

From: 1972lr88@comcast.net
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Tuesday, October 19, 2021 5:33:01 PM

Your Name (Optional):

Your email address: 1972lr88@comcast.net

Comment: PLEASE STOP SHELLFISH FARMING. It results in the following:

A decline in wildlife and marine life that depend on undisturbed beaches.

Human waste from shellfish workers and their litter.

Petroleum pollution in the water and air from boats and generators.

Poisons poured into the water that shellfish farmers use to eliminate competing marine life.

The wholesale shooting of birds, even during their migration.

Noise pollution and search lights flashing at our homes as late as midnight.

Beaches littered with thousands of rubber bands, plastic ties, plastic nets (some so enormous that seabirds and eagles get trapped in them and are drowned), and PVC pipes that are being inserted into the sand by the hundreds of thousands.

Global Warming as proven in the following studies: "Oyster Flatulence Worries Climate Scientists" in EURACTIVE and "Methane Fluxes from Coastal Sediments Are Enhanced by Macrofauna" in SCIENTIFIC REPORTS

Shellfish farming decreases the value of our homes and the enjoyment of our property, and yet we, who do not gain one cent from this enterprise. pay high taxes on our waterfront homes. In spite of the commercial activity, we pay residential taxes, not commercial or farming rates.

Visitors to Thurston County are shocked by the sight of all this destruction to a formerly unique and scenic part of the Pacific Northwest.

Time: October 20, 2021 at 12:32 am

IP Address: 67.168.188.118

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

Sent by an unverified visitor to your site.

From: SUPERGUMMY@HOTMAIL.COM
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Tuesday, October 19, 2021 6:18:02 PM

Your Name (Optional): Cooper Point Family

Your email address: SUPERGUMMY@HOTMAIL.COM

Comment: There are many families like ours who've lived in the same spot for generations and have helped build and contribute to our community. We're happy that changes are being made to protect the beautiful waterfront environment in which we live, work, and play.

Over the years, we've welcomed many new neighbors that have replaced the original cabins on our street with property-line brushing dream homes. With these new structures come added expenses for all of us.

We're concerned about the aging families who live in modest homes on a fixed income. For many of us, this is our primary residence and we'd like to stay here in spite of high property taxes and other increasing costs. We sincerely hope that during this update, changes to codes, permitting, etc, will not price aging families out of making updates to their property should they arise.

Will there be any benefits available to people whose primary residence is in this area, who have vintage homes, or who are on restricted income?

Let's find a balance where we can protect our environment for future generations and also keep our elders in the home they worked so hard to get.

-A Family on Cooper Point, Olympia, WA

Time: October 20, 2021 at 1:17 am

IP Address: 24.17.45.243

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

Sent by an unverified visitor to your site.

From: mnchasem@yahoo.com
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Tuesday, October 19, 2021 6:58:49 PM

Your Name (Optional):

Your email address: mnchasem@yahoo.com

Comment: No, it gives you a chance to misuse your power

Time: October 20, 2021 at 1:58 am

IP Address: 71.197.240.27

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

Sent by an unverified visitor to your site.

From: dclark@lawddc.com
To: [SMP](#)
Subject: Clear Cutting Tidelands
Date: Tuesday, October 19, 2021 10:48:39 PM

Greetings. I have noticed the farming practices on the tideland lots to both the east and west of my property at 7424 Sandy Point Rd. NE, Olympia WA 98516. Before the Geoducks are planted in the plastic tubes, the tidelands are "clear cut" All living things are removed from the beach where the Geoducks will be planted. There are natural sand dollar beds in the area, including on my property. The sand dollars are removed, put into piles and left to die. Practically, every other living thing is removed as well. Does the Thurston SMP address the damage that can be done to the ecosystem by total removal of all living things other than Geoducks in the tideland beds they are planted in?

Regards,

David Clark

David Clark
13135 Cape Circle
Anchorage, AK 99511-0162
907 272-7989
David Clark
PO Box 110162
Anchorage, AK 99511-0162
907 272-7989
dclark@lawddc.com

From: bltaylor70@gmail.com
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Wednesday, October 20, 2021 7:55:26 AM

Your Name (Optional): Brian Taylor

Your email address: bltaylor70@gmail.com

Comment: I am in the process of finalizing my plans to construct on the lake. Any changes to water rights would be a major issue for me and my investment in this project thus far. It was very challenging to make any progress during covid as no one was available in the office. Now I am making progress and changes could derail and cost me hundreds of thousands of dollars.

Time: October 20, 2021 at 2:55 pm

IP Address: 136.226.57.13

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

Sent by an unverified visitor to your site.

From: [Kirk VL](#)
To: [Andrew Deffobis](#)
Subject: SMP comments
Date: Tuesday, October 19, 2021 6:52:40 PM

Hi Andrew,

Thanks for making yourself available at the Thurston County Stakeholders Coalition. I agree with the need to break out different code sections for streams, lakes, and marine waters. I believe that every single home in the Residential Zone should be allowed a moorage structure. The language of the requirements poses a roadblock to those ends:

19.600.160, B - Application Requirements: All of these items should be deleted except for items 2, 3, and 4. What is located on my neighbors property shouldn't impact mine. As I understand, the length of my dock can be 15% of the distance measured across the lake(according to 19.600.160,C.4.b). We also shouldn't be required to dock at a public facility; this is an unfair "taxation" since that would be a cost a neighbor with a moorage structure doesn't have to pay, but I would. Anything that costs one landowner money and not the other should be considered infeasible. Therefore, those rules shouldn't exist.

Agree with deleting number eight.

And delete number nine. Who makes the determination of critical freshwater habitat? This should not be a gray area open to interpretation by a public individual. The habitat survey noted in 19.700.145 doesn't give a clear idea what happens to the plan for a moorage structure if it is found to be in a critical habitat. A dock, with the constraints noted in sections 3 & 4 for Pilings and Piers, does not significantly impact the lake shoreline.

Overall, the residential use of the shoreline needs to be strengthened. These rules weaken the ability for those whom own lakefront to fully enjoy without a moorage structure.

The rules for docks also run contradictory to the vegetation restrictions within the shoreline buffer. If trees are needed to remain to provide shade and keep the temperature of the lake cool, what do you think docks are doing? The size of docks should also be increased to provide more cooling to the lake and areas for the fish to hideout. Grated decking should be prohibited.

Let's not make docks the bogeyman of the lakes by making Application and Development standards as roadblocks to the process.

Sincerely,
Kirk Van Landeghen

From: [Don Ireland](#)
To: [Andrew DeFobis](#)
Subject: Shoreline Management proposal
Date: Tuesday, October 19, 2021 6:57:58 PM

Dear Andrew,

I am writing concerning the Shoreline Management Act proposal. I support the actions presented by the Coalition. I would ask that the planning commission take special notice of the following recommendations:

1. Buffer widths (Issue #2 in coalition letter) for lakes to remain as they were in the 1990 SMP. If this particular issue is changed to what the county staff want most of you will have your properties (on the lake/canal/community beaches) seriously impacted.
2. Pier, Dock, Float or ramp grating (Issue #7 in coalition letter) we want the option to exclude expensive grating for lakes that do not contain salmon.
3. Pier and Dock piling spacing (Issue #8 - in coalition letter) we want the option to reduce spacing to 8 feet.
4. Pier and Dock Width (Issue #9 - in coalition letter) we want the option to be able to make our piers/docks 8 feet wide or more if applicant can demonstrate need.
5. Shoreline Environmental Designations (SEDs) (Issue #12 in coalition letter) we want the changes we were able to make for residents of Lake Lawrence adopted by the Planning Commission and Board of County Commissioners.

I would like to point out as has been pointed out many times in the past, the Cumulative Impacts Analysis of Thurston County's Shoreline Master Plan states that Shoreline Residential SED properties accounts for only 3.5% OF TOTAL COUNTY SHORELINE ACREAGE. Rural Conservancy accounts for 65%, Natural 31.9% and urban Conservancy 1.1%. Further, the vast majority of parcels located in the Shoreline SEDs are already built out: there are very few vacant parcels available for new development. Our existing shoreline residential properties should not bear the brunt of these proposed very restrictive regulations.

I believe the county has over 96% to conserve and be concerned about. The remaining 3.5% have, in their best interest, maintaining their waterfront property in a reasonable manner, for both themselves and the lake/waterfront without onerous restrictions placed on them by the county.

Thank you for allowing us to comment.

Sincerely,

Don and Ferol Ireland

From: [Valerie Hammett](#)
To: [Andrew Deffobis](#)
Subject: Shoreline Hearing October 20, 2021
Date: Tuesday, October 19, 2021 8:04:18 PM
Attachments: [Shoreline Comment.docx](#)

Our comments

Thurston County Planning Commission - Shoreline Hearing – October 20, 2021

We have owned our property at 4424 65th Ave NE since 1989. During our 1989 short platting process, the Shoreline set back was established at 200' from OHW. At the time, we thought that was overly restrictive, but accepted it as part of the new environmental awareness. We have left the property much as we found it, other than a trail to the beach that is legally shared with the two upland properties and informally by other neighbors. We have sold our home on the upland parcel, 4426 65th Ave NE, and would now like to build a cabin closer to the beach. During the initial development investigation, we found that the shoreline set back had been increased to 250'. This renders about 2/3's of the property useless and sets our building site back far enough to substantially block any water or western view.

During a short shoreline boat cruise last fall we noted how many of our neighboring properties have bulkheads and continue to clear cut trees and brush right down to the OHW. We realize that the shoreline structures were built prior to awareness of the environmental damage caused by building so close to the water.

We are not asking to build on the beach. Our bank has been little changed since we purchased the property so a bulkhead is not necessary. We would prefer the setback to be 150' with limbing up of major trees allowed while leaving the brush in place. We realize that the previous set back adjustments were made as an almost emergency reaction to the increasing development and environmental awareness. We hope that now with wisdom gathered over the last 30 years that the setbacks can be reduced to allow us to enjoy our property in a manner more similar to our neighbors.

Rob Kirkwood

From: [Susan Lund](#)
To: [Andrew Deffobis](#)
Subject: Written Testimony for Shoreline Hearing 10/20 at 7:00 pm.
Date: Tuesday, October 19, 2021 8:31:39 PM
Attachments: [SMP.Opn.Hus.Issues.pdf](#)
[Rafferty Eliminate Daily Reporting PDF.pdf](#)

TO: Thurston County Planning Commission
Andrew Deffobis, Interim Senior Planner

FROM: Stakeholder
Susan Reade Lund
432 - 77th Ave NE
Olympia, WA 98506

RE: Troubling overreach and proposed over-regulation of use of private property for repairs or small improvements

My name is Susan Lund.

I'm sorry I can't be there in person to read this testimony. I am Vice President of the Boston Harbor Homeowners Association, and we have been watching the progress of this Commission.

For this hearing, I'm coming to you as an individual property owner/stakeholder directly affected by the changes you propose.

For the sake of brevity, I am aware of the correspondence to you from John Woodford (copied below). I completely agree with the points he makes which are many and several. I especially agree with this letter (copied below) that you received from the Rafferty family (copied below).

There are many more people in Boston Harbor aware of what you are proposing than you may realize. I urge you to take seriously the requests for modifications from those who have been in contact with you from Boston Harbor. While it may seem that the voices from our neighborhood are a few, my primary message is to assure you that there are many more of us paying attention who have not previously engaged with you. The sentiment seems to be watchful in expectation that our neighbors will be heard.

I truly thank you for your service. These are difficult times, and you are undertaking a difficult project.

Thank you.

For reference:

Thurston County Shoreline Stakeholders Coalition

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

September 23, 2021

To: Thurston County shoreline residents,

From: John H Woodford, Chairman

Re: Coalition's Key Shoreline Master Program (SMP) Issues

Neighbors,

The CPED Community Planning staff is currently hosting the virtual **SMP Open House** online **now...until October 20, 2021**. At **7:00 PM, October 20**, the Planning Commission will hold the **Public Hearing** on the SMP. Now is the time to get involved, ask questions and make your thoughts and concerns known. Log into the Open House:

<https://www.thurstoncountywa.gov/planning/Pages/shorelines-update-open-house.aspx>

Take a good look the SMP Open House Fact Sheets, Maps and Posters...then contact Planning staff with your concerns and questions. The very first document listed on the SMP Virtual Open House home page is ***Shoreline Master Program Public Hearing Draft (PDF)***...just click on it.

On this SMP draft you will find yellow highlighted text boxes, such as *Staff note*, *Option for Public Hearing*, *Planning Commission Option*, etc. These options are important. They represent issues not yet pinned down in the SMP. Both the Planning staff and the Planning Commission will look closely at the number and content of the public communication.

I am going to first address key **yellow highlighted text boxes** and state the Coalition's position. Please relay your thoughts on these issues to the Planning staff; email Andrew Deffobis.

- 1) Ch 19.400.100. The labeling of all existing legally built homes and/or accessory structures already located within the buffer should be "conforming," not "legally non-conforming." State law recognizes these structures as "conforming." So should Thurston County. This is a hot button issue with lots of people.
- 2) Ch 19.400.120. Buffer widths should stay as presented in this July 28, 2021, draft SMP. Shoreline Residential buffer widths should be 50-feet for both marine and lake properties...as they have been since the 1990 SMP, and longer.
- 3) Ch 19.400.120.D.1.b. and Appendix B, Section B.2.c. Decks and Viewing Platforms properly constructed to be pervious should not be required to be "...adjacent to residential structures..." There should be no limit on size or location and there should be no requirement for a shoreline variance to build such a deck.
- 4) Ch 19.400.120.D.1.e. We agree with the Option. Limit water-oriented accessory storage structures to residential uses only.
- 5) Ch 19.500.075 and 19.500.100.B.2. We agree with the Options: Substantial Developments Permits, Conditional Use Permits and Variances should be processed administratively rather than having to undergo a public hearing before the Hearing Examiner.

- 6) Ch 19.600.150. The Coalition supports the option to prohibit industrial development in Shoreline Residential Environmental Designations.
- 7) Ch 19.600.160.C.1.r., Ch 19.600.160.C.4.f. and Ch 19.600.160.C.5. We agree with each of these Options. Strike the requirement for pier, dock, float or ramp grating on lakes that do not contain salmon.
- 8) Ch 19.600.160.C.3.b. We agree with this Public Hearing Option, *“Consider a shorter distance (than the specified 20-foot spacing) for spacing of residential pilings (supporting piers and/or docks) in lakes...”* 8-foot spacing is a move in the right direction; we would like to see 6-foot.
- 9) Ch 19.600.160.C.4.a. Again, we agree with this Public Hearing Option...and more. The maximum width of single-use and joint-use piers should be 8-feet, and more if the applicant can demonstrate the need.

Additional **Coalition Key Issues**, not necessarily listed here in any order of priority, that also require resolution at the Planning Commission Public Hearing include:

- 10) Nothing in the Thurston County SMP should be more restrictive than State requirements.
- 11) A companion pamphlet must be completed simultaneously with the SMP to guide the public through the SMP requirements, including development restrictions, acceptable native plants for the buffer (with specific examples), and permitting requirements. Without the guidelines that the pamphlet can provide, property owners will be at a loss to understand the regulations, requirements and restrictions buried deep within the full-blown SMP document.
- 12) The Shoreline Environmental Designation (de facto, the zoning) of any property should not be changed to a more restrictive classification or added to the SMP jurisdiction without due process. Some 2,700 properties are facing this new designation or re-designation. This issue must be resolved for each one of these properties before the SMP moves forward. Open House Fact Sheets #3 and #10 present some SED information, but nothing about how to determine your SED or to appeal a new designation. Check your property’s SED on the characterization map: <https://thurston.maps.arcgis.com/.../webapp.../index.html...> If you oppose the re-designation contact the Planning staff immediately.
- 13) Staff has begun to acknowledge that different environmental conditions exist for a) marine waters, b) streams/rivers and c) lakes in the County...and amending the SMP to address those differences. Yet, even more is required. Establish fresh water (lake) requirements for decks, docks, piers, floats and bulkheads and address the unique habitat characteristics associated with shoreline residential use. Maximum dimensions must be increased for single use piers, and floats (both mooring and recreational) in Shoreline Residential SEDs; docks with their piers, ramps and floats on lakes are places of water access for swimming, fishing and other water-oriented family play and enjoyment.
- 14) In the SMP, *Buffer* is defined as *“a non-clearing area established to protect the integrity, functions and values of the affected critical area or shoreline...”* What if your waterfront yard is a lawn? Is it a buffer? ...a setback? This needs to be clarified.
- 15) Several changes should be made to the chapter “Definitions.” Examples include - Add: *Conforming, Eutrophic Lakes, and Letter of Exemption.* Delete: *(Legally) Nonconforming.*

- 16) There are several Unnamed Lakes, Unnamed Ponds and Unnamed Mines listed in Ch 19.200 as lakes now subject to the County's SMP. How are property owners adjacent these lakes, ponds and mines going to know that they are now subject to this new designation? Without names, known to all, these water bodies should not be included in the SMP jurisdiction.
- 17) In the policy statements, Ch 19.300, and development standards, Ch 19.600, concerning public access to publicly owned areas of the shoreline, there is no mention of ADA compliance. Why not?
- 18) Pollution of Thurston County waters is only addressed in passing in the in this draft SMP...whether that pollution comes from:
 - a) Faulty or inappropriately located septic systems,
 - b) Use of inappropriate lawn and/or garden fertilizers, and/or
 - c) Stormwater runoff directly into the County's marine waters, lakes and rivers should not be allowed. For example, here on Long Lake there are thirteen outfall pipes that drain from County roads into the lake...most of these outfalls drain directly into the lake with no pretreatment. Stormwater runoff accounts for 75% of the pollution of our waters.
- 19) The Planning staff should provide new goals to ban the use of plastics by the shellfish industry on Thurston County tidelands and to establish new operational guidelines.

And finally, please remember, as I've pointed out many times in the past, the *Cumulative Impacts Analysis of Thurston County's Shoreline Master Program* states that **Shoreline Residential SED properties accounts for only 3.5% of the total County shoreline acreage.** Rural Conservancy accounts for 63.5%, Natural – 31.9% and Urban Conservancy – 1.1%. Further, the vast majority of parcels located in Shoreline Residential SEDs are already built out; there are very few vacant parcels available for new development. Our existing shoreline residential properties should not bear the brunt of these very restrictive regulations.

Give your fullest consideration of these key issues...and anything else that is of special interest to you. Express your concerns at the virtual Open House and at the Public Hearing.

The **virtual Open House** is "open" now; the login is noted in the first paragraph of this letter. The **Public Hearing** is at 7:00 PM, October 20, 2021, at the County Courthouse complex. Important emails:

- Planning Commission: address to the Planning Commission and send to: polly.stoker@co.thurston.wa.us
- Planning staff – Andrew Deffobis, Interim Senior Planner: andrew.deffobis@co.thurston.wa.us and/or (360) 786-5467
- The Coalition – me: jwoodford.aia@gmail.com

Respectfully,

John H. Woodford

October 19, 2021

TO: Thurston County Planning Commission

Andrew Deffobis
Interim Senior Planner, Thurston County

FROM: Meredith & Donovan Rafferty
618 77th Ave NE
Olympia, WA 98506

RE: Over-regulating daily activities in using our properties

For shoreline property owners, daily use of their properties is comprehensively regulated by the Substantial Shoreline Permit. This expensive and complex process involving a hearing examiner is triggered by any disturbance of the property at an astonishingly low threshold of \$7,047 in project value. Yet the draft SMP intends to cover 100% of any activity, regardless of value. Even when a Substantial Development Permit is not required, any disturbance must be reported in advance to, in essence, “get a permit to not get a permit”.

We object. Clearly state in this SMP document that activities valued less than the substantial development permit threshold do not require any action, no daily reporting and no validating.

Meredith & Donovan Rafferty
618 77th Ave NE
Olympia, WA 98506

From: [Brian K Muirhead](#)
To: [Andrew Deffobis](#)
Cc: [Dr. Nancy Muirhead](#)
Subject: Re: Updated Inputs to SMP and SED
Date: Wednesday, October 20, 2021 8:19:44 AM

Andrew,
Thanks for the response. I still have a question about how our issue with the SED will be resolved. What can you tell us about that? I'm planning on being at tonight's meeting and that will be one of the questions I ask.
Brian

On Oct 19, 2021, at 3:34 PM, Andrew Deffobis
<andrew.deffobis@co.thurston.wa.us> wrote:

Hello Brian and Nancy,

Thank you for your comments. They will be included in the public comment record and provided to the Planning Commission.

Regards,

Andrew Deffobis, Interim Senior Planner
Thurston County Community Planning and Economic Development Department
2000 Lakeridge Drive SW
Olympia, WA 98502
Cell Phone: (360) 522-2593
Office Phone: (360) 786-5467
Fax: (360) 754-2939

From: Brian K Muirhead <brian91011@earthlink.net>
Sent: Tuesday, October 19, 2021 10:30 AM
To: Andrew Deffobis <andrew.deffobis@co.thurston.wa.us>
Cc: Dr. Nancy Muirhead <nancymuirhead@verizon.net>; Emily Pitman
<emily.pitman@co.thurston.wa.us>; Brian Muirhead <brian91011@earthlink.net>
Subject: Updated Inputs to SMP and SED

Andrew,

Attached is a complete set of inputs to the SMP from my wife Nancy and I as residents on Pattison Lake as of Oct. 2020. The first section contains inputs to the SMP that include our previous inputs on the buffer dimensions. The second section is a more detailed treatment of the issue we have with the proposed SED. There is also an additional input on the SED associated with the railroad property passing between the north and south parts of the lake.

Thank you for your hard work on this important document and working with the community to get it right.
Brian and Nancy Muirhead
brian91011@earthlink.net
818 687 7003

Andrew,
Below are my additional comments and inputs to the SMP. Also attached are my edits to the existing GeoData maps and supporting survey of our residential parcel plus a site map which includes a part of the

On Oct 7, 2021, at 11:24 AM, Andrew Deffobis
<andrew.deffobis@co.thurston.wa.us> wrote:

Hi Brian,

I have copied our GIS analyst here so she can tell you more about the aerial imagery in the SED tool.

As part of the SMP update process, we are looking into the proposed SEDs as citizens make us aware of new information.

You may submit further comments to me directly, or using the comment form on the SMP open house. Whichever you prefer, they all end up with me. The written public comment period for the Planning Commission's hearing will be open until 11:59 PM on Friday, October 22, 2021.

Regards,

Andrew Deffobis, Interim Senior Planner
Thurston County Community Planning and Economic Development
Department
2000 Lakeridge Drive SW
Olympia, WA 98502
Cell Phone: (360) 522-2593
Office Phone: (360) 786-5467
Fax: (360) 754-2939

From: Brian K Muirhead <brian91011@earthlink.net>

Sent: Wednesday, October 6, 2021 6:55 AM

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

Cc: Dr. Nancy Muirhead <nancymuirhead@verizon.net>

Subject: Re: Resend: Input to SMP

Andrew,

Thanks for your emails and thanks for the SED report. I was surprised that this is a final Draft but dated 6/30/13, interesting that there's been no updates since then, implying that any issues haven't been identified or worked since then. I'm familiar with the SED map tool but I don't know when the arial image was last updated. I'll look at my survey information and take some pictures to try and show where and why I think the designation is incorrect.

I'll be sending in additional comments on the SMP through the virtual site (unless you'd rather I send them directly to you), and will be at the 10/20 meeting.

Best regards,

Brian

On Oct 5, 2021, at 5:42 PM, Andrew Deffobis
<andrew.deffobis@co.thurston.wa.us> wrote:

Hi Brian,

Just to close the loop, I've added your comment to our public comment record, and am keeping tabs on the shoreline designations people have asked the county to revisit. Any changes to the proposed designations will need to be rooted in the designation criteria in [our draft Shoreline Environment Designations report](#). The criteria for designating shorelines for Thurston County's update begins on page 4. If you have information that suggests the proposed designation of Natural is not the most appropriate, and that another designation may be more appropriate based on the criteria, please feel free to send it my way.

Please note that your property is part of a larger shoreline reach that includes at least three parcels to the north, and associated wetlands on the parcel to the southeast of this parcel. We would be evaluating this reach as a whole, though the boundaries of reaches can be modified if the designation criteria would support that (i.e. the land use changes significantly across a large area).

In addition to written testimony, please note the Planning

Commission will hold a public hearing on the SMP update on October 20, 2021 at 7 PM. There will be an in-person component at the Courthouse (Room 280, Building 1, 2000 Lakeridge Drive SW in Olympia) and a virtual component on Zoom. We will post log-in information next week. The public is encouraged to attend and testify at the public hearing.

Regards,

Andrew Deffobis, Interim Senior Planner
Thurston County Community Planning and Economic
Development Department
2000 Lakeridge Drive SW
Olympia, WA 98502
Cell Phone: (360) 522-2593
Office Phone: (360) 786-5467
Fax: (360) 754-2939

From: Brian K Muirhead <brian91011@earthlink.net>
Sent: Monday, October 4, 2021 11:11 AM
To: Andrew Deffobis <andrew.deffobis@co.thurston.wa.us>
Cc: Dr. Nancy Muirhead <nancymuirhead@verizon.net>;
Brian Muirhead <brian91011@earthlink.net>
Subject: Resend: Input to SMP

Andrew, I'm sure you're swamped with the 10/20 hearing coming up but I need to be sure you got my message below and get some guidance on how to deal with the SED issue. Thanks, Brian

Andrew,
Thank you for your briefing to the Thurston County lake residents on 9/23/21.
My name is Brian Muirhead and my wife Nancy and I are new residents on Pattison Lake as of Oct. 2020. We have two major issues we are bringing to your attention now and will provide additional inputs on a number of other items through the virtual Open House process.
We agree strongly with one of the questioners at your talk that any buffer zone dimension should be based on specific criteria that the Dept. of Ecology (DoE) might have for changing any of the buffer dimensions away from the current ones, e.g. Shoreline Residential: 50 ft. We both work in scientific fields and we recognize that basing decisions on "science" must always be able to

be validated, typically by independent sources of data, analysis and where possible, testing. I've tried looking for appropriate information on the DoE website but the varied nature and volume of documentation left me unable to find what I was looking for. Any pointers would be helpful.

Therefore, our position on 19.400.120.B.1. is based on what we know at this time and we support the smallest number buffer zones for each designation: Shoreline Residential: 50 ft; Urban Conservancy: 100 ft; Rural Conservancy: 125 ft and Natural: 200 ft.

With respect to the proposed SED changes - we need to challenge what looks like a redrawing of the boundary lines along parcel boundaries and redesignation of our parcel 11702140600 as "natural." Our residence is on the adjacent parcel 11702420100. We understand and happily accept that part of our parcel, 11702140600, is under a Department of Fish and Wildlife bald eagle management plan (due to a nest that was active in 1998), agreed to by the original owner of this property in 1998. However, the previous owners and now ourselves are using parts of parcel 11702140600 as active living space along with parcel 11702420100. We need to know how to properly update the SED map to show shoreline residential and rural conservancy designations as it is and has been being used and maintained, and finding agreement on a natural designation where appropriate.

Thank you for hard work on this important document and working with the community to get it right.

Brian and Nancy Muirhead

brian91011@earthlink.net

818 687 7003

From: [MARVIN STEWART](#)
To: [Andrew Deffobis](#)
Cc: [Barry Halverson](#)
Subject: Support of these 5 changes to proposed SMP
Date: Wednesday, October 20, 2021 8:53:10 AM

Andrew,

I write you this morning in support of the following 5 changes to the proposed Shoreline Management Plan.

I could give a scathing rebuke of each of these, but with respect I won't. I implore you to recognize that many of the proposed changes will place undue hardship on Homeowners. In particular, the proposed dock, pier, and float proposals are extreme. It is absolutely baffling why an already expensive and cumbersome set of already established requirements would be increased on non-salmon bearing freshwater lakes. Homeowners are already faced with exorbitant fees with the permitting process. The SMP, as proposed, is untenable. I am a moderate Indp that does support protecting wildlife, but it seems that the powers that be are not taking into account that property owner's already heavily restricted process. Please make the following 5 changes.

1. Buffer widths (Issue #2 in coalition letter) for lakes to remain as they were in the 1990 SMP . If this particular issue is changed to what the county staff want most of you will have your properties (on the lake/canal/community beaches) seriously impacted.
2. Pier, Dock, Float or ramp grating (Issue #7 in coalition letter) we want the option to exclude expensive grating for lakes that do not contain salmon.
3. Pier and Dock piling spacing (Issue #8 - in coalition letter) we want the option to reduce spacing to 8 feet.
4. Pier and Dock Width (Issue #9 - in coalition letter) we want the option to be able to make our piers/docks 8 feet wide or more if applicant can demonstrate need.
5. Shoreline Environmental Designations (SEDs) (Issue #12 in coalition letter) we want the changes we were able to make for residents of Lake Lawrence adopted by the Planning Commission and Board of County Commissioners.

Thankyou,

Marvin D Stewart
Lake Lawrence, Thurston County

From: schornoag@hotmail.com
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Wednesday, October 20, 2021 9:17:04 AM

Your Name (Optional): Glenn Schorno

Your email address: schornoag@hotmail.com

Comment: Adding to an earlier comment, changing parcel boundaries to essentially move parcels out of the SMP and the costs and fees associated should be funded by the beneficiaries of the SMP changes, the public.

I recommend creating grants and waive fees for affected land holders to help restore landholder value.

Time: October 20, 2021 at 4:16 pm

IP Address: 74.209.54.88

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

Sent by an unverified visitor to your site.

From: [david keen](#)
To: [Andrew Deffobis](#)
Subject: Shoreline master program meeting comments
Date: Wednesday, October 20, 2021 10:02:40 AM
Attachments: [lake coalition comments for meeting.pdf](#)

Andrew,

I have attached some comments for you and your staff to consider for your meeting this evening.

Thank you for your time.

David Keen

Thurston County Planning

10 / 20 / 2021

To: Andrew Deffobis

Re: Proposed Shoreline Master Program being considered for change

My wife and I are owners of a seasonal lake cabin on Lawrence Lake and are considering this property to be a long term investment and possible a future full time residence.

Lake Lawrence has benefited greatly from the Lake coalition group and its cooperation and attentiveness to the water quality and related environmental concerns that has helped to maintain this lake as a consistent good recreational lake for property owners and visitors year around.

I think the upgrade items within the shoreline master program being considered by the county are extreme and reflect an attempt to shape all freshwater lakes within the county as equal areas of concerns. Each Lake within the County is different and some lakes benefit from stream fed sources and some may have more or less ecological merit to consider some mitigation within the already adopted management guidelines. This new proposal seems to add another layer of burden onto the already staffing of the planning department and will , in my opinion, give more authority to people out of the county planning department to consultants, attorneys, and special interest groups that have little vested interest of the communities that have thrived on these lakes for many years.

Lake Lawrence has a healthy blend of waterfowl, fish, and other wildlife that depends on the health of the lake but also depends on the health of the surrounding properties.

I think the existing building codes, and environmental requirements that are established give allowances for properties on individual needs instead of providing a pool of additional regulation that will only slow down legitimate small development or the need to maintain an existing property to make sure it is not creating a safety problem and will insure future generations that they may have a quality recreational lake to enjoy.

The County has completed a new boat launch restoration and facility on Pleasant Beach Dr which is a great improvement. I am not sure how the surface run off is being addressed for the vehicular traffic and newly paved lots and ramp area but most commercial development would need to insure that this runoff is pretreated or somehow contained within the property. The small amount of residential development on this lake leaves a lot of wild and natural habitat un touched on the shoreline and I do not think some of the proposed changes will do anything to enhance what is already working. I think the involvement of a lake management district and the members attention to County concerns is paramount and should not be in conflict so the life on the lake can continue with a good joint effort and concerns get addressed as they arise on an individual nature.

With aging properties blending with newly developed properties existing on the lake I believe it is necessary to allow for reasonable maintenance of homes, docks, and other features that will allow for changing family needs, as well as making the aging properties a historical reminder of the lake's history.

I think the many freshwater lakes within the County's jurisdiction have a lot to offer all county residents and should be maintained and considered by a forward thinking county planning staff that can continue

to provide and interpret existing guidelines and implement specific concerns only when necessary by means that already exist.

The proposed program provides some language that is moving the freshwater lakes into a category of saltwater development which is not the same and not have similar guidelines.

The proposed language for docks, swimming platforms and the like are extreme and expensive upgrades to impose on owners. It is the responsibility of the homeowner to see that his property and structures such as docks and decks are safe and provide good access for the private enjoyment of that property owner and their visitors.

Buffer widths are already established and with administrative staff variances they should be maintained "as is" to allow for individual considerations based on merits of the need.

I would encourage the planning staff and commissioners making the decisions on this proposed new master program take the necessary time to visit some of the lakes that will be affected by this program and look at the shorelines, wildlife, and historic structures that tell the story of those individual lakes and the communities they serve.

I would hate to see some these freshwater lakes become master planned and lose their identity as so many properties in the county have made room for high or medium density development and take away some of the personality that Thurston County has to offer.

I appreciate the opportunity to voice and opinion and hope that all of the staff, consultants and related persons give a fair review of the facts, the needs, the existing program, and what will be the result of "over planning" a resource that is always changing along with the community it is serving.

Sincerely,

David Keen and Pamela Keen

Pleasant Beach Drive

Thurston County
Community Planning & Economic Development
2000 Lakeridge Dr SW
Olympia, WA 98502

10/12/2021

THURSTON COUNTY
RECEIVED

OCT 20 2021

DEVELOPMENT SERVICES

RE: Shoreline Master Program update
Attention: Andrew Deffobis, Interim Senior Planner

I have received two postcards soliciting comments and input from me about proposed changes that will impact my property located at:

807 113th Ave SE
Olympia, WA 98501
Parcel #12735120100

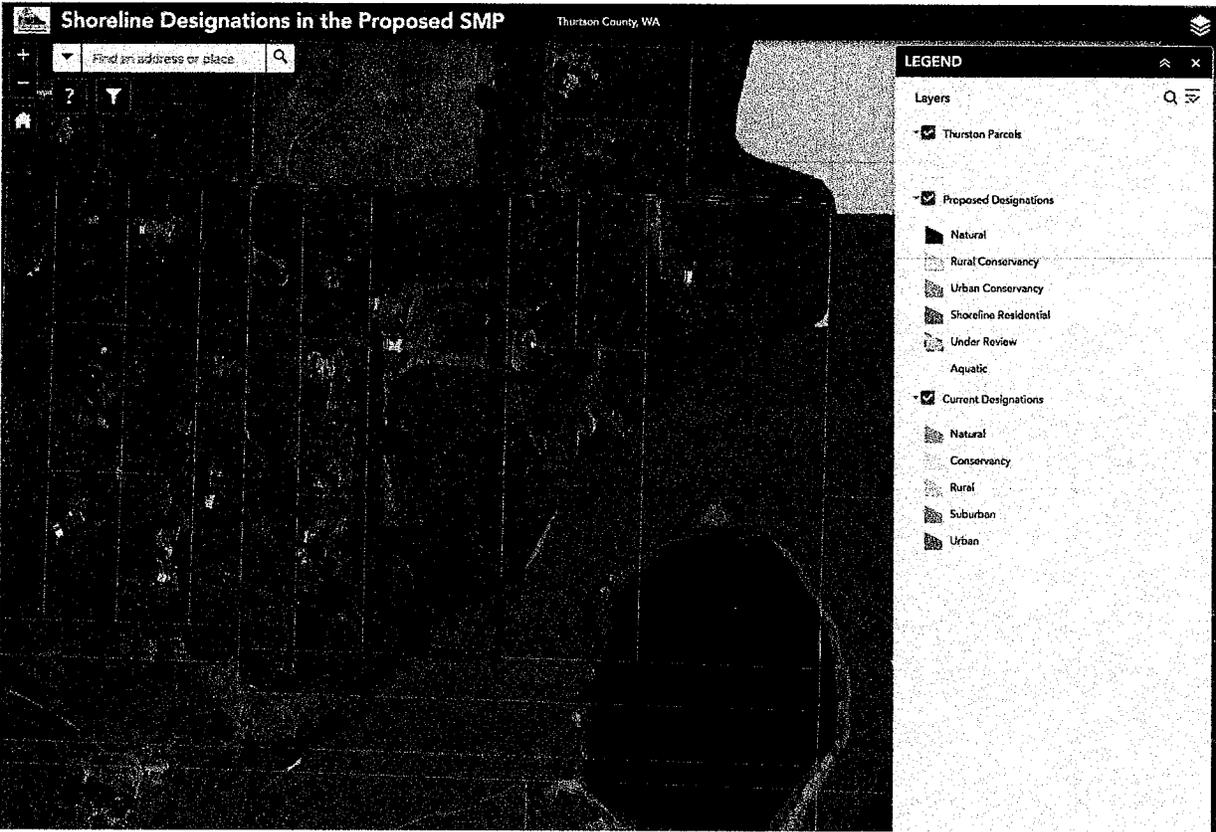
In 1990 the County changed the Southeast corner of my property to Rural Conservancy. Now a designation change from Rural Conservancy to Natural is being proposed which, I believe, will further devalue my property by restricting current or future use of the land.

I am opposed to this new change and would like the designation to revert back to prior to 1990 or remain as Rural Conservancy. Considering the fact that my property tax valuation was just increased by almost 48% it seems highly unfair and makes no logical sense to devalue the property while at the same time substantially increasing the property tax valuation and subsequent tax burden.

The Southeast corner of my property is actually a fair distance from the Pitman Lake shoreline. It should only take a few minutes to update your map to exclude my property. I'm asking that you please do not change the designation to Natural.

Cale Holmes

Property picture:



From: [lois ward](#)
To: [SMP](#)
Subject: Shoreline Management Plan
Date: Wednesday, October 20, 2021 11:59:35 AM

Greetings County Commissioners and County Planning Committee:

As you work to develop guideline for the Shoreline management plan, I would like to share some thoughts. As a longtime resident of Thurston County (50 years) and a native of WA State I have watched as Puget Sound has deteriorated over the years. I do appreciate the efforts that have gone into saving salmon, Orcas, and preventing pollution in our beautiful waterways, but we have fallen short and need now to work diligently toward gaining back some of the properties that once were. While I applaud your efforts to create no net loses to our environment and shoreline, I am a firm believer that there are places and times that net gain is possible and it should be sought. Please do not reduce the buffers. They are at a minimum now and reducing buffers only means more potential damage to the shoreline which is critically endangered.

I have watched the damage to our shoreline and tide flats over the years as well. While aquaculture has come a long way in 50 years it continues to destroy the natural tide flats with barge loads of gravel to make fields of oysters accessible by large trucks and harvesting equipment. There is also excessive use of plastic in the form of netting, net bags and tubes for geoduck. Research has shown that plastic does degrade into small minute pieces that are often found in fish and other seafood. Finally, the hydraulic equipment used to harvest geoduck is devastating to the substrate.

I do not advocate for ending aquaculture but it must be done responsibly and without practices that damage and destroy the delicate balance of our shorelines. I also do not advocate for an end to growth and development but an abundance of caution must be exercised if we are to have salmon in our rivers, fish in our lakes and if Puget Sound is to recover from much of the damage that has been done to it over the past hundred years. We can change things and that is what I believe we need to do. Please let's not move backward in this effort. Thank you. Lois Ward

From: [Phyllis Farrell](#)
To: [Andrew Deffobis](#)
Subject: SMP comments for 10.20.21
Date: Wednesday, October 20, 2021 12:25:26 PM
Attachments: [ATT00001.htm](#)
[SMP 10.20.21 for PH.docx](#)

Greetings Andrew, hope you are well.

I submitted the attached comments in the online portal, but the formatting makes the comments more difficult to read. Therefore I am submitting an attachment that is easier to read. If you feel it is warranted, please feel free to share the attached version with the Planning Commissioners.

To stay within the 3 minutes, I will be submitting a summary of my comments for public testimony tonight.

Thanks,

Phyllis

Sent from [Outlook](#)

SMP 10.20.21 comments for Public Hearing on 10.20.21

Greetings. As a resident of unincorporated Thurston County, I have been following the development of the draft SMP for several years. My priorities are environmental protection, conservation and restoration.

I believe the draft SMP is an improvement in protection of our shorelines. I especially like the following goals mentioned in the following material:

[Thurston SMP Planning Commission Public Hearing Draft \(with edits\).pdf \(thurstoncountywa.gov\)](#)

p.35 19.300.100 **Shorelines of Statewide Significance**

p.36 Policy SH-4 Protect the resources and ecology of the shoreline

1.a. Projects should shall consider incremental and cumulative impacts while ensuring no net loss of shoreline ecosystem processes and functions.

2.b. In order to ensure the long-term protection of ecological resources of statewide importance, activities impacting anadromous fish habitats, forage fish spawning and rearing areas, shellfish beds and other unique environments should be severely limited

p.37 Policy SH-5 Increase public access to publicly owned areas of the shorelines

2.b. Enabling trail access to public shorelines is a priority of this Program. Partner with other agencies and entities to prioritize developing unpaved, pervious paths and trails to shoreline areas and linear access along the shorelines, where appropriate.

p.39 19.300.115 **Water Quality and Quantity**

p.40 G. Policy SH-21.7 Stormwater outfalls into the rivers, streams, lakes and marine environment should be eliminated and diverted into settling ponds to reduce organics, harmful chemicals and waste from entering these water bodies and degrading water quality and contributing to algae growth

p.42-43 19.300.135 **Public Access and Recreation,**

F. Policy SH-44 Encourage linkage of shoreline parks, upland recreation opportunities and wateroriented opportunities

G. Policy SH-45 Encourage the acquisition of public shoreline recreational lands through a variety of means including fee purchase, acquisition of easements, options, development rights, and Conservation Futures.

H. Policy SH-46 Encourage coordination between public agencies, land owners, non-profit organizations, land trusts, private developers, and others in their plans and activities to provide a wide variety of recreational opportunities on public shorelines

I do have some comments, suggestions and questions indicated by ***

p.37 19.300.105 **Critical Areas and Ecological Protection**

p.37 D. Policy SH-10 Permitted uses and developments should be designed and conducted in a manner that protects the current ecological condition, and prevents or mitigates adverse impacts. In order to reduce the amount of plastic debris entering water bodies in Thurston County, permitted uses and developments are encouraged to limit the use of plastics.....***please replace the underlined word with **required**. The amounts of plastics used in the aquaculture industry warrants phasing out the use of PVC pipes, plastic bags and plastic netting. While the SMP cannot ban aquaculture, it can regulate its practices.

p. 40 19.300.120 **Economic Development**

p. 40 B. Policy SH-23 Water-oriented economic development, such as those aquaculture activities encouraged under the Washington Shellfish Initiative, should be encouraged and shall be carried out in such a way as to minimize adverse effects and mitigate unavoidable adverse impacts to achieve no net loss of shoreline ecological functions. ***Please replace the underlined word with **limited** due to inordinate concentrations of aquaculture permits in the South Sound (over10,000 acres) contributing to plastic pollution, loss of biodiversity and forage fish habitat.



Aquaculture permits are in green; brown areas prohibit aquaculture.

19.300.130 Shoreline Use and Site Planning,

P. 42 I. Policy SH-33 Aquaculture should not be permitted where it would result in a net loss of shoreline ecological functions and processes, adversely impact eelgrass and macroalgae,... The 1990 SMP and the state DOE 2013 regulations required No Net Loss. Do the monitoring metrics of ecological function indicate No Net Loss has been maintained? If not, perhaps a *** moratorium on new aquaculture permits should be implemented. South Puget Sound waters are currently intensely farmed resulting in loss of biodiversity and forage fish habitat necessary for salmon recovery.

p.52 19.400.115 Critical Areas

1. Requirements to obtain Reasonable Use Exceptions – these shall be replaced by shoreline variances.

What is the role of variances? How many are issued annually and under what circumstances? With the adoption of a new SMP, is that number expected to rise? What are the potential impacts to NNL?

p. 56 19.400.120 Vegetation Conservation Buffers p.57 B. Buffer Widths

*** I strongly recommend Option B in the Fact Sheet 6 of the planning documents. (85' Marine Shoreline Residential and 250' in Urban Conservancy, Rural Conservancy and Natural). Option B has more protective buffers, especially in marine shorelines. Given one measure of NNL is vegetation, how can one hope to maintain NNL if buffers in Option A are reduced? We know buffers are important for maintaining ecological function. And what about expected sea level rise which will shorten buffers? Reducing buffers will make mitigation and restoration efforts more expensive and complicated.

For Lakes, I also recommend Option B (SR-75', UC 100', RC 125', and N 250'.

For Streams I am glad to see both Options A and B propose 250' which aligns with best management practices and the SPTH (Dominant Species Potential Tree Height) recommendations.

See [Management Recommendations for Washington's Priority Habitats: Riparian | Washington Department of Fish & Wildlife](#) of riparian buffers of 250' on Type 1 and 2 Streams.

*** . Gwen Lentos, WDFW, shared in an e mail to me 10.19.20, Washington Department of Fish & Wildlife recommends designating riparian buffers as critical areas. and using the larger buffer option to more closely align with recent best available science.

p.75 19.500.075 Permit Types Definitions

*** I oppose all permits being processed administratively. While possibly more efficient and staff intentions may be good, having public opportunities to weigh in and/or appeal decisions is paramount. The potential for applicant pressure to influence staff decisions creates the potential of inconsistency and favoritism.

p.77 C. Exemptions from Substantial Development Permits

2. *Application and interpretation of exemptions.* I commend the following wording: *a. Exemptions shall be construed narrowly.*

3. *Documentation of exemptions.* *County shall document exemptions in the permit system.*

Please note that while exemptions for single family residence bulkheads are allowed by WAC 173-27-040, this type of armoring is contributing to loss of ecological functioning and forage fish habitat which will require more intensive mitigation and restoration projects.

p.83 19.500.105 **Procedure** p. 90 K. **Monitoring** The County will track all shoreline permits and exemption activities to evaluate whether the Master Program is achieving no net loss of ecological functions to include measures of New shoreline development, Shoreline Variances and the nature of the variance, Compliance issues, Net changes in impervious surface areas, including associated stormwater management, Net changes in fill or armoring, and Net changes in vegetation (area, character). *** Please consider adding measures of **biodiversity and forage fish habitat**....important indicators of ecological functioning. It is well known the County is short-staffed and have been handicapped in the ability to respond to complaints of permit violations. It is imperative that this staff activity be adequately funded for permit compliance and enforcement.

p.98 19.600.115 **Aquaculture** *** See previous comments recommending limiting aquaculture permits, regulating aquaculture practices in shellfish bed preparation, banning the use of herbicides and pesticides, and phasing out the use of plastics and hydraulic harvesting.

p. 103 *** Net pens in Thurston County should not be allowed unless fully contained and upland. Marine net pens pollute public waters with feed and fecal wastes.

p. 119 19.600.160 **Mooring Structures and Activities**

***Docks should not be allowed in Natural environment of lakes and marine shorelines. Gwen Lentes, WDFW, shared in an e mail to me 10.19.20, " on Pg. 113, <https://wdfw.wa.gov/publications/01988>, WDFW suggests that dock restrictions remain on Natural shoreline designation to protect sensitive marine embayments, pocket estuaries, salt marsh, and lake fringe wetland habitats.

B. **Application Requirements** p. 120-121 *** Retain the requirement to consider alternative moorage prior to allowing piers and docks.

p. 121 I commend the wording of h. *Proposed moorage structures for new residential development of two or more dwellings shall be limited to a single, joint-use community facility-except where demonstrated to be infeasible, with no more than one moorage space per dwelling unit or lot.* *** I recommend removing the wording "except when demonstrated to be infeasible"If it is not feasible, a permit shouldn't be issued.

P. 122 *** Retain the requirement that requires grating on docks in lakes, even if they don't have salmon. Other species of vegetation and wildlife benefit from the light and rain runoff provided.

p. 124 ***Retain dock/pier widths at 6 feet

p. 152 19.700.140 **Shoreline Mitigation Plan**

*E. The mitigation must be completed or installed prior to development activity, unless demonstrated infeasible. ***Don't allow if the mitigation for the project is not feasible.*

p.157 Appendix C. **Shoreline Restoration Plan C.2 Defining Restoration**

p. 158 D. Restoration and No Net Loss WAC 173-26-186(8)(b) directs Shoreline Master Programs to "include policies and regulations designed to achieve no net loss of those ecological functions".

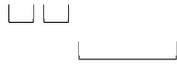
The Thurston County Cumulative Impacts Analysis and No Net Loss Report outlines how the Program policies, regulations and this Restoration Plan plans to achieve no net loss of shoreline ecosystem-wide processes and functions. *** The current SMP requires NNL...do we have a report or data from 1990 or 2013 with metrics citing gains or losses? Such data will indicate areas to be addressed. Will future SMP reviews/updates be using data from 2021 or 2013?

p. 161 B. **Identified Management Options for Restoration and Protection Projects**

Recommendations and options for managing marine and freshwater shorelines are provided in several dated publications (2009, 2010, and 2012). Are there more recent sources of Best Management Practices?

Respectfully,

Phyllis Farrell



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From: darcyeggeman@comcast.net
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Wednesday, October 20, 2021 12:32:46 PM

Your Name (Optional):

Your email address: darcyeggeman@comcast.net

Comment: Please find my comments below,

B. Existing Structures

1.c. For structures located partially within the shoreline buffer or setback, alterations shall be limited to the addition of height up to 35 feet above finished grade and landward expansion into areas outside the shoreline setback.

My comment: Already, the increased buffers from a few years ago were prohibitive, causing many properties to be deemed nonconforming. Now you are adding additional restrictions.

Are you willing to lower property taxes for waterfront properties that are affected by the ever-increasing restrictions? Use affects marketability.

Is this saying a property owner will be restricted both vertically and horizontally away from the water by 35 feet? Why? What does this matter? Again, the constant increase of restrictions, are an affront to the rights of property owners with little or no justification?

d. For structures located entirely within the shoreline buffer or setbacks, alterations shall be allowed for the addition of height up to 35 feet above finished grade or landward expansion, up to 500 square feet (1,000 square feet total if adding second floor up to 35 feet high), on the upland side of the structure, or both. Mitigation shall be required for any such expansions within the buffer. The square footage limitation on expansions only applies to portions of the property within the shoreline buffer or setback. Structures may be expanded outside the shoreline buffer or setback, subject to other applicable provisions of Thurston County Code.

My comment: As mentioned before – the previous increase in Buffer already reduces use and value of properties. How do you plan to mitigate the reduced value of my property especially since the assessed value continues to climb? There is no doubt that new buyers may not have full knowledge of how their property has been affected by the additional restrictions.

19.400.105 Proposed development

2. New development, including alterations to existing structures, shall be located and designed to avoid the need for future shoreline stabilization for the life of the structure. Likewise, any new development which would require shoreline stabilization which causes significant impacts to adjacent or down-current properties shall not be allowed.

My Comment: These make no sense to not allow shoreline stabilization – aka bulkheads. This should be allowed to protect the land. I do not understand your why on this?

Is it Thurston county's plan to force people to live only in crowded cities? Olympia is very restrictive on building there as well. So why are you making enjoyment of one's property so limited? I do not believe most of your plan does anything ACTIVE to help the environment.

Time: October 20, 2021 at 7:32 pm
IP Address: 73.221.225.12

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

Sent by an unverified visitor to your site.

From: codyx056@umn.edu
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Wednesday, October 20, 2021 1:21:50 PM

Your Name (Optional): Jonathon Cody

Your email address: codyx056@umn.edu

Comment: Chapter 19.400.100 A(4) would negatively impact military landowners who have legally nonconforming uses. These landowners often must move away from their homes for periods greater than 24 months and may be unable to ensure the use is maintained during that time. There should be a procedure for those military personnel, and others similarly situated, to inform the county that they will not be present for the required period of time to maintain the use and ensure that future use is not denied.

19.400.120 D1(a) and (b): The limitation on trails being four feet wide and viewing platforms being four feet wide and platforms being less than 100 square feet seems arbitrary. Additionally, these may interfere with disabled persons ability to access areas or enjoy uses. For example, ADA requires a minimum of 36" for ramp width and intermittent landings of at least 60." Recommend that the proposed plan allows for trails greater than 48"wide if required for access and that viewing platforms may exceed 100 square feet, where necessary to meet disability requirements.

19.400.120(D)(1): These standards make no allowance for emergency hazard tree removal or trimming. When a tree is ready to fall on property or presents a danger, high winds can easily cause that fall to accelerate. Quick trimming can provide necessary time for more efficient and safer removal. There should be an allowance for emergency trimming. Additionally, the proposal does not account for how adjacent property owners would petition for such removal and who would be required to pay for the required mitigation costs.

Time: October 20, 2021 at 8:21 pm

IP Address: 216.24.45.34

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

Sent by an unverified visitor to your site.

From: [Anne Van Sweringen](#)
To: [Andrew Deffobis](#)
Subject: comments, testimony
Date: Wednesday, October 20, 2021 1:40:29 PM
Attachments: [Thurston draft SMP PC 10-20-21 Public Hearing avs comments.pdf](#)
[2021 10-20 Testimony, SMP Public Hearing avs.pdf](#)

Hello Andrew,

Please accept our comments for the public hearing for the Thurston County Shoreline Master Program Update. Also attached is my testimony for the hearing tonight.

Thank you,

Anne Van Sweringen
Representative, Environmental Community Stakeholders
(Black Hills Audubon Society, Sierra Club-South Sound, Thurston League of Women Voters, Thurston Climate Action Team, and Thurston Environmental Voters)

Thurston Environmental Community Stakeholders

Black Hills Audubon Society, Sierra Club South Sound, Thurston League of Women Voters, Thurston Climate Action Team, and Thurston Environmental Voters

Thurston County Planning Commissioners

October 19, 2021

Dear Planning Commissioners,

Thank you for the opportunity to comment on the Thurston County Draft Shoreline Master Program Update. On behalf of the five environmental groups I represent (listed above), please accept our comments on the Planning Commission's August 10, 2021 Public Hearing Draft (Past Edits Version).

Our comments are in two parts:

- I Response to the Planning Commissioners' Comments, and
- II Comments on the Thurston Shoreline Master Program Update

Citizens of the Thurston Environmental Community Stakeholder groups ask you to consider, support, and include these comments in the county's plans for the draft SMP update.

Respectfully submitted,

Anne Van Sweringen
Representative, Thurston Environmental Community Stakeholders

**Thurston County Draft Shoreline Master Program Update
Public Hearing
October 20, 2021
Thurston Environmental Community Stakeholders, Comments**

I. RESPONSE TO PLANNING COMMISSIONERS' COMMENTS

Legend:

PC Comment = Planning commissioners' comments/options

—> = Environmental Community Stakeholders' comments

19.400.120.B.1. (p56) Vegetative Conservation Buffers, Buffer widths, Standard Buffer - Each shoreline environment designation shall have a starting, or standard, buffer as measured landward from the OHWM. This buffer shall be adhered to unless otherwise allowed as described in the Reduced Standard Buffer provisions below or other critical area buffers are required. The Standard Buffers for each environment designation are as follows: [See table, original and currently proposed buffer widths].

PC Comment Option for Public Hearing: Consider use of original proposed buffers, in strike-out above.

—> **Yes, absolutely, please use original proposed or greater buffer widths.**

Proposed buffer widths in designated areas, including Shoreline Residential, may not protect landowners from increased floods. **With climate change, buffer widths in many designations are not sustainable to support ecological functions.** Along with increased flooding, droughts, and population growth, how can the county afford to require buffer reductions?

19.400.120.D.1.b. (p 60) Other Uses and Modifications in Buffers, Decks and Viewing Platforms

- Decks and viewing platforms adjacent to residential structures may be permitted, but shall be limited to one hundred square feet in size, unless demonstrated that a larger structure will not result in a net loss of shoreline ecological function through submittal of a Shoreline Mitigation Plan (Section 19.700.140). The structure shall be no closer than 25 feet from the ordinary high water mark (OHMW). Viewing platforms shall not have roofs, ~~except where otherwise permitted through the view blockage standards (Section 19.400.135)~~ and be no higher than 3 feet above grade. Creosote and pentachlorophenol should not be utilized in construction materials for decks, viewing platforms or boardwalks.

PC Comment Public Hearing Option: Consider allowing decks and viewing platforms - larger than 100 square feet as default option, or closer than 25 feet, allowing it for public access, and whether this requires a shoreline variance.

—> We agree, particularly for public access. See Appendix B, section B.2.C. for examples of wording we offer for county staff to consider.

PC Comment Also see Public Hearing Option language in Appendix B, section B.2.C. regarding parameters for decks to be considered pervious surface.

19.500.075 (p75) Permit Provisions, Review and Enforcement, Permit Types Definitions - Applications for review of permit types or actions listed in Table 24.05-1 TCC shall be subject to a Type I, Type II, Type III, IV, or Type V review process. The application types are classified as follows [A.Type I - E. Type V]:

PC Comment “Planning Commission Option: Consider recommending Substantial Development Permits, Conditional Use Permits and Variances are processed administratively. Staff note: This will require changing paragraph E above, as Type V process would then be more similar to a Type I or Type II, because Type III processes require Hearing Examiner approval in County Code.”

—> Do not change paragraph E. Type V. There needs to be an option for Ecology’s conditions that may be critical and necessary for SDPs, CUPs, or Variances. Do *not* process all permit types administratively. **There needs to be a permit type that involves a Hearing Examiner decision, particularly when a project requires substantial discretion and has broad public interest.** The SMA states, “coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest.”

19.500.100 B.2. (p77) Permit Application Review and Permits, Substantial Development Permit - A SDP shall be classified as a Type III permit review under Chapter 20.60.020 TCC. Where Administrative SDPs are allowed, they shall be classified as a Type I permit review under Chapter 20.60.020 TCC, or a Type II if SEPA is needed.

PC Comment “Public Hearing Option: Consider making SDPs either a Type I (if SEPA is not required), or Type II permit (if SEPA is required). This option would remove the requirement for SDPs to undergo a public hearing before the Hearing Examiner, though public notification requirements of Type I and II permits would remain. Decisions on SDPs would be made by staff under this option.”

—> **Add**, after new language (in pink) (from the guidelines): Conditions may be attached to the approval of permits as necessary to assure consistency of the project with [the act and] the master program.

19.600.150A: (p116) Industrial Development, Environment Designations Permit Requirements - Where industrial development is proposed in the following designations, the identified permit requirements shall apply.

PC Comment Note: The Planning Commission is interested in public testimony regarding in which designations industrial development should be allowed. Options under consideration include prohibiting these uses in either or both the Shoreline Residential and Urban Conservancy SEDs (the draft currently allows them), and allowing these uses in the Rural Conservancy SED (the draft currently prohibits them). Industrial development will be subject to development standards in the draft in any designations where it is an allowed use.

—> **Industrial geoduck aquaculture in Shoreline Residential or Urban Conservancy SEDs is not in the general public interest for visual, safety, or protection of reasons. It does not support no net loss of ecological functions.**

19.600.160A.1.a. (p119) Mooring Structures and Activities, Environmental Designations Permit Requirements - When mooring structures are proposed in the Aquatic designation and are adjacent to the following upland designations, the identified permit requirements shall apply.

1. Natural: a. Single use and joint/public use docks (marine water): Prohibited

PC Comment Option for Public Hearing: Consider allowing docks in the Natural environment of lakes and marine shorelines.

—> **Docks must continue to be Prohibited in the Natural SED of all lakes and marine shorelines.** The Natural SED continues to shrink with each SMP update and periodic review. Adding structures such as docks increases the loss of shoreline ecological functions, thus reducing the size of the county’s Natural SED area.

19.600.160B.8. (p120) Mooring Structures and Activities, Application Requirements - In addition to the general permit requirements, proposals for mooring structures shall include the following: Demonstration that alternative types of moorage, including buoys, are not adequate or feasible;

PC Comment Option for Public Hearing: Strike requirement to consider alternative moorage prior to allowing piers and docks.

—> The August 10 SMP draft wording for moorage is acceptable.

19.600.160C.1.p. (p122) Mooring Structures and Activities, Development Standards - New covered moorage, over-water boat houses, side walls or barrier curtains associated with single family residential moorage are prohibited **in the Natural environment**. When covered moorage and covered watercraft lifts are replaced, the replacement structures should use transparent roofing materials that are rated by the manufacturer as having 90% or better light transmittance.

PC Comment Option for Public Hearing: Consider whether covered moorage should be permitted for commercial and industrial uses. This would need to be included in the cumulative impacts analysis.

—> **No, prohibit commercial and industrial covered moorage in Natural and Rural Conservancy.** Transparent roofing would not allow light to reach the water surface through boats or other impervious structures underneath, severely affecting aquatic vegetation, life, and shoreline functions.

19.600.160C.1.r. (p122) Mooring Structures and Activities, Development Standards - In marine waters and salmon-bearing lakes, functional grating resulting in a total open area of a minimum of 24% must be installed on piers and floats which are new or greater than 50% replacement. This can be achieved by installing grating with 60% open area on at least 40% of the pier or by grating a larger percentage of the pier with grating with openings of less than 60%. Exceptions to these standards may be permitted where need is demonstrated and when approved by the U.S. Army Corps of Engineers.

PC Comment Option for Public Hearing: Strike requirement for grating on lakes that do not contain salmon.

—> Keep the requirement for grating on lakes. The Hydraulic Code (WAC 220-660-140) (<https://apps.leg.wa.gov/wac/default.aspx?cite=220-660&full=true#220-660-140>) (3)(iv) says: The department [WDFW] will require residential pier, dock, ramp and float designs to include grating... (2) Fish life concerns: (a) **Over-water and in-water structures can alter physical processes that create or maintain habitat that supports fish life.** These processes include light regime, hydrology, substrate conditions, and water quality. However, **light reduction is a main impact to fish life at critical life stages. Light reduction, or shading, by over-water or in-water structures reduces survival of aquatic plants. Aquatic plants provide food, breeding areas, and protective nurseries for fish life.**

19.600.160.C.5. (p126) Mooring Structures and Activities, Development Standards, Floats
PC Comment Option for Public Hearing: Strike requirement for grating on lakes that do not contain salmon.

—> **Keep the requirement for grating on lakes. The Hydraulic Code** (WAC 220-660-140) (<https://apps.leg.wa.gov/wac/default.aspx?cite=220-660&full=true#220-660-140>) (3)(iv)...
(see **19.600.160C.1.r.** above)

Appendix B.4.C. (p162) **Mitigation Options to Achieve No Net Loss..., New and Replacement Overwater Structures...** - For dock additions, partial dock replacements, or other modifications **in marine waters and salmon-bearing lakes**, replace areas of existing solid over-water cover with grating material or use grating on those altered portions of docks if they are not otherwise required to be grating.
PC Comments Public Hearing Option: Do not require grating for waterbodies that do not support anadromous fish, such as salmon.
—> Include all waterbodies. The Hydraulic Code (WAC 220-660-140) (<https://apps.leg.wa.gov/wac/default.aspx?cite=220-660&full=true#220-660-140>) (3)(iv)
(see **19.600.160C.1.r.** above)

**II. THURSTON COUNTY DRAFT SHORELINE MASTER PROGRAM UPDATE
PUBLIC HEARING
10/20/2021
THURSTON ENVIRONMENTAL STAKEHOLDERS' COMMENTS**

Legend:

—> = Environmental Community Stakeholders' comments

Marine Resources Committee

—> Consider establishing a Thurston County Marine Resources Committee. **The committee would act as a citizens advisory group that would work closely with state and local officials, while promoting public outreach and education.** The mission of the MRC would be to address, using sound science, the needs of Thurston County's marine ecosystem. The MRC's focus would be to make recommendations on restoring and protecting county marine ecosystems, their ecological functions, and natural resources. The MRC's job would be to coordinate efforts to implement restoration and conservation projects, and to educate the public. Clallam, Jefferson, San Juan, Snohomish, Grays, and Island counties all have established MRCs.

No Net Loss

—> Particularly in this time of climate change, **the SMP must not allow new land alterations and development that results in a net loss of ecological functions. The county must encourage net gains in both programmatic (planning-level decisions) and project (site-specific design detail) bases when conducting mitigation sequencing.**

- **The SMP update must require an evaluation of whether no net loss of shoreline ecological functions has been achieved. If not, it should be revised to address that failure.** How is the county going to address this statement?
- Rather than encourage at the project level, the county must develop a set of requirements to see that no net loss and net gains are made.
- Include policies and regulations that ensure cumulative impacts from all development will address the burden of those impacts and achieve no net loss of shoreline ecological functions and processes.

Permit Review, Tracking

19.700.112C.4. (p144) Advance Shoreline Mitigation Plan, Baseline conditions - **Description** of the ecological characteristics of the proposed compensatory mitigation project site...

—> **Can a description of ecological characteristics be quantified and tracked to show changes over time? Can a project's degree of no net loss or net gain be quantified and tracked?** CPED is currently using subjective descriptive narratives. Does CPED or the PRT have a method to accomplish no net loss, or net gain that can be measured over time? Can these be quantified, to give actual numbers of shoreline habitat (ecological functions or processes) lost or gained over time?

—> We suggest new Policy SH-XX: **Conduct, monitor, and maintain baseline analyses of existing ecological functions for water-dependent and water-related development. Partner with tribes, agencies and universities to conduct regular monitoring and adaptive management to determine loss of shoreline ecological functions and account for cumulative and secondary impacts.**

—> **Will monitoring be required? Implement a monitoring and feedback system for adaptive management and create a central database for baseline survey data and the streamlining of guidance, to prevent significant impacts and improve accuracy and effectiveness.**

—> The county can use general boilerplate conditions of approval as checks on compliance for phased projects. The developer then has an incentive to comply before moving on to the next project. Customized staging conditions can effectively tie compensatory mitigation to stages.

—> Does your department take advantage of Ecology/Commerce **trainings**? Ensure your current planners are knowledgeable of environmental regulations, particularly when they conduct site visits.

—> **Make site visits more cost-effective:**

- Conduct both pre-application site visits and normal application site visits, if possible.
- Schedule consistent site visits for a day with time slots, fill the schedule in advance, and include group-scheduled site visits into geographic areas, to reduce travel time.
- Prepare support materials in advance to make the most of site visit time (GIS materials, natural resource information, proposal sketches, etc.).
- Include staff, either from the local jurisdiction or another agency, with training and experience conducting natural resource assessments related to development.
- Opportunistically include site visits for projects, such as when driving by a site for other reasons. Such visits might include a second visit to confirm conditions, adding a new pre-application site visit, emergency situations, etc.

—> Systematic permit review process and tracking system - **The county must develop the Permit Review Timeline into one that achieves no net loss or net gain. The county must track net changes (gain or loss) over time to meet the standard of no net loss.** The no net loss standard is intended to stop habitat loss that has occurred and will occur, on the state's shorelines over the years.

—> **A tracking system will measure a permit's baseline conditions and track net changes in habitats and natural resources over time. Inventory and Characterization is only part of baseline data.** A systematic review process requires an accurate assessment of impacts, avoiding unnecessary and un-mitigable impacts, and mitigating the unavoidable impacts through a process that includes monitoring. **Site visits are crucial, as they may differ significantly from a planner's views of a site plan or GIS map in the office.**

—> **Does the county have policies and regulations that ensure no cumulative effects will cause a net loss of shoreline ecological functions?** How is the CPED permit tracking system going to offer a systematic review process? Is CPED collecting data on Cumulative Impacts so CPED will know if it is making progress on no net loss or net gain? One that gives an accurate assessment of SMP impacts, and cumulative impact analyses, per no net loss and net gain? What does permit monitoring include? Are permit conditions being tracked, to learn if they are being implemented? Have mitigation measures been successful at protecting or improving conditions?

—> How are you going to collect this data for Transportation? For SDP, CUP permits? Public Access? Vegetation Conservation? Aquaculture? More quantitative assessment of baseline conditions is needed, particularly for aquaculture and the geoduck aquaculture industry. It may involve extra work initially for the county, but a streamlined system will far outweigh the benefits to the public and environment in the long run.

Buffer Widths

—> We urge you to protect and maintain buffers, especially salt water shorelines threatened by sea level rise. The county must include land necessary for critical area buffers in the SMP. A net gain in buffer width means a net gain in ecological functions for all, including water quality and quantity, habitat, and amelioration of climate change. The county must direct cities and local jurisdictions to do the same.

19.400.120B. Vegetation Conservation Buffers, Buffer Widths - Standard Buffer...

—> Environmental Stakeholders agree with planning commissioners: Consider use of original proposed buffers... We urge you to protect, increase, and maintain buffers, especially on salt water shorelines threatened by sea level rise.

—> The county must include land necessary for critical area buffers in the SMP. A net gain in buffer width means a net gain in ecological functions for all, including water quality and quantity, habitat, and amelioration of climate change. The county must direct cities and local jurisdictions to do the same.

TCC 24.25.015 Riparian habitat areas. - Riparian habitat areas shall be established along all streams pursuant to this section. TCC 24.25.020 specifies the standard freshwater riparian habitat area widths. These standard widths may be reduced pursuant to TCC 24.25.025, increased pursuant to TCC 24.25.030, or reconfigured pursuant to TCC 24.25.035.

—> **Reduce buffer widths only when using the WDFW SPTH tool.** Do not allow current riparian buffer widths to be reduced. Buffer requirements must be adequate to ensure that wetland functions are protected and maintained in the long term. Buffer widths should be maximized to account for unforeseen effects, including climate change and sea level rise. Climate change and population growth are reducing the effectiveness of existing buffer widths. Smaller widths are not sustainable.

—> A lake or stream buffer width is critical. It should consist of three zones at a minimum of 55 feet. The first zone, trees and shrubs and other vegetation, extending from the water’s edge, should be at least 15 feet. The county should incorporate this methodology, developed in Michigan, into the SMP.

Stormwater

19.300.115G. (p40) **Water Quality and Quantity** - Policy SH-21.7 Stormwater outfalls into the rivers, streams, lakes and marine environment should be eliminated and diverted into settling ponds to reduce organics, harmful chemicals and waste from entering these water bodies and degrading water quality and contributing to algae growth.

—> Change “should” to “shall.” Eliminate stormwater outfalls and divert into settling ponds. There is no time to lose with population growth, sea level rise, increased flooding, reduced salmon numbers, and climate change. There is no doubt; this needs to happen.

19.400.120 D.2. (p 61) **Other Uses and Modifications in Buffers** - Hand removal or herbicide spot-spraying of invasive or noxious weeds is permitted within Vegetation Conservation Buffers.

—> Thurston county needs a code of practices for ground spraying for landowners that references allowable/preferable substances.

Aquaculture

Create development standards for shellfish aquaculture; and include: 1) avoiding plastics and micro-plastics, which cause starvation in birds and marine life; 2) minimizing predator control netting to reduce the risk of birds being trapped; and 3) avoiding estuaries until aquaculture as a disturbance can be understood in the estuarine landscape.

We would like to see the county develop regulations that severely limit or restrict the expansion of industrial geoduck aquaculture. Geoduck farms reduce foraging and feeding opportunities for birds during breeding and migration.

19.300.105D. (p37) **Critical Areas and Ecological Protection** - Policy SH-10 Permitted uses and developments **should** be designed and conducted in a manner that protects the current ecological condition, and prevents or mitigates adverse impacts. In order to reduce the amount of plastic debris entering water bodies in Thurston County, permitted uses and developments are **encouraged** to limit the use of plastics. Mitigation measures shall be applied in the following sequence of steps listed in order of priority: ...

—> Restrict plastics from estuaries. Phase out marine plastics (pvc and netting) used by aquaculture. A severe and growing aesthetic and plastics pollution problem has come with the commercial aquaculture industry. Please heed this as an early warning.

- 1) **should must be shall** - Climate change requires changes in development design to reach no net loss now;
- 2) 2) encouraging permitted uses and developments to limit plastics will not stop, or minimize, plastic use. **Replace encouraged with required.** The use of plastic by the aquaculture industry is pervasive, and will only increase with increased industry expansion.

19.600.115B.3.g. (p100) Application Requirements - 3. An operational plan, which includes the following, when applicable should be included if already part of information submitted for another federal or state agency. Methods for **predation control**, including types of predator exclusion devices;

—> Predator control must not involve deliberate killing or harassment of birds, invertebrates, or mammals. Predator control equipment must be removed as defined within the approved schedule, but no longer than two years after installation.

19.300.130G. (p42) Shoreline Use and Site Planning - Goal: ... **Policy SH-31 Potential locations** for aquaculture activities are relatively restricted by water quality, temperature, dissolved oxygen content, currents, adjacent land use, wind protection, commercial navigation, and salinity. The technology associated with some forms of aquaculture is still experimental and in formative states. Therefore, some latitude should be given when implementing the regulations of this section, provided that potential impacts on existing uses and shoreline ecological functions and processes **should** be given due consideration. However, experimental aquaculture projects in water bodies should include conditions for **adaptive management**. Experimental aquaculture means an aquaculture activity that uses methods or technologies that are unprecedented or unproven in Washington.

—> Remove the word “should” - “**...provided that potential impacts on existing uses and shoreline ecological functions and processes be given due consideration.**” Why would CPED not want potential impacts to be considered, particularly with increasing climate change?

—> **All forms of aquaculture need to include conditions for adaptive management.** The commercial aquaculture industry’s use of shorelines must be consistent with Best Available Science.

19.300.130I. (p42) Shoreline Use and Site Planning - Goal: ... **Policy SH-33** Aquaculture **should** not be permitted where it would result in a net loss of shoreline ecological functions and processes, adversely impact eelgrass and macroalgae,...

—> **Limit expansion of aquaculture sites that threaten forage fish habitat.**

—> **Prohibit nearshore disturbance caused by shellfish bed preparation.**

—> **Remove the word “should”** - why would CPED permit aquaculture where it would result in a net loss of shoreline functions or adversely impact eelgrass and macroalgae? **If there is doubt, require initial surveys, baseline monitoring, and adaptive management in permit requirements.**

19.600.115.B.2. (p99) Aquaculture, Application Requirements - A baseline **description** of existing and seasonal conditions, including best available information. Where applicable to the subject proposal, the following **should shall** be included if already part of information submitted for another federal or state agency.

—> **Remove the word “should”** - “**...provided that potential impacts on existing uses and shoreline ecological functions and processes be given due consideration.**” Why would CPED not want potential impacts to be considered, particularly with increasing climate change?

19.600.115C.g. (p101) Development standards - Aquaculture shall not be permitted in areas where it would result in a net loss of shoreline ecological functions, or where adverse impacts to critical saltwater and freshwater habitats cannot be mitigated according to the mitigation sequencing requirements of this Program (see Section 19.400.100(A)).

—> If a private marine lot on an ecological habitat with functions is leased to a shellfish company, how does the county know to stop such a net loss? **Require baseline and subsequent monitoring, along with adaptive management for commercial industrial aquaculture.**

Geoduck Aquaculture (Aquatic SED)

—> **Industrial aquaculture expansion on tidelands and in estuaries has occurred at a rapid pace in recent years in Natural, Residential, and Urban Conservancy SEDs. Our reasons for concern involve marine and estuarine habitat, functions and processes, aesthetics, and health and safety**, all of which are detailed in the Shoreline Management Act and Water Pollution Control Act.

—> **Because it will be another 8 years before requirements from the soon to be updated nationwide permit (NWP48) for aquaculture is incorporated into the Thurston SMP, we would like to see the county develop policies and regulations that severely limit or restrict industrial/commercial geoduck aquaculture, a water-dependent use, and its expansion, in South Puget Sound.**

—> **At four years in one location, industrial geoduck aquaculture is not a non-permanent use.** Since the County is issuing permits with no term of lease, when the harvest occurs, the tideland in use will go through the same cycle for an indefinite period of time, making commercial industrial geoduck aquaculture a “permanent” event.

—> **Washington is spending billions to restore salmon, eelgrass, and forage fish in Puget Sound, yet there is a loss of marine or terrestrial habitat and/or life every time a geoduck farm is established. The short and long term nearshore effects on marine ecosystems are potentially great**, including effects on the forage fish, salmon, eelgrass, and marine invertebrates. Geoduck farms could realistically reduce populations of herons, eagles, and seabirds and shorebirds by making it harder to forage amid the dense infrastructure. Seabirds and shorebirds, who eat invertebrates from the sand and mud, are being displaced from prime foraging areas that are critical during migration and breeding. Marine invertebrates and sediments are displaced every time an aquaculture farm is established.

—> The commercial/industrial shellfish industry not only frequently scrapes the beach before planting, but at harvest dredges entire areas to 3 feet in depth. The impact exists. **Without question, based on the SMA itself, commercial/industrial shellfish aquaculture alters the natural condition of the shorelines of the state.**

APPENDIX B: MITIGATION OPTIONS

—> **The success of this SMP will depend on improved mitigation in the permitting process. Improvements include more effectively quantifying information from environmental baseline conditions. The potential for mitigation to succeed has to be estimated against a baseline.**

—> **To achieve no net loss using mitigation, the county must:**

- Stand firm on avoiding and minimizing impacts and require effective compensation for any remaining impacts, with complete review of all potential impacts.

- Honor the required buffers;
- Move structures back from buffers for uses that are not truly water dependent. Protect areas with intact vegetation.
- Rarely use variances or exemptions; keep as a rare exception rather than the rule.
- Ensure developers provide full compensatory mitigation.

—> **The county can prevent net losses from happening by including the following in the SMP:**

- **Carefully design mitigation to replace all ecological functions** lost by development or activities. **Good designs avoid more rigorous permit requirement follow-up and the need for enforcement of impacts.**
- **Require high enough replacement ratios so mitigation can replace the functions lost.**
- **Make sure mitigation is located in an area in which it can function, and that it is monitored and maintained until it is fully established.**

19.300.130 (41) Shoreline Use and Site Planning Policy SH-35, Upland uses and modifications should be properly managed.

—> Change to, “Properly manage upland uses and modifications...” Define “properly.” Delete should.

19.600.102.4 (p92) General Shoreline Modification Principles - Assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. This can be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modifications.

—> **The only way to achieve cumulative information is by establishing a system that is monitored and data collected on-site. Is the PRT set up to handle data? The county needs a way to determine if ecological functions have been lost or gained.**

19.600.102.4 (p92) General Shoreline Modification Principles - Plan for the enhancement of impaired ecological functions *where feasible* and appropriate while accommodating permitted uses. As shoreline modifications occur, incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.

—> Delete “where feasible.” **Impaired ecological functions must always be mitigated for.** How does the developer know what those measures are? The county needs to know what they are, and work with developers.

—> **Keep in-kind mitigation measures in-place. In-kind mitigation is typically the best approach to replicate functions that would otherwise be lost.** In rare occasions when in-kind mitigation is not possible, the county must require out-of-kind mitigation that can reverse (mitigate for) the impacts of the new development on the specific ecological function within 200 feet.

—> To assure project mitigation is accomplished, the county must consider using financial guarantees. **Financial guarantees have the advantage of assuring developers will complete the mitigation work and submit monitoring reports.** Authorize financial guarantees in the

code or other regulations. Require estimates, and a binding clause for access to the property. Write conditions for staging, and tie compensatory mitigation to the stages.

B.2.B (p159) Mitigation Standards for Specific Development Activities - Alternative standards for vegetation clearing. Where it can be demonstrated that intact native vegetation outside of the required buffer provides greater ecological function than previously cleared or developed areas within the buffer, permanent retention of the intact native vegetation outside of the buffer may be allowed as an alternative, consistent with the vegetation replacement ratios listed above. Such areas may require a conservation easement and shall be recorded under a notice to title, and marked with standard buffer signage.

—> If the buffer was previously cleared, **mitigation should focus on reestablishing the buffer.** Intact native vegetation outside the buffer should not be used as alternative mitigation. **The buffer should be a priority, since it would need to be restored to function effectively.**

2021 10-20 Testimony, Planning Commission Public Hearing, SMP Update

Anne Van Sweringen, NE Olympia, representing 5 Thurston environmental nonprofits (Black Hills Audubon Society, Sierra Club, League of Women Voters, Thurston Climate Action Team, Thurston Environmental Voters).

Please read the comments I have submitted. I want to thank Commissioners and County staff for your good work on the current draft of the SMP Update. I have a few last points:

We support management designed to achieve *no net loss* of shoreline ecological functions, that follows the SMP guidelines (WAC 173-26). The update should require more of an evaluation of no net loss. To achieve no net loss using mitigation, the county must: Stand firm on avoiding and minimizing impacts, and ensure developers provide full compensatory mitigation.

The success of the SMP will depend on how the county improves mitigation in the permitting process to achieve no net loss. How will cumulative impacts be determined using descriptive methods? A more quantitative assessment method of baseline conditions, more robust monitoring, and adaptive management is necessary.

Buffer widths must be maximized to account for climate change, sea level rise, and flooding. A net gain in buffer width means a net gain in ecological functions for water quality and quantity, habitat, and amelioration of climate change.

We would like to see the county develop regulations that severely limit or restrict the expansion of industrial geoduck aquaculture. Geoduck farms reduce foraging and feeding opportunities for birds during breeding and migration. Create development standards for all shellfish aquaculture; and include: 1) avoiding plastics and micro-plastics, which cause starvation in birds and marine life; 2) minimizing predator control netting to reduce the risk of birds being trapped; and 3) avoiding estuaries until aquaculture as a disturbance can be understood in the estuarine landscape.

Lastly, the SMP Guidelines state the county has an obligation to assure that no net loss of ecological functions is achieved within the SMP. Thank you.

From: [Barry Halverson](#)
To: [Andrew Deffobis](#)
Cc: ["John Woodford"](#); [Doug Karman](#); [Eric Casino](#); [Frank & Heidi Hudik](#); [Mike Fischer](#); [Kim Nelson](#); [Curtis Cleaveland](#); [Jim Bieh](#)
Subject: 20 October 2021 Draft SMP Testimony at Planning Commission Public Hearing
Date: Wednesday, October 20, 2021 2:39:14 PM
Attachments: [20 Oct 21 SMP Testimony County Public Hearing20211020_13224172.pdf](#)

Andrew, please find attached my testimony for tonight's meeting. Just wanted you to have a written copy. I will be making comments from this document.

Thank you,

Barry

253-341-6059

**TESTIMONY RE: DRAFT SHORELINE MASTER PROGRAM (SMP)
PRESENTED DURING PLANNING COMMISSION PUBLIC HEARING
20 OCTOBER 2021**

My name is Barry Halverson, I am a shoreline resident of Lake Lawrence, a member of the Lake Lawrence Lake Management District (LMD) and a member of the Thurston County Shoreline Stakeholders Coalition. My comments and submissions to this Planning Commission on this subject represents over 605 LMD members of Lake Lawrence who have been kept informed of the progress on the DRAFT SMP from the beginning. They have submitted comments, concerns and frustration over the document's contents to me, the coalition and this commission, requesting their concerns and comments be addressed in an attempt to make necessary changes to this very important document.

Lake Lawrence has actively participated in and submitted documentation to the Planning Commission and the Board of County Commissioners reference the DRAFT SMP since 2011. You should know me well. I and other members of the Lake Lawrence community have actively participated in over 30 In-Person and Virtual Planning Commission meetings on this subject in the past four years. I appreciate your dedication, patience and diligence in addressing the concerns of the shoreline property owners we are representing and making the changes necessary to make this document better. We also want to thank the present Planning Staff representative, Andrew Deffobis, who has been responsive to the questions, concerns, and changes the property owners of Lake Lawrence have presented to him.

What is particularly disturbing is the primary document upon which the SMP is based is Appendix A of the Final DRAFT Thurston County Shoreline Master Program Update – Inventory and Characterization Report, dated June 30, 2013 that was prepared by the Thurston County Planning Department (authors unknown). This document is deeply flawed and contains a lot of false and misleading information. The county permits section is currently using this document as a reference to make permit decisions. Shoreline Environmental Designations contained in this document have not been approved by the Planning Commission or the Board of County Commissioners, are incorrect, and yet this information has somehow, mysteriously been uploaded to the GEODATA Data Base and is being used as the bible for the permits department. These facts have been pointed out to the Planning Department and Planning Commissioners numerous times over the past 8 years and in particular the past 10 months. Only a Supplement of Appendix A (11 pages – showing recommended changes to this document) was included in the DRAFT SMP that was posted on line for review/comment by the public. All of Appendix A requires review/comment/concurrence of the public, the Planning Commission and Board of County Commissioners before this DRAFT SMP can be finalized. Of particular concern are the following issues pertaining to Lake Lawrence found on pages 21-23 of Appendix A:

1. We have 8 Reaches (areas) around Lake Lawrence that are identified in this DRAFT report. 1 of those Reaches states that salmonoid is present in Lake Lawrence. Why in only 1? It is a Lake. If they are in 1 Reach then they would be in all of them. This is a fundamental error in the report and is factually incorrect. Lake Lawrence has never been habitat for Salmon, there is no way for them to get into or out of Lake Lawrence. This fact has been well documented. The WDFW fish biologist for our region, Gabe Madel and WDFW's Area Habitat Biologist, Theresa Nation verified this fact in an email dated

May 2020. This documentation was provided to this commission and the planner (Andrew Deffobis) on March 15, 2021 (Copy attached). Yet, the permits section of the county has used this DRAFT report to require property owners to utilize special decking material (grating) for docks because this DRAFT report states that salmon are present in Lake Lawrence. This increases the cost for a dock by as much as \$5,000.

2. This report also identifies Cutthroat Trout as living in Lake Lawrence in all 8 Reaches. Cutthroat Trout have not been planted in Lake Lawrence and they do not and have not inhabited Lake Lawrence. The email identified from WDFW also makes this clear.
3. Under the heading Habitats and Site Specifics the authors of this report (unknown) have stated, "Reach may contain the following habitats and site specifics: Wetlands (lake) along entire reach," All 8 Reaches on Lake Lawrence have this notation and this information has been placed in the GEODATA Data Base. This is false and grossly misleading information that is being used by the county permits section to deny property owners permits, require mitigation, additional setbacks, and costly permit processes including hiring certified/licensed consultants approved by the county to write reports to refute these designations. Why should the property owners bear the responsibility and expense? The County should ensure these designations are accurate in the documents published by the county. There are only four of the eight Reaches on Lake Lawrence that are partially impacted by wetlands – The southern end of the lake in Reach LLA1 – LLA2 is a partial wetland adjacent to Hoot Owl Ranch. The southern boundary of the Undeveloped County Park LLA2 to LLA 3 could partially be considered wetland. The eastern shoreline of Goat Island LLA -8 is a partial wetland, but goat island itself is not and has never been wetland. A wetland designation places adjacent property in a category referred to as the County's Critical Areas Ordinance and subjects' property owners to very expensive mitigation and permitting processes. That is why it is very important to get these areas properly designated. Currently they are not. This needs to be fixed.
4. How many other lakes have incorrect information in Appendix A?

The property owners of Lake Lawrence concur with the 19 issues presented to this commission by the Thurston County Shoreline Stakeholders Coalition and request your due consideration of these issues in making the changes to the DRAFT SMP document.

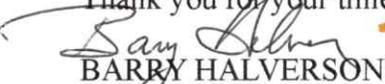
Of those 19 issues there are a few that I would like to personally address tonight with the limited time available:

5. In November and December 2020, I presented testimony and documents to this commission on a series of changes to the Shoreline Environmental Designations (SED) for properties at Lake Lawrence. Specifically redesignating Reaches LLA5-6, LLA6-1 and a portion of LLA1 -2 from Rural Conservancy to Shoreline Residential. These changes are included in the Inventory and Characterization Report Supplement at the end of the DRAFT SMP document. At the 6 January 2021 Planning Commission meeting you voted to make those changes in the DRAFT SMP document. In January 2021 I presented testimony and documents to this commission to change Reach LLA-8 from Natural to Rural Conservancy. On 27 January 2021 you voted to make the changes to

that Reach. Our property owners thank you and want to ensure those changes are actually incorporated into this SMP document.

6. We have serious concerns about the term Non-Conforming or Legally Non-Conforming being used to label a property that under the 1990 SMP was Conforming. One of the reasons that would now make these properties Non-Conforming or Legally Non-Conforming would be a change in the Buffers that is being proposed to this commission. Properties built between 1990 and the date this new SMP is enacted were built with buffers of 50 feet for shoreline residential, 100 feet for rural conservancy or 100 feet for natural. Changing these buffers under either Option A or Option B as addressed in the DRAFT SMP would automatically make thousands of properties throughout the County Non-Conforming or Legally Non-Conforming as currently defined in the DRAFT SMP. **THIS IS WRONG.**
7. Buffers should not be changed. Buffers in the 1990 SMP need to remain. Doing anything else would lead to properties that were conforming becoming Non-Conforming or Legally Non-Conforming. What sense would that make?
8. This brings up the issue identified in the DRAFT SMP of Pier and Dock Pilings – Spacing, Width, etc. The DRAFT SMP utilizes the one size fits all mentality. What is good for a dock or pier on Puget Sound is good for a Lake a River, etc. Not so. The document needs to break these different bodies of water out from each other and recognize that they are different and require different requirements. A dock on a lake needs pilings closer than 20 feet – like 8 feet. A dock on a lake needs more width than 4 feet – like up to 8 feet. These differences need to be addressed in this document before it is approved.

Thank you for your time and consideration,


BARRY HALVERSON

2536341-6059

RE: Lake Lawrence - Salmon

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

Tue 3/16/2021 10:08 AM

To: Barry Halverson <halversonloma@hotmail.com>

Hi Barry,

Thank you for your email. I will forward it to the Planning Commission and it will become part of the official record.

Wetland data and other information in GeoData is used for screening purposes during application review. It is certainly not perfect or 100% accurate. The ground conditions always control vs. what is shown on a map. If an area mapped as wetland is not wetland (determined either by staff or after a consultant has performed a delineation), then the wetland provisions of the code may not be triggered.

I would have to talk with GeoData and our Development Services section as to how to have the maps amended if an area is not actually wetland. Is this what you are seeking? I suspect it may involve hiring a biologist to review the site and delineate the boundaries between wetland and upland. Please keep in mind that areas within 200 feet of the ordinary high water mark of Lake Lawrence (including dry land) are also subject to the SMP.

I will also work on the salmon issue; this is another question to run up the chain to see how it can be rectified on the data side, if we indeed can document it is not salmon bearing (I see the e-mail from Theresa Nation and can follow up). This item has not left my radar, given the changes made to the draft by PC that differentiate requirements between salmon bearing and non-salmon bearing lakes.

Regarding documents needing changes, the SMP itself does not contain information about which lakes are salmon bearing lakes, but implementation of the SMP would use information in GeoData to guide the application review process.

Regards,

Andrew Deffobis, Associate Planner
Thurston County Community Planning and Economic Development Department
2000 Lakeridge Drive SW
Olympia, WA 98502
Cell Phone: (360) 522-2593
Office Phone: (360) 786-5467
Fax: (360) 754-2939

From: Barry Halverson <halversonloma@hotmail.com>
Sent: Monday, March 15, 2021 2:36 PM
To: Andrew Deffobis <andrew.deffobis@co.thurston.wa.us>
Subject: Fw: Lake Lawrence - Salmon

Andrew, please see email below. We have talked about this before as we have discussed mapping issues with GEODATA that show things that are absolutely false, as in the case of Salmon/cutthroat being present in Lake Lawrence. As I have stated numerous times that is simply a false statement and any mention of it on GEODATA Maps and documents (such as the SMP) needs to be corrected before we have more property owners impacted. In your last email you commented that the situation with Lake Lawrence was unique. Well, there are now 2 specific unique mapping issues regarding just Lake Lawrence. The other, that I know exists is wetlands. Goat Island is not and has never been a wetland - it

12:44 PM Fri May 10

100%

< Inbox



From: Theresa K Nation

To: golf137@yahoo.com

Hide



Lawrence Lake fish presence

Today at 12:42 PM

Hi Anne,

WDFW Fish Biologist Gabe Madel and I spoke by phone today. We are both in agreement that there are no anadromous fish in Lawrence Lake. That would include Chinook salmon and coastal cutthroat. The lake outlet structure prevents any fish from moving into the lake. Given the large population of warmwater fishes, we would prefer that it remain that way. Warmwater species prey on juvenile salmonids and could negatively impact the coho population.

Hope that helps. Let me know if you have any questions.

Theresa Nation

Area Habitat Biologist

Washington Department of Fish and Wildlife

111 Washington St SE

Olympia, WA 98501

(360) 902-2562 office

(360) 688-4745 cell

From: akafiona@msn.com
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Wednesday, October 20, 2021 2:47:33 PM

Your Name (Optional): mary downey

Your email address: akafiona@msn.com

Comment: 2445 Summit Shore Road NW. What constitutes a bulkhead? Our neighbors, the Hargraves, have cement blocks placed along the shore. I believe the previous owners did this and I doubt they had a permit. I would like you to check into this "bulkhead" and see if it is legal. We don't have a bulkhead and instead have a "lawn" which is soggy virtually all year long. But we do have a border for small animals! I remember when there were many salamanders and even otters at the lake who would gather clams and eat them on our dock. Those days are gone with all the lovely green lawns and mcmansions erected by people who have discovered Summit Lake. It's a shame.

Time: October 20, 2021 at 9:47 pm

IP Address: 76.121.142.214

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

Sent by an unverified visitor to your site.

From: mlcosley@hotmail.com
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Wednesday, October 20, 2021 3:31:50 PM

Your Name (Optional): John & Melodye Cosley

Your email address: mlcosley@hotmail.com

Comment: We own two waterfront properties on the Eld Inlet. In reviewing the SMP proposed revisions, we strongly endorse Option A for the Marine Buffer designations. The current 250' Rural Conservancy buffer seems excessive. Most homes along the shoreline are within a 50' buffer, as they were developed under the county's shoreline residential zone. The proposed SMP indicates that nearly all of the shoreline along the Eld Inlet would now be designated as Rural Conservancy. We believe that Option A's 150' buffer is a much more reasonable protective zone for any remaining undeveloped parcels along the Eld.

Time: October 20, 2021 at 10:31 pm

IP Address: 67.168.188.151

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

Sent by an unverified visitor to your site.

From: [Valerie Hammett](#)
To: [Andrew Deffobis](#)
Subject: Shoreline Hearing
Date: Wednesday, October 20, 2021 4:00:17 PM

We purchased 5 acres on Henderson Inlet 1987. zoned one house one acre
There was no setback when we purchased it.
We short platted to three lots prior to the 1990 ordinance changed it to one house 5 acres with
a 200 foot setback. The setback has since been increased to 250 feet

we adjusted, with the cost of time and money to be grand
fathered in. Seemed ok to pay/invest to protect land/water

We have always been good stewards, verdants, conservators of the land...no trees cut unless
they were dangerously falling, waterfront remains healthy, with minimal erosion

Working since age 11 and planning/investing in retirement, now we have involuntarily donate
2/3 of our property to protect the public interest. Why not charge those who want our good
intentions and investments to pay for our incalculable losses?

Compensation should at least include back taxes and relocation expenses. We would prefer
the set back be adjusted to 150'.

Valerie Hammett

From: [Andrew Deffobis](#)
To: [Kirstin Segale](#)
Subject: RE: Shoreline Master Program Planning Commission Public Hearing 10/20/21
Date: Thursday, October 21, 2021 9:03:00 AM

Hello Kirstin,

Thank you for your comments. They will be included in the public comment record and provided to the Planning Commission.

Regards,

Andrew Deffobis, Interim Senior Planner
Thurston County Community Planning and Economic Development Department
2000 Lakeridge Drive SW
Olympia, WA 98502
Cell Phone: (360) 522-2593
Office Phone: (360) 786-5467
Fax: (360) 754-2939

From: Kirstin Segale <ksegale@segaleproperties.com>
Sent: Wednesday, October 20, 2021 4:03 PM
To: Andrew Deffobis <andrew.deffobis@co.thurston.wa.us>
Subject: Shoreline Master Program Planning Commission Public Hearing 10/20/21

Andrew,

Attached please find Segale's comment letter to be included in tonight's public hearing for the Shoreline Mater Program.

Thank you,
Kirstin Segale



O: 206-575-2000
W: www.segaleproperties.com
A: [5811 Segale Park Drive C Tukwila, WA 98188](#)
M: PO Box 88028 Tukwila, WA 98138



COMMERCIAL • INDUSTRIAL • AGRICULTURAL • NATURAL RESOURCES

October 20, 2021

Thurston County Planning Commission
Thurston County
2000 Lakeridge Drive SW
Olympia, WA 98502

RE: SMP Public Hearing

Dear Commissioners,

With regard to the public hearing today, about the Thurston County Shoreline Management Plan update, we are in agreement with and support the proposed plan documents showing our properties designated as Rural Conservancy (our five parcels 11732320101, 11732320102, 11732320103, 11732320104 and 11732320105,). This is consistent with the current designation of Conservancy for these parcels.

In addition, we support "Option B" for Rural Conservancy freshwater lake setbacks, at 125 feet. The 125-foot setback is greater than the current 100-foot setback, creates a significant distance from the shoreline, and homes designed with care should not impact the environment. Also, Rural Conservancy parcels tend to be larger, which results in more open space and less overall impact.

Attached for the record please find our previous correspondence to the County, including our letters dated 1/19/21 and 12/27/19, and the biologist report dated 12/3/19.

Thank you very much to you and County staff for all of your thoughtful time and hard work developing the new SMP.

Very truly yours,

SEGALÉ PROPERTIES LLC

A handwritten signature in black ink, appearing to read "Mark A. Segale", is written over the typed name.

Mark A. Segale

Cc: Andrew Deffobis

Encls.



COMMERCIAL • INDUSTRIAL • AGRICULTURAL • NATURAL RESOURCES

January 19, 2021

Thurston County Planning Commission
Thurston County
2000 Lakeridge Drive SW
Olympia, WA 98502

RE: SMP – Offut Lake Property Designation

Dear Commissioners,

Looking ahead to the discussion about our Offut Lake properties in your upcoming meeting this Wednesday evening, we wish to summarize our concerns, as outlined more fully and supported by our attached letter dated 12/27/19, and the biologist report dated 12/3/19.

We strongly disagree with the County's proposal in the SMP draft to redesignate our properties from Conservancy to Natural. Our parcels are each 5+ acres in size, which are zoned one house per 5 acres, where currently we can build within 100' of the shoreline. We should remain Conservancy (proposed Rural Conservancy), as Rural Conservancy in the draft SMP will allow a house on each parcel, to within 150' of the lake (up from current Conservancy code at 100'). We can work with Rural Conservancy, but not Natural with all its new restrictions.

The biologist report proves that our land does not meet the State's criteria for Natural but actually qualifies as Rural Conservancy. We should not be redesignated to Natural. This is not an ancient old growth forest. These are second or third growth trees. There is nothing special or unique - if this were not by a lake, it wouldn't get a second look. We feel we are being punished for being good stewards of the land.

As we have testified before you, the County's new definition of Natural includes language that is more strict than the WAC. The WAC allows a house to be built anywhere within the 200' setback (via a CUP), while the County's stricter draft SMP generally does not allow a house at all within 200' (only less than 200' if there is no way to build elsewhere on the lot, beyond 200'). If a house is carefully designed to respect the environment, and there is "no net loss", then why shouldn't it be allowed, especially when it is only one house on a large 5-acre parcel? It is OK with the State, why not the County?

We also request that the Planning Commission and staff change the draft SMP, finding compromises that would protect the land while at the same time allowing landowners to use their land. Please allow the WAC permissions within Natural. Allow a house on parcels 5 acres

or more in size, and inside the 200' setback (back to 150'), where the house is carefully designed to protect the land (e.g. no net loss). Buffer setback requirements should also be flexible in Natural up to 150' when houses are sensitively designed, in all situations (do not limit flexibility in buffers to only when a house cannot be built beyond 200'). The house permit approval could be made administrative, so staff and the landowner can work together for a design that works, and there would be less process hassle and expense. Code flexibility will also make it easier for the County when other landowners file appeals.

We believe the suggestions above will improve the process for the County and landowners and assert that our parcels shall remain Conservancy as they do not meet the criteria for Natural. Thank you very much for your time and consideration of our position.

Very truly yours,

SEGALE PROPERTIES LLC

A handwritten signature in black ink, appearing to read 'M. Segale', with a long horizontal flourish extending to the right.

Mark A. Segale

Cc: Andrew Deffobis

Encls.



COMMERCIAL • INDUSTRIAL • AGRICULTURAL • NATURAL RESOURCES

December 27, 2019

Andrew Deffobis
Associate Planner
Community Planning & Economic Development Department
Thurston County
2000 Lakeridge Drive SW
Olympia, WA 98502

RE: SMP Property Designation

Dear Mr. Deffobis,

We are the owners of six land parcels on the west end of Offut Lake (11732320101, 11732320102, 11732320103, 11732320104, 11732320105, 11732320106). They comprise approximately the southern 60% of SMP reach LOF-1 to LOF-2, and all of SMP reach LOF-5 to LOF-1. In the current SMP, they are designated as Conservancy. In the new proposed SMP they have been re-classified to Natural. We see no basis for this change to a more restrictive status and are writing to ask the County to please leave our property as Conservancy (Rural Conservancy in the new SMP).

Attached please find a property survey and report dated 12/3/19, prepared by Carl Hadley of Cedarock Consultants, Inc., a professional aquatic biologist and consultant with 30 years' experience. After visiting the property, considering the existing physical conditions and science, state laws and the County's existing and proposed codes, he concludes that our property does not meet the criteria for Natural and is best designated as Rural Conservancy.

Based on Mr. Hadley's report, we can see no reason for our property to be re-classified to Natural. Almost none of the criteria for Natural apply (and none in full). Our property is largely in compliance with and closely meets the Rural Conservancy criteria, making it the appropriate designation. We do not understand the County's basis for the change to Natural.

Per the report, there is nothing unique or valuable here to protect. The only area with any consistency with Natural is within 100 feet of the lake, which is and will always be protected by the CAO irrespective of the SMP designation.

The entire reach LOF-1 to LOF-2 should not be designated as Natural, considering that within the three properties north of ours, comprising the northern 40% of the reach, are two houses very close to the shoreline, and a parcel that has been logged and cleared to within 100' of the

shoreline. As to the much smaller reach LOF-5 to LOF-1 (all our property), it includes a large wetland off the southwest corner of the lake that is already protected by the CAO, so again there is no need for a change to Natural.

In addition to the SMP code criteria issue above, the change in designation to Natural creates a hardship for our parcels. These parcels have wetlands, wetland buffers, and steep slopes, so pushing the area where a home can be built out beyond 200 feet in the new SMP severely limits the options (if any are left) for placement of a house. While the new code allows for some consideration of that situation through a Conditional Use Permit, it seems unreasonable to add that constraint, the complications, and the expense of that extra process when these parcels should not be designated as Natural in the first place. We also note that DOE guidelines in WAC 173-26-211(5)(a)(ii)(C) which allow single family residential development within the Natural environment have not been carried over into the new County SMP for the Natural designation, which is not in keeping with the County's SMP Fact Sheets #1 and #2 that represent to the public that "regulations have been simplified" to make them more flexible and efficient (and also seemingly in conflict with the County directive to streamline the new SMP, not to make it more restrictive). The new Rural Conservancy buffer is proposed at 150 feet, which is much more reasonable for our situation (and 50 feet greater than that allowed in the current code).

Lastly, it should be noted that being in the rural area of the County our parcels are zoned one house per 5 acres, and these parcels are all 5 acres (or slightly more) in size. They cannot be developed to the density of the other properties around Offut Lake. Each parcel will accommodate only one house – certainly 6 houses across a total of 32.59 acres can be planned carefully without significant impact to the disturbed environment described by Mr. Hadley's report, nor have any impact to the shoreline that will be 150 feet away under a Rural Conservancy designation.

To affirm, based on the facts provided in the attached professional property survey and this letter, we ask the County to please leave our property as Conservancy (Rural Conservancy in the new SMP).

Thank you for your time and consideration of this matter, and are happy to furnish additional information, answer questions, or meet as needed.

Very truly yours,

SEGALE PROPERTIES LLC

A handwritten signature in black ink, appearing to read 'Mark A. Segale', written over the typed name below.

Mark A. Segale

CEDAROCK CONSULTANTS, INC.

MEMORANDUM

Date: December 3, 2019
To: Mark Segale – Segale Properties
Subject: Offut Lake Property – Shoreline Designation Review

Preface

In the draft Shoreline Management Program Update, Thurston County has proposed changing shoreline properties along the west side of Offut Lake from an existing designation of **Conservancy** to a more restrictive designation of **Natural**. This change in designation has significant impacts on landowner ability to utilize the land. Because of this, a current landowner in the area (Segale Properties) requested we conduct a site-specific study of current conditions in the area of proposed change (Figure 1) and evaluate those conditions relative to designation criteria for both **Rural Conservancy** and **Natural** in the current draft of the SMP (Tables 1 and 2).

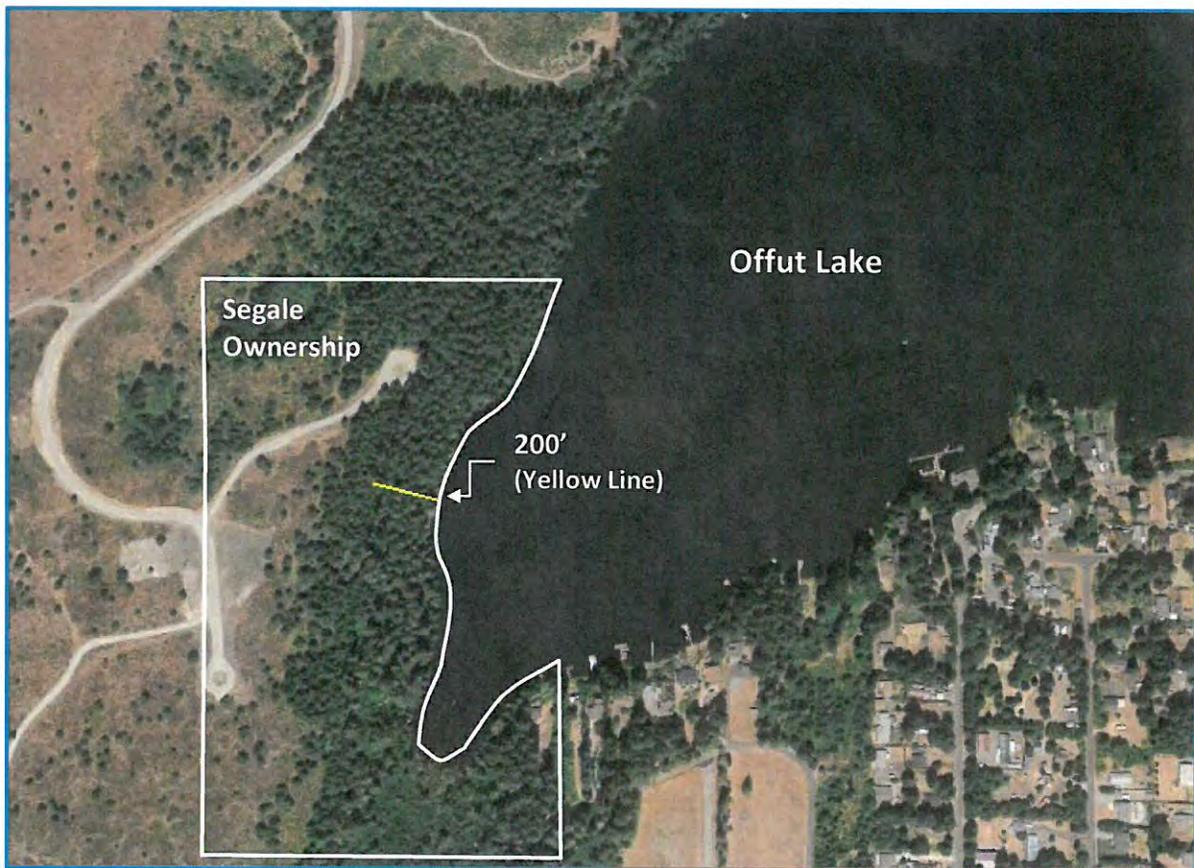


Figure 1. Offut Lake showing area of review.

Methods

The site (Figure 1) was visited on October 18, 2019. The shoreline area consisting of lands extending about 200 feet landward of the lakeshore was walked from south to north. Specific attention was paid to forest condition, shoreline condition, fish and wildlife habitat, evidence of human use, topographic setting, and general setting.

Existing Conditions

The south end of the site contains a large fresh-water forested wetland area surrounded by steep forested hillslopes extending 20 to 25-feet above the forest floor. The wetland is contiguous with the lake. The wetland is a critical area protected under the Thurston County Critical Areas Ordinance and will be permanently protected.

The upland shoreline area adjacent to Offutt Lake consists of a 150 to 250-foot wide swathe of second or third growth forest on a moderate to steep slope. The slope extends 25 to 30 feet in elevation above the lake and ranges from 35 to 50 percent in grade. The early successional stage forest appears to be about 70 years old, is dominated by native coniferous trees with some deciduous trees and other non-native vegetation (e.g. English Holly, English ivy, Scott's broom) mixed in. The forest extends steeply down to water's edge. The forest is not particularly dense with numerous areas of open canopy and possibly human-enhanced clearings (see Figures 4-6, 11). On the uphill side (150 to 250 feet from the lake) the forest has been recently harvested with a mix of ground coverage ranging from bare dirt, to low shrub, to 5 to 10-year old trees (see Figures 4, 7-9).

The forest itself is relatively narrow with a lake to one side and a completely cleared landscape to the other (see Figure 1, 4, 7-9). Wildlife use is expected to be typical for a suburban setting and lower and less diverse than larger timberland tracts with greater width and less human traffic.

There is significant evidence of human use throughout the forested area including trails, fire rings, benches, and trash (see Figures 6, 10-11). A road also provides access to the shoreline in this area.

The immediate shoreline of Offutt Lake within this area is in a mostly undisturbed condition with almost no improvements noted (see Figure 3). The forest floor extends down to a narrow gravel beach with many of the trees and shrubs overhanging the water. The lakebed appears to drop off slowly with several downed trees noted in the water. The shoreline immediately to the southeast contains moderate density single family residences (see Figures 1 and 5).

The observations made during this survey generally agree with the description found in the Thurston County Shoreline Master Program Update Inventory and Characterization Report (2013) for the reach between LOF(5) and LOF(2) (Figure 12). That is the wetland in the south,

and undeveloped forestry-related uses with steep slopes and no particularly valuable habitat or function along the west.



Figure 2. Typical shoreline condition showing vegetation and steep slope.



Figure 3. Typical lakeshore conditions with gravel beach and overhanging vegetation.



Figure 4. Typical buffer looking landward through shoreline area from lake shore near south end of property.



Figure 5. Looking across shoreline at neighboring houses.



Figure 6. Old fire pit in clearing.



Figure 7. Typical buffer looking landward from lake shore near middle of property.



Figure 8. Typical buffer looking landward from lake shore near north end of property.



Figure 9. Young third growth along outer portion of shoreline.



Figure 10. Park bench in clearing.



Figure 11. Example of trail system in area.

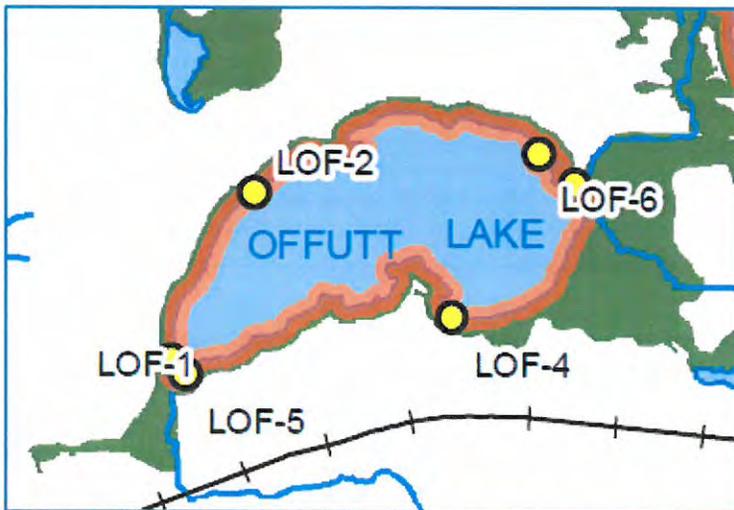


Figure 12. Portion of figure from Thurston Co. SMP Inventory (2013)

Consistency with Designation Criteria

The Draft SMP designation criteria for Rural Conservancy and Natural shoreline designations are provided in Tables 1 and 2 along with relevant observations regarding existing site conditions within the shoreline management area (to 200-feet from ordinary high water).

Table 1. Site Consistency Draft Shoreline Designation Criteria for Rural Conservancy	
Rural Conservancy Criteria	Site Conditions
Currently support lesser-intensity resource-based uses, such as agriculture, aquaculture, forestry, or recreational uses, or are designated agriculture or forest lands;	Consistent - Currently supports forestry with mix of second and third growth trees, and some informal recreational uses.
Currently accommodate residential uses but are subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, or flood plains or other flood-prone areas;	Partially consistent – the land has been used for forestry and contains no residential uses. All properties have environmental limitations including steep banks and wetlands.
Can support low-intensity water-dependent uses without significant adverse impacts to shoreline functions or processes;	Consistent – These large lots could provide water access and maintain the vast majority of the shoreline functions and processes. Informal access already occurs by local residents as witnessed by trails up from water to picnicking areas.
Private and/or publicly owned lands (upland areas landward of OHWM) of high recreational value or with valuable historic or cultural resources or potential for public access;	Consistent – Private land
Does not meet the designation criteria for the Natural environment;	Partially Consistent – very little of the site meets any of the designation criteria for the Natural environment. And only the immediate shoreline area within about 100 feet of the water meets any of the criteria.
Land designated Urban Conservancy and from which a UGA boundary is retracted may be designated as Rural Conservancy, if any of the above characteristics are present.	NA

Shading: Green = Consistent; Yellow = Partially Consistent; Red = Inconsistent

Table 2. Site Consistency Draft Shoreline Designation Criteria for Natural	
Natural Criteria	Site Conditions
The shoreline is ecologically intact and currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity; or	Not consistent – The entire shoreline has been used for commercial forestry and has been harvested at least once and possibly twice in some areas. The resultant stand of trees is not irreplaceable. Current human activity includes roads, trails, water landings, and picnic areas.
The shoreline is considered to represent ecosystems and geologic types that are of scientific and educational interest;	Not consistent – The shoreline is a typical commercial forestry dominated landscape common throughout western Washington. It has no unusual features that would be of scientific or educational interest.
The shoreline is unable to support new development or uses without adverse impacts to ecological functions or risk to human safety.	Not Consistent – These large lots could provide water access and maintain the vast majority of ecological functions and processes. Informal access already occurs by local residents as witnessed by trails up from water to picnicking areas. There are no unusual safety risks in the area.
The shoreline includes largely undisturbed portions of shoreline areas such as wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats.	Not Consistent – Except for a large wetland that is protected under the Thurston County Critical Areas Ordinance under all circumstances, the entire property has been logged one or more times leaving it best described as disturbed.
Retain the majority of their natural shoreline functions, as evidenced by shoreline configuration and the presence of native vegetation.	Partially Consistent – The entire area has been logged one or more times. However, regrowth nearest the shoreline is around 70 years old and provides wildlife habitat as well as aquatic habitat protection functions. Both native and non-native vegetation is present throughout site.
Generally free of structural shoreline modifications, structures, and intensive human uses	Partially Consistent – the shoreline is generally free of structural modifications and structures, but, has been completely logged one or more times. This is a very intensive land use.

Conclusions

Under the draft SMP regulations a Natural shoreline designation is meant to be applied to *Shorelines having a unique asset or feature considered valuable for its natural or original condition that is relatively intolerant of intensive human use (19.200.130)*. The property in question has historically served as private timberland and is neither in natural nor an original condition having been completely logged one or more times. The resulting narrow strip of second and third growth timber has functional value to aquatic habitat along the shoreline (e.g. bank protection, large wood recruitment) but is not pristine, nor high quality wildlife habitat. The stand of trees is not irreplaceable, having been regrown once or twice like any commercial forestland. There are no other natural features (e.g. estuaries, unstable bluffs, coastal dunes, spits) on this land that are irreplaceable once disturbed.

Application of shoreline designation criteria to a parcel of land is not an exact process with many of the criteria being somewhat vague (e.g. “largely undisturbed”, “generally free of”, “considered to”). However, a review of landscape consistency with proposed designation criteria provided in Tables 1 and 2 finds the Segale property fits more closely with the proposed designation as Rural Conservancy than the proposed Natural designation. In fact, existing conditions on the Segale property do not fully meet any of the Natural shoreline designation criteria.

Because most of the larger remaining trees are found on steep slopes, near wetlands, or associated with other critical areas, much of the protection from environmental alteration is unrelated to the SMP. Existing and future Critical Area Ordinances will protect this land as critical area or buffer regardless of any protection that may be afforded by the shoreline designation. Additional protection would come from code details such as allowed uses within the buffer (e.g. trail widths, appurtenances, etc.), ability to buffer average, and from mitigation requirements implemented to protect and enhance shoreline ecological function.

Report Author

This report was prepared by Carl Hadley, a professional aquatic biologist with 30 years of experience evaluating effects of changing land use on aquatic habitat. Mr. Hadley is the principal biologist with Cedarock Consultants, Inc.