15	Monitoring requirements for advanced mitigation projects	19.400.110(C)(2)	As written, PC recommendation allows mitigation project monitoring to end after 2 monitoring periods.	As written, is not adequate to document success of mitigation projects.	1. Clarify that monitoring will occur for a minimum of 5 years, and until mitigation success is demonstrated by meeting all performance standards. (This was original intent of this provision--the original draft was not clear.) 2. Retain proposed language in draft SMP.	
16	Addressing critical areas in SMP jurisdiction	19.400.115 (multiple places within)	PC recommendation discusses relationship between critical areas and shorelines. Revisions could increase clarity of document while preserving intent of PC recommendation.	Ecology staff have indicated that the relationship between critical areas and shoreline regulations is not entirely clear in the draft SMP. County staff and Ecology staff have worked together to propose text changes to increase clarity for staff and the public, and to guide implementation.	1. Amend draft SMP to increase clarity on relationship between critical areas and shorelines. 2. Do not make change in draft SMP.	
17	Shoreline buffer reductions - general proposed changes	19.400.120(B)(2), (3), & (4)		As written, this section is not implementable. County staff have worked with Ecology to reduce implementation gaps and clarify how buffer reductions work.	1. Implement various amendments to shoreline buffer reductions. 2. Do not make change in draft SMP.	

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18	Clarifying buffer reductions for streams	19.400.120(B)(3)	PC recommendation does not draw distinction between how stream and marine/lake buffer reductions would be managed. Stream buffers are larger to start out with and may require different buffer reduction standards.	Reducing a 250' buffer down to 50'-150' is not appropriate or supported by science. In general, a 25% buffer reduction is supported.	1. Amend text to allow 25% reduction of stream buffer, and relocate this text for increased clarity. 2. Retain language in proposed SMP (allows larger reductions).	
19	Clarifying buffer reduction requirements in Urban Conservancy SED	19.400.120(B)(3)(b)	Reduced buffer width is 75-90 feet in this SED. As written, the language implies buffer may be even smaller.	Recommend clarifying intent of language.	1. Clarify that buffer reductions in a range of 75-90 feet are authorized by this section. 2. Do not make change in draft SMP.	
20	Characterization of shoreline setback	19.400.120(B)(5)	Included statement that setback is intended to protect buffer during construction and is not needed after construction.	Delete incorrect language that states setback is no longer needed after construction. The setback allows room for maintenance access outside of the buffer for the life of the structure.	1. Remove incorrect language and also clarify that a lack of a shoreline setback shall not preclude maintenance of legally existing structures. 2. Do not make change in draft SMP.	
21	Relocating text relating to water-dependent development from constrained lot section	19.400.120(C)(1)	PC recommendation implies that buffers apply to water dependent development.	It does not make sense to provide alternative buffer options for water-dependent development. Water-dependent development is already allowed in the buffer; it just has to mitigate to ensure no net loss.	1. Remove reference to water-dependent development, and relocate accompanying text on water-dependent development to more appropriate section of SMP. Expand to clarify how different types of water-oriented development is managed, and that this development may be sited in buffers if no net loss criteria is met. 2. Do not change or relocate text.	
22	Providing mitigation sequencing context to allowances for decks/platforms in buffers	19.400.120(D)(1)(b)	PC recommendation increases allowances for decks and platforms in buffers.	Revisions needed to bring this allowance into consistency with mitigation sequencing.	1. Introduce amendments to text to highlight that decks/platforms in buffer must be minimum size necessary to support permitted use, and shall encroach on buffer the minimum amount necessary. 2. Do not include these provisions in the draft SMP.	
23	Correcting reference to floating residences in dimensional standards table	Table 19.400.140(A)	PC recommendation draft uses the phrase "boat houses" in correlation with WAC that speaks to floating homes/floating on-water residences, which is technically incorrect.	Recommend revising text for consistency with RCW.	1. Change reference to floating homes/floating on-water residences for consistency with RCW. 2. Do not make change in draft SMP.	
24	Waiver of public access requirements	19.400.145(A)(5)(d)	PC recommendation allows waiver of public access requirements if cost of providing them is disproportionate to total project cost.	Recommend revision to align with the purpose of requiring public access, consistent w/the policy directives of the Act - allow waiver if cost of providing access is disproportionate to the project's impact on public access.	1. Revise public access waiver. 2. Do not make change in draft SMP.	

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25	Use of "E" for projects that are exempt from SDP requirement	19.600.105 Table (general)	PC recommendation denotes projects that are exempt from an SDP with an "E" for Exempt, vs. "P" for SDP.	Calling only certain uses/mods out is misleading and can lead to incorrect assumptions and implementation. In general, Ecy staff do not recommend identifying uses and modifications as exempt in the table. Any one of the uses/mods in the table may qualify for an SSDP exemption if the proposal meets the criteria in WAC 173-27-040.	1. Recharacterize any uses/modifications currently shown as "Exempt" to "P" (for SDP). Use legend to explain that projects meeting exemption criteria will be exempt from SDP. 2. Do not make change in draft SMP - continue to use "E" for Exempt.	
26	Permit standards for dredge disposal	19.600.105 Table - Dredge Disposal, 19.600.135	PC recommendation proposes the following permit standards: Natural SED: CUP Rural/Urban Conservancy SED: Administrative SDP	Dredge disposal in the Natural environment, except for ecological restoration, is inconsistent with the purpose of the designation (WAC 173-26-211(5)(a)). Rural Conservancy and Urban Conservancy designations also prioritize protection of ecological function. Disposal of dredge materials in these environments warrants additional scrutiny and analysis of cumulative impacts. Recommend: Natural: Prohibited Rural/Urban Conservancy: CUP or Administrative CUP	1. Change permit requirements for dredge disposal. 2. Do not change permit requirements for dredge disposal.	
27	Permit standards for flood hazard reduction measures	19.600.105 Table - Flood Hazard Reduction Measures, 19.400.150(A)	Natural SED: SDP Rural Conservancy SED: SDP	Given the extent of floodplain and floodway included in the County's shoreline jurisdiction (i.e. all of it), there needs to be more scrutiny applied to proposals to install new flood control structures. These can have a significant impact on shoreline ecological functions and processes. Recommend: Natural SED: Prohibited Rural Conservancy: CUP	1. Change permit requirements for flood hazard reduction measures. 2. Do not change permit requirements for flood hazard reduction measures.	
28	Permit standards for boat houses	19.600.105 Table - Mooring Structures	PC recommendation mentions permit standards in text of SMP, but not in the land use table.	[Note: This item was observed by County staff, but general guidance from Ecology has included ensuring consistency between the land use table and text sections of the SMP.]	1. Include permit standards for boat houses in the land use table, for internal consistency. 2. Do not make change in draft SMP.	
29	Reducing required mitigation when providing public access	Appendix B - Section B.1.J	PC recommendation allows project mitigation to be reduced by half when public access is provided.	As written, this is inconsistent with no net loss requirements.	1. Make changes to this section for consistency with statute. 2. Do not make change in draft SMP.	
30	Implementation of mitigation for shoreline stabilization/barrier structures	Appendix B - Section B.3		In general this section needs more language/explanation to be implementable.	1. Include additional context and reorganization of this section of the draft SMP. 2. Do not make change in draft SMP.	
	Ecology Indicated Helpful Items					
31	Minor sentence rewording for clarity	Throughout		Suggest minor wording/phrasing revisions for clarity.	1. Implement minor wording/phrasing revisions. 2. Do not implement minor wording/phrasing revisions.	

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	Topic	Reference location	PC approved recommendation	Ecology relayed position	BoCC Decision (Maintain, Delete, Modify)	Notes
32	Minor technical corrections	Throughout		<p>Examples:</p> <p>SMP amendment not required to remove annexed land from County's SMP jurisdiction. (19.100.120(D))</p> <p>Recommend deleting reference to dock setbacks; it does not belong here (19.400.120(D)(1)(e)(iv))</p>	<p>1. Implement minor technical corrections.</p> <p>2. Do not implement minor technical corrections.</p>	
33	Minor revisions or relocations to aid comprehension, implementation, or reduce redundancy/duplication	Throughout. Examples at right		<p>Examples:</p> <p>--Recommend simplifying references to shorelines that are regulated by the SMP. (19.100.130)(F)</p> <p>--Insert "buffer and" to clarify that this language applies to expansions outside both the shoreline buffer and setback. (19.400.100)(B)(1)(c))</p> <p>--Clarify how expansions of existing structures within the buffer are addressed. (19.400.120(B)(1))</p> <p>--Add "parallel to OHWM" to clarify where this provision applies. (19.400.100(B)(1)(e))</p> <p>--Recommend adding note that vegetation conservation buffers may also be referred to as shoreline buffers. (19.400.100(B)(1)(f))</p> <p>--Recommend removing 'Alternatives for Existing Development' section - this language is covered elsewhere. (19.400.120(C)(2))</p> <p>--Relocating standards for beach stairs in the land use table (Table 19.600.105)</p>	<p>1. Include minor revisions to increase clarity and comprehension, reduce redundancy and duplication, and aid implementation of the draft SMP.</p> <p>2. Do not make changes to the draft SMP.</p>	
34	Recommended additions/modifications to definitions	Various	Some terms used in the PC recommendation are not defined in the document.	<p><u>Recommend adding definitions for:</u></p> <p>Beach stairs (19.150.167)</p> <p>Shoreline Jurisdiction (19.150.714)</p> <p>Stair Tower (19.150.747)</p> <p><u>Recommend modifying select definitions:</u></p> <p>Guidelines (19.150.395): Clarify that Chapter 173-27 WAC is not SMP guidelines.</p> <p>Pervious Surface (19.150.615): Clarify that decks may be considered pervious (already stated elsewhere in document)</p> <p>Prohibited (19.150.645): Remove extraneous language.</p>	<p>1. Implement proposed changes to SMP definitions.</p> <p>2. Do not make changes to draft SMP.</p>	
35	Update formatting, numbering, internal code references, spelling	Throughout			<p>1. Implement minor changes in draft SMP.</p> <p>2. Do not make changes to draft SMP.</p>	
36	Parallel shoreline environment designation scenarios	19.200.145(A)(6)	PC recommendation excludes some possible scenarios of how parallel shoreline designations may be interpreted.	[Note: This issue was observed by County staff.]	<p>1. Include additional language to aid interpretation of shoreline designations.</p> <p>2. Do not make changes to draft SMP.</p>	
37	Determining when parcels disconnected from shoreline are subject to SMP	19.200.145(A)(9)	PC recommendation does not stipulate how these determinations are made.	Recommend adding language that the Director shall make determinations on which standards apply to properties with a distinct break in connectivity to the shoreline.	<p>1. Include language clarifying that the Director shall make determinations of when SMP standards apply.</p> <p>2. Do not make change in draft SMP.</p>	

	Thurston County SMP Update - BOCC Decision Matrix					
	Topic	Reference location	PC approved recommendation	Ecology relayed position	BoCC Decision (Maintain, Delete, Modify)	Notes
38	Inserting a preamble for nonconforming uses	19.400	This language was removed from the PC recommendation draft when the term 'conforming' was employed to refer to legally nonconforming uses/structures/lots.	This language could be added back in to provide additional context for what nonconforming uses/structures/lots are and how they are addressed in SMP.	1. Re-establish preamble for nonconforming uses to provide context for how these uses are managed in SMP. 2. Do not make change in draft SMP.	
39	Internal consistency - variances for buffer reductions	19.400.105(A)(6)	PC recommendation stipulates when variances are required for buffer reductions, but that is not referenced here.	Proposed language to alert reader that a variance may be required to locate a structure within the buffer, per other sections of SMP.	1. Include proposed language in draft SMP. 2. Do not include proposed language in draft SMP.	
40	Internal consistency - water depending uses in buffers, mitigation sequencing required	19.400.105(B)(1)	This section of PC recommendation is not entirely clear as written.	Revisions recommended to clarify that water-dependent uses are allowed in buffers, subject to mitigation sequencing.	1. Include clarification in draft SMP. 2. Do not make change in draft SMP.	
41	Clarifying effective date and requirements for advanced mitigation projects	19.400.110(B)(5)	PC recommendation does not stipulate a start date for when advanced mitigation projects may be considered for use.	[Note: Effective date issue was observed by County staff.] Recommend language that indicates all requirements of this section must be met in order to qualify for advanced mitigation.	1. Make proposed changes to draft SMP. 2. Do not make changes in draft SMP.	
42	Advising applicants of other agency approvals for advanced mitigation projects	19.400.110(B)(5)(a)	PC recommendation does not include this language as written.	Ecology suggests adding a requirement that all other applicable permits be obtained, at least to put it on the applicant's radar.	1. Add reminder to applicants that other agency approvals may be required for advanced mitigation projects. 2. Do not make change in draft SMP.	
43	Clarifying reporting requirements for advanced mitigation projects	19.400.110(C)(2)	PC recommendation does not specify that monitoring reports must be submitted to County, or that maintenance criteria and a monitoring schedules is part of an applicant's mitigation plan.	[Note: These issues where observed by County staff.]	1. Make proposed changes to draft SMP. 2. Do not make changes in draft SMP.	
44	Should/shall for avoiding extensive vegetation removal	19.400.120(A)(3)	PC recommendation states that extensive vegetation removal to create views/expansive lawns <u>should</u> not be allowed within shoreline jurisdiction.	If this is a requirement, the word "shall" should be used. "Should" is for policy language.	1. Change language to "shall" to prohibit extensive vegetation removal for lawns/views within shoreline jurisdiction. 2. Do not make change in draft SMP.	
45	Adding a reference to critical area buffers in shoreline buffers section	19.400.120(B)(6)	PC recommendation does not include this language as written.	Recommend adding language to remind reader that critical area buffers also apply within shoreline jurisdiction.	1. Include reminder that critical area buffers also apply in shoreline jurisdiction. 2. Do not make change in draft SMP.	
46	Reorganizing constrained lot provisions for single family homes	19.400.120(C)(1)		Revisions proposed to this section to retain its intent while resolving the inconsistencies and duplicities with the variance criteria. Also propose removing reference to Inventory & Characterization document; mitigation plans should rely on existing conditions. [Staff note: Proposed changes make use of statutory carve-out to waive or reduce variance requirements for single family homes/garages with a combined footprint of less than 1,200 square feet].	1. Make proposed changes to draft SMP. 2. Do not make changes in draft SMP.	

	Thurston County SMP Update - BOCC Decision Matrix					
	Topic	Reference location	PC approved recommendation	Ecology relayed position	BoCC Decision (Maintain, Delete, Modify)	Notes
47	Clarifying trail requirements	19.400.120(D)(1)(a)		This section needs to be rewritten/reorganized.	1. Reorganize trail standards for clarity. 2. Do not make changes in draft SMP.	
48	Requiring pervious surface for viewing platforms and decks	19.400.120(D)(1)(b)	PC recommendation does not currently require this.	Recommend requiring viewing platforms and decks to be constructed of pervious surface.	1. Require viewing platforms and decks to be constructed of pervious surface (this can include wooden decks with gaps between boards if ground is not compacted). 2. Do not make change in draft SMP.	
49	Prohibiting beach stairs below Ordinary High Water Mark	19.400.120(D)(1)(c)	PC recommendation prohibits these in the land use table, but allows them in the text.	Ecology has indicated it is appropriate to prohibit beach stairs below the ordinary high water mark. (Note: If they are allowed, permit requirements must be identified.)	1. Prohibit beach stairs below ordinary high water mark. 2. Do not prohibit beach stairs below the ordinary high water mark.	
50	Expanding use of water-oriented storage structures	19.400.120(D)(1)(e)	PC recommendation is written more narrowly than suggested language.	Recommend broadening use of water-oriented storage structure--allow as accessory to water-dependent uses or to support residential access.	1. Expand the scenarios where water-oriented storage structures may be utilized. 2. Do not make change in draft SMP.	
51	Use of water-oriented storage structure roofs for recreation	19.400.120(D)(1)(e)(v & vi)	PC recommendation does not allow roofs of storage structures to be used as recreational platforms.	[Note: This is a County staff suggestion to enable recreational use of the shoreline. Ecology has indicated support for this allowance.]	1. Include language to clarify that storage structure roofs may be used as viewing platforms. 2. Do not make change in draft SMP.	
52	Additional detail for mitigation of hazard tree removal	19.400.120(D)(4)(b)	PC recommendation does not include this specificity as written.	Recommend additional criteria to guide replacement plantings when hazard trees are removed.	1. Include additional language to guide replacement plantings after hazard tree removal. 2. Do not make change in draft SMP.	
53	Development standards for fences in shoreline jurisdiction	19.400.120(D)(5)	PC recommendation does not include this specificity as written.	Recommend adding provisions here to specify height, materials, alignment (e.g. perpendicular to the shoreline), avoidance of vegetation, mitigation to ensure NNL	1. Include development standards for fences in shoreline jurisdiction. May reference standards that already exist in other county codes. 2. Do not make change in draft SMP.	
54	Development standards for nonstructural flood hazard mitigation measures	19.400.150(B)(4-6)	PC recommendation did not apply this section to nonstructural flood hazard mitigation measures.	Ecology commented that the draft had no nonstructural flood hazard reduction measure standards. Applying the standards in this section to all flood hazard reduction measures would address this issue.	1. Apply one set of standards to all types of flood hazard mitigation measures. 2. Do not make change in draft SMP.	
55	Abbreviation for administrative conditional use permits in land use table	19.600.105 Table (general)	PC recommendation uses "C" for Conditional Use Permits.	Unless this is a convention used elsewhere in County code, I recommend “AdC” for administrative CUP to be consistent w/”AdP” and make it clear the conditional use is required.	1. Change abbreviation used for administrative conditional use permits, for internal consistency. 2. Do not make change in draft SMP.	
56	Non-water-oriented industrial uses in Shoreline Residential SED	19.600.105 Table - Industrial Uses	PC recommendation currently allows non-water-dependent industrial uses in Shoreline Residential SED in limited circumstances.	Recommend prohibiting non-water-dependent industrial uses in Shoreline Residential SED, as water-dependent industrial uses are already prohibited.	1. Prohibit non-water-oriented industrial uses in Shoreline Residential SED (water-oriented industrial uses already prohibited). 2. Do not make change in draft SMP.	

	Thurston County SMP Update - BOCC Decision Matrix					
	Topic	Reference location	PC approved recommendation	Ecology relayed position	BoCC Decision (Maintain, Delete, Modify)	Notes
57	Recreational development - permit footnote	19.600.105 Table - Footnote 13		Footnote that discusses permit standards is unclear.	1. Clarify permit standards for recreational development. 2. Do not make change in draft SMP.	
58	Recreational development - buffer footnote	19.600.105 Table - Footnote 14	PC recommendation has specific reference to buffer standards for non-water oriented recreational development.	Recommend deleting; all non-water oriented uses are subject to buffer standards. This footnote doesn't make sense.	1. Delete footnote. 2. Retain footnote.	
59	Permit standards for shoreline stabilization - Aquatic SED	19.600.105 Table - Shoreline Stabilization, 19.600.175	These cells are blank in the PC recommendation. Footnotes state hard stabilization may be permitted with a CUP, and soft stabilization with an SDP.	Recommend including permit standards for shoreline stabilization in Aquatic SED (CUP for hard/hybrid stabilization, SDP for soft stabilization).	1. Include permit standards for shoreline stabilization in the land use table, for internal consistency. 2. Do not make change in draft SMP.	
60	Shoreline stabilization - substantial development permit footnote	19.600.105 Table - Footnote 17	PC recommendation provides specific call-out for SDP exemption for qualifying soft stabilization.	Any development that meets SDP exemption criteria would be exempt from that permit - this doesn't need to be called out here.	1. Strike footnote. 2. Retain footnote.	
61	Separation of primary and accessory utilities in land use table & footnotes	19.600.105 Table - Utilities	PC recommendation combines permit standards for primary and accessory utilities.	Recommend separating into “primary” and “accessory”, simplify footnotes.	1. Separate permit standards for primary and accessory utilities. 2. Do not make change in draft SMP.	
62	Inserting footnote to clarify when beach stairs are authorized	19.600.105 Table - Footnotes	Other sections of PC recommendation state that water-oriented use is required before allowing beach stairs. The land use table does not include this language.	In general, Ecology has indicated it is appropriate to include reminders in the land use table or text for clarity and internal consistency.	1. Make proposed change to draft SMP. 2. Do not make changes in draft SMP.	
63	Including an applicability section for marinas	19.600.125(C)(2)	PC recommendation does not include this language as written.	Recommend adding an “applicability” section that refers to the County’s definition/threshold for marinas (i.e. moorage facility for ten or more vessels). (Staff note: In general, Ecology has advocated for providing appropriate context in each section of the SMP.)	1. Make proposed change to draft SMP. 2. Do not make changes in draft SMP.	
64	Additional standards for advanced mitigation plans	19.700.112(C)(2), (7), and (13)	PC recommendation does not include this language as written.	Recommend adding additional requirements for advanced mitigation plans. (Note: County staff recommend cross-referencing other Ecology recommendations in this section for internal consistency.)	1. Make proposed change to draft SMP. 2. Do not make changes in draft SMP.	
65	Including an applicability section for general mitigation standards	Appendix B - Section B.1	PC recommendation does not include this language as written.	Suggest opening with an applicability statement.	1. Make proposed change to draft SMP. 2. Do not make changes in draft SMP.	
66	Clarification on mitigation requirements - replacement vegetation	Appendix B - Section B.2.A	PC recommendation does not include this language as written.	This section is currently lacking standards for replacement vegetation, i.e. composition of native and/or non-native vegetation used as mitigation.	1. Include additional standards to clarify that replacement vegetation must be "like for like". 2. Do not make change in draft SMP.	

	Thurston County SMP Update - BOCC Decision Matrix					
	Topic	Reference location	PC approved recommendation	Ecology relayed position	BoCC Decision (Maintain, Delete, Modify)	Notes
67	Use of non-native vegetation in replanting requirements	Appendix B - Section B.2.A	PC recommendation included the concept of using non-native vegetation in mitigation planting. PC requested Ecology weigh in on an approach to implement this.	Concept is consistent with statute. Ecology proposed restrictions to the types of situations in which non-native vegetation may be used for compensatory mitigation.	1. Make proposed changes to draft SMP. 2. Do not make changes in draft SMP.	
68	Reference to county in-lieu fee program	Appendix B - Section B.5.B	PC recommendation includes reference to wetland (critical area) mitigation.	Since this appendix is limited to shoreline buffer and in-water impacts, suggest deleting.	1. Delete reference to critical areas mitigation (this chapter is specifically intended for shorelines). 2. Do not make change in draft SMP.	

Attachment B

Examples of Development Requiring Shoreline Variances in the Draft SMP

Attachment B: Examples of Development Requiring Shoreline Variances in the Draft SMP

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	No Variance		

Attachment B: Examples of Development Requiring Shoreline Variances in the Draft SMP

Activity	Variance Type	Local Approval Authority	Ecology Approval Required?
25% reduction of standard buffer:			
All water types, Shoreline Residential SED, any reduction of standard buffer	Administrative Variance	Development Services staff	Yes
Any other buffer reductions	Variance	County Hearings Examiner	Yes

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.