

memo

Thurston County Resource Stewardship, Long Range Planning

To: Cindy Wilson
From: Brad Murphy
CC:
Date: 10-30-17
Re: Shoreline Master Program Meetings to Date

Comments: Staff has met with different groups in relation to the proposed Shoreline Master Program (SMP) update. Following BoCC direction, staff has initiated the public review process associated with the Planning Commission review of the documents.

Staff has already presented at multiple Planning Commission meetings discussing the history of the Shoreline Management Act and portions of the proposed SMP update.

Staff met with a sub-group of the Long Lake Lakes Group twice, the latter being a tour around Long Lake to see current conditions (9-5-17). Staff also met with approximately 50-60 people at a Boston Harbor Community Meeting (10-12-17), presented a PowerPoint presentation on an overview of the review process, and took questions from the group.

More recently, staff conducted the first Regulatory Group meeting (10-16-17) made up county, state agency and tribal staff that have a regulatory interest in shorelines.

In addition, the first Community Group meeting (10-17-17) took place, meant to receive input and feedback from special interest groups, shoreline homeowners, and other members of the public. Over 60 people attended the meeting and it lasted almost 3 hours. Staff presented a 30-minute PowerPoint presentation describing the SMP review process and components of the proposed SMP chapters and a question and answer/comment session ensued. Staff recorded the meeting to document the questions and comments received.

The most recent discussion of the SMP was at a sub-group meeting of the Thurston Chamber of Commerce (10-20-17) attended by 20-25 people. I accompanied Josh Cummings to the meeting where we had a brief discussion on the SMP update process and answered a few questions.

The SMP is a topic on the agenda for the next Planning Commission meeting (11-1-17). Staff will provide a download of discussions from the Regulatory Group meeting and the Community Group meeting and discuss topics/questions received from the Planning Commission at previous meetings. Staff also continue to answer daily phone and e-mail inquiries related to the proposed SMP update.

The recurring meetings (Regulatory, Community, and Planning Commission) are all part of the on-going process to review the proposed SMP update documents as part of the Planning Commission and ultimately, Board of County Commissioners public processes.

Shoreline Master Program Update Community Stakeholder Group Meeting Q & A (10-17-17)

Written Public Comment Summary

The summary provided is intended to capture the main points of a public comment and is not intended to be a verbatim representation of the comment. Please refer to the recording of the meeting for the full public comment. If a comment is not listed, but was submitted as part of the record, please contact Thurston County staff as soon as possible.

Comment Number	Name	Comment Summary	Staff Response
SMP Update Community Stakeholder Meeting #1			
1		Will this PowerPoint be posted on-line?	Yes
2		Will Ecology come to future meetings?	Yes
3		Will Board of County Commissioners be coming to future meetings?	Probably not, they have their own public process that will take place following the Planning Commission process.
4		Who makes the final decision on the SMP?	BoCC will adopt the document, Ecology then needs to approve it.
5		Is "no net loss" set on lake elevation? Example: Lake St. Clair rising water level.	No, it is based on existing habitat and zoning.
6		What is the podium for tonight?	For statements you'd like to make.
7	Doug Karman, resident of Lacey, President Long Lake Assn.	As far as the timeline slide, where are we?	At the beginning, at the next meeting it will cover specific chapters 19.100-19.200.
8		When will the stakeholders talk about chapters 1-2? He will do a push in the Long Lake association newsletter for people to attend.	Taking comments on all chapters but hope to get to comments on 19.100-19.200 with Community Stakeholder Group at the 11-30-17 meeting.

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Comment Number	Name	Comment Summary	Staff Response
9		Who is considered special interest groups? Stakeholders?	Lake groups, real estate groups, Master Builders, shoreline home owners, etc.
10		Would you come to an HOA meeting?	Yes
11		Corridors limbing skirting within your 200 feet SMP distance?	Any tree within that buffer.
12		Define danger tree.	A: Defined in code but can't develop in such a manner to cause danger trees.
13		20 years ago, no permit was obtained, what happens to that?	A: Prior to 1969 is overwater structures grandfathered in; since 1969 is not.
14		Prohibited dredging?	Dredging is currently proposed to be prohibited in the Natural shoreline designation and require a Conditional Use permit in other areas.
15		SMP implementation date?	A: We don't know yet.
16	Carl Hart, resident of Summit Lake	All Puget Sound will be mandated soon regarding affluent septic issues.	
17		Is there an existing SMP to look at, when was it adopted last? Mining means what?	A: For Thurston County, in 1990.

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18		Is this draft SMP in the same format? How can we tell the changes?	No, it is totally different. Total rewrite based on changes to the Shoreline Management Act at the state level.
19		Do you have this draft SMP on the website? Has it changed lately?	Yes, and it hasn't changed in a couple of months.
20	Bob Frasier, resident of Lake Pattison	What about the lily pad problem? The shoreline is gone so that you can't even launch a boat. Is that covered in the master plan?	Project by project determination. Vegetation management is allowed but need permit to apply herbicides and must meet no-net-loss of ecological functions. Hand/mechanical removal is allowed. For invasive/non-native plants see Chapter 17.10.010 RCW and WAC 16-750-003
21	Dave Allison, resident of Lake Pattison	Will this raise property taxes to implement? In Chapters 2-7 it keeps mentioning "public areas". Who is policing these areas?	No, should not raise taxes to implement. Depends on location as to who polices the areas.
22		How early could the draft designation be firmed up? It is hard to comment on "nothing firm" yet. Questions about the Planning Commission process? Who do we direct comments to?	Direct questions to Brad Murphy.
23		BoCC issue in the past where they can't hear about things because they are still the authority.	BoCC will have review process following Planning Commission process.
24		How many in the technical group? Planning Commission? What percentage are lake front home owners?	10-11 on Regulatory Group, PC- 8 currently (9 total but as of 10-17-17, one spot is unfilled), don't know.

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Comment Number	Name	Comment Summary	Staff Response
25		Mitigation for a variance sounds like dollars to me. Has there been a study in increased revenue to the county?	Mitigation monies would be to do the mitigation for unavoidable impacts and would not go to the County. A programmatic mitigation option could be available where a group would hold funds for mitigation but all monies would be for the implementation of the mitigation work and mitigation program.
26		As a homeowner trying to explore the impact the SMP versus the county. Lake a substantial shoreline permit? Does the county say everything has to be up to code? The \$7,500 question.	Normal maintenance and repair is allowed but building code may require that other portions of the house/parcel be looked at to insure building code is being followed. \$7200 is the value for an exemption from a shoreline substantial use permit (see Chapter 19.500)
27		The \$7,500 question, what's excluded? Inside, irrelevant, outside, question?	Current proposal would be to allow normal repair and maintenance with exemption letter if exemption criteria in Chapter 19.500 is met. Remodel and rebuild options also available for existing footprint of existing house.
28		Is the \$7,500 for a contractor to do it or just materials?	See Chapter 19.500 for exemption criteria
29	John Woodford, resident of Holmes Island Long Lake	Read carefully the first page. How does moving the setback from 50 feet (current code) to 75 feet (draft) enhance the purpose and intent of the ordinance? Regarding the non-confirming issue, suggests doing what Lacey did. Regarding community meetings, have the Planning Commissioners been invited? He did not see a notice in the Olympian.	Notice was sent for the meeting and will also be sent for future meetings as well as web-mailings. Other portions of question will be discussed as we move through chapters.

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Comment Number	Name	Comment Summary	Staff Response
30		When will the Planning Commissioners hear about the draft SMP?	Throughout the next few months of meetings
31		There is already confusion now with current planners. What's it going to be like with all of these changes?	Current planners were included in the development of the draft document. They will be included in the review process as well.
32		This document will be proposed at one sitting and adopted all at once?	Yes, after a lengthy public review process is followed. Once we get through the review of the Chapters and complete all the appendices the Planning Commission will hold a public hearing after which they will recommend for approval a version which will then go to the Board of County Commissioners for their review and public process. They will have a public hearing where they will afterward adopt a local version of the SMP which then goes to Ecology for state approval. After Ecology approves then the plan is implemented. This is a long process. For questions on current projects, the answer comes from the 1990 adopted SMP.
33	Resident of Long Lake for 40 years	Would like to not be called "none-compliant". It sounds negative. Please use the term grandfathered instead.	Looking into other terms to use instead of non-conforming.
34		Using the 1990 plan, why are we changing it anyway?	Due to changes at the state level on the content of the Shoreline Management Act (RCW 90.58).

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Comment Number	Name	Comment Summary	Staff Response
35		What do you mean by no net loss? Why not use "impact" instead?	No net loss is the terminology used in the RCW's and WAC's related to the Shoreline Management Act.
36	Patrick Townsend, resident of Boston Harbor	Has trouble with the "no net loss" concept. Don't need the problematic net loss like geoduck farming. The carve out for the geoduck farms now will only be a conditional use permit. Why is there suddenly a carve out for them? Furthermore, aquaculture is "the" preferred use, versus "a" preferred use. Can you confer with the county's legal team regarding substantial use permit versus a conditional use permit? He believes the 200 foot buffer should go in both directions, not just inland. This group would like to come to Brad's next geoduck meeting he mentioned tonight.	SMA calls for geoduck aquaculture to be a Conditional Use permit.
37		50 foot to 75 foot, what's a setback versus the 200 foot buffer? Explain please.	The 200 foot demarcation is what falls under shoreline jurisdiction. The buffers (proposed 50 foot, 75 foot, etc.) then relate to specific shoreline use designations (shoreline residential, natural, rural conservancy, etc.) and there will also be buffers related to critical areas (wetlands, streams/riparian areas, floodway, steep slopes, etc.) that are in addition to the shoreline buffer setbacks. All shoreline parcels will have a shoreline buffer/setback based on shoreline use/environmental designations but not all parcels will have critical areas they will need to protect with critical area buffers.

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38		Where does the 75 foot buffer come from? So we were conforming when we bought the property, and now we are not. Where did it come from?	Trying to be more consistent with CAO.
39		Except for the homes going back to 1975, you can't even build a storage shed within 50-75 feet.	
40		Who is here tonight from the Planning Commission?	Jim Simmons
41		Can there be relief for newly non-conforming? A higher level of maintenance and repair without a comprehensive permit? This takes time and money.	Looking at terminology and options for flexibility with existing "non-conforming" structures.
42		Change predator exclusion? It should actually be called wild life exclusion.	Can look at different terminology
43		\$7,500 is a low amount, a roof would be \$12,000.	That dollar amount is determined in the WAC Closer to \$7200
44		Is it per year? Cumulative?	By project.
45		Are you going to have the personnel for all of these new permits?	Will be discussed with BoCC.
46		The wording regarding permits is confusing. Using the term "development" shouldn't be used for things inside or already there. This needs to be defined better and make clear.	Substantial Development is defined in the RCW and WAC and is the term used in both. We have to follow state law and code. We will have definition in SMP.
47		Are the comments being recorded to be discussed in the future?	Yes, topics will be discussed as they relate to the chapter topics of the SMP.

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Comment Number	Name	Comment Summary	Staff Response
48		Is the 75 foot buffer chiseled in stone? How does getting a permit for things on the inside detract from the shoreline?	Nothing in stone at this point all is draft and we are taking comments on the draft which will be passed on to the Planning Commissions and Board of County Commissioners.
49		the discussion with bankers, etc. regarding the term "non-conforming". Do we have to disclose this if we sell our property?	Not sure.
50		How many own waterfront property on the BoCC?	Not sure.
Item 2 - (Indicate the hearing item name here, or major subject area)			
Item 3 - (Indicate the hearing item name here, or major subject area)			

Polly Stoker

From: John H Woodford <jwoodford.aia@gmail.com>
Sent: Thursday, November 30, 2017 10:10 AM
To: Brad Murphy
Cc: PlanningCommission
Subject: JHW cover letter & PDF of comments on Chapters 100 and 150
Attachments: Final SMP BMurphy 2017 11 29.docx; Coalition ThursCnty_SMP_Update_Chapt_19 100 200 PDF.pdf

Hi Brad,

Attached is my letter expressing the position of the Thurston County Shoreline Stakeholders Coalition regarding the need for stakeholder representation on the Regulatory/STAG group. It is extremely important that we participate in this activity.

Also, please see our notes on Chapters 100 and 150 of the draft SMP.

Sincerely,

John H. Woodford, Chairman
Thurston County Shoreline Stakeholders Coalition

Sent from my iPad

Thurston County Shoreline Stakeholders Coalition

Long Lake Management District 21 Steering Committee

Boston Harbor Association

Black Lake Special Use District

4108 Kyro Rd SE, Lacey, WA 98503

November 27, 2017

To: Brad Murphy
Senior Planner, Long Range Planning
Thurston County Resource Stewardship

From: John Woodford, Chairman
Thurston County Shoreline Stakeholders Consortium

Re: Shoreline Master Program Update

Reviewing the opening chapters of the draft SMP update has underscored for us how important this Program is to our County and its communities – thousands of homes are near fresh and salt waters and wetlands and these homeowners must manage their properties every day to carry out the shoreline program's environmental and water quality regulations.

We represent County-recognized special purpose districts and nearly 2,000 of those home owners. We are Lake Management Districts, Special Use Districts and ULIDs whose residents are directly funding the management of their environmental, wastewater and water systems, and water quality requirements. We are on the residential "front line" of implementing the Shoreline Master Program and we ask to do more by serving on the County's Regulatory/Technical Advisory Group (STAG).

The strength of the Regulatory/STAG group is its direct discussion among members. We ask to bring to the table our knowledge of residential management of shoreline properties. At this point, we were invited to observe a meeting of the Regulatory/STAG group but not participate. We came away knowing that our participation could have corrected some misinformation and added creative ideas. We ask for the opportunity to participate as members of the Regulatory Group/STAG.

Thank you for your consideration.

John Woodford, Chairman
Thurston County Shoreline Stakeholder Coalition
4108 Kyro Rd SE, Lacey WA 98503

Cc: Thurston County Planning Commission

THURSTON COUNTY SHORELINE MASTER PROGRAM

PREPARED FOR:

Thurston County Board of County Commissioners

PREPARED BY:

Thurston County Resource Stewardship



_____, 2017

Track Changes by the Thurston County Shoreline Stakeholders Coalition
Nov. 29, 2017

Chapters:

19.100	Introduction
19.150	Definitions
19.200	Shoreline Jurisdiction and Environment Designation
19.300	General Goals and Policies
19.400	General Regulations
19.500	Permit Provisions, Review and Enforcement
19.600	Shoreline Use and Modification Development Standards
19.700	Special Reports
Appendix A	Shoreline Environment Designations Map
Appendix B	Mitigation Options to Achieve No Net Loss for New or Re-Development Activities
Appendix C	Shoreline Restoration Plan
Appendix D	Channel Migration Zone Maps
Appendix E	Critical Area Regulations Incorporated By Reference

Acknowledgements:

Chapter 19.100 Introduction

19.100.105 Title

The goals, policies and regulations herein shall be known as the Thurston County Shoreline Master Program, and may be referred to as the "Master Program", "Program", or the "SMP".

19.100.110 Purpose, Goals, and Intent

The Thurston County Comprehensive Plan explains that Thurston County's shorelines provide valuable habitat for fish and wildlife, economic diversity, and recreational opportunities used by residents of all ages. Shorelines play an important role in enhancing the quality of life for our County's citizens.

Therefore, the purpose of the Master Program is to guide the future development of the shorelines in Thurston County in a manner consistent with the Shoreline Management Act of 1971, hereinafter the "Act." The Act and this Program comprise the basic state and county law regulating use of shorelines in the county and is the regulating document for critical areas within shoreline jurisdiction.

The purpose of the Shoreline Master Program is to promote the health, safety, and general welfare of the community by providing reasonable regulations for use and development of Thurston County shorelines consistent with the Washington State Shoreline Management Act of 1971 (Revised Code of Washington [RCW] 90.58) as amended. This Program will be implemented and administered to achieve the following goals:

1. To preserve, to the fullest extent possible, the scenic, historic, and ecological quantities of the shorelines of Thurston County, in harmony with those uses which are essential to the life of its citizens.
2. To provide property owners with clear guidelines and requirements for future shoreline development and provide fair and reasonable allowances for the continued use and enjoyment of private property.
3. To ensure, at minimum, no net loss of shoreline ecological functions and processes, and to promote where feasible, voluntary and collaborative efforts by government agencies, Tribes, businesses, property owners, and other citizens to restore shorelines that have been impaired or degraded in the past by non-natural events.
4. To respect the rights of private property owners and the rights of citizens at large to use and enjoy shorelines of the county.
5. To accommodate and give priority to water dependent uses such as aquaculture and preferred uses such as single-family residential uses when they are consistent with the goal of preserving shoreline ecological functions and processes, in accordance with the policy enunciated in RCW 90.58.020.

Thurston County utilizes a variety of other regulations, policies, plans, and programs to supplement the goals and regulations contained within the Shoreline Master Program, and to manage shoreline resources and regulate development near the shoreline. All development projects are reviewed for compliance with the Thurston County Code (TCC) including but not limited to: Thurston County Comprehensive Plan, Zoning Ordinance (TCC 20, 21, 22, and 23); Critical Areas Ordinance (TCC 24); Thurston County Stormwater Standards (TCC 15.05); Platting and Subdivisions (TCC 18); and the State Environmental Policy Act (SEPA) Ordinance (TCC 17.09). The County works with other entities such as the Thurston Conservation District, Stream Team, South Sound Salmon Recovery Group and watershed lead entities to promote awareness of shoreline issues. In addition, the County has developed Shellfish Protection Districts, Basin Plans, and Capital Facilities Plans to further the goals and the policies of the Shoreline Master Program and promote wise shoreline usage.

Although critical areas in shoreline jurisdiction are identified and designated under the Growth Management Act (GMA), they must also be protected under the Shoreline Management Act (SMA). The Washington State Legislature has determined that local governments must adopt Programs that protect

Comment [D1]: "Future development of the shorelines..." It should be noted that in the 27 years since the last SMP update that Thurston County's shorelines have shifted from undeveloped to developed and that the thousands of homeowners with existing homes require recognition by their local government of their existing status and be assured of stability and reasonableness of oversight.

Comment [D2]: It is recommended that a new section/paragraph be inserted as "SMP Goals" (as allowed under State SMP Guidelines). Goals should be solicited through the public review process. These goals are overarching statements of how the County will recognize and balance the diverse elements of the Act, chapter 90.58 RCW. They reflect the values and the stakeholders inherent in fulfilling the Act. Including homeowners is supported by RCW 90.58.020 "...recognizing and protecting private property rights consistent with the public interests" and RCW 90.58.130 Involvement of all persons and entities having interest, means.

Comment [D3]: It should be noted that none of the plethora of special interest groups with very specific agendas listed here are the property owners who live on the shoreline and pay taxes which represent the higher value of that property. Why not include some property owner groups or types?

critical areas within shorelines at a level that assures no net loss of shoreline ecological functions (ESHB 1653 Sec. 2(4)). Although Washington's shorelines may contain critical areas, the shorelines themselves are not critical areas by default as defined by GMA.

Comment [D4]: Should the reference to ESHB be updated to the current WAC: WAC 173.26.221 (2)(a)

The provisions of this title for regulating critical areas shall apply to all land, all water areas and all structures, and all uses irrespective of lot lines in the unincorporated territory of Thurston County, Washington, except for existing and on-going agricultural activities. Agricultural activities meeting the requirements of TCC Section 17.15.110 shall be regulated by Chapter 17.15 TCC (as updated) or by the Voluntary Stewardship Program (VSP) once a VSP Workplan is adopted.

19.100.115 Adoption Authority

This Master Program is adopted pursuant to the authority granted under the Shoreline Management Act of 1971, Chapter 90.58 Revised Code of Washington (RCW) and Chapter 173-26 of the Washington Administrative Code (WAC).

19.100.120 Applicability

Comment [D5]: Please reference the exceptions listed in 19.500.100.3.c and any other sections that have exceptions to "Applicability".

- A. Unless specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to Chapter 90.58 RCW, the Act, this Master Program and Thurston County Code (TCC), whether or not a permit is required. This Master Program applies to every person, firm, corporation, government agency, or department who or which:
 - 1. Proposes any new use, activity, development or structure within the unincorporated area of Thurston County subject to the Act, as now or hereafter amended; or
 - 2. Proposes a change, modification, addition or alteration to a legally existing use, activity, development or structure within the unincorporated area of Thurston County subject to the Act, as now or hereafter amended.
- B. Direct federal agency activities affecting the uses or resources subject to the Act must be consistent to the maximum extent practicable with the enforceable provisions of the Act and with this Master Program as required by WAC 173-27-060.
- C. The Act and this Program, including the permit system, shall apply to all non-federal developments and uses undertaken on federal lands and on lands subject to non-federal ownership, lease or agreement, even though such lands may fall within the external boundaries of a federal ownership.
- D. This Master Program shall apply to all unincorporated rural and urban lands until such time as a city incorporates land into their city boundaries through annexation.

19.100.125 Relationship to Other Plans and Regulations

- A. Uses, developments, and activities regulated by the Master Program may be independently subject to the Thurston County Comprehensive Plan, the Washington State Environmental Policy Act, the Thurston County Code (TCC) Zoning (Title 20, 21, 22, and 23), Platting and Subdivisions (Title 18), Environment (Title 17), the Critical Areas Ordinance (Title 24), and various other provisions of federal, state, and county laws. The applicant must comply with all applicable laws prior to commencing any use, development, or activity.

- B. Should a conflict occur between the provisions of this Program or between this Program and the laws, regulations, codes or rules promulgated by any other authority having jurisdiction within Thurston County, the more restrictive requirements shall apply, except when constrained by federal or state law, or where specifically provided otherwise in this Program.
- C. When achieved in accordance with Title 20, 21, 22, or 23 TCC (Zoning), building and lot dimension flexibility may be allowed on shorelines within Urban areas or Limited Areas of More Intensive Rural Development (LAMIRDs) when consistent with the Act and all other applicable requirements of this Program, including the requirement to achieve no net loss of shoreline ecological functions.

Further, in order to preclude fragmentation of review and the necessity for individual shoreline permits, ~~an application combined shoreline permit~~ is encouraged for combined review by federal, state and local agencies of proposed projects, proposed activities within the shoreline jurisdiction where feasible.

- D. Consistent with RCW 36.70A.480, the goals and policies of this Master Program approved under Chapter 90.58 RCW shall be considered an element of the County's comprehensive plan, including Chapter 19.300 (General Goals and Policies). All regulatory elements of this Program, including, but not limited to Chapter 19.100 (Introduction), Chapter 19.150 (Definitions), Chapter 19.200 (Shoreline Jurisdiction and Environment Designations), Chapter 19.400 (General Regulations), Chapter 19.500 (Permit Provisions, Review and Enforcement), Chapter 19.600 (Shoreline Use and Modification Development Standards), Chapter 19.700 (Special Reports), Appendix A (Shoreline Environment Designations Map), Appendix B (Mitigation Options to Achieve No Net Loss for New or Re-Development Activities), and Appendix D (Channel Migration Zone Maps) shall be considered a part of the County's development regulations. Certain non-regulatory elements of this Master Program, including, but not limited to Appendix C (Shoreline Restoration Plan), may be updated and amended at any time without requiring a formal Master Program amendment.
- E. Where this Program makes reference to RCW, WAC, or other state or federal law or regulation, the most recent amendment or version shall apply.
- F. This Program will be applied consistent with all applicable federal, state and local laws affecting tribal rights.
- G. Coastal Zone Management Act Consistency reviews for sites within federal jurisdiction shall apply the Environment Designation criteria in Chapter 19.200 that most closely correspond to the project site in order to determine applicable Program policies.

Comment [D6]: Instead of the vague "combined shoreline permit" wording, the language should limit to applying for a combined review of a single project as the current JARPA (Joint Aquatic Resources Permit Application) does to coordinate the permit reviews by Federal, State and Local agencies. We object to vague wording with a allows for unrestricted bundling of properties or broad area designation to serve as an "activity". Also, what is the significance of using the word "activities" rather than "projects"?

19.100.130 Governing Principles

The following governing principals, along with the policy statement of RCW 90.58.020, the principles of WAC 173-26, and purpose statements in Title 24.01.010 & 24.01.015 TCC, establish the basic concepts of this Program.

- A. Any inconsistencies between this Program and the Act must be resolved in accordance with the Act.
- B. The policies of this Program may be achieved by diverse means, one of which is regulation. Other means authorized by the Act include, but are not limited to: acquisition of lands and/or easements by purchase or gift, incentive programs, and implementation of capital facility and/or non-structural programs.

Comment [D7]: "Governing Principles" carry the weight of legal determination yet the wording throughout this section is vague for legal purposes and the paraphrasing changes intent from the state law of WAC 173.26.186 Governing principles of the guidelines. It is recommended to instead have a brief statement, provide reference to WAC 173.26.186 as providing the Governing Principles.

Comment [D8]: Below are comments on the existing wording of the draft SMP update if this section remains.

- C. Protecting the shoreline environment is an essential statewide policy goal. Permitted and/or exempt development, actions taken prior to the Act's adoption, and/or unregulated activities can impair shoreline ecological processes and functions. This Program protects shoreline ecology from such impairments in the following ways:
1. By using a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by shorelines.
 2. By including policies and regulations that require mitigation of all adverse impacts in a manner that ensures **no net loss of shoreline ecological functions**. The required mitigation shall include avoidance, minimization, and compensation of impacts in accordance with the policies and regulations for mitigation sequencing. This Program and any future amendment hereto shall ensure **no net loss of shoreline ecological functions and processes on a programmatic basis** in accordance with the baseline functions present as of the date of adoption of this Program.
 3. By including policies and regulations that ensure that the cumulative effect of exempt development will not cause a net loss of shoreline ecological functions, and by fairly allocating the burden of addressing such impacts among development opportunities.
 4. By including regulations and regulatory incentives designed to protect shoreline ecological functions, and restore impaired ecological functions where such opportunities have been identified, consistent with the Shoreline Restoration Plan (Appendix C) developed by Thurston County.
- D. Regulation of private property to implement Program goals, such as public access and protection of ecological functions and processes, must be consistent with all relevant constitutional and other legal limitations. These include, but are not limited to the protections afforded by the federal and state constitutions, and federal, state and local laws.
- E. Regulatory or administrative actions contained herein must be implemented with consideration to the Public Trust Doctrine, regulatory takings, and other applicable legal principles as appropriate.
- F. Regulatory provisions of this Program are limited to Shorelines of the State, whereas the planning functions of this Program may extend beyond the designated shoreline boundaries.
- G. Consistent with the policy and use preferences of RCW 90.58.020, Thurston County should balance the various policy goals of this Program along with giving consideration to other relevant local, state, and federal regulatory and non-regulatory programs.

Comment [D9]: Section C wording results in paraphrases and revisions of WAC 173.26.186 which substantially change the intent and coverage as legal principles for the County to apply. C1,2,3,4 should be replaced by the WAC's language. Our

Comment [D10]: Why do you have to use the word "Protecting"? We are way past protecting and into managing the shoreline. It should be our goal to manage not protect. When you protect, you can negatively impact many different plants, animals and people. When you manage you take all into consideration and do what is right.

Comment [D11]: Provide a cited reference to the standards and definitions regarding "no net loss" and distinguish "no net loss of shoreline ecological functions" vs "No net loss of shoreline ecological functions and processes on a programmatic basis". It is noted that in the second month of public review of this proposed SMP update, the Appendices are still not available that might define this process.

Comment [D12]: State law in WAC requires the County to counteract cumulative effects by ALL. The words "exempt development" directly target residential repair and maintenance and bulkheads and "Cumulative effect" should be addressed in those sections in detail. "Fairly allocating the burden...among development opportunities" is vague and should instead be addressed in subsequent sections in specific provisions.

Also: "Cumulative effect" should be addressed for each type of use, including Aquaculture.

Comment [D13]: This does provide a reference and it is noted that Appendix C is not available for public review.

19.100.135 Liberal Construction

As provided for in RCW 90.58.900, the Act is exempted from the rule of strict construction. Therefore, the Act and this Program shall be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and this Program were enacted and adopted, respectively.

19.100.140 Severability

Should any section or provision of this Program be declared invalid, such decision shall not affect the validity of this Program as a whole.

Chapter 19.150 Definitions

Where terms, phrases and words are not defined, they shall have their ordinary accepted meanings within the context with which they are used. The most current version of the English Webster's Dictionary shall be considered as providing ordinary accepted meanings. In addition, where available, the definitions provided in WAC 173-26-020, WAC 173-27-030, Chapter 90.58 RCW, TCC 20.03, or TCC Title 24.03 shall be applied in the interpretation and administration of this Program. The definition of various terms as presented in this section does not necessarily represent the same definitions as may be found for the same terms in other chapters of the Thurston County Code.

19.150.100 Abandonment: cessation or vacation of a permitted use or structure through non-action for a period of one year or longer.

Comment [D14]: This is not a required SMP definition according to RCW and WACs. It is added by the County. Why is it needed in this SMP? Why is it set at one year? Does it apply to uplands and tidelands?

19.150.105 Accessory use or accessory structure: any use or structure customarily incidental and accessory to the principal use of a site or a building or other structure located upon the same lot.

Comment [M15]: What are the intended differences between "accessory structures" and "appurtenances"?

19.150.110 Accessory Structure - View Blockage: as it relates to view blockage, buildings and other structures encompassing less than 200 square feet and less than twelve feet in height from grade level, and fences which are six feet, or less in height from grade level do not constitute view blockage.

Comment [D16]: While this definition appears to address upland structures, an additional view Definition is needed for tideland structures which may be short in height but impact quality of views by properties paying taxes based upon their views.

19.150.115 Accretion: the growth of a beach by the addition of material transported by wind and/or water. Included are such shore forms as barrier beaches, points, spits, and hooks.

19.150.120 Adaptive Management: a process of evaluating data acquired through project monitoring relative to a developed plan with goals or benchmarks, and taking action based on the results in order to reduce uncertainty with regard to adverse ecological impacts and improve outcomes over time.

19.150.125 Adjacent Principle Building: a principle building on a lot abutting the applicant's lot.

19.150.130 Agriculture: uses and practices, primarily commercial in nature, which are in support of agricultural activities, agricultural products, agricultural equipment and facilities, and agricultural land, as defined in WAC 173-26-020(3). This excludes activities typically associated with single-family residences, such as gardening activities primarily for on-site consumption. Such uses may still be subject to other provisions of this Program, Title 24 TCC, or Title 17.15 TCC.

19.150.135 Amendment: a revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.

19.150.140 Anchor: a device used to secure a vessel

19.150.145 Appurtenance: structures and development necessarily connected to the use of a single family residence, and located within contiguous ownership of the primary residential use: Common appurtenances include a garage, deck, driveway, fences, utilities, septic tanks and drain-fields, officially registered historic structures, and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the OHWM. Appurtenances do not include bulkheads and other shoreline modifications or over-water structures, including tower stairs with landings at or below the ordinary high water line.

Comment [M17]: Because the words "and development" were added, the examples should include other forms of development such as patios, paths and walkways, gardens, sheds, landscaping walls, boats on trailers, etc.

19.150.150 Aquaculture: the culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state and tribal co-managed wild-stock geoduck fishery.

19.150.155 Aquatic Lands: the bed-lands (submerged at all times) and tidelands (submerged lands and beaches that are exposed and submerged with the ebb and flow of the tides) beneath the waters of lakes, rivers and marine waters and along their shores.

19.150.160 Associated Wetlands: those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Act.

19.150.165 Barrier Structure: any shoreline or in-water structure that has the primary purpose of diverting, capturing or altering the natural flow or transport of water or sediment. These include breakwaters, jetties, groins and weirs.

19.150.170 Best Management Practices: those practices determined to be the most efficient, practical and cost-effective measures identified to reduce or control impacts to water bodies from a particular activity, most commonly by reducing the loading of pollutants from such sources into stormwater and water bodies.

Comment [M18]: and shorelines

Comment [M19]: is it intended to only deal with stormwater?

19.150.175 Boat House: a structure built for and with a continued primary purpose to store aquatic vessels and usually associated with a single-family residence.

19.150.180 Boat Launch or Ramp: a solid ramp, usually made of concrete, used for the purpose of placing watercraft in and out of the water.

19.150.185 Boating Facilities: public and private mooring structures and related services serving five or more boats, including piers, docks, buoys, floats, marinas, and facilities for the use of boat launching, boat storage, or for the service and maintenance of pleasure or commercial craft.

19.150.190 Breakwater: a protective structure usually built off-shore to protect beaches, bluffs, or harbor areas from wave action.

19.150.195 Buffer: a non-clearing area established to protect the integrity, functions and values of the affected critical area or shoreline, so that no net loss of critical area or shoreline ecological functions occurs. Under optimal conditions, buffers are composed of intact native vegetation. Buffer widths are measured horizontally.

Comment [D20]: Per 19.100.110 paragraph 1 "the purpose of the Master Program is to guide the future development ...". Therefore, buffer as defined here would apply to that purpose and should be so stated. It would not apply to already developed property. So you need to insert undeveloped property in this case. If you need to give a buffer for developed property you need an additional definition and remove the words "non clearing area".

19.150.200 Building: any structure used or intended for supporting or sheltering any use or occupancy.

19.150.205 Building Line: the perimeter or that portion of a building closest to the ordinary high water mark (OHWM), including (but not limited to) decks, balconies, open steps, architectural features (such as cornices), utilities, and roof overhangs.

Comment [M21]: ...on undeveloped property

19.150.210 Bulkhead: a "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the OHWM for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion.

Comment [D22]: The definition needs to cover bulkheads for commercial and governmental properties as well as existing single and future single-family residences. While there is a required WAC definition of Shoreline Modification, this definition of bulkhead is the County's. For residences, suggest "the OHWM for the sole purpose of protecting an existing single-family residence, and appurtenant structures and waterfront land from loss or damage by erosion."

19.150.215 Buoy: an anchoring device with a float used to secure a vessel. For the purposes of this program, the term "buoy field" refers to more than one buoy per parcel.

19.150.220 Census-defined Urban Areas: Territories that consist of areas of high population density and urban land use resulting in a representation of "urban footprint". The territories include residential, commercial and other non-residential urban land uses. Defined by U.S. Department of Commerce and the U.S. Census Bureau Tigerline Shapefile 2012:
<http://www.census.gov/geo/www/ua/2010urbanruralclass.html>.

19.150.225 Certified Local Government: a local government that establishes a historic preservation program meeting federal and state standards, and is eligible to apply to the State Historic Preservation Officer (SHPO) and the National Park Service for certification.

19.150.230 Clearing: the destruction, removal, or disposal of vegetation by manual, mechanical, or chemical methods. Clearing includes logging, even when the understory of vegetation is not being removed.

19.150.235 Commercial, Commercial Development: a use that involves wholesale or retail trade, or the provision of services.

19.150.240 Compensatory Mitigation: compensatory mitigation is the stage of mitigation sequencing where unavoidable impacts to shoreline ecological functions are offset by restoring, creating, enhancing, or preserving critical habitat within a specific watershed or geographic area.

19.150.245 Conditional Use Permit (CUP): a permit for a use, development, or substantial development that is classified as a conditional use or is not a listed use in the Use and Modifications Matrix in Chapter 19.600.

ADD Conforming: Consistent with RCW 90.58.620 and WAC 173-27-080, single-family residences and accessory structures located landward of the ordinary high water mark that were legally established prior to the effective date of this Program, but do not conform to the regulations of this Program, are considered conforming structures and uses for the purposes of this Program. For the purposes of this definition, accessory structures do not include shoreline modifications or over-water structures.

Comment [M23]: Add a definition of "Conforming" for legally established single family residences and their appurtenances which were established prior to the effective date of the ACT, and this SMP update per RCW 90.58.620. Rule WAC 173.26.241 (3)(i)

19.150.250 Critical Areas: As defined in Title 24 (Critical Areas) of the Thurston County Code which is adopted by reference as though set forth herein in full, (as amended) provided that the reasonable use provisions set forth in TCC 24.45, and 24.17, shall not be available within the shoreline jurisdiction. Instead, applicants may apply for a shoreline variance when seeking relief from critical areas regulations within shorelines.

19.150.255 Critical Habitat: Habitat areas within which endangered, threatened, sensitive or monitored plant, fish, or wildlife species have a primary association (e.g., feeding, breeding, rearing of young, migrating). Such areas are identified herein with reference to lists, categories, and definitions promulgated by the Washington Department of Fish and Wildlife as identified in WAC 232 12 011 or WAC 232 12 014; in the Priority Habitat and Species (PHS) program by the Department of Fish and Wildlife; or by rules and regulations adopted by the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or other agency with jurisdiction for such designations.

19.150.260 Critical Freshwater Habitats: includes those portions of streams, rivers, wetlands, lakes and their associated channel migration zones and flood plains that provide habitat for priority species at any stage in their life cycles, and provide critical ecosystem-wide processes, as established in WAC 173-26-221(2)(c)(iv). This is distinguished from the term "Critical Habitat" as utilized in relation to the Endangered Species Act.

19.150.265 Critical Saltwater Habitats: as defined in WAC 173-26-221(2)(c)(iii), include all kelp

beds; eelgrass beds; spawning and holding areas for forage fish, such as herring, smelt and sand lance; subsistence, commercial and recreational shellfish beds; mudflats; intertidal habitats with vascular plants; and areas with which priority species have a primary association. See this chapter for definitions of each type of critical saltwater habitat. This is distinguished from the term "Critical Habitat" as utilized in relation to the Endangered Species Act.

19.150.270 Cumulative impacts or cumulative effects: the impact on the environment or other shoreline functions or uses which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, ~~regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a long period of time.~~ See WAC 173 26 186(8)(d).

Comment [D24]: "Cumulative" is a significant new concept in this update with significant legal interpretations. We recommend using the wording of the WAC.

19.150.275 Department: for the purposes of this program, means the Thurston County Resource Stewardship Department (or as amended).

19.150.280 Development: ~~means any human-made change to improved or unimproved real estate, including but not limited to buildings or other.~~ A use consisting of the construction or exterior alteration of structures, mining, dredging, filling, grading, clearing, paving, excavation or drilling operations, storage of equipment or materials, bulkheading, driving of piling, placing of obstructions, or any project of a permanent or temporary nature which interferes with the normal public use of the surface waters overlying lands subject to the Act at any stage of water level.

Comment [D25]: Return to the State definition. The consistency of the definition for "Development" is critical for 19.150.145 - 19.150.180 - 19.150.285 - 19.150.770 and subsequent chapters of this SMP. "Development" is used in various ways throughout the SMP.

19.150.285 Development Regulation Standards: controls placed on ~~development or land uses,~~ including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under Chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

Comment [M26]: "Development" is already defined as a use. See comment about 19.150.230

19.150.290 Dock: the collective term for a moorage structure that typically consists of a nearshore fixed-pile pier, a ramp (or gangway), and a float that is used as a landing place for marine transport or for recreational purposes. It does not include recreational decks, storage facilities or other accessory structures.

19.150.295 Dredge: the removal of earth, gravel, sand or other mineral substances from the bottom of a stream, river, lake, bay, or other waterbody, including wetlands.

19.150.300 Ecological Functions: the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

Comment [D27]: This is an inadequate and confusing definition. In order to administer the Program there needs to be an appendix that lists the "Ecological function" and what each function does. This cannot be left up to the SMP plan checker. We understand that this is the definition provided by Ecology. However, it still needs further explanation.

19.150.305 Ecologically Intact: those shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses. In forested areas, they generally include native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent water bodies. Recognizing that there is a continuum of ecological conditions ranging from near natural conditions to totally degraded and contaminated sites, this term is intended to delineate those shoreline areas that provide valuable functions for the larger aquatic and terrestrial environments which could be lost or significantly reduced by human development. Whether or not a shoreline is ecologically intact is determined on a case-by-case basis.

Comment [D28]: This is not a required definition. If it is to be inserted, it would primarily apply to undeveloped property as opposed to developed property. In addition, without knowing what Ecological Function means how can you determine if a shoreline is Ecologically Intact. Also, why is Ecologically Intact better than historically intact. Again, you are implying that improving Ecological Function is needed to achieve "No Net Loss". This is not the case on a site by site basis.

19.150.310 Eelgrass: a flowering plant adapted to the marine environment that roots in sand or mud in shallow waters where waves and currents are not too severe. Eelgrass beds require high ambient light

levels. Where eelgrass beds are disputed as a critical saltwater habitat, appropriate state agencies and co-managing tribes shall be consulted in order to assist with the determination.

19.150.315 Emergency: an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this program. All emergency construction is construed narrowly and shall be consistent with the SMA and this Program (RCW 90.58.030 (3eiii)). See also emergency exemption procedures in WAC 173-27-040(2)(d).

19.150.320 Endangered Species Act (ESA) - a federal law intended to protect any fish or wildlife species that are threatened with extinction throughout all or a significant portion of its range.

19.150.325 Enhancement: to improve the ecological functions at the site or landscape scale. This includes physical, biological and chemical processes which contribute to the maintenance of the aquatic and terrestrial environments.

19.150.330 Environmental Limitations: limiting factors to new modifications or development, such as floodplains or unstable slopes.

19.150.335 Excavation: the mechanical removal of earthen material.

19.150.340 Exemptions: uses and development, set forth in WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515, that are not required to obtain a Substantial Development Permit, but which must otherwise comply with applicable provisions of the Act and this Program. Certain exemption developments must obtain a letter of exemption (see Section 19.500.100(C)(4)).

19.150.345 Existing Lots: lots, tracts, parcels, sites or other fractional part of divided land that was legally established in accordance with local and state subdivision requirements prior to the effective date of this Program.

19.150.350 Existing Structures: structures that were legally constructed prior to the effective date of this Program in accordance with the requirements in effect at the time of construction.

19.150.355 Existing Uses: uses that were legally established prior to the effective date of this Program in accordance with the applicable regulations at the time established.

ADD Expansion/Enlargement of Single-family Residence or Accessory Structure: see comment for wording

19.150.360 Facilities: defined per 19.600.115(3)

19.150.365 Feasible: an action, such as a development project, mitigation, or preservation requirement, that meets all of the following conditions:

- A. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
- B. The action provides a reasonable likelihood of achieving its intended purpose; and
- C. The action does not physically preclude achieving the project's primary intended legal use.

The burden of proving infeasibility is on the applicant. In determining infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term

Comment [D29]: Insert a new definition:
"Expansion/Enlargement of Single-family Residence or Accessory Structure: The Administrator may grant a one-time Administrative Approval for an enlargement, expansion or addition to a legally Conforming or grandfathered single-family residence or accessory structure that would not otherwise be allowed under this Program if all of the following criteria are met:
 a. The enlargement or addition does not expand the total footprint of the existing structure by more than 500 square feet.
 b. The expansion or addition does not adversely impact critical areas or significantly impair the ability of a substantial number of people to view the shoreline.
 c. The structure is located landward of the ordinary high water mark.
 d. No waterward enlargement or expansion beyond the existing structure's footprint will occur.

time frames.

19.150.370 Fill: the addition or redistribution of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, within a one-hundred year floodplain; or within an important habitat, lake, pond, stream, wetlands, or shorelands (and their associated buffers) in a manner that changes the elevation or creates dry land. Large woody debris or other native materials approved as a part of a habitat restoration project shall not be considered fill.

19.150.375 Float: an anchored (not directly to the shore) floating platform THAT IS FREE TO RISE AND FALL WITH WATER LEVELS AND IS USED for water-dependent recreational activities such as boat mooring, swimming or diving. Floats may stand alone with no over-water connection to shore or may be located at the end of a pier or ramp.

19.150.380 Forage Fish: small, schooling fishes that are key prey items for larger predatory fish and wildlife in a marine food web. Puget Sound species include, but are not limited to, Pacific herring, surf smelt, Pacific sand lance and northern anchovy. Each species has specific habitat requirements for spawning, such as sediment grain size, tidal heights, or vegetation types. Known spawning and holding areas have been mapped by the Department of Fish and Wildlife.

19.150.385 Forest Practices: any activity conducted on or directly pertaining to forestland and relating to growing, harvesting or processing timber, including, but not limited to:

- A. Road and trail construction;
- B. Harvesting, final and intermediate;
- C. Pre-commercial thinning;
- D. Reforestation;
- E. Fertilization;
- F. Prevention and suppression of diseases and insects;
- G. Salvage of trees; and
- H. Brush control.

Forest practices shall not include preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

19.150.390 Groin: barrier-type structures extending waterward from the back shore across the beach to interrupt and trap sand movement.

19.150.395 Guidelines (WAC): those standards adopted by the Department of Ecology pursuant to RCW 90.58.200 to assist in the implementation of Chapter 90.58 RCW for the regulation of shorelines of the state. The standards may be referenced at WAC 173-26 and 173-27.

19.150.400 Hard Surface: An impervious surface, a permeable pavement, or a vegetated roof.

19.150.405 Impervious Surface: A non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the

flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

19.150.410 Industrial, Industrial Development: facilities for processing, manufacturing, and storing finished or partially finished goods; heavy vehicle dispatch and maintenance facilities; and similar facilities.

19.150.415 In-lieu Fee (Fee In-Lieu): a fee paid to a sponsor (e.g., Thurston County,) to satisfy compensatory mitigation requirements when mitigation is precluded from being completed on-site due to site development or physical constraints, is part of a habitat conservation plan, or when the permitting agencies determine that ILF is more environmentally preferable over proposed permittee responsible mitigation.

19.150.420 Invasive exotics/non-native vegetation: see Chapters 17.10.010 RCW and WAC 16-750-003

19.150.425 In-stream Structure: structure placed by humans within a stream or river waterward of the ordinary high water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

19.150.430 Jetty: barrier-type structures designed to modify or control sand movement and usually placed at inlets to improve a navigable channel.

19.150.435 Kelp: a plant generally attaching to bedrock or cobbles in shallow waters, especially in areas with moderate to high waves or currents. Kelp beds generally require high ambient light levels. Kelp includes both floating and non-floating species. Where kelp beds are disputed as a critical saltwater habitat, appropriate state agencies and co-managing tribes shall be consulted in order to assist with the determination.

19.150.440 Landscaping/Landscape materials:

19.150.445 Land-disturbing Activity: Any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices, including landscape maintenance and gardening, are not considered land-disturbing activity. Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.

19.150.505 Limited Area of More Intense Rural Development (LAMIRD): locally designated rural areas authorized to accept more intense, urban-like development under RCW 36.70A.070(5)(d) and Title 20 TCC.

19.150.510 Live Aboard: use of a vessel as a residence, meaning full time occupancy in a single location, for an uninterrupted period exceeding 60 days in any calendar year.

19.150.515 Lot: a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts, or parcels. Where the context so indicates, lots, tracts or parcels may refer to subdivided lands not conforming to, or in violation of, zoning or subdivision regulations.

19.150.520 Lot Coverage: the percent or square footage of a lot that will be covered by a modification to impervious or hardened surfaces.

19.150.525 Low Impact Development (LID): a stormwater management strategy that that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

19.150.530 Low-intensity: activities which do not adversely alter natural ecosystem functions.

19.150.535 Macroalgae: Marine algae visible to the naked eye, such as kelp or other seaweeds.

19.150.540 Marina: a public or private water dependent wet moorage and/or dry boat storage facility for 10 or more pleasure craft and/or 10 or more commercial craft, and generally including goods or services related to boating. Marinas also include wet moorage facilities where boat moorage slips may be leased or rented to individuals who are not a member owner of an associated residential development. Launching facilities may also be provided. Marinas may be open to the general public or restricted on the basis of property ownership or membership.

19.150.545 Marine rail system: a pair of sloping tracks which extends into the tidelands, used for the purpose of placing watercraft in and out of the water.

19.150.550 May: a permissive term that means the action is acceptable, provided it satisfies all other provisions of this Program.

19.150.555 Mining: the removal of sand, soil, minerals, and other naturally occurring materials from the earth for commercial or economic use.

19.150.560 Mitigation Sequencing: Mitigation actions associated with development proposals impacting critical areas shall adhere to the following mitigation sequence:

- A. Avoiding the impact altogether by not taking a certain action or parts of an action;
- B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
- C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- D. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- E. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or
- F. Monitoring the impact and taking appropriate corrective measures.

Comment [D30]: Insert a new definition:
 "Mitigation Bank: The actions the property owner has done to improve shoreline function on their property since the Act was approved. Mitigation Bank can be used to offset future required mitigations.

19.150.565 Modification: those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other structure. They can include other actions, such as clearing, grading, or application of chemicals.

19.150.570 Mooring Structures: includes piers, docks, floats and buoys and their associated pilings, ramps, lifts and railways, as well as modifications that support boating facilities and marinas. Any mooring structure or grouping of structures that provide docking space for 10 or more boats is considered a marina.

19.150.575 Mudflats: a low-lying land of fine sediments and silt that is exposed at low tide and covered at high tide.

19.150.580 Must: a mandatory term that means an action is required.

19.150.585 Natural hydrographic conditions: the natural conditions for a particular time of year of water delivery and movement through a system.

19.150.590 No Net Loss: the maintenance of the aggregate total of the County's shoreline ecological functions. The no net loss standard requires that the impacts of shoreline development and/or use, whether permitted or exempt, be identified and prevented or mitigated such that there are no resulting adverse impacts on ecological functions or processes. Each project shall be evaluated based on its ability to meet the no net loss requirement. The no net loss standard applies at multiple scales, starting at the project site. Compensatory mitigation standards include sequencing guidelines to ensure the most appropriate mitigation type and site are selected, as close to the impacted location as possible.

Comment [D31]: The SMP needs to provide standards for determining "No Net Loss". What is to be considered as a loss, as a gain and from what baseline.

19.150.595 Normal Maintenance: those usual acts necessary to prevent a decline, lapse or cessation from a lawfully established condition.

19.150.600 Normal Repair: to restore a development to a state comparable to its original condition, including, but not limited to, its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, ~~except where repair causes substantial adverse effects to a shoreline resource or environment~~. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance, ~~and the replacement does not cause substantial adverse effects to shoreline resources or environment~~.

Comment [D32]: Normal Repair and Maintenance are critical definitions that can make the difference between having to go through a Substantial Development Permit with a hearing examiner, or not. Furthermore, these are required definitions set by RCW and Ecology. We ask that more review time be allowed to explore how these definitions fit the everyday needs of property owners.

19.150.605 Noxious Weeds: see Chapters 17.10.010 RCW and WAC 16-750-003.

19.150.610 Ordinary High Water Mark (OHWM): the mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition existed on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the County or Ecology provided, that in any area where the OHWM cannot be found, the OHWM adjoining salt water shall be the line of mean higher high tide and the OHWM adjoining fresh water shall be the line of mean high water.

Comment [D33]: Why use the word development. A prudent person would not put maintenance and a development together. Especially since the purpose of the SMP as stated in 19.100.110 is to guide future development. Normal maintenance and repair are not future development.

19.150.615 Pervious Surface: Any surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, native vegetation areas, and permeable pavements.

Comment [D34]: The determination of "causing substantial adverse effects" will now be addressed through the mitigation process and goal of no net loss. This "adverse effects" language is not needed in this definition and may even be contradictory to other processes and considerations.

19.150.620 Pier: a rigid structure built over the water and typically constructed on piles, attached to the shore and used as a landing place for marine transport or for recreational purposes.

19.150.625 Platted: land that has been divided following the applicable laws for divisions of land under Title 18 TCC, including land subject to a current application for such division.

~~19.150.630 Predator Exclusion: an object or activity used to implement pest management in aquaculture practices with the intent of deterring or excluding predators such as moon snails, sea star, crabs, diving ducks, burrowing shrimp or sand dollars. Common methods include, but are not limited to, large canopy nets, mesh, PVC tubes with net caps, flexar plastic tunnels, oyster bags and suspended culture systems.~~

Comment [D35]: This is not a required definition. It should be deleted from the SMP. It is an industry-specific term used in operating practices without basis to be established by the SMP. Also, "activity" is not defined and could include pesticide application and digging and dredging of tidelands.

19.150.635 Principle Building: the primary structure on a lot closest to the ordinary high water mark excluding accessory structures.

19.150.640 Priority Species: species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

- A. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened [WAC 232-12-011(1)], or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the Washington Department of Fish and Wildlife (POL-M 6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
- B. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.
- C. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.
- D. Species listed by the National Marine Fisheries Service or the U.S. Fish and Wildlife Service under the federal Endangered Species Act as either proposed, threatened, or endangered.

19.150.645 Prohibited: not permitted to occur in a particular designation.

19.150.650 Public Access: the ability of the general public or, in some cases, a specific community, to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

19.150.655 Qualified Professional or Qualified Consultant: in accordance with WAC 365-195-905(4), a qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, soil science, engineering, environmental studies, fisheries, geology, geomorphology or related and relevant field to the subject in question, have related work experience and meet the following criteria:

- A. A qualified professional for wetlands must have a degree in biology, ecology, soil science, botany, or a closely related field and a minimum of five years of professional experience in wetland identification and assessment associated with wetland ecology in the Pacific Northwest or comparable systems.

Comment [D36]: Where does it define the credentials for the individual working for the County that can stop or critique a proposal/project? Where does it provide the ability for the Qualified Professional or Qualified Consultant to trump a perceived requirement without having to spend a ton of money through the appeal process?

- B. A qualified professional for habitat management plans or shoreline mitigation plans must have a degree in wildlife biology, ecology, fisheries, or closely related field and a minimum of five years professional experience related to the subject species/habitat type.
- C. A qualified professional for geologically hazardous areas, geotechnical and hydrogeological reports must be a professional engineering geologist or geotechnical engineer, licensed in the state of Washington. In designing soft armoring techniques, a qualified professional may also have similar qualifications as that required for habitat management plans.
- D. A qualified professional for critical aquifer recharge areas means a Washington State licensed hydrogeologist, geologist, or an engineer qualified in experience and training in aquifer recharge.

19.150.660 Ramp (or gangway): a structure between a pier and float which adjusts its angle based on the tidal elevation, allowing access to the float at all times.

19.150.665 Recreation: the use and enjoyment of the shoreline by the public, including but not limited to fishing, hiking, swimming and viewing.

19.150.670 Recreational Development: development that provides opportunities for the use and enjoyment of the shoreline by the public, including but not limited to fishing, hiking, swimming and viewing. This includes both commercial and public recreational facilities.

19.150.675 Residential Development: development for the purpose of human habitation. Residential development includes the construction or modification of one- and two-family detached structures, multi-family structures, condominiums, townhouses, mobile home parks, and other similar group housing, together with accessory dwelling units, accessory uses and structures common to residential uses. Residential development also includes the creation of new residential lots through the subdivision of land. Residential development does not include hotels, motels, bed and breakfasts, or any other type of overnight or transient housing or camping facilities.

Comment [D37]: the wording "accessory uses and structures" is used here but in SMP 19.150.145, the word is "appurtenances". Are they intended to be the same? This definition affects interpretation of "normal maintenance and repair" and whether existing uses and structures and "development" are conforming.

19.150.680 Resource-based Uses: low-intensity uses, which may include agriculture, aquaculture, forestry, recreation and designated open-space.

19.150.685 Restoration: the reestablishment or upgrading of impaired ecological shoreline processes and functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

19.150.690 Revision: the modification or change to a permit authorized under this Program.

19.150.695 Setback: the distance a use or development must be from the edge of a buffer to prevent construction and other activities from intruding into the buffer.

Comment [D38]: This is the distance from the shoreline to the structure. It has nothing to do with the buffer. This indicates that the setback starts at the buffer so a prudent person would assume you would have to double the setback or the buffer. In addition you are implying that being in the space created by the setback is causing some net loss to the ecological function. The setback is not the buffer and the buffer is not the setback. In addition, "setback" is not a required definition that we can find, so you have latitude in changing it.

19.150.700 Shall: a mandatory term that means an action is required.

19.150.705 Shellfish Beds: a general area of shoreline, both intertidal and subtidal, where shellfish congregate. This includes natural subsistence, recreational and commercial beds. Shellfish include, but are not limited to, abalone, hardshell clam, subtidal clam, dungeness crab, geoduck clam, manila clam, oysters, razor clam, pandalid shrimp and red urchin. Where disputed as a critical saltwater habitat, appropriate state agencies and affected tribes shall be consulted in order to assist with the determination.

19.150.710 Shorelands: those lands extending landward for two hundred feet in all directions as

measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.

19.150.715 Shoreline Management Act (Act): the Washington State Shoreline Management Act, Chapter 90.58 RCW.

19.150.720 Shoreline Stabilization: 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.

There are a range of measures for shoreline stabilization, varying from soft to hard that include, but are not limited to:

A. Soft

1. Vegetation enhancement;
2. Beach enhancement;
3. Bioengineering measures;
4. Anchor logs and stumps; and
5. Gravel placement/beach nourishment.

B. Hard

1. Rock revetments;
2. Gabions;
3. Groins;
4. Bulkheads; and
5. Seawalls.

19.150.725 Shoreline Structure Setback Line: the closest distance measured on a horizontal plane between the ordinary high water mark and the building line.

19.150.730 Shorelines of the State: includes all "shorelines" and "shorelines of statewide significance" within the state, as defined in RCW 90.58.030.

19.150.735 Shorelines: means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

19.150.740 Shorelines of Statewide Significance: shorelines in Thurston County designated as shorelines of statewide significance are:

- A. Nisqually Delta – from DeWolf Bight to Tatsolo Point, between the ordinary high water mark

Comment [D39]: This is not the case on lakes. You need to provide different definitions based on type of shoreline. Even in the marine environment there are different needs in bays, main channels and estuaries. With teak skiing and surfing the new ballast boats produce 3 - 4 foot waves going 10 miles per hour. The "soft"-scapes wouldn't last a weekend let alone be in tact after one winter of flooding.

and the line of extreme low tide, together with shorelands associated therewith per RCW 90.58.030(2)(f)(vi).

- B. Puget Sound – seaward from the line of extreme low tide.
- C. Lakes, whether natural or artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark.
- D. Natural rivers or segments thereof downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more.
- E. Shorelands and wetlands associated with A through D above.

19.150.745 Should: a term that means a particular action is required unless there is a demonstrated, sufficient reason, based on a policy of the Act or this Program, for not taking the action.

19.150.750 State Environmental Policy Act (SEPA): An environmental review process designed to work with other regulations to provide a comprehensive review of a proposal. Most regulations focus on particular aspects of a proposal, while SEPA requires the identification and evaluation of probable impacts for all elements of the environment. See Chapter 197-11 WAC.

19.150.755 Streams: means those areas of Thurston County where surface waters flow sufficiently to produce a defined channel or bed. A "defined channel or bed" is an area which demonstrates clear evidence of the passage of water and includes but is not limited to bedrock channels, gravel beds, sand and silt beds and defined-channel swales. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial watercourses unless they are used by salmon or used to convey streams naturally occurring prior to construction.

"Stream and water body types" means as follows:

1. **Type S waters** include all aquatic areas inventoried as "shorelines of the state," in accordance with Chapter 90.58 RCW, including segments of streams where the mean annual flow is more than twenty cubic feet per second, marine shorelines and lakes twenty acres in size or greater.
2. **Type F waters** include all segments of aquatic areas that are not type S waters and that contain fish or fish habitat including waters diverted for use by a federal, state or tribal fish hatchery from the point of diversion for one thousand five-hundred feet or the entire tributary if the tributary is highly significant for protection of downstream water quality.
3. **Type N waters** include all segments of aquatic areas that are not type S or F waters and that are physically connected by an above-ground channel system, stream or wetland to type S or F waters.

19.150.760 Stormwater Facility: A constructed component of a stormwater drainage system designed or constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and biofiltration swales. An engineered or natural dispersion area that is dedicated to stormwater use is also considered a stormwater facility for purposes of this Program.

19.150.765 Structure: a permanent or temporary edifice or building, or any piece of work artificially

built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except vessels.

19.150.770 Substantial Development: any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold must be adjusted for inflation every five years, as defined in WAC 173-27-040(2). On September 15, 2012, the amount was increased to six thousand four hundred and sixteen dollars (\$6,416).

Comment [D40]: Again, the use of the word "development" goes back to 19.100.110 which is referring to a major project not a remodel or maintenance which is implied by the \$6416 figure. Choose another word and insert the exclusions. A prudent person would not think painting their home or remodeling their kitchen as being a development.

19.150.775 Substantial Development Permit: a permit for any substantial development.

19.150.780 Transportation: systems for automobiles, public transportation, pedestrians, and bicycles. This includes, but is not limited to, roads, parking facilities, bridges, sidewalks and railroads.

19.150.785 Urban Growth Area (UGA): those areas designated by Thurston County pursuant to RCW 36.70A.110 for urban development.

19.150.790 Use: the end to which a land or water area is ultimately employed.

19.150.795 Utilities: services and facilities that produce, convey, store or process electric power, gas, sewage, water, communications, oil, stormwater, and waste. This includes drainage conveyances and swales.

19.150.800 Variance: granting relief from specific bulk, dimensional or performance standards set forth in this Master Program and not a means to vary a use of a shoreline.

19.150.805 Vascular Plants: all seed-bearing plants that have vascular tissue (xylem and phloem).

19.150.810 Vegetation, Native: Vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site. Examples include, but are not limited to, trees such as Douglas Fir, western hemlock, western red cedar, alder, big-leaf maple, and vine maple; shrubs such as willow, elderberry, salmonberry, and salal; and herbaceous plants such as sword fern, foam flower, and fireweed.

Add a new definition: **Vegetation, Non-native:** |

Comment [D41]: Add a new definition for Non-native Vegetation. There are many non native or highbred plants that can perform the function of the native plants without being invasive.

19.150.815 WAC: Washington Administrative Code.

19.150.820 Water-Dependent Use: a use or portion of a use that cannot exist in a location that is not adjacent to the water and that is dependent on the water by reason of the intrinsic nature of its operations.

19.150.825 Water-Enjoyment Use: a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

19.150.830 Water-Oriented Use: a use that is water dependent, water-related, or water-enjoyment, or a combination of such uses.

19.150.835 Water-Related Use: a use or portion of a use that is not intrinsically dependent on a

waterfront location, but whose economic viability is dependent upon a waterfront location because:

- A. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- B. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

19.150.840 Weir: a structure that impounds, diverts or uses water for hydraulic generation and transmission, flood control, irrigation, water supply, recreational or fisheries enhancement.

19.150.845 Wetlands: areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

19.150.852 Water Enjoyment Use - Why do you exclude use by the single family resident/parcels? If this is to be covered elsewhere, then the title should be Water-Enjoyment General Public Use. While this is a required definition, discussion should be started with Ecology to change it.

Polly Stoker

From: Brad Murphy
Sent: Thursday, November 30, 2017 10:31 AM
To: Polly Stoker
Subject: FW: Comments to WDFW regarding chumming and other proposals

For the planning Commission packet.

Thanks,
Brad

From: John Woodford [mailto:jwoodford.aia@gmail.com]
Sent: Tuesday, November 28, 2017 11:16 AM
To: Brad Murphy <murphyb@co.thurston.wa.us>
Subject: Fwd: Comments to WDFW regarding chumming and other proposals

Hi Brad,

Are you and others at Long Range Planning aware of WDFW's chumming proposal? ...not directly an SMP issue, but certainly contrary to all goals of the SMP. Can you see that this information is forward to the both the Planning Commissioners and County Commissioners? I'm sure that none of them would want to see chumming in Thurston County waters. Time to respond is very short.

Thanks,
John Woodford

Begin forwarded message:

From: John Woodford <jwoodford.aia@gmail.com>
Subject: Fwd: Comments to WDFW regarding chumming and other proposals
Date: November 22, 2017 at 3:19:42 PM PST
To: My Holmes Island neighbors

Neighbors,

Yet another email from me. This has nothing to do with with the SMP, however it is very important that you (all of you) submit your opposition to this proposal by the Washington Department of Fish and Wildlife. WDFW, in probably the dumbest idea ever to come from that agency, is proposing to eliminate the prohibition on chumming statewide. In case you are not aware, chum is cut or ground bait (usually consisting consisting of fish parts, bone and blood). Chumming is the dumping of that bait into the water to attract fish to the area where the angler is fishing.

I'm sure that you do not want this kind of garbage dumped into Long Lake. Click on the link at the bottom of this attachment; it takes you the WDFW web page on proposed rules changes. Then click on the first item, "Chumming," and a Comments form pops up...that is easy to fill out.

Note: THE DEADLINE FOR SUBMITTING PUBLIC COMMENTS IS
NOVEMBER 30, 2017.

Thanks,

From: Washington State Department of Ecology Freshwater Algae Program
[mailto:ECOLOGY-FRESHWATER-ALGAE-PROGRAM@LISTSERV.WA.GOV] **On Behalf**
Of Seebacher, Lizbeth (ECY)

Sent: Friday, October 27, 2017 12:07 PM

To: ECOLOGY-FRESHWATER-ALGAE-PROGRAM@LISTSERV.WA.GOV

Subject: Comments to WDFW regarding chumming and other proposals

These changes may impact lakes in your region. Please take the time to comment.

Chumming

Action: Eliminate the prohibition of chumming and allow it statewide.

Justification: Provides opportunity for the public to use this method where desired.

Here is the link to the webpage.

http://wdfw.wa.gov/fishing/regulations/rule_proposals/policies.php



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Polly Stoker

From: Patrick Townsend <patrick.townsend@townsendsecurity.com>
Sent: Tuesday, November 28, 2017 7:25 PM
To: Cynthia Wilson
Cc: Brad Murphy; PlanningCommission; Doug Karman; Meredith Rafferty (meredith.raff@gmail.com)
Subject: Re: Participation of stakeholders in Thurston County SMP update process

Dear Ms. Wilson,

Your characterization of this SMP update process as open and inclusive is factually incorrect. There has not been broad participation of the public as described and recommended in the Department of Ecology SMP handbook. As far as I can tell the membership of the Science-Technology Advisory Group (now called the Regulatory Group) consists on only one non-agency representative - an employee of a commercial shellfish company. At the most recent meeting of this group concerned citizens were only allowed to observe, but not comment or participate in any way. This has violated the principle of early citizen involvement in the SMP update process and the resulting work product represents that fact. It does not have the confidence of the general public.

Thurston County has access to a complete list of all shoreline property owners. We receive tax notices without fail twice a year. But we have never received communications through the mail from the county on this critically important change to the status of our shoreline and lakefront properties.

The recent meeting with the Boston Harbor community was initiated by local residents and Boston Harbor Association. There are many other interested parties in Thurston County. Outreach has been woefully inadequate and trust has been lost because of this. It is time to hit the reset button. I believe it is possible to achieve a consensus on the best use of our ecologically sensitive resources here in South Puget Sound. But the current draft SMP update does not achieve this.

I am hopeful that you will show the leadership needed to build trust in this process. I look forward to working with you in that regard.

Patrick

Patrick Townsend
CEO

On Wed, Nov 22, 2017 at 2:31 PM, Cynthia Wilson <wilsonc@co.thurston.wa.us> wrote:

Dear Mr. Townsend:

Thank you for your email. For the Shoreline Master Program update, the County's approach is to have an open and inclusive opportunity for the public to participate and share their perspective, as well as hear from others. Our current community stakeholder public process is open to all citizens, groups, and agencies that have an interest in participating. Therefore we are not limiting the participation to specific groups or people and we have disseminated broad invitations in the form of press releases, website updates, and individual webmail notifications. We didn't want to exclude anyone who was interested in participating. If you know of others who would like to participate in the process, please encourage them to contact us and sign up for the webmail notifications at:

http://www.co.thurston.wa.us/planning/contact/constant_contact.html

I have included a link to our current press release as well as attached above, our webmail notice inviting all interested parties.

<http://www.thurstoncountywa.gov/tchome/pages/newsreleasedetail.aspx?List-ID=1789>

As you know, we have also been able to meet with individual groups to give an overview of the SMP process and potential update issues. I believe Brad has met specifically with your Boston Harbor homeowners association as well as the Long Lake Management district committee, among others.

Please let me know if you need additional information or have questions.

Thank you for your time

Cindy

Cynthia Wilson, Long Range Planning Manager

Thurston County Resource Stewardship

2000 Lakeridge Dr SE

Olympia, WA 98502

[\(360\) 786-5475](tel:3607865475)

wilsonc@co.thurston.wa.us

From: Patrick Townsend [mailto:patrick.townsend@townsendsecurity.com]

Sent: Wednesday, November 22, 2017 7:07 AM

To: Brad Murphy <murphyb@co.thurston.wa.us>

Cc: PlanningCommission <PlanningCommission@co.thurston.wa.us>; Cynthia Wilson <wilsonc@co.thurston.wa.us>;

Doug Karman <doug.karman@comcast.net>; Meredith Rafferty (meredith.raff@gmail.com)

<meredith.raff@gmail.com>; Patrick Townsend <patrick.townsend@townsendsecurity.com>

Subject: Participation of stakeholders in Thurston County SMP update process

Dear Brad,

The Department of Ecology Shoreline Master Programs Handbook, Chapter 6, Public Participation, Page 4, includes a list of stakeholders who should be invited by the County to participate in the Thurston County SMP update process. See excerpt below.

Please send me a list of the organizations, entities and property owners you have invited and or/contacted about the SMP update process and their contact information along with a copy of each communication.

Sincerely,

Patrick Townsend

Department of Ecology Shoreline Master Program Handbook, Chapter 6 "Public Participation"

(<http://www.ecy.wa.gov/programs/sea/shorelines/smp/handbook/Chapter6.pdf>)

Stakeholders

Local governments should seek out all shoreline users and stakeholders and encourage their participation. An adequate public participation process ensures that everyone is well-informed and provided convenient and meaningful ways to participate.

Identifying stakeholders

Stakeholders are those parties who have an interest in the outcome of the SMP process. They range from the occasional beach walker or visitor to the container-shipping industry to regulatory agencies, as well as residents and local officials. SMP policies and regulations may affect all of them, so they have a "stake" in the development of the SMP. The list below provides examples of stakeholders and likely does not include all shoreline stakeholders.

Shoreline property owners

Home and residential property owners
Homeowners associations
Business and industry owners
Port districts
Railroads
Public property owners (park districts, municipalities, state agencies)
Public and private utilities, water districts
Individual shoreline users

Shoreline area residents

Shoreline users – those who fish, swim, paddle, boat and walk
Residents generally interested in local planning
Non-English speaking populations
Tourists and visitors
Shoreline user groups
Boating and paddling organizations
Swimming clubs
Fishing groups
Beach watcher organizations
Research, academic and educational institutions

Local and regional organizations

Business groups such as the Chamber of Commerce
Environmental organizations
Restoration and enhancement organizations
Land use organizations
Property rights organizations

Ethnic organizations
Neighborhood associations
Real estate associations
Tourism agencies

State agencies

Department of Ecology
Department of Fish and Wildlife
Department of Natural Resources
Department of Commerce
Puget Sound Partnership
Department of Health

Tribes

Tribes with local or nearby reservations
Tribes with local hunting and fishing rights
Northwest Indian Fisheries Commission

Federal agencies

Fish and Wildlife Service
National Marine Fisheries Service
Army Corps of Engineers
Federal Emergency Management Agency
Elected officials

Local officials

Neighborhood planning advisory groups
Planning Commission
SMP advisory groups
Elected officials

Others

Neighboring jurisdictions
Shoreline contractors (bulkheads and homes, for example)

Patrick Townsend
CEO

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

From: Thurston County Planning Department <wwm-webmaster@co.thurston.wa.us>

To: Cynthia Wilson <wilsonc@co.thurston.wa.us>

Cc:

Bcc:

Date: Tue, 21 Nov 2017 19:16:41 +0000

Subject: 2ND Community Meeting November 30: Proposed Updates to Shoreline Codes

From Thurston County



Webmail sent: November 21, 2017

Hello from Thurston County's
Long Range Planning Division

THE COUNTY IS UPDATING ITS SHORELINE CODES

Thurston County government is early in the process of updating its shoreline codes, also called the Shoreline Master Program (SMP).

The shoreline codes describe County policies and land-use regulations for shorelines in unincorporated Thurston County. The current codes were adopted in 1990.

THE COMMUNITY IS INVITED TO PARTICIPATE IN THE UPDATE PROCESS

Next Meeting: Thursday, November 30

The community is encouraged to participate in the update process to learn about shorelines, and to provide input for [Thurston's Board of County Commissioners](#) to consider.

There is currently no deadline for commenting, but the earlier you provide input, the more likely your input is to influence the work.

MEETING TIME & LOCATION

Topic Updating the County's shoreline codes (also known as the Shoreline Master Program - SMP)

Time 6 p.m. on Thursday, November 30, 2017

Location Thurston County Courthouse Complex
Building 1, Room 152
2000 Lakeridge Drive SW
Olympia, WA 98502

LEARN MORE ABOUT SHORELINE CODES & THE UPDATE

- Find draft documents for the proposed shoreline codes update on [the County's website](#).
 - Read the [County's answers to frequently asked questions about shoreline codes](#) online.
 - See the current code which is called the [Shoreline Master Program 1990](#).
 - Read the [County's News Release](#) about the code update.
-

HOW TO SUBMIT COMMENTS & PROVIDE INPUT

- Join us at the meeting on November 30, 2017.
- Email comments to murphyb@co.thurston.wa.us.
- Send written comments to:
 - Shoreline Codes Update
Thurston County Long Range Planning Division
2000 Lakeridge Drive
Olympia, WA 98503

There is currently no deadline for sending comments, but the process is moving forward.

HOW TO GET MORE INFORMATION OR TALK TO SOMEONE

If you have questions, please contact the County's Senior Planner and SMP Project Manager, Brad Murphy. Email him at murphyb@co.thurston.wa.us or call [360-754-3355](tel:360-754-3355) ext. 4465.

Sincerely,

Thurston County Long Range Planning Staff

[SUBSCRIBE TO OUR EMAIL LIST](#)

[VISIT OUR WEBSITE](#)

Thurston County Planning Department,
2000 Lakeridge Drive S.W., Olympia, WA 98502

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Try it free today

Polly Stoker

From: J & M Nejedly <jeffn21@comcast.net>
Sent: Wednesday, November 15, 2017 10:01 PM
To: PlanningCommission
Subject: SMP update process

Dear Planning Commissioners:

11/15/2017

I wish to thank you for your dedicated service ensuring completion of a plan that reflects the interests of our community and the natural systems we are so fortunate to have access to. As a physician and active community member, I value the time you take to make informed decisions, and I understand how involved and onerous this process can be. As an avid kayaker, photographer, and wildlife enthusiast, I also value the recreational aspects of our waterways for myself and for our community, aspects that can collide abruptly with industrial usage – such as with the commercial shellfish/geoduck industry.

As we move into the comment period for the proposed Thurston County Shoreline Management Plan (SMP) update, it appears clear that the current schedule for public input and participation will not provide adequate time for thoughtful consideration and input by busy everyday people.

Many of my neighbors have met with you to urge you to slow down the timeline on this process, and I join with them in voicing my concern for the rapidity of the timeline for such a very crucial update. I believe you need to slow down, genuinely engage community, and reassess, in order to ensure that citizens have the opportunity to have a voice in this change. We have a terrific community that regularly make personal decisions that are best for maintaining our natural environmental gems. I believe input from our community should be valued. Currently, the schedule outlined has many feeling that citizen input is purposely being minimized.

The citizens of Thurston County will be the ones impacted by the new regulations. Please genuinely inform the community of the process, welcome broad community representation at all levels of the review process, including STAG and other meeting venues, and listen to concerns raised. This investment of your time will build trust in the process.

Again, thank you for your service to our community. Please let me know what you are able to do to accommodate our concerns at your earliest possible opportunity.

Sincerely,

Maribeth Duffy, MD
Thurston County resident and property owner

Maribeth T. Duffy, MD
630 77th Ave, NE
Olympia, Washington 98506
mbtduffy@comcast.net
360-529-9500

Polly Stoker

From: Abby <ruskeyabby@gmail.com>
Sent: Monday, November 13, 2017 2:22 PM
To: PlanningCommission
Cc: Brad Murphy; Cynthia Wilson
Subject: Request for measures to ensure SMP citizen input

Thurston County Planning Commissioners
2000 Lakeridge Drive, SW
Olympia, WA 98506

Dear Planning Commissioners:

First, thank you for your work to ensure completion of a plan that reflects the interests of our community and the natural systems we are so fortunate to have access to. As a planner myself, I understand how involved and onerous the process can be.

As we move into the comment period for the proposed Thurston County Shoreline Management Plan (SMP) update, it has become evident to our local community that the current schedule for public input and participation provides too little time for thoughtful consideration and input by busy everyday people.

I join with my neighbors to urge you to slow down and increase methods to ensure that citizens have a true voice in the process. Currently, the schedule has us feeling that the citizen input period is a token effort.

The citizens of Thurston County will be the ones impacted by the new regulations. Please include broad community representation at all levels of the review process, including STAG and other meeting venues. The time to build confidence and trust in the process is right now.

Thank you for your review of this and other neighbors related requests. Please let us know what you are able to do to accommodate our concerns at your earliest possible opportunity.

Sincerely,

Abby Ruskey
Thurston County resident and property owner

Abby Ruskey
7630 Earling Street, NE
Olympia, Washington 98506
ruskeyabby@gmail.com
360-338-0350

Polly Stoker

From: Brad Murphy
Sent: Thursday, November 09, 2017 10:58 AM
To: Meredith Rafferty
Subject: RE: Clarify when comments are due on which chapters

Hi Meredith,

Please see below for answers to your questions. Please let me know if you have any questions or need additional information.

Sincerely,

Brad Murphy

Senior Planner
Long Range Planning
Thurston County Resource Stewardship
2000 Lakeridge Dr. SW
Olympia, WA 98502
360-754-3355 ext. 4465
murphyb@co.thurston.wa.us

From: Meredith Rafferty [mailto:meredith.raff@gmail.com]
Sent: Wednesday, November 08, 2017 2:22 PM
To: Brad Murphy <murphyb@co.thurston.wa.us>
Subject: Re: Clarify when comments are due on which chapters

Thanks, may I clarify:

1. I'm confused about which dates are Planning Commission meetings and which dates might be for some other group. The November 30th date that is listed on your last presentation (which was posted on the website) -- is that a Planning Commission meeting and the Planning Commissioners will lead that meeting? The November 30th meeting is the next Community Stakeholder Group meeting. It is not a Planning Commission meeting. The next Planning Commission meeting where the SMP update is a topic on the agenda will be December 6th.

2. Which chapters are scheduled to be discussed at the November 30th meeting? Staff is taking any and all comments on the documents at any time during the review process. The focus of the next meeting will be discussing changes the review process timeline and comments on Chapters 100-200.

2. When I address a letter to my district's Planning Commissioners, will each of them receive the letter? Yes. Here is the webpage to contact the Planning Commission:
http://www.co.thurston.wa.us/PLANNING/planning_commission/planning_comm_contact.htm

Thanks,

Meredith

On Tue, Nov 7, 2017 at 9:47 AM, Brad Murphy <murphyb@co.thurston.wa.us> wrote:

Hi Meredith,

Comments can be submitted at any time, I will be giving general comments to the Planning Commission and all the questions and answers from the Community Stakeholder Group meetings and comments from the Regulatory Group meetings will be available for Planning Commission to review. You're welcome to wait to hear what comments the Regulatory Group has on Chapters 100-200 during my download on the 30th and then submit your comments or submit your comments before the 30th, whichever you prefer.

I'm trying to get the comments from the last Community Stakeholder meeting typed up for the Planning Commission before their next meeting, currently scheduled for December 6th. We're looking at the draft schedule and may be rescheduling some meetings due to the holidays and to allow for additional review time. I'll let everyone know at the meeting on November 30th and send out an webmail and notice if we end up changing the meeting schedule for December.

Please let me know if you have any additional questions.

Sincerely,

Brad Murphy

Senior Planner

Long Range Planning

Thurston County Resource Stewardship

[2000 Lakeridge Dr. SW](#)

[Olympia, WA 98502](#)

[360-754-3355 ext. 4465](#)

murphyb@co.thurston.wa.us

From: Meredith Rafferty [mailto:meredith.raff@gmail.com]
Sent: Thursday, November 02, 2017 11:01 AM
To: Brad Murphy <murphyb@co.thurston.wa.us>
Subject: Clarify when comments are due on which chapters

I'm specifically interested in which chapter numbers are due for comment by...when? November 30?

Thank you,

Meredith Rafferty

[618 77th Ave NE](#)

[Olympia](#)

Polly Stoker

From: Brad Murphy
Sent: Thursday, November 30, 2017 9:46 AM
To: Steven Schulte
Subject: RE: Shoreline Master Program Questions

Hi Steve,

Thank you for your e-mail. Sorry for the delay getting back to you. I've been buried after getting back from the Thanksgiving holiday. Staff is reviewing the Shoreline Residential Environmental Designation on marine shoreline lots, similar to the review done for freshwater lots, to determine what the situation is related to existing developed lots and potentially developable lots (i.e. currently undeveloped). If we determine that most marine lots designated Shoreline Residential are already built out then we will most likely propose to the Planning Commission to keep the 50 foot buffer, again, similar to freshwater lots designated Shoreline Residential.

Typically buffer reductions are not cumulative but I will take a look at the sections you mention to see if I can determine what your question pertains to. We will be discussing buffers when we get to Chapter 19.400, which will be a most likely a couple of meetings away. I anticipate that the next meeting will be mostly Chapter 19.300 and just start getting into Chapter 19.400. Chapters 19.400-600 contain most of the bigger topics that most people want to discuss so I can see a meeting that will be mostly dedicated to buffers and we'll take comments and questions specific to buffers at that point. I don't anticipate talking in depth about this subject this evening.

Below is a link to the agenda for tonight's Community Stakeholder Meeting. Mostly focused on Chapters 19.100 - 19.200, but we will be recording the meeting so that the Planning Commission can listen to all the comments received. The audio will also be posted on-line so the public can also review the meeting if they are not able to attend.

NEXT COMMUNITY STAKEHOLDER GROUP MEETING:

Thursday, November 30, 2017, 6 p.m.
Thurston County Courthouse, Building 1, Room 152
2000 Lakeridge Drive, SW, Olympia
[Click here for meeting agenda](#)

Please let me know if you have any additional questions.

Sincerely,

Brad Murphy

Senior Planner
Long Range Planning
Thurston County Resource Stewardship
2000 Lakeridge Dr. SW
Olympia, WA 98502
360-754-3355 ext. 4465
murphyb@co.thurston.wa.us

From: Steven Schulte [mailto:schultescs@gmail.com]
Sent: Sunday, November 26, 2017 10:02 AM
To: Brad Murphy <murphyb@co.thurston.wa.us>
Subject: Shoreline Master Program Questions

Brad-

Steve Schulte here. I was at the meeting on October 17th and also left you a voicemail a couple of days after that.

I've been reading thru the material that you have posted online and have a couple of questions. First, with respect to 19.400.120.B, it appears that a reduced standard buffer in a Shoreline Residential designation would be 60 feet on Eld Inlet. But then under 19.400.120.C, there is a reference to a further 10% reduction as part of the Infill Provision. And then later in that section, the language appears to indicate that a reduction of greater than 25% is possible in the Shoreline Residential areas.

Additionally, in 19.400.135 (View Blockage), it appears that the required buffer calculation could be made in a different way and even further decreased (if there were abutting structures located close to the shoreline). So my first question is which of those code sections is really controlling. And FYI - we have had previous variance approvals for our property, based on the setback averaging rules contained in the current SMP. So we are hoping that the new SMP will contain something similar.

And my second question has to do with the upcoming meeting on the November 30th, and if you think this topic will come up at that meeting. Additionally, are there any other meetings being scheduled that would help our interests on this issue. We do live in Vancouver, WA, so it is a bit of a drive to get up that way - but it would be worth it for the right meeting.

Thanks for any assistance you can provide. Take care.

Steve Schulte
(971) 222-4465

Polly Stoker

From: Brad Murphy
Sent: Wednesday, November 08, 2017 12:57 PM
To: Doug Karman
Subject: FW: SMP Review

Hi Doug,

Thank you for your comments. The next Regulatory meeting is on November 14th 2-4pm in room 152, here in Building #1. We are rescheduling the December dates due to the holidays and recalibrating how the schedule will flow to allow additional time for the community to comment. We're getting great comments and I need additional time to make sure I can get them all typed up and put on the website. Therefore the December Regulatory Group meeting and the Community Stakeholder meetings will be rescheduled into January.

I've tried to address your other questions below.

Please let me know if you have any questions.

Sincerely,

Brad Murphy

Senior Planner
Long Range Planning
Thurston County Resource Stewardship
2000 Lakeridge Dr. SW
Olympia, WA 98502
360-754-3355 ext. 4465
murphyb@co.thurston.wa.us

From: Doug Karman [<mailto:doug.karman@comcast.net>]
Sent: Thursday, November 02, 2017 3:36 PM
To: Brad Murphy <murphyb@co.thurston.wa.us>
Cc: Cynthia Wilson <wilsonc@co.thurston.wa.us>
Subject: SMP Review

Brad,
What are the times, dates and location of the STAG meetings? Per our discussion we want to attend and observe the proceedings/process.

In addition, our review committee is asking that you extend the review process for the following reasons:

1. The first two chapters are very critical to the overall document. They set the guidelines, purpose and definitions that tie into the rest of the document. Getting these right from the start is very important. It takes a lot of time for the general public to wade through the myriad of governmental RCW's, WAC's, Ecology guidelines, SMP etc.

As you know we are currently trying to focus on specific chapters and decision topics within those chapters to make sure we cover everything but there is no deadline to comment on the draft SMP at this time. As the Planning Commission chair noted, there is opportunity to submit comments to staff, comment at the Community Stakeholder group meetings, and before the Planning Commission throughout the review of the SMP before the Planning Commission conducts its public hearing. Based on the feedback we received about the overall timeframe, we will be extending the review time starting next month so that there will be additional time to focus on specific chapters and issues.

2. The Community meeting format that you are using is not conducive for the general public to work with you on the SMP. We can make our comments but have no idea what the official response is. If you are going to continue the Community meeting format without a specific Stakeholder meeting then we will have to use the Community meeting to go through our points one by one. If we do that it could take 3 meetings or more to accomplish what a Stakeholder meeting could do in 2 hours.

The Community Stakeholder meetings allow the opportunity for different points of view to be heard as well as addressing questions that several people may have. We will be reassessing the format of the meetings to allow for additional time to review and go over the feedback from the different groups. We will also develop a more detailed agenda so that specific topics to be discussed are identified and those interested in specific topics can attend for those meetings. Written comments are always welcome and are passed on the Planning Commission along with the summaries and audio of the community stakeholder meetings. We will do our best to provide answers to the questions at the stakeholder meetings and in written form for the Planning Commission. Comments can be received on any of the chapters or topics, any time, but ultimately it's the Planning Commission that directs how quickly we move forward based on their review and questions.

3. We need time for you to officially respond to our questions and input before we move on.

The Planning Commission is who will ultimately consider comments with their recommendations (e.g. a recommended draft SMP document) to the Board of County Commissioners. Staff is collecting comments and directing those comments to the Planning Commission. The Q and A's from the meetings will be available on-line as will the audio from the Community Stakeholder meetings (that's what I'm currently trying to finish to get on-line). I will give an overview of the comments received but the Commissioners will also be able to review all the comments and/or listen to the recordings of the Community Stakeholder meetings. The PC may come back with additional questions for the Community Stakeholder Group to discuss, or the PC might direct staff to do additional research based on comments.

4. Last night was suppose to be a work session on Chapter, 100 & 200. While you gave a general presentation of some of the points made at the last Community meeting they were "General" not specific and not all of them. I expected more. Was there more specific information provided to the Planning Commissioners prior to the meeting that we didn't get to see?

We are working out how best to address and summarize comments and questions about the SMP update. This may mean that we modify the schedule. Please note that the schedule is an adaptive process. More specific information was not given to the Planning Commission because the meetings with the Regulatory Group and Community Stakeholder Group meetings, where we are to discuss comments from the Chapters 100-200, hasn't occurred yet. All information given to the Planning Commission is on the following webpage (http://www.co.thurston.wa.us/PLANNING/planning_commission/planning_comm_currentwork.html). We are still ironing out some portions of the process, but again, the review of the material at the Planning Commission level will direct how the material will be reviewed. Ecology and the Board of County Commissioners would like the SMP update done as quickly as possible. Our proposed process tries to address a robust public process and still allow for a focused review of the materials.

It would be appropriate for the meetings on November 30th and December 20th to be on Chapter 100 & 200. Then go to chapter 300 & 400 for January 23, Feb 20 and March 20th. The remaining chapters can be scheduled as appropriate after the March meeting. I am not sure what your plans are regarding the appendixes.

We will be modifying the schedule and provide the updated meeting schedule through webmail notices, e-mail, and posting a notice to the website. We are trying to make sure there is an inclusive process that will allow adequate time to address the comments and questions of the community, with the desire to move forward with the SMP update in an efficient way. We appreciate your participation.

Again, we are formally requesting that you slow down and give the property owners a chance to provide educated input and assist in the development of the SMP.

Thank you

Polly Stoker

From: Brad Murphy
Sent: Monday, November 27, 2017 5:40 PM
To: Eric Casino
Subject: RE: SED - Shoreline Residential

Hi Eric,

Thank you for your e-mail. Staff is reviewing the Shoreline Residential Environmental Designation on marine shoreline lots, similar to the review done for freshwater lots, to determine what the situation is related to existing developed lots and potentially developable lots (i.e. currently undeveloped). If we determine that most marine lots designated Shoreline Residential are already built out then we will most likely propose to the Planning Commission to keep the 50 foot buffer, again, similar to freshwater lots designated Shoreline Residential.

Once staff complete their review I will forward the information to help inform our discussions at a future Community Stakeholder Group meeting, as well as discuss it at a future Planning Commission meeting, and future Regulatory Group meeting. We will be discussing buffers more in depth when we reach Chapter 19.400.

Please let me know if you have any additional questions or comments.

Sincerely,

Brad Murphy

Senior Planner
Long Range Planning
Thurston County Resource Stewardship
2000 Lakeridge Dr. SW
Olympia, WA 98502
360-754-3355 ext. 4465
murphyb@co.thurston.wa.us

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

From: Eric Casino [mailto:casino.eric@yahoo.com]
Sent: Wednesday, November 15, 2017 11:31 AM
To: Brad Murphy <murphyb@co.thurston.wa.us>
Subject: SED - Shoreline Residential

Hello Mr. Murphy,
I'm going thru some notes from yesterday, and have a bit of confusion I'm hoping you could sort out.

In the matters of setbacks within Shoreline Residential, specifically around the lakes, it's been pretty well determined that the vast majority of the parcels have been built out. Changing the setback would only make existing homes fall into the 'non-conforming' (or what ever language is later decided), with no real benefit to ecological function. Additionally, the few undeveloped lots that may be built out in the future would be allowed forward of the setback line anyways through averaging or two point line methods.

When I asked if that would be the case in Boston Harbor, you said it might not. You had not looked to see how many parcels were undeveloped as of yet, and that a marine designation of some sort might prevent it. Later, it was clear we were talking two different things, as I was questioning specific to the area of Boston Harbor that is Shoreline Residential, but you were referencing nearly the whole point, much of which is going to be Rural Conservancy. If we narrowed the query back to just the area of Boston Harbor that will be Shoreline Residential, would the setback lines still remain the same?

I guess what I'm getting at is that I don't see a need to push setbacks farther from the water in SEDs of Shoreline Residential, no matter the body of water they are near. If the majority of parcels are already built out (thus, getting the SR designation), being freshwater, marine, or river shouldn't matter that much.

Thank you for your thoughts on this issue, Eric

Polly Stoker

From: Brad Murphy
Sent: Monday, November 27, 2017 6:00 PM
To: Maria Fulton
Cc: 'Bob Norton'
Subject: RE: SHORELINE CODES

Good Afternoon Maria,

Thank you for your e-mail. Yes, the shoreline master program, once approved, would apply to the Deschutes River and its tributaries where the mean annual flow of water is 20 cubic feet per second or greater. I've included a link to the shoreline designation map from the 2013 Shoreline Environmental Designation Report and a link to the shoreline master program update documents page.

<http://www.co.thurston.wa.us/PLANNING/shoreline/documents/designations/map-2-preliminary-shoreline-designations.pdf>

http://www.co.thurston.wa.us/PLANNING/shoreline/shoreline_documents.htm

Please let me know if you have any additional questions.

Sincerely,

Brad Murphy

Senior Planner
Long Range Planning
Thurston County Resource Stewardship
2000 Lakeridge Dr. SW
Olympia, WA 98502
360-754-3355 ext. 4465
murphyb@co.thurston.wa.us

From: Maria Fulton [mailto:mariafulton@isomedia.com]
Sent: Tuesday, November 21, 2017 4:33 PM
To: Brad Murphy <murphyb@co.thurston.wa.us>
Cc: 'Bob Norton' <golden@isomedia.com>
Subject: SHORELINE CODES

Hello Brad, does this new program apply to rivers?
Such as those properties along the banks of the Deschutes river?
Happy Thanksgiving.
Maria

Polly Stoker

From: Brad Murphy
Sent: Monday, November 27, 2017 5:40 PM
To: Meredith Rafferty
Cc: Susan Reade Lund (srlund@aol.com); Larry Seale
Subject: RE: Proposed increase in setback

Hello Meredith,

Thank you for your e-mail. Staff is reviewing the Shoreline Residential Environmental Designation on marine shoreline lots, similar to the review done for freshwater lots, to determine what the situation is related to existing developed lots and potentially developable lots (i.e. currently undeveloped). If we determine that most marine lots designated Shoreline Residential are already built out then we will most likely propose to the Planning Commission to keep the 50 foot buffer, again, similar to freshwater lots designated Shoreline Residential.

Once staff complete their review I will forward the information to help inform our discussions at a future Community Stakeholder Group meeting, as well as discuss it at a future Planning Commission meeting and future Regulatory Group meeting. We will be discussing buffers more in depth when we reach Chapter 19.400.

Please let me know if you have any additional questions or comments.

Sincerely,

Brad Murphy

Senior Planner
Long Range Planning
Thurston County Resource Stewardship
2000 Lakeridge Dr. SW
Olympia, WA 98502
360-754-3355 ext. 4465
murphyb@co.thurston.wa.us

From: Meredith Rafferty [mailto:meredith.raff@gmail.com]
Sent: Sunday, November 19, 2017 5:30 PM
To: Brad Murphy <murphyb@co.thurston.wa.us>
Cc: Susan Reade Lund (srlund@aol.com) <srlund@aol.com>; Larry Seale <Larry@larryseale.com>
Subject: Proposed increase in setback

Dear Brad,

The Boston Harbor community is proposed as Shoreline Residential and a setback increase to 85 feet is proposed by the draft SMP update. We request that the setback remain at 50 feet for this Shoreline Residential area in consideration of the following:

- The community is a densely populated residential area, which is recognized by the proposed Residential Shoreline designation and its long-standing LAMIRD land use designation (which recognizes dense land use established before 1990).
- Its development impacts are reduced by its ULID wastewater/sewer and water services serving the community (established 35 years ago and operated by Thurston County).
- There is little opportunity for new development to be guided by any new setbacks. The waterfront lots have existing residences.
- The area consists of many residential lots which were platted in the 1800s (see Geodata map below). The size and characteristics of many of the waterfront lots restrict useable "upland" area for relocation.

Please let me know if I can provide additional information.

Thank you for your consideration,
Meredith Rafferty, Boston Harbor
(360) 754-8510



Polly Stoker

From: Brad Murphy
Sent: Monday, November 27, 2017 6:31 PM
To: Linda Hoffman
Subject: RE: SMP public meeting
Attachments: 11302017 Agenda Community Stakeholder Group Meeting Thurston County DRAFT Shoreline Master Program Update.docx

Good Evening Linda,

Thank you for your e-mail. I've attached the agenda for this Thursdays Community Stakeholder Group Meeting. We are very early in the review process of the draft SMP document so we are mainly discussing comments folks have on Chapters 19.100 - 19.200. However, we are accepting comments on all of the draft documents as we move forward with the Planning Commission public review process.

The format will be me discussing topics the first part of the meeting with the second half of the meeting opened up to members of the Community Stakeholder Group to give comments on the SMP chapters or other parts of the SMP documents.

Please let me know if you have any additional questions or comments.

Sincerely,

Brad Murphy

Senior Planner
Long Range Planning
Thurston County Resource Stewardship
2000 Lakeridge Dr. SW
Olympia, WA 98502
360-754-3355 ext. 4465
murphyb@co.thurston.wa.us

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

From: Linda Hoffman [mailto:lh.consulting@comcast.net]
Sent: Sunday, November 26, 2017 1:21 PM
To: Brad Murphy <murphyb@co.thurston.wa.us>
Subject: SMP public meeting

Hello Brad

Could you please tell me the agenda and format for the public meeting on Thursday on the SMP revisions? I read that the workshops would be on specific topics and wondered what topic(s) this one would cover.

Thank you
Linda Hoffman

Polly Stoker

From: Patrick Townsend <patrick.townsend@townsendsecurity.com>
Sent: Thursday, November 09, 2017 10:17 AM
To: PlanningCommission
Cc: Brad Murphy; Cynthia Wilson; Richard Thompson (richthomps@comcast.net); doug.karman@comcast.net; Patrick Townsend; Kathryn Townsend
Subject: Citizen involvement in SMP update process
Attachments: 20171109_Ltr_To_ThursCntyPlanningCommission_Citizen_Involvement_SMP_Update.pdf

Dear Planning Commissioners,

Please find attached our letter detailing the need for more involvement of Thurston County property owners in the Shoreline Management Plan update process and a revised time table for involvement that takes into account the complexity of the topic and the current lack of information provided by County planners.

We appreciate your interest and attention to citizen involvement in this matter.

Sincerely,

Patrick and Kathryn Townsend

Patrick Townsend
CEO

Patrick and Kathryn Townsend
7700 Earling Street NE
Olympia, WA 98506

Thurston County Planning Commission
2000 Lakeridge Dr. SW
Olympia, WA 98502

November 9, 2017

Re: Community Involvement in Thurston County Shoreline Management Plan Update

Dear Planning Commissioners,

As we move into the comment period for the proposed Thurston County Shoreline Management Plan (SMP) update it is clear that the amount of time allotted for public participation and comment is inadequate for these reasons:

1. The documentation for the new SMP is not complete. Significant portions of the proposed changes are contained in the appendices which are not available.
2. The website that supposedly will allow citizens to access information is still in development. Mr. Murphy said, on Nov 1, 2017, that it would be available in 2-3 weeks, but there are no guarantees regarding web development deadlines.
3. Based on our searches, the community meeting schedules along with the STAG meetings are not published on the SMP website as of the date of this letter.
http://www.co.thurston.wa.us/planning/shoreline/shoreline_home.htm.
http://www.co.thurston.wa.us/planning/shoreline/shoreline_status.htm#public
4. Citizen involvement was solicited late in the process. Citizens are key stakeholders and are just now seeing the proposed changes.
5. The current process for public input and participation in the process is inadequate. A few monthly meetings of short duration cannot adequately process citizen comments and is not the same as being at the table for actual discussion.
6. There is no documentation about what has been changed in the SMP update compared to the current SMP. This puts the burden on citizens to research these differences. There should be a clear before/after description of all of the changes in a written document.
7. There is no description of the rationale for each change to the SMP.
8. There are many references to WACs and RCWs in the SMP update with no guidance as to the intent of these regulations, legal constraints, implementation options/constraints, and so forth.

9. It appears the County has determined without citizen input or citizen participation which environmental impacts can be mitigated. There is no documentation related to these a priori decisions.
10. Notice of the community meetings with an announcement in the Olympian is inadequate.

For all of these reasons the current SMP process should be restructured and implemented to include citizen input and actual citizen participation at all levels of discussion, including STAG and other meeting venues, not merely monthly "comment" sessions that last at most two hours. All information regarding this process should be prominently displayed on the SMP homepage:

http://www.co.thurston.wa.us/planning/shoreline/shoreline_home.htm.

It is the citizens of the County who will be impacted by the new regulations. The time to build confidence and trust in the process is right now. Trying to repair loss of trust at the end of the process will be almost impossible.

We request the following:

1. That discussion of Chapters 100 and 200 of the SMP Draft Update be extended through the December 20, 2017 scheduled meeting.
2. If the Appendices are not available and the website not completely functional by the November 30, 2017 meeting, that the discussion of Chapters 100-200 continue into January, 2018.
3. That the December 20, 2017 meeting, itself, scheduled during the holiday time period, is inconsistent with the stated intention of involving citizens as participants in the process and should be moved to January 2018 in any case.
4. That the County provide "before and after" documentation related to the SMP update and the rationales on which rules have been deleted, changed or added to.
5. That representatives of citizen groups be given a seat at the table for any discussion related to the SMP update at all meetings, including STAG meetings, not just the monthly community meetings. All meetings should allow attendance by any interested party and should be advertised as such.
6. That the County clearly identify SMP rules based on WACs and RCWs vs. rules that are defined on the basis of policy not found in WACs and RCWs and the rational for the latter.
7. That the County not make a priori decisions regarding policy not specifically defined in WACs and RCWs without discussion with all stakeholders.
8. That the County immediately create a prominent display of schedules for all meetings, including community, STAG and Planning Commission meetings, on the homepage of the SMP Update website.

9. That the County commit to comprehensive notification to all Thurston County citizens welcoming their participation in the process of updating the Shoreline Management Plan. Some of the ways could be:

- A notice in the Thurston County Utility Bill
- A notice in Boston Harbor NextDoor and any other relevant NextDoor group
- A notice to known community groups
- A notice to all registered property owner associations in Thurston County
- A flyer from the County put in every mail box.
- An ad on NPR, King FM and the local news
- An announcement on local TV and in the Olympian
- An announcement to persons on any known county database through email.

Thank you for taking our concerns into consideration. We look forward to your response at your earliest convenience.

Sincerely,

Patrick and Kathryn Townsend

Cc: Brad Murphy, Thurston County Senior Planner
Cindy Wilson, Thurston County Planning Supervisor
Richard Thompson, Boston Harbor Association President
Doug Karman, Long Lake Management District Steering Committee

Patrick and Kathryn Townsend
7700 Earling Street NE
Olympia, WA 98506

Thurston County Planning Commission
2000 Lakeridge Dr. SW
Olympia, WA 98502

THURSTON COUNTY
RECEIVED
NOV 14 2017
RESOURCE STEWARDSHIP

November 9, 2017

Re: Community Involvement in Thurston County Shoreline Management Plan Update

Dear Planning Commissioners,

As we move into the comment period for the proposed Thurston County Shoreline Management Plan (SMP) update it is clear that the amount of time allotted for public participation and comment is inadequate for these reasons:

1. The documentation for the new SMP is not complete. Significant portions of the proposed changes are contained in the appendices which are not available.
2. The website that supposedly will allow citizens to access information is still in development. Mr. Murphy said, on Nov 1, 2017, that it would be available in 2-3 weeks, but there are no guarantees regarding web development deadlines.
3. Based on our searches, the community meeting schedules along with the STAG meetings are not published on the SMP website as of the date of this letter.
http://www.co.thurston.wa.us/planning/shoreline/shoreline_home.htm.
http://www.co.thurston.wa.us/planning/shoreline/shoreline_status.htm#public
4. Citizen involvement was solicited late in the process. Citizens are key stakeholders and are just now seeing the proposed changes.
5. The current process for public input and participation in the process is inadequate. A few monthly meetings of short duration cannot adequately process citizen comments and is not the same as being at the table for actual discussion.
6. There is no documentation about what has been changed in the SMP update compared to the current SMP. This puts the burden on citizens to research these differences. There should be a clear before/after description of all of the changes in a written document.
7. There is no description of the rationale for each change to the SMP.
8. There are many references to WACs and RCWs in the SMP update with no guidance as to the intent of these regulations, legal constraints, implementation options/constraints, and so forth.

9. It appears the County has determined without citizen input or citizen participation which environmental impacts can be mitigated. There is no documentation related to these a priori decisions.

10. Notice of the community meetings with an announcement in the Olympian is inadequate.

For all of these reasons the current SMP process should be restructured and implemented to include citizen input and actual citizen participation at all levels of discussion, including STAG and other meeting venues, not merely monthly "comment" sessions that last at most two hours. All information regarding this process should be prominently displayed on the SMP homepage:

http://www.co.thurston.wa.us/planning/shoreline/shoreline_home.htm.

It is the citizens of the County who will be impacted by the new regulations. The time to build confidence and trust in the process is right now. Trying to repair loss of trust at the end of the process will be almost impossible.

We request the following:

1. That discussion of Chapters 100 and 200 of the SMP Draft Update be extended through the December 20, 2017 scheduled meeting.
2. If the Appendices are not available and the website not completely functional by the November 30, 2017 meeting, that the discussion of Chapters 100-200 continue into January, 2018.
3. That the December 20, 2017 meeting, itself, scheduled during the holiday time period, is inconsistent with the stated intention of involving citizens as participants in the process and should be moved to January 2018 in any case.
4. That the County provide "before and after" documentation related to the SMP update and the rationales on which rules have been deleted, changed or added to.
5. That representatives of citizen groups be given a seat at the table for any discussion related to the SMP update at all meetings, including STAG meetings, not just the monthly community meetings. All meetings should allow attendance by any interested party and should be advertised as such.
6. That the County clearly identify SMP rules based on WACs and RCWs vs. rules that are defined on the basis of policy not found in WACs and RCWs and the rational for the latter.
7. That the County not make a priori decisions regarding policy not specifically defined in WACs and RCWs without discussion with all stakeholders.
8. That the County immediately create a prominent display of schedules for all meetings, including community, STAG and Planning Commission meetings, on the homepage of the SMP Update website.

9. That the County commit to comprehensive notification to all Thurston County citizens welcoming their participation in the process of updating the Shoreline Management Plan. Some of the ways could be:

- A notice in the Thurston County Utility Bill
- A notice in Boston Harbor NextDoor and any other relevant NextDoor group
- A notice to known community groups
- A notice to all registered property owner associations in Thurston County
- A flyer from the County put in every mail box.
- An ad on NPR, King FM and the local news
- An announcement on local TV and in the Olympian
- An announcement to persons on any known county database through email.

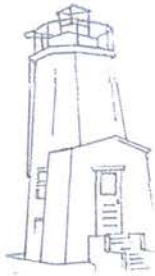
Thank you for taking our concerns into consideration. We look forward to your response at your earliest convenience.

Sincerely,

The block contains two handwritten signatures in cursive. The first signature is for Patrick Townsend and the second is for Kathryn Townsend. They are written in dark ink.

Patrick and Kathryn Townsend

Cc: Brad Murphy, Thurston County Senior Planner
Cindy Wilson, Thurston County Planning Supervisor
Richard Thompson, Boston Harbor Association President
Doug Karman, Long Lake Management District Steering Committee



Boston Harbor Association

Olympia, Washington 98506

Mailing Address: BHA. c/o Richard Thompson, 426 73rd Avenue NE, Olympia WA 98506

November 10, 2017

THURSTON COUNTY
RECEIVED

NOV 15 2017

RESOURCE STEWARDSHIP

Thurston County Commissioners
Thurston County Courthouse, Building One
2000 Lakeridge Drive SW
Olympia, Washington 98502

Honorable Commissioners:

I write to you as President of the Boston Harbor Association Board to ask that you extend the comment period on the draft Shoreline Master Program update and broaden notification of the update.

1. We urge you to **extend the review** of the first two chapters into your November and December meetings, and similarly to extend the subsequent chapter review periods. This update is a complete rewrite and is so much information to absorb; we have dedicated committees working very hard to keep up with all the implications. We are taking our role as public input very seriously.
2. As homeowners began to review this total rewrite made available only recently, it became apparent that there are significant concerns for our residential homeowners. We are hampered in our review because the draft document is incomplete, still not containing pertinent appendices. We hope these will be forthcoming very soon, along with a chart comparing the draft to the existing regulations.
3. We appreciate that you and staff have said that you wish this process to be as participative as possible. To that end, we believe that the County **needs to notify by mail every property owner in the county potentially affected by the Shoreline Master Program**. We believe that posting information on the website or putting a notice in a local paper is not adequate.

We in the Boston Harbor community are deeply affected by the new shoreline classifications and expanded regulations. Thank you for continuing to invite our participation.

Best regards,

A handwritten signature in blue ink that reads "Richard".

Richard Thompson, President
Boston Harbor Association

Cc: BHA Board

✓ Cc: Brad Murphy, Senior Planner,
County Planning Commission