

**From:** [Tim Trohimovich](#)  
**To:** [Andrew Deffobis](#)  
**Subject:** Comments on the SMP Update for the Planning Commission Public Hearing  
**Date:** Wednesday, October 20, 2021 4:56:26 PM  
**Attachments:** [F812C549FA9545D5AA95C5C97CC1DDF3\[620869\].png](#)  
[Futurewise Coms to Thurston Co on SMP Update Oct 20 2021.pdf](#)

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Dear Mr. Deffobis:

Enclosed please find Futurewise's Comments on the Shoreline Master Program (SMP) for the March 20, 2021, Planning Commission Public Hearing.

Please contact me if you require anything else.

[Tim Trohimovich, AICP \(he/him\)](#)  
Director of Planning & Law



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October 20, 2021

Andrew Deffobis, Interim Senior Planner  
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Olympia, Washington 98502

Dear Mr. Deffobis and Planning Commissioners:

**Subject: Comments on the Shoreline Master Program (SMP) for the March 20, 2021, Planning Commission Public Hearing.**

Sent via email to: [Andrew.Deffobis@co.thurston.wa.us](mailto:Andrew.Deffobis@co.thurston.wa.us)

Thank you for the opportunity to comment on the Shoreline Master Program (SMP) Draft Update. Futurewise strongly supports the update.

The southern resident orcas, or killer whales, are threatened by (1) an inadequate availability of prey, the Chinook salmon, “(2) legacy and new toxic contaminants, and (3) disturbance from noise and vessel traffic.”<sup>1</sup> “Recent scientific studies indicate that reduced Chinook salmon runs undermine the potential for the southern resident population to successfully reproduce and recover.”<sup>2</sup> A 2018 analysis by the National Oceanic and Atmospheric Administration and the State of Washington Department of Fish and Wildlife ranked the Southern Puget Sound fall Chinook stocks that originate in the Nisqually and Deschutes River systems highest in importance as food sources for the southern resident killer whales.<sup>3</sup> The Shoreline Master Program update is an opportunity to take steps to help recover the southern resident orcas, the Chinook salmon, and the species and habitats on which they depend. We support improving protections for these key species such as improved regulations to manage hard shoreline armoring and improved protections for shoreline vegetation.

Therefore, we strongly support the shoreline master program update. We do have suggestions to improve the update discussed below.

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<sup>1</sup> State of Washington Office of the Governor, Executive Order 18-02 Southern Resident Killer Whale Recovery and Task Force p. 1 (March 14, 2018) last accessed on Oct. 19, 2021 at: [https://www.governor.wa.gov/sites/default/files/execute\\_order/eo\\_18-02\\_1.pdf](https://www.governor.wa.gov/sites/default/files/execute_order/eo_18-02_1.pdf) and enclosed with the paper original of Futurewise’s March 6, 2019, letter to Thurston County.

<sup>2</sup> *Id.*

<sup>3</sup> National Oceanic and Atmospheric Administration and the State of Washington Department of Fish and Wildlife, *Southern Resident Killer Whale Priority Chinook Stocks* p. 6 (June 22, 2018) last accessed on Oct. 19, 2021 at: <https://www.documentcloud.org/documents/4615304-SRKW-Priority-Chinook-Stocks.html> and enclosed with the electronic version of Futurewise’s March 6, 2019, letter to Thurston County with the filename: “SRKW-Priority-Chinook-Stocks.pdf.”

Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable and opportunity-rich communities, and that protect our most valuable farmlands, forests, and water resources. Futurewise has members and supporters throughout Washington State including Thurston County.

## Provisions Futurewise Particularly Supports

The SMP update has many good provisions. We want to highlight some of the best provisions:

- The vegetation conservation goal and policies in proposed 19.300.110. Retaining native vegetation in shoreline jurisdiction is important to maintaining no net loss of shoreline ecological functions.<sup>4</sup>
- Calling for carrying out the Alliance for a Healthy South Sound's (AHSS) South Sound Strategy through the shoreline master program and its implementation. This will better protect water quality and water quantity.
- Proposed 19.400.130B.'s requirement that sites with known or potential archaeological resources require a site inspection by a professional archaeologist. This will significantly improve protections for archaeological resources and save permit applicants time and money because the risk of having their project stopped for archaeological work will be reduced.<sup>5</sup>
- Proposed 19.500.105K.'s monitoring provisions. These provisions are needed to determine if the Shoreline Master Program is achieving no net loss. These provisions are required the Shoreline Master Program Guidelines.<sup>6</sup>

## Summary of Key Recommendations

- Please correct the descriptions of critical areas and their status under the Shoreline Management Act in proposed 19.100.110. Please see page 3 of this letter for the detailed recommendation.
- Please clarify shoreline master program jurisdiction to include shorelands, floodways, flood plains adjacent to floodways, lakes 20 acres in size, and streams with a mean annual flow of 20 cubic feet per second consistent with the Shoreline Management Act (SMA). Please see pages 4, 5, and 7 of this letter for the detailed recommendation.
- Please clarify the definition of no net loss in proposed 19.150.590 so it is consistent with the Shoreline Master Program (SMP) Guidelines. Please see page 4 of this letter for the detailed recommendation.

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<sup>4</sup> EnviroVision, Herrera Environmental, and Aquatic Habitat Guidelines Program, *Protecting Nearshore Habitat and Functions in Puget Sound* p. II-39 – II-40 (October 2007, Revised June 2010) last accessed on Oct. 19, 2021 at: <https://wdfw.wa.gov/publications/00047/> and enclosed with the paper original of Futurewise's March 6, 2019, letter to Thurston County.

<sup>5</sup> See for example Jeff Chew, *Jefferson PUD sticks with Beckett Point Connections* pp. 8 – 9 (Washington Public Utility Districts Association [WPUDA]: Winter 2008) last accessed on Oct. 19, 2021 at: <https://www.yumpu.com/en/document/view/46547248/connections-washington-public-utility-district-association/11>

<sup>6</sup> *Friends of the San Juans v. San Juan County and State of Washington, Department of Ecology*, WWRGMHB Case No. 17-2-0009, Final Decision and Order (June 13, 2018), at 34 of 38 last accessed on Oct. 19, 2021, at: <http://www.gmhb.wa.gov/search/case>.

- Modify Policy SH-18 to maintain water quality as the SMP Guidelines require. Please see page 7 of this letter for the detailed recommendation.
- Adopt improved landslide hazard requirements to better protect people and property. Please see page 8 of this letter for the detailed recommendation.
- Include vegetation conservation requirements consistent with the SMA and SMP Guidelines. Please see page 11 of this letter for the detailed recommendation.
- Please adopt aquatic buffers in proposed 19.400.120 consistent with Management Recommendations for Washington's Priority Habitats. The Option B buffers are closest to this recommendation provided they are measured from the edge of the flood plain or channel migration zone for stream buffers. These buffer widths are necessary to achieve no net loss of shoreline resources. Please see page 11 of this letter for the detailed recommendation.
- Require wider setbacks between development and critical areas and critical areas buffers in areas subject to wildfire danger. Please see page 14 of this letter for the detailed recommendation.
- Please adopt a ten percent impervious surface limit for the Rural Conservancy shoreline environment consistent with the SMP Guidelines to protect shoreline ecological functions. Please see page 14 of this letter for the detailed recommendation.
- Protect people, property, and habitat from sea level rise and increased coastal erosion. Please see page 15 of this letter for the detailed recommendation.
- Prohibit marine net pen aquaculture for nonnative species in the Aquatic environment. Please see page 21 of this letter for the detailed recommendation.
- In the Rural Conservancy environment only allow new structural shoreline stabilization and flood control works where there is a documented need to protect an existing structure as SMP Guidelines require. Please see page 22 of this letter for the detailed recommendation.
- Please modify proposed 19.600.170B.7. to require public access consistent with the SMP Guidelines. Please see page 22 of this letter for the detailed recommendation.
- Require mitigation for all losses of shoreline ecological functions including the adverse impacts of development outside of buffers as required by the SMP guidelines. Please see page 23 of this letter for the detailed recommendation.
- Include all required elements in the Shoreline Restoration Plan. Please see page 24 of this letter for the detailed recommendation.

## Detailed Recommendations

**Please correct the descriptions of critical areas and their status under the Shoreline Management Act in proposed 19.100.110 Purpose and Intent on 5 of 427.**

The Shoreline Management Act (SMA), in RCW 90.58.610, provides that “RCW 36.70A.480 governs the relationship between shoreline master programs and development regulations to protect critical areas that are adopted under chapter 36.70A RCW.” RCW 36.70A.480(5) provides that the

“[s]horelines of the state shall not be considered critical areas under this chapter except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by RCW 36.70A.030(5) and have been designated as such by a local government pursuant to RCW 36.70A.060(2).” Proposed 19.100.110 in the third paragraph is unclear as to whether the Growth Management Act (GMA) definitions identify critical areas as RCW 90.58.610 and RCW 36.70A.480(5) require. So, we suggest that the last sentence in the third paragraph of Proposed 19.100.110 be revised to read as follows with our additions double underlined and deletions double struck through.

Although Washington’s shorelines may contain critical areas, the shorelines themselves are not critical areas ~~by default as~~ unless they meet the definitions in the ~~defined by~~ GMA.

**Please clarify shoreline master program jurisdiction in proposed 19.100.120D on page 6 of 427.**

The shoreline master program applies to all shorelines and shorelands in unincorporated Thurston County.<sup>7</sup> The GMA divides unincorporated Thurston County within the county’s jurisdiction into three broad categories: urban, rural, and natural resource lands. We are concerned that proposed 19.100.120D may inadvertently be interpreted as exempting natural resource lands from the jurisdiction of the shoreline master program (SMP). In addition, the SMA allows cities to predesignate lands within their urban growth areas. Once annexed, these predesignations apply to the annexed land. In this case, no amendment is required to apply the city SMP to those areas. So, we suggest that proposed 19.100.120D be revised with our additions double underlined and deletions double struck through.

- D. This Master Program shall apply to all unincorporated ~~rural and urban lands~~ within Thurston County until such time as a city incorporates land into their city boundaries through annexation and, if necessary, an SMP amendment.

**Please clarify the definition of no net loss in proposed 19.150.590 on page 19 of 427.**

The Shoreline Master Program (SMP) Guidelines require the application of no net loss on an individual use or project basis, not as some countywide “aggregate.”<sup>8</sup> This can be seen in WAC 173-26-201(2)(e)(i) which provides in relevant part that “[t]o assure no net loss of shoreline ecological functions, master programs shall include provisions that require proposed individual uses and developments to analyze environmental impacts of the proposal and include measures to mitigate environmental impacts not otherwise avoided or mitigated by compliance with the master program and other applicable regulations.” The second, third, and fourth sentences of the definition of no net loss comply with WAC 173-26-201(2)(e)(i). We particularly appreciate the third sentence’s recognition that no net loss applies at multiple scales, this scientifically correct and is recognized by

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<sup>7</sup> RCW 90.58.030(2).

<sup>8</sup> Even through the Shoreline Master Program (SMP) Guidelines are called “guidelines,” they are actually binding state agency rules and shoreline master program updates must comply with them. RCW 90.58.030(3)(b) & (c); RCW 90.58.080(1) & (7). The SMP Guidelines cited in this letter were last accessed on Oct. 19, 2021, at: <https://app.leg.wa.gov/wac/default.aspx?cite=173-26&full=true>.

the SMP Guidelines.<sup>9</sup> However, the first sentence does not comply with WAC 173-26-201(2)(e)(i) because it treats no net loss as an aggregate when the SMP Guidelines require it to be applied function by function and project by project throughout the county's shorelines. This is not to say that offsite mitigation is not allowed, it can be where that mitigation replaces all lost functions. So, we suggest that proposed 19.150.590 be revised with our deletions double struck through.

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

**Clarify proposed 19.200.100A. Shoreline Jurisdiction on page 26 of 427 to comply with the jurisdiction of the Shoreline Management Act.**

The Thurston County SMP applies to unincorporated Thurston County. In addition, RCW 90.58.030(2)(e) provides that the "shorelands" associated with the waters of the state are "shorelines" and therefore within the minimum required shoreline jurisdiction. RCW 90.58.030(2)(d) defines shorelands providing that:

(d) "Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.

(i) Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom.

Proposed 19.200.100A.5. seems to have confused the shorelands concept and the requirement to include floodways which may extend beyond 200 feet from the ordinary high-water mark. RCW 90.58.030(2)(d) requires that both be included in the minimum shoreline jurisdiction. Proposed 19.200.100 also omits river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the SMA which are part of the minimum jurisdiction of the shoreline master program.

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<sup>9</sup> WAC 173-26-201(2)(c).

So, we recommend that proposed 19.200.100A. be modified to comply with RCW 90.58.030(2)(d). Our recommended additions are double underlined, and our recommended deletions are double struck through.

- A. The Shoreline Master Program jurisdiction applies to all shorelines of the state in unincorporated Thurston County and their associated shorelands. This includes:
1. All marine waters;
  2. Rivers and streams with 20 cubic feet per second (cfs) or greater mean annual flow;
  3. Lakes and reservoirs 20 acres and greater in area;
  4. Associated wetlands to 1 thru 3 above;
  5. Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark of the water bodies ~~The flood hazard areas adjacent to these waterbodies listed in 1 thru 3 above, typically within 200 feet of the ordinary high water mark (OHWM);~~
  6. Buffers necessary to protect critical areas that are located within shoreline jurisdiction as described in this program;
  7. Floodways and contiguous floodplain areas landward two hundred feet from such floodways; and
  8. River deltas associated with the streams, lakes, and tidal waters listed in 1 thru 3 above.

Finally, given the important habitat value of flood plains and the danger they present to development,<sup>10</sup> we recommend that shoreline jurisdiction include the full 100-year flood plain as authorized in RCW 90.58.030(2)(d)(i). This will improve protection for the Chinook salmon on which the Southern Resident Orcas depend. To implement this recommendation, the proposed 19.200.100A.7. would be substituted with our recommended additions double underlined.

7. The one-hundred-year -flood plains associated with the streams, lakes, and tidal waters listed in 1 thru 3 above; and

**Please clarify Urban Conservancy designation criterion 19.200.120B.4. on page 31 of 427**

The Urban Conservancy criteria provide these areas must also have any of the following characteristics, which we support. Criterion 19.200.120B.4. ends with an “or” which may be confusing. We recommend that this “or” be deleted.

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<sup>10</sup> T. Quinn, G.F. Wilhere and K. Krueger, (technical editors), *Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications* pp. 25 – 30, pp. 39 – 40 (Habitat Program, Washington Department of Fish and Wildlife, Olympia: 2020. A Priority Habitats and Species Document of the Washington Department of Fish and Wildlife) last accessed on Oct. 19, 2021 at: <https://wdfw.wa.gov/publications/01987/> and enclosed at this Dropbox Link: [https://www.dropbox.com/sh/4l459v8kavtrop2/AADAt7NOEwWlCdm\\_vMIUWSFRa?dl=0](https://www.dropbox.com/sh/4l459v8kavtrop2/AADAt7NOEwWlCdm_vMIUWSFRa?dl=0) with the filename: “wdfw01987.pdf.”



**Please clarify Natural designation criterion 19.200.130B.1. on page 33 of 427**

The Natural criteria provide this environment may be designated when any of the following characteristics apply which we support. Criterion 19.200.130B.1. ends with an “or” which may be confusing. We recommend that this “or” be deleted.

**Modify Policy SH-18 to maintain water quality as the SMP Guidelines require. See proposed 19.300.115A. on page 41 of 427**

The SMP Guidelines, in WAC 173-26-186(8)(b), provides that “[l]ocal master programs shall include policies and regulations designed to achieve no net loss of those ecological functions.” Shoreline ecological functions include the “maintenance of water quality.”<sup>11</sup> Unfortunately, rather than maintaining water quality, proposed Policy SH-18 provides that shoreline uses should minimize impacts that contaminate surface or ground water. Minimizing contamination will not maintain water quality. We recommend that Policy SH-18 be revised to read as follows with our additions double underlined and our deletions double struck through.

- A. Policy SH-18 Shoreline use and development shall not ~~should minimize impacts that~~ contaminate surface or ground water, cause adverse effects on shoreline ecological functions, or impact aesthetic qualities and recreational opportunities, including, but not limited to, healthy shellfish harvest, swimming, and boating.

**Modify 19.400.115C. on pages 54 and 55 of 427 to reflect that lakes of 20 acres and streams with a mean annual flow of 20 cubic feet per second are within shoreline jurisdiction.**

RCW 90.58.030(2)(e) provides in full that:

(e) “Shorelines” means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes; ...<sup>12</sup>

The SMA requires that lakes 20 acres and larger are shorelines. So are rivers and streams with a flow of 20 cubic feet per second. But proposed 19.400.115C.2. requires lakes to be over 20 acres in size to be shorelines, this is inconsistent with the SMA. Proposed 19.400.115C.2. requires the mean annual flow to be more than 20 cubic feet per second. Again, this is inconsistent with the SMA. We recommend that proposed 19.400.115C. be modified so it is consistent with RCW 90.58.030(2)(e). Our recommended additions are double underlined, and our recommended deletions are double struck through.

<sup>11</sup> WAC 173-26-201(2)(c) underlining added.

<sup>12</sup> Underlining added.



1. Lakes ~~over~~ 20 acres or larger.

....

2. Streams and rivers with a ~~over~~ 20 cubic feet per second (cfs) or more mean annual flow as determined by the Department of Ecology.

**Adopt improved landslide hazard requirements to better protect people and property. See 19.400.115E. on page 56 of 427**

Thurston County, like many other cities and counties along Puget Sound, is susceptible to landslides. For example, the 1999 landslide at Carlyon Beach and Sunset Beach damaged 49 homes to the extent that they were uninhabitable.<sup>13</sup> The losses were not covered by homeowners' insurance.<sup>14</sup>

The SMP Guidelines, in WAC 173-26-221(2)(c)(ii)(B), provide: "Do not allow new development or the creation of new lots that would cause foreseeable risk from geological conditions to people or improvements during the life of the development." Landslides are a type of geological hazards that can result in major impacts to people and property.

The March 22, 2014, Oso landslide "claimed the lives of 43 people, making it the deadliest landslide event in United States history. Of the approximately 10 individuals who were struck by the landslide and survived, several sustained serious injuries."<sup>15</sup> So properly designating geologically hazardous areas and protecting people from geological hazards is very important.

It is important to understand that homeowner's insurance does not cover the damage from landslides. "Insurance coverage for landslides is uncommon. It is almost never a standard coverage, and is difficult to purchase inexpensively as a policy endorsement."<sup>16</sup> The Carlyon Beach and Sunset Beach landslide losses were not covered by homeowners insurance.<sup>17</sup> None of the Oso victims'

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<sup>13</sup> Laurence M. Cruz, *Lanmakers Meet as Homes Get Swept Away – Landslides Make Houses Unlivable* Seattle Times (Mar 12, 1999) last accessed on Oct. 20, 2021 at: <http://archives.evergreen.edu/webpages/curricular/2006-2007/stress/carlyonarticles.htm> and included with the paper original of Futurewise's March 6, 2019, letter to Thurston County.

<sup>14</sup> *Id.*

<sup>15</sup> Jeffrey R. Keaton, Joseph Wartman, Scott Anderson, Jean Benoît, John deLaChapelle, Robert Gilbert, David R. Montgomery, *The 22 March 2014 Oso Landslide, Snohomish County, Washington* p. 1 (Geotechnical Extreme Events Reconnaissance (GEER): July 22, 2014) accessed on Oct. 20, 2021 at: [http://www.geerassociation.org/index.php/component/geer\\_reports/?view=geerreports&layout=build&id=30](http://www.geerassociation.org/index.php/component/geer_reports/?view=geerreports&layout=build&id=30). If the American territories are included, then the Oso landslide is the second deadliest landslide in American history. R.M. Iverson, D.L. George, K. Allstadt, *Landslide mobility and hazards: implications of the Oso disaster* 412 EARTH AND PLANETARY SCIENCE LETTERS 197, 198 (2015).

<sup>16</sup> Robert L. Schuster & Lynn M. Highland, *The Third Hans Cloos Lecture: Urban landslides: socioeconomic impacts and overview of mitigative strategies* 66 BULLETIN OF ENGINEERING GEOLOGY AND THE ENVIRONMENT 1, p. 22 (2007) accessed on Feb. 19, 2019 at: [ftp://193.134.202.10/pub/TRAMM/Workshop\\_EWS/Literature/Schuster\\_and\\_Highland\\_2007\\_Bulletin\\_of\\_Engineering\\_Geology\\_and\\_the\\_Environment.pdf](ftp://193.134.202.10/pub/TRAMM/Workshop_EWS/Literature/Schuster_and_Highland_2007_Bulletin_of_Engineering_Geology_and_the_Environment.pdf)

<sup>17</sup> Laurence M. Cruz, *Lanmakers Meet as Homes Get Swept Away – Landslides Make Houses Unlivable* Seattle Times (Mar 12, 1999).

homes were covered by insurance for landslide hazards.<sup>18</sup> And that is common when homes are damaged by landslides.<sup>19</sup> For example, on March 14, 2011, a landslide damaged the home of Rich and Pat Lord.<sup>20</sup> This damage required the homeowners to abandon their home on Norma Beach Road near Edmonds, Washington. Because their homeowner's insurance did not cover landslides, they lost their home.<sup>21</sup> This loss of what may be a family's largest financial asset is common when homes are damaged or destroyed by landslides or other geological hazards.

Landslide buyouts are rare and when they occur the property owner often only recovers pennies on the dollar. The property owners bought out after the Aldercrest-Banyon landslide in Kelso, Washington destroyed their homes received 30 cents on the dollar.<sup>22</sup> This underlines why preventing development in geologically hazardous areas is just plain ordinary consumer protection.

**Designate all areas susceptible to landslide hazards as geologically hazardous areas. See 19.400.115E. on page 56 of 427**

Landslides are capable of damaging commercial, residential, or industrial development at both the tops and toes of slopes and on the sides of landslides due to the earth sliding and other geological events.<sup>23</sup> So the areas at the top, toe, and sides of the slope are geological hazards. We recommend these areas be designated as landslide hazards.

**Require the review of geologically hazardous areas capable of harming buildings or occupants on a development site**

We recommend that the regulations require review of any landslide capable of damaging the proposed development. Geological hazards, such as landslides are capable of damaging property outside the hazard itself. The 1949 Tacoma Narrows Landslide ran out 1,500 feet into Puget Sound.<sup>24</sup> The 2014 Oso slide ran out for over a mile (5,500 feet) even through the slope height was

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<sup>18</sup> Sanjay Bhatt, *Slide erased their homes, but maybe not their loans* *The Seattle Times* (April 2, 2014) accessed on Feb. 19, 2019 at: [http://old.seattletimes.com/html/latestnews/2023278858\\_mudslidefinancialxml.html](http://old.seattletimes.com/html/latestnews/2023278858_mudslidefinancialxml.html)

<sup>19</sup> *Id.*

<sup>20</sup> Ian Terry, *Abandoned and trashed after mudslide, Edmonds house now for sale* *The Herald* (Feb. 11, 2015). The house is for sale after the bank who held the Lord's mortgage took ownership of the home. *Id.* accessed on Feb. 19, 2019, at: <http://www.heraldnet.com/article/20150211/NEWS01/150219829>.

<sup>21</sup> *Id.* at p. \*6.

<sup>22</sup> Isabelle Sarikhan, *Sliding Thought Blog, Washington's Landslide Blog* Landslide of the Week – Aldercrest Banyon Landslide July 29, 2009 accessed on Feb. 19, 2019 at: <https://slidingthought.wordpress.com/2009/07/29/landslide-of-the-week-aldercrest-banyon-landslide/>

<sup>23</sup> Jeffrey R. Keaton, Joseph Wartman, Scott Anderson, Jean Benoît, John deLaChapelle, Robert Gilbert, David R. Montgomery, *The 22 March 2014 Oso Landslide, Snohomish County, Washington* p. 1 & p. 68 (Geotechnical Extreme Events Reconnaissance (GEER): July 22, 2014).

<sup>24</sup> Alan F. Chleborad, *Modeling and Analysis of the 1949 Narrows Landslide, Tacoma, Washington* xxxi ENVIRONMENTAL AND ENGINEERING GEOSCIENCE 305 p. 305 (1994) accessed on Feb. 19, 2019 at: <https://pubs.geoscienceworld.org/aeg/eeg/article-abstract/xxxi/3/305/137520/modeling-and-analysis-of-the-1949-narrows?redirectedFrom=fulltext> and the webpage and page 305 is enclosed with the paper original of Futurewise's March 6, 2019, letter to Thurston County.

600 feet.<sup>25</sup> A 2006 landslide at Oso traveled over 300 feet.<sup>26</sup> Recent research shows that long runout landslides are more common than had been realized.<sup>27</sup> This research documents that over the past 2000 years, the average frequency of long runout landslides in the area near the Oso landslide is one landslide every 140 years.<sup>28</sup> The landslides ran out from 787 feet to the 5,500 feet of the 2014 landslide.<sup>29</sup> So we recommend that Thurston County require review of all geological hazards capable of harming a proposed lot or building site.

### **Do not limit landslide buffers to 50 feet or the buffer in Thurston County Code Section (TCC) 24.15.015B**

Landslides in Thurston County and Western Washington are capable of running out significant distances. The 1949 Tacoma Narrows Landslide, in Tacoma, “failed catastrophically along steep” 300 feet high bluffs and ran out 1,500 feet into Puget Sound.<sup>30</sup> This is five times the buff height. The 2014 Oso slide ran out for over a mile (5,500 feet) even though the slope height was 600 feet.<sup>31</sup> This was nine times the slope height. The 2013 Ledgewood-Bonair Landslide on Whidbey Island extended approximately 300 feet into Puget Sound.<sup>32</sup> In a study of shallow landslides along Puget Sound from Seattle to Everett, the average runout length was 197.5 feet (60.2 m) and the maximum runout length was 771 feet (235 m).<sup>33</sup> So limiting landslide buffers to 50 feet or the buffer in Thurston County Code Section (TCC) 24.15.015B. will not adequately protect people and property.

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<sup>25</sup> Jeffrey R. Keaton, Joseph Wartman, Scott Anderson, Jean Benoît, John deLaChapelle, Robert Gilbert, David R. Montgomery, *The 22 March 2014 Oso Landslide, Snohomish County, Washington* p. 56 & p. 144 (Geotechnical Extreme Events Reconnaissance (GEER): July 22, 2014).

<sup>26</sup> *Id.* at p. 1.

<sup>27</sup> Sean R. LaHusen, Alison R. Duvall, Adam M. Booth, and David R. Montgomery, *Surface roughness dating of long-runout landslides near Oso, Washington (USA), reveals persistent postglacial hillslope instability* GEOLOGY pp. \*2 – 3, published online on 22 December 2015 as doi:10.1130/G37267.1; Geological Society of America (GSA) Data Repository 2016029, *Data repository for: Surface roughness dating of long-runout landslides near Oso, WA reveals persistent postglacial hillslope instability* p. 4 both enclosed with the paper original of this letter. Geology is a peer-reviewed scientific journal. Geology – Prep webpage accessed on Jan. 23, 2018 at:

<http://www.geosociety.org/GSA/Publications/Journals/Geology/GSA/Pubs/geology/home.aspx#overview> and enclosed with the paper original of Futurewise’s March 6, 2019, letter to Thurston County.

<sup>28</sup> Sean R. LaHusen, Alison R. Duvall, Adam M. Booth, and David R. Montgomery, *Surface roughness dating of long-runout landslides near Oso, Washington (USA), reveals persistent postglacial hillslope instability* GEOLOGY p. \*2, published online on 22 December 2015 as doi:10.1130/G37267.1.

<sup>29</sup> Geological Society of America (GSA) Data Repository 2016029, *Data repository for: Surface roughness dating of long-runout landslides near Oso, WA reveals persistent postglacial hillslope instability* p. 4.

<sup>30</sup> Alan F. Chleborad, *Modeling and Analysis of the 1949 Narrows Landslide, Tacoma, Washington* xxxi ENVIRONMENTAL AND ENGINEERING GEOSCIENCE 305 p. 305 (1994).

<sup>31</sup> Jeffrey R. Keaton, Joseph Wartman, Scott Anderson, Jean Benoît, John deLaChapelle, Robert Gilbert, David R. Montgomery, *The 22 March 2014 Oso Landslide, Snohomish County, Washington* p. 56 & p. 144 (Geotechnical Extreme Events Reconnaissance (GEER): July 22, 2014).

<sup>32</sup> Stephen Slaughter, Isabelle Sarikhan, Michael Polenz, and Tim Walsh, *Quick Report for the Ledgewood-Bonair Landslide, Whidbey Island, Island County, Washington* pp. 3 – 4 (Washington State Department of Natural Resources, Division of Geology and Earth Resources: March 28, 2013) accessed on Feb. 19, 2019 at: [http://www.dnr.wa.gov/publications/ger\\_qr\\_whidbey\\_island\\_landslide\\_2013.pdf](http://www.dnr.wa.gov/publications/ger_qr_whidbey_island_landslide_2013.pdf) and enclosed with the paper original of Futurewise’s March 6, 2019, letter to Thurston County.

<sup>33</sup> Edwin L. Harp, John A. Michael, and William T. Laprade, *Shallow-Landslide Hazard Map of Seattle, Washington* p. 17 (U.S. Geological Survey Open-File Report 2006–1139: 2006) accessed on Feb. 19, 2019 at: <http://pubs.usgs.gov/of/2006/1139/> and enclosed with the paper original of Futurewise’s March 6, 2019, letter to Thurston County.

The Joint SR 530 Landslide Commission recommends identifying “[c]ritical area buffer widths based on site specific geotechnical studies” as an “innovative development regulation[]” that counties and cities should adopt.<sup>34</sup> So we support the landslide buffer requirement in TCC 24.15.015C. that is based on the minimum distance recommended by the geotechnical professional. Construction should not be allowed in these areas.

**Please adopt vegetation conservation requirements.**

While we appreciate the vegetation conservation policies, we were unable to identify vegetation conservation requirements as the Shoreline Management Act and Shoreline Master Program Guidelines require outside of buffer areas. We recommend that such standards be adopted.

**Please adopt aquatic buffers in proposed 19.400.120 consistent with *Management Recommendations for Washington’s Priority Habitats*. The Option B buffers are closest to this recommendation provided they are measured from the edge of the flood plain or channel migration zone for stream buffers. Please see pages Page 56 – 59 of 427**

To protect species such as the Chinook salmon and the orcas, the policy of the Shoreline Management Act, in RCW 90.58.020, “contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life ....” Also recognizing the need to protect these species, the SMP Guidelines, in WAC 173-26-221(5)(b), require that “[m]aster programs shall include: Planning provisions that address vegetation conservation and restoration, and regulatory provisions that address conservation of vegetation; as necessary to assure no net loss of shoreline ecological functions and ecosystem-wide processes, to avoid adverse impacts to soil hydrology, and to reduce the hazard of slope failures or accelerated erosion.” Shoreline ecological functions include shoreline vegetation and habitat for native aquatic and shoreline-dependent mammals and anadromous and resident native fish, which include Chinook salmon and orcas.<sup>35</sup>

Shoreline “[v]egetation conservation includes activities to protect and restore vegetation along or near marine and freshwater shorelines that contribute to the ecological functions of shoreline areas.”<sup>36</sup> Shoreline master programs “shall” “[e]stablish vegetation conservation standards that implement the principles in WAC 173-26-221(5)(b). Methods to do this may include setback or buffer requirements, clearing and grading standards, regulatory incentives, environment designation standards, or other master program provisions.”<sup>37</sup>

The SMP Guidelines, in WAC 173-26-221(5)(b), also provide in part that “[i]n establishing vegetation conservation regulations, local governments must use available scientific and technical

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<sup>34</sup> The SR 530 Landslide Commission, *Final Report* p. 31 (Dec. 15, 2014) accessed on Feb. 19, 2019 at: [http://www.governor.wa.gov/sites/default/files/documents/SR530LC\\_Final\\_Report.pdf](http://www.governor.wa.gov/sites/default/files/documents/SR530LC_Final_Report.pdf) and enclosed with the paper original of Futurewise’s March 6, 2019, letter to Thurston County.

<sup>35</sup> WAC 173-26-201(3)(d)(i)(C).

<sup>36</sup> WAC 173-26-221(5)(b).

<sup>37</sup> WAC 173-26-221(5)(c).

information, as described in WAC 173-26-201(2)(a). At a minimum, local governments should consult shoreline management assistance materials provided by the department and *Management Recommendations for Washington's Priority Habitats*, prepared by the Washington state department of fish and wildlife where applicable.”

The State of Washington Department of Fish and Wildlife has recently updated the priority habitat and species recommendations for riparian areas. The updated management recommendations document that fish and wildlife depend on protecting riparian vegetation and the functions this vegetation performs such as maintaining a complex food web that supports salmon and maintaining temperature regimes to name just a few of the functions.<sup>38</sup>

To maintain riparian functions, the updated *Riparian Ecosystems, Volume 1: Science synthesis and management implications* scientific report recommends protecting the riparian ecosystem which has a width estimated to be “one 200-year site-potential tree height (SPTH) measured from the edge of the active channel or active floodplain. Protecting functions within at least one 200-year SPTH is a scientifically supported approach if the goal is to protect and maintain full function of the riparian ecosystem.”<sup>39</sup> The report defines site-potential tree height (SPTH) as the “average maximum height of the tallest dominant trees (200 years or more) for a given site class.”<sup>40</sup> The Washington State Department of Fish and Wildlife has created an easy to use web-based tool to identify the site-potential tree height of specific properties.<sup>41</sup>

We recommend that shoreline jurisdiction be expanded to include the 100-year flood plain<sup>42</sup> and that the buffers for river and stream shorelines be increased to use the newly recommended 200-year SPTH and that this width should be measured from the edge of the channel, channel migration zone, or active floodplain whichever is wider.<sup>43</sup> This will help maintain shoreline functions and Chinook habitat.

*Protecting Nearshore Habitat and Functions in Puget Sound* documents marine riparian vegetation is important to maintaining the health of Puget Sound.<sup>44</sup> Removing or disturbing this native vegetation

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<sup>38</sup> T. Quinn, G.F. Wilhere and K. Krueger, (technical editors), *Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications* pp. 3 – 6 (Habitat Program, Washington Department of Fish and Wildlife, Olympia: 2020. A Priority Habitats and Species Document of the Washington Department of Fish and Wildlife).

<sup>39</sup> *Id.* at p. 271.

<sup>40</sup> *Id.* at p. 273.

<sup>41</sup> R. Rentz, A. Windrope, K. Folkerts, and J. Azerrad, *Riparian Ecosystems, Volume 2: Management Recommendations* pp. 70 – 77 (Habitat Program, Washington Department of Fish and Wildlife, Olympia: 2020. A Priority Habitats and Species Document of the Washington Department of Fish and Wildlife) last accessed on Oct. 20, 2021 at: <https://wdfw.wa.gov/publications/01988> and enclosed at this Dropbox Link: [https://www.dropbox.com/sh/4l459v8kavtrop2/AADAt7NOEWwIcDm\\_vMIUWSFRa?dl=0](https://www.dropbox.com/sh/4l459v8kavtrop2/AADAt7NOEWwIcDm_vMIUWSFRa?dl=0) with the filename: wdfw01988.pdf.

<sup>42</sup> Authorized by RCW 90.58.030(2)(d)(i).

<sup>43</sup> T. Quinn, G.F. Wilhere and K. Krueger, (technical editors), *Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications* pp. 271 – 73 (Habitat Program, Washington Department of Fish and Wildlife, Olympia: 2020. A Priority Habitats and Species Document of the Washington Department of Fish and Wildlife).

<sup>44</sup> EnviroVision, Herrera Environmental, and Aquatic Habitat Guidelines Program, *Protecting Nearshore Habitat and Functions in Puget Sound* pp. II-39 – II-40 (October 2007, Revised June 2010) accessed on Oct. 20, 2021 at:



results in reduced ecological functions as does decreasing the width of the vegetated riparian area, reducing plant density, and reducing plant diversity.<sup>45</sup> The widths of marine riparian vegetation necessary to provide the functions listed above vary with the function. To maintain a 100 percent of the delivery of large organic debris is estimated to require approximately 200 feet of marine riparian vegetation.<sup>46</sup> Most of the leaf litter and other organic matter that reaches Puget Sound is from vegetation 100 to 200 feet from the sound.<sup>47</sup> Shading forage fish spawning habitat can require 56 – 125 feet of marine riparian vegetation to maintain 80 percent of the shaded area.<sup>48</sup> *Protecting Nearshore Habitat and Functions in Puget Sound* documents that protecting wildlife habitats requires buffers 240 to 902 feet wide.<sup>49</sup> Removing 99 percent of the sediment for runoff requires 984 feet of riparian vegetation.<sup>50</sup> To effectively perform these functions, the riparian vegetation needs to be undisturbed and undeveloped native vegetation.<sup>51</sup>

“[R]esearch shows that there is no particular impervious area threshold where degradation in stream integrity begins to occur; rather, the relationship is a continuum.”<sup>52</sup> “[D]egradation can occur at even low levels of total impervious area ...”<sup>53</sup> The Thurston Regional Planning Council and Thurston County studied the “impacts of planned growth under current plans” in the basins that make up the Deschutes Watershed.<sup>54</sup> Every basin in the watershed will experience moderate or high increases in total impervious area (TIA) at buildout.<sup>55</sup> “The [i]mpacts of [p]lanned [g]rowth” put every basin “[p]ossibly at risk of further impacts” or “[a]t risk of further impacts.”<sup>56</sup>

Our recommended buffers will reduce the potential for future adverse impacts to both fresh water and marine shorelines. We urge you to adopt our recommended buffers for non-water dependent uses.

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<https://wdfw.wa.gov/publications/00047/> and enclosed with the paper original of Futurewise’s March 6, 2019, letter to Thurston County.

<sup>45</sup> *Id.* at p. II-43.

<sup>46</sup> Jim Brennan, Hilary Culverwell, Rachel Gregg, Pete Granger, *Protection of Marine Riparian Functions in Puget Sound*, Washington p. 21 (Washington Sea Grant Seattle, WA: June 15, 2009. Prepared for: Washington Department of Fish and Wildlife) accessed on Oct. 20, 2021, at: <http://wdfw.wa.gov/publications/00693/> and enclosed with the paper original of Futurewise’s March 6, 2019, letter to Thurston County.

<sup>47</sup> *Id.* at p. 22.

<sup>48</sup> *Id.* at p. 15.

<sup>49</sup> EnviroVision, Herrera Environmental, and Aquatic Habitat Guidelines Program, *Protecting Nearshore Habitat and Functions in Puget Sound* p. III-39 (October 2007, Revised June 2010).

<sup>50</sup> Jim Brennan, Hilary Culverwell, Rachel Gregg, Pete Granger, *Protection of Marine Riparian Functions in Puget Sound*, Washington p. 9 (Washington Sea Grant Seattle, WA: June 15, 2009. Prepared for: Washington Department of Fish and Wildlife).

<sup>51</sup> *Id.* at pp. 39 – 40.

<sup>52</sup> Thurston Regional Planning Council & Thurston County, *Deschutes Watershed Land Use Analysis: Current Conditions Report* p. 106 (Dec. 29, 2015) last accessed on Oct. 20, 2021 at:

<https://www.co.thurston.wa.us/planning/watershed/docs/deschutes-project-materials/deschutes-current-conditions-report.pdf> and enclosed at this Dropbox Link:

[https://www.dropbox.com/sh/4l459v8kavt2/AADAt7NOEwWlCdm\\_vMIUWSFRa?dl=0](https://www.dropbox.com/sh/4l459v8kavt2/AADAt7NOEwWlCdm_vMIUWSFRa?dl=0) with the filename: “deschutes-current-conditions-report.pdf.”

<sup>53</sup> *Id.*

<sup>54</sup> *Id.* at p. 107.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

**Require wider setbacks between development and critical areas and critical areas buffers in areas subject to wildfire danger. See proposed 19.400.120B.4. on page 59 of 427**

Setbacks from critical areas buffers provide an area in which buildings can be built, repaired, and maintained without having to intrude in the buffer. So, setbacks cannot be ended after construction. The statement “[t]he building setback is to protect the buffer during construction and is no longer required after construction is completed” in proposed 19.400.120B.4. on page 59 of 427 should not be adopted.

Setbacks also allow for the creation of a Home Ignition Zone that can protect buildings from wildfires and allow firefighters to attempt to save the buildings during wildfires. Thurston County averages 63 wildfires per year.<sup>57</sup> The county “can expect at least one fire exceeding 100 acres over the next 25 years.”<sup>58</sup> Since a 30-foot-wide Home Ignition Zone is important to protect buildings,<sup>59</sup> we recommend that Shoreline Management Program require a setback at least 30 feet wide adjacent to critical areas and shoreline and critical area buffers in areas at high risk of wildfires. High risk areas are identified on Table 4.5.1 and on Map 4.5.4 of the *3rd Edition Hazards Mitigation Plan for the Thurston Region*. Combustible structures, such as decks, should not be allowed within this setback to protect the building from wildfires.

**Please adopt a ten percent impervious surface limit for the Rural Conservancy shoreline environment consistent with the SMP Guidelines to protect shoreline ecological functions. See proposed 19.400.125 on page 64 of 427 and proposed 19.400.140 on page 65 – 66 of 427**

Table 19.400.140(A) in Note 3 indicates that Hard Surface thresholds for Shoreline Environmental Designations are in Section 19.400.125. But Section 19.400.125 does not include any hard surface limits. The Thurston County Drainage Design and Erosion Control Manual referenced in Section 19.400.125 calls on project applicants to limit impervious surface to the minimum necessary, but it does not include impervious surface limits.<sup>60</sup>

Impervious surfaces are increasing in some areas of Thurston County outside urban growth areas including within shoreline jurisdiction.<sup>61</sup> “Impervious surfaces increase runoff of contaminants like fertilizers and pesticides to rivers, lakes and the ocean, reducing the amount and quality of water that

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<sup>57</sup> Thurston Regional Council, *3rd Edition Hazards Mitigation Plan for the Thurston Region* p. 4.5-6 (The Emergency Management Council of Thurston County: April 2017) last accessed on Oct. 20, 2021, at: <https://www.trpc.org/160/Hazards-Mitigation-Plan>.

<sup>58</sup> *Id.*

<sup>59</sup> Nation Fire Protection Association “preparing homes for wildfire” webpage last accessed on Oct. 20, 2021 at: <https://www.nfpa.org/Public-Education/By-topic/Wildfire/Preparing-homes-for-wildfire> and enclosed with the paper original of Futurewise’s March 6, 2019, letter to Thurston County.

<sup>60</sup> Thurston County Drainage Design and Erosion Control Manual p. vi (Dec. 2016 Edition).

<sup>61</sup> *2020 State of Our Watersheds: A Report by the Treaty Tribes in Western Washington* p. 154, p. 158, p. 288, p. 292 last accessed on Oct. 19, 2021 at: <https://nwifc.org/publications/state-of-our-watersheds/> and enclosed at this Dropbox Link: [https://www.dropbox.com/sh/4l459v8kavtrop2/AADAt7NOEwWlCdm\\_vMlUWSFRa?dl=0](https://www.dropbox.com/sh/4l459v8kavtrop2/AADAt7NOEwWlCdm_vMlUWSFRa?dl=0) with the filename: “state-of-our-watersheds-sow-2020-final-web.pdf.”



is available for people, aquatic life and wildlife.”<sup>62</sup> The Thurston Regional Planning Council and Thurston County studied the “impacts of planned growth under current plans” in the basins that make up the Deschutes Watershed.<sup>63</sup> Every basin in the watershed will experience moderate or high increases in total impervious area (TIA) at buildout.<sup>64</sup> “The [i]mpacts of [p]lanned [g]rowth” put every basin “[p]ossibly at risk of further impacts” or “[a]t risk of further impacts.”<sup>65</sup> Many Thurston County basins already have impervious surfaces greater than ten percent.<sup>66</sup> These include the West Bay, Chambers, Mission Creek, Indian Creek, Percival Creek, Schneider, Capitol Lake, Moxile Creek, Green Cove Creek, Squaxin Passage, Woodard, and Woodland basins.<sup>67</sup> Many basins are likely to be covered by more than five or ten percent impervious surfaces in the coming years.<sup>68</sup>

To prevent adverse impacts on and degradation of shoreline ecological functions, WAC 173-26-211(5)(b)(ii)(D) requires rural conservancy shoreline environments to limit impervious surfaces to ten percent of the lot. The proposed SMP does not include any impervious surface limits for the Rural Conservancy environment. This is inconsistent WAC 173-26-211(5)(b)(ii)(D) and will result in continuing adverse impacts shoreline ecological functions. A ten percent maximum imperious surface limit is required for the Rural Conservancy environment.

**Protect people, property, and habitat from sea level rise and increased coastal erosion. See proposed 19.400.150B on pages 69 – 70 of 427**

The Shoreline Management Act and Shoreline Master Program Guidelines require shoreline master programs to address the flooding that will be caused by sea level rise. RCW 90.58.100(2)(h) requires that shoreline master programs “shall include” “[a]n element that gives consideration to the statewide interest in the prevention and minimization of flood damages ...” WAC 173-26-221(3)(b) provides in part that “[o]ver the long term, the most effective means of flood hazard reduction is to prevent or remove development in flood-prone areas ...” Counties and cities should consider the following when designating and classifying frequently flooded areas ... [t]he potential effects of tsunami, high tides with strong winds, sea level rise, and extreme weather events, including those potentially resulting from global climate change ....”<sup>69</sup> The areas subject to sea level rise are flood prone areas just the same as areas along bays, rivers, or streams that are within the 100-year flood plain. As the State of Washington Department of Ecology’s (Ecology) *Shoreline Master Program Handbook Appendix A: Addressing Sea Level Rise in Shoreline Master Programs* states “SMPs must address flood hazards and seek to reduce the damage caused by floods. Goals and policies addressing flood

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<sup>62</sup> *Id.* at p. 288.

<sup>63</sup> *Id.* at p. 107.

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> *South Puget Sound Forum: Environmental Quality – Economic Vitality Indicators Report* p. 4 last accessed on Oct. 20, 2021, at: <https://www.trpc.org/ArchiveCenter/ViewFile/Item/68> and enclosed with the paper original of Futurewise’s March 6, 2019, letter to Thurston County.

<sup>67</sup> *Id.*

<sup>68</sup> *Id.* at p. 5.

<sup>69</sup> WAC 365-190-110(2) underlining added. This regulation is part of the State of Washington Department of Commerce Minimum Guidelines to Classify Agriculture, Forest, Mineral Lands and Critical Areas.

hazards are another opportunity to address sea level rise and the increased threat from flooding that will accompany it.”<sup>70</sup>

RCW 90.58.100(1) and WAC 173-26-201(2)(a) also require “that the ‘most current, accurate, and complete scientific and technical information’ and ‘management recommendations’ [shall to the extent feasible] form the basis of SMP provisions.”<sup>71</sup> This includes the current science on sea level rise.

Sea level rise is a real problem that is happening now. Sea level is rising and floods and erosion are increasing. In 2012 the National Research Council concluded that global sea level had risen by about seven inches in the 20<sup>th</sup> Century.<sup>72</sup> A recent analysis of sea-level measurements for tide-gage stations, including the Seattle, Washington tide-gauge, shows that sea level rise is accelerating.<sup>73</sup> Virginia Institute of Marine Science (VIMS) “emeritus professor John Boon, says ‘The year-to-year trends are becoming very informative. The 2020 report cards continue a clear trend toward acceleration in rates of sea-level rise at 27 of our 28 tide-gauge stations along the continental U.S. coastline.’”<sup>74</sup> “‘Acceleration can be a game changer in terms of impacts and planning, so we really need to pay heed to these patterns,’ says Boon.”<sup>75</sup> The Seattle tide gage was one of the 27 that had an accelerating rate of sea level rise.<sup>76</sup>

The report *Projected Sea Level Rise for Washington State – A 2018 Assessment* projects that for a low greenhouse gas emission scenario there is a 50 percent probability that sea level rise will reach or exceed 1.9 feet by 2100 for Budd Inlet including Boston Harbor.<sup>77</sup> *Projected Sea Level Rise for*

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<sup>70</sup> State of Washington Department of Ecology, *Shoreline Master Program Handbook Appendix A: Addressing Sea Level Rise in Shoreline Master Programs* p. 8 (Publication Number 11-06-010: rev. 12/17) last accessed on June 17, 2021 at: <https://apps.ecology.wa.gov/publications/SummaryPages/1106010.html> and enclosed with this letter. The appendix is also at this enclosed at this Dropbox Link: [https://www.dropbox.com/sh/4l459v8kavtrop2/AADAt7NOEwWlCdM\\_vMIUWSFRa?dl=0](https://www.dropbox.com/sh/4l459v8kavtrop2/AADAt7NOEwWlCdM_vMIUWSFRa?dl=0) with the filename: “1106010part19.pdf.”

<sup>71</sup> *Taylor Shellfish Company, Inc., et al., v. Pierce County and Ecology (Aquaculture II)*, Final Decision and Order Central Puget Sound Region Growth Management Hearings Board Case No. 18-3-0013c (June 17, 2019), at 10 of 81 footnote omitted.

<sup>72</sup> National Research Council, *Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future* p. 23, p. 156, p. 96, p. 102 (2012) accessed on Oct. 20, 2021, at: <https://www.nap.edu/download/13389>.

<sup>73</sup> William and Mary Virginia Institute of Marine Science, *U.S. West Coast Sea-Level Trends & Processes Trend Values for 2020* last accessed on June 18, 2021, at: [https://www.vims.edu/research/products/slrc/compare/west\\_coast/index.php](https://www.vims.edu/research/products/slrc/compare/west_coast/index.php) and enclosed at this Dropbox Link: [https://www.dropbox.com/sh/4l459v8kavtrop2/AADAt7NOEwWlCdM\\_vMIUWSFRa?dl=0](https://www.dropbox.com/sh/4l459v8kavtrop2/AADAt7NOEwWlCdM_vMIUWSFRa?dl=0) with the filename: “U.S. West Coast \_ Virginia Institute of Marine Science Trend Values 2020.pdf.”

<sup>74</sup> David Malmquist, *U.S. sea-level report cards: 2020 again trends toward acceleration* Virginia Institute of Marine Science website (Jan. 24, 2021) last accessed on June 18, 2021, at: [https://www.vims.edu/newsandevents/topstories/2021/slrc\\_2020.php](https://www.vims.edu/newsandevents/topstories/2021/slrc_2020.php) and enclosed at this Dropbox Link: [https://www.dropbox.com/sh/4l459v8kavtrop2/AADAt7NOEwWlCdM\\_vMIUWSFRa?dl=0](https://www.dropbox.com/sh/4l459v8kavtrop2/AADAt7NOEwWlCdM_vMIUWSFRa?dl=0) with the filename: “U.S. sea-level report cards\_ 2020 again trends toward acceleration \_ Virginia Institute of Marine Science.pdf.”

<sup>75</sup> *Id.*

<sup>76</sup> William and Mary Virginia Institute of Marine Science, *U.S. West Coast Sea-Level Trends & Processes Trend Values for 2020*.

<sup>77</sup> *Relative Sea Level Projections for RCP 4.5 for the Coastal Area Near: 47.1N, 122.9W* data now available at: <https://cig.uw.edu/resources/special-reports/sea-level-rise-in-washington-state-a-2018-assessment/> and enclosed with the paper original of Futurewise’s March 6, 2019, letter to Thurston County. The methodology used for these projections is available in Miller, I.M., Morgan, H., Mauger, G., Newton, T., Weldon, R., Schmidt, D., Welch, M., Grossman, E., *Projected Sea Level Rise for Washington State – A 2018 Assessment* p. 8 of 24 (A collaboration of Washington

*Washington State – A 2018 Assessment* projects that for a higher emission scenario there is a 50 percent probability that sea level rise will reach or exceed 2.3 feet by 2100 for Budd Inlet including Boston Harbor.<sup>78</sup> Projections are available for all marine shorelines in Washington State. The general extent of the projected sea level rise currently projected for coastal waters can be seen on the NOAA Office for Coastal Management Digitalcoast Sea Level Rise Viewer available at: <https://coast.noaa.gov/digitalcoast/tools/slr.html>

Projected sea level rise will substantially increase flooding. As Ecology writes, “[s]ea level rise and storm surge[s] will increase the frequency and severity of flooding, erosion, and seawater intrusion—thus increasing risks to vulnerable communities, infrastructure, and coastal ecosystems.”<sup>79</sup> Not only our marine shorelines will be impacted, as Ecology writes “[m]ore frequent extreme storms are likely to cause river and coastal flooding, leading to increased injuries and loss of life.”<sup>80</sup>

A peer-reviewed scientific study ranked Washington State 14<sup>th</sup> in terms of the number of people living on land less than one meter above local Mean High Water compared to the 23 contiguous coastal states and the District of Columbia.<sup>81</sup> This amounted to an estimated minimum of 18,269 people in 2010.<sup>82</sup> Zillow recently estimated that 31,235 homes in Washington State may be underwater by 2100, 1.32 percent of the state’s total housing stock. The value of the submerged homes is an estimated \$13.7 billion.<sup>83</sup> Zillow wrote:

It’s important to note that 2100 is a long way off, and it’s certainly possible that communities [may] take steps to mitigate these risks. Then again, given the enduring popularity of living near the sea despite its many dangers and drawbacks, it may be that even more homes will be located closer to the water in a century’s time, and these estimates could turn out to be very conservative. Either way, left unchecked, it is clear the threats posed by climate change and rising sea levels have the potential to destroy housing values on an enormous scale.<sup>84</sup>

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Sea Grant, University of Washington Climate Impacts Group, Oregon State University, University of Washington, and US Geological Survey. Prepared for the Washington Coastal Resilience Project: updated 07/2019).

<sup>78</sup> *Relative Sea Level Projections for RCP 8.5 for the Coastal Area Near: 47.1N, 122.9W* data now available at: <https://cig.uw.edu/resources/special-reports/sea-level-rise-in-washington-state-a-2018-assessment/> and enclosed with the paper original of Futurewise’s March 6, 2019, letter to Thurston County.

<sup>79</sup> State of Washington Department of Ecology, *Preparing for a Changing Climate Washington State’s Integrated Climate Response Strategy* p. 90 (Publication No. 12-01-004: April 2012) accessed on Feb. 19, 2019 at: <https://fortress.wa.gov/ecy/publications/summarypages/1201004.html> and enclosed with the paper original of Futurewise’s March 6, 2019, letter to Thurston County.

<sup>80</sup> *Id.* at p. 17.

<sup>81</sup> Benjamin H. Strauss, Remik Ziemiński, Jeremy L. Weiss, and Jonathan T. Overpeck, *Tidally adjusted estimates of topographic vulnerability to sea level rise and flooding for the contiguous United States* 7 ENVIRON. RES. LETT. 014033, 4 (2012) accessed on Sept. 26, 2018, at: <http://iopscience.iop.org/1748-9326/7/1/014033/article> This journal is peer reviewed. Environmental Research Letters “Submission requirements” webpage accessed on Sept. 26, 2018, at: <http://iopscience.iop.org/1748-9326/page/Submission%20requirements>.

<sup>82</sup> *Id.*

<sup>83</sup> Krishna Rao, *Climate Change and Housing: Will a Rising Tide Sink all Homes?* ZILLOW webpage (8/2/2016) last accessed on Feb. 19, 2019, at: <http://www.zillow.com/research/climate-change-underwater-homes-12890/>.

<sup>84</sup> *Id.*

Sea level rise will have an impact beyond rising seas, floods, and storm surges. The National Research Council wrote that:

Rising sea levels and increasing wave heights will exacerbate coastal erosion and shoreline retreat in all geomorphic environments along the west coast. Projections of future cliff and bluff retreat are limited by sparse data in Oregon and Washington and by a high degree of geomorphic variability along the coast. Projections using only historic rates of cliff erosion predict 10–30 meters [33 to 98 feet] or more of retreat along the west coast by 2100. An increase in the rate of sea-level rise combined with larger waves could significantly increase these rates. Future retreat of beaches will depend on the rate of sea-level rise and, to a lesser extent, the amount of sediment input and loss.<sup>85</sup>

A recent paper estimated that “[a]nalysis with a simple bluff erosion model suggests that predicted rates of sea-level rise have the potential to increase bluff erosion rates by up to 0.1 m/yr [meter a year] by the year 2050.”<sup>86</sup> This translates to four additional inches of bluff erosion a year.

A recent peer-reviewed article estimated that up to 8,017 people in Thurston County will be at risk of adverse impacts from sea level rise in 2100.<sup>87</sup> The time to adopt protective measures is now.

Homes built today are likely to be in use 2100. And new lots created today will be in use in 2100. This is why the Washington State Department of Ecology recommends “[l]imiting new development in highly vulnerable areas.”<sup>88</sup>

Unless wetlands and shoreline vegetation can migrate landward, their area and ecological functions will decline.<sup>89</sup> If development regulations are not updated to address the need for vegetation to

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<sup>85</sup> National Research Council, *Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future* p. 135 (2012).

<sup>86</sup> George M. Kaminsky, Heather M. Baron, Amanda Hacking, Diana McCandless, David S. Parks, *Mapping and Monitoring Bluff Erosion with Boat-based LIDAR and the Development of a Sediment Budget and Erosion Model for the Elwha and Dungeness Littoral Cells, Clallam County, Washington* p. 3 last accessed on Feb. 19, 2019 at: [http://www.coastalwatershedinstitute.org/Final%20Report\\_Clallam%20County%20Bluffs%202014\\_Final%20revised.pdf](http://www.coastalwatershedinstitute.org/Final%20Report_Clallam%20County%20Bluffs%202014_Final%20revised.pdf).

<sup>87</sup> Mathew E. Hauer, Jason M. Evans, and Deepak R. Mishra, *Millions projected to be at risk from sea-level rise in the continental United States* NATURE CLIMATE CHANGE Letters Advance Online Publication p. 3 (Published Online: 14 March 2016 | DOI: 10.1038/NCLIMATE2961). Nature Climate Change is a peer-reviewed science journal. See the Author Instructions accessed on Nov. 26, 2018, at: [http://mts-nclim.nature.com/cgi-bin/main.plex?form\\_type=display\\_auth\\_instructions](http://mts-nclim.nature.com/cgi-bin/main.plex?form_type=display_auth_instructions).

<sup>88</sup> State of Washington Department of Ecology, *Preparing for a Changing Climate Washington State's Integrated Climate Response Strategy* p. 90 (Publication No. 12-01-004: April 2012).

<sup>89</sup> Christopher Craft, Jonathan Clough, Jeff Ehman, Samantha Joye, Richard Park, Steve Pennings, Hongyu Guo, and Megan Machmuller, *Forecasting the effects of accelerated sea-level rise on tidal marsh ecosystem services* FRONT ECOL ENVIRON 2009; 7, doi:10.1890/070219 p. \*6 last accessed on Feb. 26, 2021 at: <http://nsmn1.uh.edu/steve/CV/Publications/Craft%20et%20al%202009.pdf>. Frontiers in Ecology and the Environment is a peer-reviewed scientific journal. Frontiers in Ecology and the Environment Journal Overview webpage last accessed on Feb. 26, 2021, at: <https://esajournals.onlinelibrary.wiley.com/journal/15409309>. Both enclosed at this Dropbox Link: [https://www.dropbox.com/sh/4l459v8kavt2p2/AADAt7NOEwWlCdm\\_vMIUWSFRa?dl=0](https://www.dropbox.com/sh/4l459v8kavt2p2/AADAt7NOEwWlCdm_vMIUWSFRa?dl=0) with the filename: “Craft et al 2009.pdf” and “Frontiers in Ecology and the Environment - Journal Overview” respectively.

migrate landward in feasible locations, wetlands and shoreline vegetation will decline. According to Ecology “[d]evelopment of coastal areas and shoreline armoring (e.g., bulkheads, seawalls) prevent habitat areas from reestablishing inland” in response to sea level rise.<sup>90</sup> Ecology provides more detailed documentation of these adverse impacts:

The prospect of more flooding, erosion, and storm damage may lead communities and property owners to seek to build seawalls, dikes, and tidal barriers. The construction and placement of these structures will have a direct and immediate impact on natural shoreline environments. These structures will also lead to the progressive loss of beach and marsh habitat as those areas are squeezed between the rising sea and a more intensively engineered shoreline. Predicted decreases in size or transitions in tidal marshes, salt marshes, and tidal flats will affect the species these habitats support. It is predicted that while some species may be able to locate alternate habitats or food sources, others will not (Glick, 2007).

Shellfish, forage fish, shorebirds, and salmon are among those identified as examples of species at risk (Glick, 2007). Sea level rise will also lead to other changes in coastal ecosystems, such as shifting of stream mouths and tidal inlets, reconfigured estuaries and wetlands, and more frequently disturbed riparian zones.<sup>91</sup>

“Loss of salt marsh and related habitats may be significant in systems constrained by surrounding development.”<sup>92</sup> This loss of shoreline vegetation will harm the environment. It will also deprive marine shorelines of the vegetation that protects property from erosion and storm damage by modifying soils and accreting sediment.<sup>93</sup> This will increase damage to upland properties. The general extent of wetland migration can be seen on the NOAA Office for Coastal Management Digitalcoast Sea Level Rise Viewer available at: <https://coast.noaa.gov/digitalcoast/tools/slr.html>

Stopped Flood plain regulations are not enough to address sea level rise for three reasons. *Projected Sea Level Rise for Washington State – A 2018 Assessment* explains two of them:

Finally, it is worth emphasizing that sea level rise projections are different from Federal Emergency Management Agency (FEMA) flood insurance studies, because (1) FEMA studies only consider past events, and (2) flood insurance studies only

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<sup>90</sup> Washington State Department of Ecology, *Preparing for a Changing Climate: Washington State’s Integrated Climate Response Strategy* p. 68 (Publication No. 12-01-004: April 2012).

<sup>91</sup> State of Washington Department of Ecology, *Shoreline Master Program Handbook Appendix A: Addressing Sea Level Rise in Shoreline Master Programs* pp. 3 – 4 (Publication Number 11-06-010: rev. 12/17).

<sup>92</sup> *Id.* p. 4.

<sup>93</sup> R. A. Feagin, S. M. Lozada-Bernard, T. M. Ravens, I. Möller, K. M. Yeagei, A. H. Baird and David H. Thomas, *Does Vegetation Prevent Wave Erosion of Salt Marsh Edges?* 106 PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF THE UNITED STATES OF AMERICA pp. 10110-10111 (Jun. 23, 2009) last accessed on June 21, 2021 at:

<http://www.pnas.org/content/106/25/10109.full> and enclosed at this Dropbox Link:

[https://www.dropbox.com/sh/4l459v8kavtrop2/AADAt7NOEwWlCdm\\_vMlUWSFRa?dl=0](https://www.dropbox.com/sh/4l459v8kavtrop2/AADAt7NOEwWlCdm_vMlUWSFRa?dl=0) with the filename: “10109.full.pdf.” This journal is peer-reviewed. *Id.* p. 10113.



consider the 100-year event, whereas sea level rise affects coastal water elevations at all times.<sup>94</sup>

The third reason is that flood plain regulations allow fills and piling to elevate structures and also allow commercial buildings to be flood proofed in certain areas. While this affords some protection to the structure, it does not protect the marshes and wetlands that need to migrate.

Because of these significant impacts on people, property, and the environment, “[n]early six in ten Americans supported prohibiting development in flood-prone areas (57%).”<sup>95</sup> It is time for Washington state and local governments to follow the lead of the American people and adopt policies and regulations to protect people, property, and the environment from sea level rise. Therefore, we recommend that the SMP update require that new lots and new buildings be located outside the area of likely sea level rise and if that is not possible, buildings should be elevated above the likely sea level rise. We recommend the following new regulations be added to the SMP update in proposed 19.400.150B on page 70 of 427.

8. New lots shall be designed and located so that the buildable area is outside the area likely to be inundated by sea level rise in 2100 and outside of the area in which wetlands and aquatic vegetation will likely migrate during that time.
9. Where lots are large enough, new structures and buildings shall be located so that they are outside the area likely to be inundated by sea level rise in 2100 and outside of the area in which wetlands and aquatic vegetation will likely migrate during that time.
10. New and substantially improved structures shall be elevated above the likely sea level rise elevation in 2100 or for the life of the building, whichever is less.

Also, to avoid flooding, erosion, and other adverse impacts on shoreline resources, we strongly recommend that the County take a comprehensive approach to adapting to sea level rise and its adverse impacts modeled on the process California’s coastal counties and cities use. The process includes six steps.<sup>96</sup>

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<sup>94</sup> Miller, I.M., Morgan, H., Mauger, G., Newton, T., Weldon, R., Schmidt, D., Welch, M., Grossman, E., *Projected Sea Level Rise for Washington State – A 2018 Assessment* p. 8 of 24 (A collaboration of Washington Sea Grant, University of Washington Climate Impacts Group, Oregon State University, University of Washington, and US Geological Survey. Prepared for the Washington Coastal Resilience Project: updated 07/2019) last accessed on Oct. 20, 2021 at: <https://cig.uw.edu/resources/special-reports/sea-level-rise-in-washington-state-a-2018-assessment/> and enclosed at this Dropbox Link: [https://www.dropbox.com/sh/4l459v8kavt2/AADAt7NOEwWlCdm\\_vMIUWSFRa?dl=0](https://www.dropbox.com/sh/4l459v8kavt2/AADAt7NOEwWlCdm_vMIUWSFRa?dl=0) with the filename: “SLR-Report-Miller-et-al-2018-updated-07\_2019.pdf.”

<sup>95</sup> Bo MacInnis and Jon A. Krosnick, *Climate Insights 2020: Surveying American Public Opinion on Climate Change and the Environment Report: Natural Disasters* p. 8 (Washington, DC: Resources for the Future, 2020) accessed on Feb. 26, 2021 at: <https://www.rff.org/publications/reports/climateinsights2020-natural-disasters/> and enclosed at this Dropbox Link: [https://www.dropbox.com/sh/4l459v8kavt2/AADAt7NOEwWlCdm\\_vMIUWSFRa?dl=0](https://www.dropbox.com/sh/4l459v8kavt2/AADAt7NOEwWlCdm_vMIUWSFRa?dl=0) with the filename: “Climate\_Insights\_2020\_Natural\_Disasters.pdf.”

<sup>96</sup> *California Coastal Commission Sea Level Rise Policy Guidance: Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs and Coastal Development Permits* pp. 69 – 95 (Nov. 7, 2018) last accessed on June 18, 2021 at: <https://www.coastal.ca.gov/climate/slrguidance.html> and at this Dropbox Link: [https://www.dropbox.com/sh/4l459v8kavt2/AADAt7NOEwWlCdm\\_vMIUWSFRa?dl=0](https://www.dropbox.com/sh/4l459v8kavt2/AADAt7NOEwWlCdm_vMIUWSFRa?dl=0) with the filename: “0\_Full\_2018AdoptedSLRGuidanceUpdate.pdf.”

1. Determine the range of sea level rise projections relevant to Thurston County's shorelines subject to tidal influence. The California Coastal Commission recommends analyzing intermediate and long-term projections because "development constructed today is likely to remain in place over the next 75-100 years, or longer."<sup>97</sup>
2. Identify potential physical sea level rise impacts in Thurston County's shorelines subject to tidal influence.
3. Assess potential risks from sea level rise to the resources and development on the shorelines subject to tidal influence.
4. Identify adaptation strategies to minimize risks. The *California Coastal Commission Sea Level Rise Policy Guidance* includes recommended adaptation strategies to consider.<sup>98</sup>
5. Adopt an updated shoreline master program incorporating the selected adaption strategies.
6. Implement the updated shoreline master program and monitor and revise as needed. Because the scientific data on sea level rise is evolving, the California Coastal Commission recommends modifying "the current and future hazard areas on a five-to-ten-year basis or as necessary to allow for the incorporation of new sea level rise science, monitoring results, and information on coastal conditions."<sup>99</sup>

Based on this proven model, we recommend that the following proposed policy be adopted as part of the shoreline master program periodic update.

Policy X. Thurston County shall monitor the impacts of climate change on Thurston County's shorelands, the shoreline master program's ability to adapt to sea level rise and other aspects of climate change at least every periodic update and revise the shoreline master program as needed. Thurston County shall periodically assess the best available sea level rise projections and other science related to climate change within shoreline jurisdiction and incorporate them into future shoreline master program updates as needed.

**Prohibit marine net pen aquaculture for nonnative species in the Aquatic environment. Please see proposed Table 19.600.105 Shoreline Use and Modifications Matrix on page 88 of 427 and proposed 19.600.115**

RCW 77.125.050(1) provides that the State of Washington Department of Natural Resources "may authorize or permit activities associated with the use of marine net pens for nonnative marine finfish aquaculture only if these activities are performed under a lease of state-owned aquatic lands in effect on June 7, 2018. The department may not authorize or permit any of these activities or operations after the expiration date of the relevant lease of state-owned aquatic lands in effect on June 7, 2018." Consistent with RCW 77.125.050(1), proposed Table 19.600.105 should prohibit marine net pens for nonnative marine finfish aquaculture in the Aquatic environment.

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<sup>97</sup> *Id.* p. 74.

<sup>98</sup> *Id.* pp. 121 – 162.

<sup>99</sup> *Id.* p. 94.



**In the Rural Conservancy environment only allow new structural shoreline stabilization and flood control works where there is a documented need to protect an existing structure. Please see proposed Table 19.600.105 Shoreline Use and Modifications Matrix on pages 88 of 427 & 90 of 427, proposed 19.400.150 on pages 69 – 70 of 427, proposed 19.600.170B on pages 123 – 24 of 427, and proposed 19.600.175D on pages 126 – 28 of 427**

WAC 173-26-211(5)(b)(ii)(C), which applies to the Rural Conservancy environment, provides that:

(C) Construction of new structural shoreline stabilization and flood control works should only be allowed where there is a documented need to protect an existing structure or ecological functions and mitigation is applied, consistent with WAC 173-26-231. New development should be designed and located to preclude the need for such work.

Based on this requirement, we recommend new structural shoreline stabilization only be allowed in the Rural Conservancy environment to protect an existing structure or ecological functions. Recent studies in Puget Sound have documented that structural shoreline stabilization has significant adverse impacts on the local beach on which it is installed and on large areas of Puget Sound.<sup>100</sup> So this change is necessary to maintain shoreline ecological functions.

**Please modify proposed 19.600.170B.7. on page 124 of 427 to require public access consistent with the SMP Guidelines.**

One of the policies of Washington's Shoreline Management Act is to increase public access to publicly owned shorelines.<sup>101</sup> Unfortunately, proposed 19.600.170B.7. does not fully comply with the SMA or the SMP Guidelines.

The SMP Guidelines implement the Shoreline Management Act (SMA) policies by including more specific requirements for public access. These provisions include WAC 173-26-221(4)(d) which requires in part that:

(iii) Provide standards for the dedication and improvement of public access in developments for water-enjoyment, water-related, and nonwater-dependent uses and for the subdivision of land into more than four parcels. In these cases, public access should be required except:

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<sup>100</sup> Megan N. Dethier, Wendel W. Raymond, Aundrea N. McBride, Jason D. Toft, Jeffery R. Cordell, Andrea S. Ogston, Sarah M. Heerhartz, Helen D. Berry, *Multiscale impacts of armoring on Salish Sea shorelines: Evidence for cumulative and threshold effects* 175 ESTUARINE, COASTAL AND SHELF SCIENCE 106 p. 106 (2016) enclosed with the paper original of this letter. Estuarine, Coastal and Shelf Science is a peer-reviewed scientific journal. Estuarine, Coastal and Shelf Science Author Information Pack pp. 9 – 11 (20 Feb 2019) accessed on Feb. 22, 2019 at: <https://www.journals.elsevier.com/estuarine-coastal-and-shelf-science> and enclosed with the paper original of Futurewise's March 6, 2019, letter to Thurston County.

<sup>101</sup> RCW 90.58.020.

(A) Where the local government provides more effective public access through a public access planning process described in WAC 173-26-221(4)(c).

(B) Where it is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the shoreline environment or due to constitutional or other legal limitations that may be applicable.

In determining the infeasibility, undesirability, or incompatibility of public access in a given situation, local governments shall consider alternate methods of providing public access, such as off-site improvements, viewing platforms, separation of uses through site planning and design, and restricting hours of public access.

(C) For individual single-family residences not part of a development planned for more than four parcels.

Shoreline master programs, including the Thurston County SMP Update, must include public access requirements that are consistent with the SMA and the SMP Guidelines. Thurston County's proposed SMP update does not fully comply with these requirements because proposed 19.600.170B.7. allows joint or community access in place of public access. So, we recommend that proposed 19.600.170B.7. be modified to read as follows with our deletions double struck through:

7. New multi-residential development, including the subdivision of land for five or more parcels, shall provide for ~~joint or community and/or~~ public access, except where demonstrated to be infeasible due to any of the following:

....

~~Public access may be limited to the landowners within the new development. The developer may choose to allow broader access at their discretion. Broader public access may also be required if shoreline access has historically been permitted or otherwise provided at the site.~~

**Require mitigation for all losses of shoreline ecological functions including the adverse impacts of development outside of buffers as required by the SMP guidelines. See Appendix B page 148 of 427**

As the State of Washington Court of Appeals wrote “reasonable and appropriate uses should be allowed on the shorelines only if they will result in no net loss of shoreline ecological functions and systems. *See* RCW 90.58.020; WAC 173-27-241(3)(j).”<sup>102</sup>

Proposed Appendix B B.1.D violates this requirement in two ways. First, by providing that “mitigation is not required for impacts outside of the Standard Buffer,” Appendix B B.1.D does not

<sup>102</sup> *Olympic Stewardship Found.*, 199 Wn. App. at 690, 399 P.3d at 572.

require any mitigation for adverse impacts within the water. No mitigation is required for in water fills, dredging, shading, or other impacts. This violates the principle of no net loss and will harm fish and wildlife habitat.

Second, it also does not require mitigation for development in shorelines jurisdiction but outside buffers. For example, impervious surfaces are increasing in Thurston County including within shoreline jurisdiction.<sup>103</sup> This adversely impacts salmon habitat. Allowing the removal of shoreline vegetation and increased impervious surfaces outside buffers will adversely impact shoreline ecological resources violating the no net loss requirement of the SMP Guidelines. To comply with the SMP Guidelines, the SMP Update must require mitigation vegetation loss and other adverse impacts of developments on shoreline ecological functions both inside and outside buffers.

On way of making mitigation easier to implement and more effective is to develop a vegetation management manual with minimum requirements for planting plans and mitigation. Bainbridge Island has developed a mitigation manual the county could use as an example.

### Comments on Appendix C. Shoreline Restoration Plan pages 158 – 81 of 427

WAC 173-26-201(2)(f) provides that:

Consistent with principle WAC 173-26-186 (8)(c), master programs shall include goals, policies and actions for restoration of impaired shoreline ecological functions. These master program provisions should be designed to achieve overall improvements in shoreline ecological functions over time, when compared to the status upon adoption of the master program. The approach to restoration planning may vary significantly among local jurisdictions, depending on:

- The size of the jurisdiction;
  - The extent and condition of shorelines in the jurisdiction;
  - The availability of grants, volunteer programs or other tools for restoration; and
  - The nature of the ecological functions to be addressed by restoration planning.
- Master program restoration plans shall consider and address the following subjects:
- (i) Identify degraded areas, impaired ecological functions, and sites with potential for ecological restoration;
  - (ii) Establish overall goals and priorities for restoration of degraded areas and impaired ecological functions;
  - (iii) Identify existing and ongoing projects and programs that are currently being implemented, or are reasonably assured of being implemented (based on an evaluation of funding likely in the foreseeable future), which are designed to contribute to local restoration goals;
  - (iv) Identify additional projects and programs needed to achieve local restoration goals, and implementation strategies including identifying prospective funding sources for those projects and programs;

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<sup>103</sup> 2020 *State of Our Watersheds: A Report by the Treaty Tribes in Western Washington* p. 154, p. 158, p. 288, p. 292.

- (v) Identify timelines and benchmarks for implementing restoration projects and programs and achieving local restoration goals;
- (vi) Provide for mechanisms or strategies to ensure that restoration projects and programs will be implemented according to plans and to appropriately review the effectiveness of the projects and programs in meeting the overall restoration goals.

If Appendix C is intended to be the Shoreline Restoration Plan, we are concerned that the requirements of WAC 173-26-201(2)(f)(i), (iii), (iv), and (vi) have not been addressed. We recommend that they be addressed.

Thank you for considering our comments. If you require additional information, please contact me at telephone 206-343-0681 Ext. 102 and email: [tim@futurewise.org](mailto:tim@futurewise.org).

Very Truly Yours,



Tim Trohimovich, AICP  
**Director of Planning & Law**

Enclosures for this letter are this Dropbox Link:  
[https://www.dropbox.com/sh/4l459v8kavtrop2/AADAt7NOEwW1cDm\\_vMIUWSFRa?dl=0](https://www.dropbox.com/sh/4l459v8kavtrop2/AADAt7NOEwW1cDm_vMIUWSFRa?dl=0)

**From:** [Kim Forte Nelson](#)  
**To:** [Andrew Deffobis](#)  
**Cc:** [J Nelson](#); [Kimberly Nelson](#)  
**Subject:** SMP Planning Commission Comments  
**Date:** Wednesday, October 20, 2021 5:53:15 PM

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Good Evening Mr. Deffobis,

My name is Kim Nelson and my husband, J, and I live on Lawrence Lake with our teenage boys at 18130 Lisa Lane SE, Yelm, WA. We have a vested interest in ensuring the health of the lake for those of us who live on the lake as well as for those who recreate on it. To further my point, we also volunteer our time with the LMD and use our boat for weed surveys to help make sure we stay ahead of any issues. Thank you for the opportunity to opine at the SMP Planning Commission Public hearing. My comments are as follows:

I agree with the Thurston County Shoreline Stakeholders Coalition opinion on the 9 key issues represented by John Woodford. Most important to me and my husband are the following:

1. Buffer widths (Issue #2 in coalition letter). I agree that the buffer widths should be 50-feet for both marine and lake properties and do not understand the reasoning for changing them. This seems arbitrary.
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. Lake Lawrence does not contain salmon, therefore should not be included in this.
3. Pier and Dock piling spacing (Issue #8 - in coalition letter) we want the option to reduce spacing to 6-8 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 the need exists.
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.
6. Full dock surface replacement should not require a permit. Getting a permit for this will deter our residents from maintaining the very structures that keep our families and guests safe while in use.
7. Lake Management Funds should be used to manage and keep our lake clean so that we are able to use it as a resource (swimming, fishing, boating, water sports as well as the ability to take in its beauty). Administrative cost should be at a minimum so as to ensure that the LMD funds can be used towards removing the weeds and keeping our water area clean.

Thank you for your attention to this.

Sincerely,

Kim & J Nelson

**From:** [Debbie](#)  
**To:** [Andrew Deffobis](#)  
**Subject:** SMP Draft and Open House comments  
**Date:** Wednesday, October 20, 2021 6:04:50 PM

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As residents of Holmes Island for nearly 30 years we want to thank the **Thurston County Shoreline Stakeholders Coalition**, and specifically **John Woodford**, for all the work they've done to keep us shoreline residents informed about the SMP and encourage our participation in this process. I am concerned about and fully support the key issues outlined by the coalition below:

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.
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. **Nothing in the Thurston County SMP should be more restrictive than State requirements.**
5. 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.
6. 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.

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.**

Sincerely,

Debbie and Darren Smith



**From:** [Howard Glastetter](#)  
**To:** [Andrew Deffobis](#)  
**Subject:** My Oral Comment  
**Date:** Wednesday, October 20, 2021 8:41:54 PM  
**Attachments:** [21-10 SMP Oral .doc](#)

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Andrew,

Attached are the oral comments I intended to give at the Planning Commission - Shoreline Master Plan meeting. I updated my wife's iPad with the latest Zoom software a few days ago. I was able to get signed in to the meeting, but could not get any sound. I gave up after more than an hour. If appropriate, please add the attached to the SMP public comments. Your prior email said you would be accepting public comment until the 22<sup>nd</sup>.

Thank you,

Howard H Glastetter  
[Howard.glastetter@comcast.net](mailto:Howard.glastetter@comcast.net)  
Cell (360)556-1574

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

Howard Glastetter

October 20, 2021

Planning Commissioners, Ladies & Gentlemen: **Good evening.**

All online comments to the SMP are in order by date. My written comments are dated October 11th. I live in lower Nisqually Valley in the “channel migration zone” near the beginning of the Nisqually Delta. I have lived in the lower valley for over 50 years. My written comments covered **Mining, Channel Migration Zone** and replacement of **I-5 Nisqually Bridges**. I will discuss Channel Migration (the biggest threat) in my three minutes.

### **Channel Migration Zone**

There is much discussion of the Nisqually channel migration zone. There is no mention of **Alder Dam, the largest manmade impact** in the valley, nor of the is a **FEMA study** that is changing the zone levels to conform to the **February 1996 Nisqually flood**.

**The 1996 flood** was the result of **predicted 3-day** multi state severe storm. Alder Lake Dam was **17’** below capacity when the storm hit. Tacoma Power Utility (**TPU**) simply allowed the reservoir to top off on the first day of the storm and were forced to dump.

This caused \$20,000,000 damage to property below the dam, as well as a like amount to the TPU La Grande generators attached to the dam. TPU’s FERC license has no fall / winter flood control responsibilities. They should have and the Shoreline Master Plan should call attention to this.

The 1996 flood was **not unique**. The recent February 2020 Nisqually flood was the result of TPU purposely allowing the raising the reservoir level to almost 2’ from capacity in late January during the 2<sup>nd</sup> rainiest winter recorded in Western Washington. TPU exacerbated both the above floods and several others over the years.

The plan should include comments that say **Thurston County will attempt to have FERC build some safety into the license or work with TPU to have a more conservative flood mitigation strategy during dangerous times of the year. FEMA has said they will be setting the zones as if the reservoir will always be full. If they do that, the county should appeal the FEMA decision.** To set the flood migration zones at the 1996 flood levels is to reward TPU for their unsafe management in 1996 and keeps the door open for more of the same. TPU is the **elephant in the Nisqually Valley room** and needs to be reined in.

Again, my name is Howard Glastetter and all written comments are in order by date. My written comments about Nisqually Valley were submitted on October 11<sup>th</sup> and can be found among other comments submitted on October 11<sup>th</sup>. **Thank you.**



**From:** [Cj Russo](#)  
**To:** [Andrew Deffobis](#)  
**Subject:** Re: Shoreline Master Plan  
**Date:** Wednesday, October 20, 2021 8:59:41 PM

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Andrew,  
 Please include the statement below as part of the public comment.  
 Also, do you think this argument is strong enough to receive proper consideration?  
 Thanks,  
 Cj

To Whom it Concerns,

Comment / Request for Thurston County Shoreline Master Program

Regarding 401 Summit Lake Shore Rd NW (parcel number 14813140203) and 409 Summit Lake Shore Rd (parcel number 14813140200) I oppose the change of designation from Rural to Rural Conservancy.

There are approximately 522 lots within the Summit Lake shoreline jurisdiction. Of those, only 2 properties, 401 and 409 Summit Lake Shore Rd are slated to be changed to a more restrictive designation.

Of the 522 lots, there are two properties currently designated as Conservancy. These two are proposed to be Rural Conservancy. This makes sense and is reasonable.

There are 520 lots currently designated Rural including 401 and 409 Summit Lake Shore Rd. Of these, 518 are proposed to be Shoreline Residential.

Here is the Designation Criteria for Rural Conservancy

- Outside incorporated municipalities and outside urban growth areas, AND at least one of the following:
- Currently supporting low-intensity resource based uses such as agriculture, forestry, or recreation.
- Currently accommodating residential uses
- Supporting human uses but subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, wetlands, flood plains or other flood prone areas
- Can support low-intensity water-dependent uses without significant adverse impacts to shoreline functions or processes
- Private and/or publically owned lands (upland areas landward of OHWM) of high recreational value or with valuable historic or cultural resources or potential for public access.
- Does not meet the designation criteria for the Natural environment.

Yes, both 401 and 409 Summit Lake Shore Rd meet the primary and at least one of the secondary criteria for this designation. Also, the other 518 lots meet the primary and at least one of the secondary criteria. Based on these facts, they too should be designated as Rural

Conservancy.

Here is the Designation Criteria for Shoreline Residential.

- Does not meet the criteria for the Natural or Rural Conservancy Environments.
- Predominantly single-family or multifamily residential development or are planned and platted for residential development.
- Majority of the lot area is within the shoreline jurisdiction.
- Ecological functions have been impacted by more intense modification and use.

This is the proposed designation for 518 lots and they meet these criteria. 401 and 409 Summit Lake Shore Rd meet these criteria. Therefore, similar to the other 518 lots, 401 and 409 Summit Lake Shore Rd should be designated as Shoreline Residential.

Please change the proposed designation of 401 and 409 Summit Lake Shore Rd to Shoreline Residential.

Thank you,

Christopher Russo

On Tue, Oct 19, 2021 at 12:25 PM Andrew Deffobis <[andrew.deffobis@co.thurston.wa.us](mailto:andrew.deffobis@co.thurston.wa.us)> wrote:

Hi CJ,

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

Thurston County performed an inventory and characterization as part of the SMP update, as required by state law. The inventory and characterization process examines available data for shoreline reaches to characterize their existing condition. This includes looking at development and modifications of the shoreline, ecological functions, and other parameters. You can access the main Inventory & Characterization page [here](#). The report itself (first link) mentions Summit Lake throughout. A detailed discussion begins on page 243.

Your property is mapped within Reach LSU-1—LSU-2. Specific information for this reach can be found in the reach analysis matrix (Appendix A on the webpage linked above). See page 42. The properties to the east of you are in Reach LSU-2—LSU-1. This reach is discussed on page 43 of Appendix A.

This information is used to help assign shoreline environment designations (SEDs). The conditions of shoreline reaches are examined alongside the criteria for establishing SEDs. The criteria is found on Pages 4-5 of the [Shoreline Environment Designations report](#). Your shoreline reach is discussed on Page 65. Reach LSU-2—LSU-1 is also found on this page.

If you believe the SED of Rural Conservancy was incorrectly applied to your shoreline reach, or that the reach boundaries were incorrectly assigned, please provide this information in writing (by 11:59 PM on Friday, October 22), or during tomorrow evening's public hearing. In preparing your comments, please note that any changes to shoreline reach boundaries or proposed SEDs must be supported by the SED criteria (see paragraph above) and consistent with the provisions of the Shoreline Management Act and implementing guidelines.

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

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

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**From:** Thurston County | Send Email <[spout@co.thurston.wa.us](mailto:spout@co.thurston.wa.us)>

**Sent:** Monday, October 18, 2021 10:42 AM

**To:** Andrew Deffobis <[andrew.deffobis@co.thurston.wa.us](mailto:andrew.deffobis@co.thurston.wa.us)>

**Subject:** Shoreline Master Plan

This email was created by the County Internet web server from the email masking

system. Someone from the Public has requested to contact you with the following information:

To: **Andrew Deffobis**

Subject:

From: **Cj REusso**

Email (if provided): [cjrusso222+tcplanning@gmail.com](mailto:cjrusso222+tcplanning@gmail.com)

Phone: (if provided): **3604026285**

Message:

**Hi Andrew, Please contact me asap about the shoreline designation change at 401 Summit Lake Shore Rd NW. It appears that of the 350+ properties on the lake, only my property and my neighbor's property will have a more restrictive designation. This is not reasonable. Please inform me about how I can keep this from occurring.**

**Thanks, Cj Russo**

--

**Cj Russo**  
**360 402-6285**



**From:** [mcbeehler@outlook.com](mailto:mcbeehler@outlook.com)  
**To:** [SMP](#)  
**Subject:** Incoming SMP Comment  
**Date:** Wednesday, October 20, 2021 4:19:42 PM

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**Your Name (Optional):** Mike Beehler

**Your email address:** mcbeehler@outlook.com

**Comment:** Commissioners

In regards to the proposed SMP Update my comments are below. I write them as not only a resident of the County, with shoreline on Pattison Lake, but also as a former member and chair of the Lacey Planning Commission. In my experience the best planning is based on objective and thoughtful consideration of the science involved, but also on the human impact of the decisions made by governmental agencies.

My recommendations are as follows:

1) Chapter 19.400.100 , A. 1. Existing Development needs to use language that does not infer any "less than" status for existing development prior to the adoption of the new Updated SMP, once in place. Language like "non-conforming", "legally non-conforming", etc. are not appropriate to this status. It is retroactively establishing a violation, if not legally, at least politically, in development that would no longer meet the new criteria in the updated SMP. We should not use language that places legal development in any status other than legal.

2) Chapter 19.400.100 A. 4 The arbitrary time limit of 24 months without any recognition of special circumstance is too limiting and does not allow for unique circumstances for a property owner to establish their status as a conforming development. I suggest that some language be included that recognizes the possibility of governmental or other legal processes that may preclude an owner from meeting the 24 month rule. One example is the total loss of a structure due to fire or some other disaster which is then impacted by governmental or other legal restraint upon the ability of the property owner to meet the 24 month criteria. My wife and I had a total loss by fire of our residence in 2001, and the resulting legal action took more then 24 months to become resolved in our favor. In our case the structure was rebuilt within a year but we had to sue the Insurance company after they denied our loss claim. We were lucky that this suit did not occur until after the home was rebuilt, not before the rebuilding. Other property owners may not be so fortunate, and find themselves without a residence and the ability to rebuild if the current language in the SMP draft remains.

3) Chapter 19.400.120 B, 1 Buffer Widths , Standard Buffer

In the proposed Shoreline Residential I understand one option is to keep the existing buffer of 50 feet for Freshwater Lakes. I agree with that. In our case we have a "Natural Shoreline", exceeding the 50 foot buffer and intend to keep it, even though we are a Shoreline Residential designated property. In any event allowing for consideration of the typography, lot configuration, and access to the property should also be considered in establishing buffer widths for a particular property. The width should not be based on some general figure, without the ability of an owner to mitigate, if possible, the buffer distance.

Respectfully submitted, Mike Beehler

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Time: October 20, 2021 at 11:19 pm

IP Address: 73.169.253.250

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

Sent by an unverified visitor to your site.

**From:** [kpint90@comcast.net](mailto:kpint90@comcast.net)  
**To:** [SMP](#)  
**Subject:** Incoming SMP Comment  
**Date:** Wednesday, October 20, 2021 6:26:06 PM

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**Your Name (Optional):** Karen Parker

**Your email address:** kpint90@comcast.net

**Comment:** Are there any future plans to dredge Scatter Creek? It would be nice if the water stayed in and around the actual creek channel. We used to have salmon but they can't get to their spawning areas now.

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Time: October 21, 2021 at 1:25 am

IP Address: 24.18.122.222

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

Sent by an unverified visitor to your site.

**From:** [werdenbunch@gmail.com](mailto:werdenbunch@gmail.com)  
**To:** [SMP](#)  
**Subject:** Incoming SMP Comment  
**Date:** Wednesday, October 20, 2021 7:04:55 PM

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**Your Name (Optional):** Tina Werden

**Your email address:** [werdenbunch@gmail.com](mailto:werdenbunch@gmail.com)

**Comment:** 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. I 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. I 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. I 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. I 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.

9) Ch 19.600.160.C.4.a. I 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.

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) Pollution of Thurston County waterskis only addressed in passing in the 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 water, lakes and rivers should not be allowed. For example at Long Lake there are 13 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!

16) The Cumulative Impacts Analysis of Thurston County's shoreline Master Program states the Shoreline 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 is 1.1%. The vast majority of parcels located in the 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.

Thank you for taking the above comments into consideration.

Sincerely,

Tina Werden, Long Lake resident

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Time: October 21, 2021 at 2:04 am

IP Address: 73.19.99.153

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

Sent by an unverified visitor to your site.

**From:** [nopostmark@gmail.com](mailto:nopostmark@gmail.com)  
**To:** [SMP](#)  
**Subject:** Incoming SMP Comment  
**Date:** Wednesday, October 20, 2021 8:28:40 PM

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**Your Name (Optional):** Rick

**Your email address:** [nopostmark@gmail.com](mailto:nopostmark@gmail.com)

**Comment:** There is a lot of information to be considered and I have spent considerable time trying to read through it and understand what it all means.

As for my wife and I specifically, we are quite concerned.  
We have a building that is currently not at all impacted. It is close to the current "Rural" designation as seen in the "Current Designations" map, but outside of the boundaries.

However, when clicking the proposed designations on the map, our building is almost fully involved in the "Rural Conservancy" area. Unfortunately, I am not really finding anything at all that fully describes what this might mean to us and this particular building.

So, what would be the impacts to us? The building is currently used as a multipurpose workshop, but formerly used as a barn.

Others in the area have homes that will be involved in the "Rural Conservancy" area.

What would be the impacts to my wife and myself with our multipurpose workshop building?

This is very concerning and we would certainly reject proposals that would impact how we (or our neighbors) might use our existing property and buildings.

Clarification would certainly be appreciated prior to making any changes in The shoreline designations!

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Time: October 21, 2021 at 3:28 am  
IP Address: 97.126.123.179  
Contact Form URL: <https://thurstoncomments.org/comment-on-the-proposed-shoreline-code-update/>

Sent by an unverified visitor to your site.

**From:** [jfordneywolfe@gmail.com](mailto:jfordneywolfe@gmail.com)  
**To:** [SMP](#)  
**Subject:** Incoming SMP Comment  
**Date:** Wednesday, October 20, 2021 9:10:15 PM

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**Your Name (Optional):** Joseph Wolfe

**Your email address:** jfordneywolfe@gmail.com

**Comment:** Thank you for the opportunity to provide these comments.

I support the comments submitted by the Thurston County Shoreline Stakeholders Coalition. Specifically, I would like to add my comments on 19.400.100 and 120.

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.” This terminology appears to be in conflict with the intent of RCW 90.58.620(1)(a), which allows "Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet standards for the following to be considered a conforming structure: Setbacks, buffers, or yards; area; bulk; height; or density"

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 historically, as documented in the 1990 SMP.

Nitrate load reduction

Excess nitrogen in urban runoff contributes excess nutrients to waterbodies, creating algal blooms and overabundant aquatic plant growth (eutrophication). The breakdown of decomposing aquatic plants can create an oxygen deficit that negatively affects the health and productivity of aquatic animal species. Toxic and non-toxic algae blooms in our freshwater lakes have been getting progressively worse over the last decade due to the introduction of excess nitrate in our freshwater lakes. These algae blooms have inhibited citizens ability to access and utilize the lakes, caused Thurston County property owners to incur the cost of treatment, and has in some cases led to negative health consequences for Thurston County residents recreating on the lakes.

Ch 19.600.500. Aquaculture Application Requirements stipulate a schedule for water quality monitoring "where required", indicating the ability of the County to include water quality monitoring requirements for specific activities at or near the shoreline. I note that water quality monitoring schedules are not required for stormwater outflows, a major source of nitrates in our lakes. I would encourage the County to include a requirement for water quality monitoring at all stormwater outflows discharging into our freshwater lakes and streams, as mapped under the current Western Washington Phase II Municipal Stormwater Permit.

A requirement such as this would go a long way towards ensuring compliance with Chapter 90.48 RCW and the Clean Water Act. More importantly, a requirement such as this would provide us with the information necessary to begin to reduce and address the contamination being introduced into our waters.

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Time: October 21, 2021 at 4:10 am

IP Address: 73.225.206.126

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

Sent by an unverified visitor to your site.



**From:** [schornoag@hotmail.com](mailto:schornoag@hotmail.com)  
**To:** [SMP](#)  
**Subject:** Incoming SMP Comment  
**Date:** Thursday, October 21, 2021 4:35:00 AM

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**Your Name (Optional):** Glenn Schorno

**Your email address:** schornoag@hotmail.com

**Comment:** I strongly urge agriculture be exempt from the two year "use it or lose it rule" The 1990 (current) SMP stated agriculture as a preferred use in flood planes. What happened? There are many reasons a farm or parts of it may sit idle besides being left fallow. A family hardship, death, bankruptcy, major equipment failure, drought, a dispute between owners, or simply low commodity prices are some of the examples. If the 100 year flood plane is included in the SMP, this puts approximately 200 acres of our family farm at risk, although potentially not being able to farm this acreage puts the entire farm at risk of failure. We would lose everything. Is this what you want? Agriculture should be exempt of the use rule.

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Time: October 21, 2021 at 11:34 am

IP Address: 74.209.54.83

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

Sent by an unverified visitor to your site.

**From:** [PIETROHACKETT@GMAIL.COM](mailto:PIETROHACKETT@GMAIL.COM)  
**To:** [SMP](#)  
**Subject:** Incoming SMP Comment  
**Date:** Thursday, October 21, 2021 3:43:40 PM

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**Your Name (Optional):** Pete Hackett

**Your email address:** PIETROHACKETT@GMAIL.COM

**Comment:** I do appreciate the effort that has gone into updating the County Shoreline Code. We are very concerned about the health of the lake and wildlife in and around it. We own 2 lots in the Summit Lake area; one lakefront and one upland. We have enjoyed Summit Lake for 25 years with our family and friends. We would like to retire on the lake and have our kids continue to visit. Summit Lake was divided into hundreds of 50' lakefront lots and larger upland lots at in 1954. This probably represents a very large residential development in Thurston County. And probably the largest without community water and sewer. Because of the terrain of the Summit Lake basin many siding access roads also developed, essentially giving up developable land for the convenience of the community. Some lots are only 60' deep and have access roads traversing them, giving them less than 40' to the High water mark. Our lot is 115' deep with a siding road at about 85' from the HWM. You could try and build on these access roads, but then you would be sued by all your neighbors...sounds like a blast. So, obviously 100' building setbacks would never work and a Variance would always be needed to build. The septic issue is, for the same reason, a bigger issue. This is why we waited and waited and finally invested in an upland lot to located our eventual septic system. I know families with summer homes on the lake that use port-a-potties in the summer. Our lakefront lot still has a boathouse and old fashion outhouse. And there are still many like this on the lake. I also know of septic drainfields on hillsides within 25' of the lake. Because to the deterioration of these drainfields and the many homes on the lake that have lawns and gardens being fertilized, we feel the lake will have more and more algea blooms like the one in 2019. Because of this I have also gotten a bid of \$24,000 to drill a well on the upland lot. Because our lot (and most every other) is only 100' wide and the clearance required around a well is a 100' circumference, that blocks the rest of the lot from access and from running septic lines thru that wellhead area. Because we own one of the few undeveloped lakefront lots in the area, we have been contacted by many upland neighbors seeking an easement to access and utilize their lake water rights. The cost to drill a well on a Turkey Road lot would be astronomical because of the elevation and where the predicted water table is. So now that I have rambled on about trying to build and live on Summit Lake I am very thankful that it may be reclassified as Shoreline Residential. We would also hope that the County would take the next step and start planning water and sewer systems to the lake. These will preserve Summit Lake for our kids and theirs.

Regards,  
Pete Hackett

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Time: October 21, 2021 at 10:43 pm  
IP Address: 73.169.178.212

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

Sent by an unverified visitor to your site.

**From:** [Carol Jo Hargreaves](#)  
**To:** [SMP](#)  
**Cc:** [Larry Schneider](#); [Kenny Kanikeberg](#); [Kelly Putscher](#)  
**Subject:** Shoreline Master Program - Input on Planning Commission Options; Questions and Comments  
**Date:** Thursday, October 21, 2021 4:05:10 PM

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First, thank you to Thurston County Planning Commission and its staff for the years of work they have put into developing the updated Shoreline Master Program. It is a complex and time-consuming job. Please stick with it, keep listening to stakeholders and be sure to incorporate feedback and answer questions before proceeding to finalize the plan.

Following are answers to the Planning Commission Options as were highlighted in yellow in the draft SMP. These answers are from me and my husband, Larry Schneider, who reside at 2526 Carpenter Road SE, Olympia, WA, on Long Lake.

**19.400.100 Existing Development** - Please do not use the phrase "legally nonconforming." It has a negative connotation. Instead, we prefer, in the following order: (1) "legally existing," (2) "conforming," or (3) "existing structure"

#### **19.400.120 Vegetation Conservation Buffers**

**B. Buffer Widths** - Leave the Freshwater Lakes Buffer at the existing 50 feet.

**D. Other Uses and Modifications in Buffers** - Yes, we agree the default options should be decks and viewing platforms larger than 100 square feet and closer than 25. A shoreline variance should be required.

We do not understand the text of the SMP section B.2 on Mitigation Standards or the sample figures provided in Appendix B, however we concur a statement should be included that decks will be considered pervious if designed to allow water to infiltrate the ground below and the ground below the deck is not compacted or otherwise made impervious.

5. Yes, we agree that water-oriented storage structures should be limited to residential uses only.

#### **19.500.100 Permit Application Review and Permits**

**B. Substantial Development Permit** - Remove the requirement for Substantial Development Permits to undergo public hearing. This action is expected to simplify and speed up the permitting process and save many people's time.

#### **19.600.115 Aquaculture**

**3. Additional Standards for Net Pens.** Fish net pens and rafts shall meet the following criteria... - We concur with all of these criteria but would add to the second to last bullet a specific timeframe/deadline associated with "Respond promptly to complaints and take measures to comply." For example, "...respond to the complaint within 10 business days..."

#### **19.600.150 Industrial Development**

**A. Environment Designations Permit Requirements** - Speaking only about Long Lake, we prefer that industrial development be prohibited in all areas - Shoreline Residential, Urban and Rural Conservancy.

#### **19.600.160 Mooring Structures and Activities**

**A. Environment Designations Permit Requirements** - Speaking about Long Lake only, do not allow docks in any Natural environment of the lake's shoreline.

**B. Application Requirements** - We concur that the requirement to consider alternative moorage prior to

allowing piers and docks (#8) should be stricken. In addition, we recommend striking #6 regarding demonstration that existing facilities are not adequate or feasible.

### **C. Development Standards -**

**1. General Development Standards** - No comment regarding striking the requirement to consider alternative moorage; pertains to marine environment only.

No comment regarding whether covered moorage should be permitted; relates to commercial and industrial uses.

We agree that the requirement for grating on lakes that do not contain salmon should be stricken from the SMP.

**3. Pilings** - We think pilings should be placed at distances that preserve the structure, integrity and safety of the pier, no more than 20 feet apart lengthwise, but possibly less.

**4. Piers** - We believe the standard pier width allowance should be 8 feet to ensure user safety. At the standard width or less, there should be no requirement for applicant to demonstrate need.

e. We agree the grating requirement on lakes that do not contain salmon should be stricken.

**5. Floats** - We agree the requirement for grating on lakes that do not contain salmon should be stricken.

### **Appendix B: Mitigation Options to Achieve No Net Loss for New or Re-Development Activities**

**B.2 Mitigation Standards for Specific Development Activities** - We agree to include statement about decks being considered pervious if designed to allow water to infiltrate ground below and ground below is not compacted or otherwise impervious.

**B.4 New and Replacement Overwater Structures (in order of preference)** - C. We agree that grating does not need to be required for new/replacement docks in waterbodies that do not support salmon or other anadromous fish.

**In addition to the requested "Public Hearing Options" addressed above, we submit the following comments and questions for your consideration:**

### **Interactive Shoreline Environment Designations (SED) Map -**

1. The map is difficult and frustrating to use. The view changes rapidly from tiny to huge if you barely move your mouse.

2. We concentrated our map investigation on Long Lake. Please help us understand why the nine properties north of Long Lake Park have no LLO# and are being redesignated from Rural to Aquatic whereas the next five properties appearing on the map are in LLO-14 and LLO-15 and are being redesignated from Rural to Aquatic and Shoreline Residential.

3. Moving further along the shoreline to Holmes Island, some of the properties on the island are in LLO-14 and LLO-15 and are being redesignated from Rural to Aquatic and Shoreline Residential but others are in LLO-17 and redesignated from Rural to Shoreline Residential. Why are not all properties on Holmes Island designated in the same way?

4. How are the LLO-14, LLO-15 and LLO-17 designations different?

5. What are the impacts, both positive and negative, of the SED redesignations? For instance, could there be an impact on property values? What about any property owner rights being lost or gained? Do owners' responsibilities change in any way? Will property taxes be affected? Some homeowners currently raise chickens or harvest timber on their property. Will the Shoreline Residential designation cause changes in the rules about such activities? If so, in what ways?

**Shoreline Master Program -**

Considering the complexity of the current SMP that includes marine waters, rivers and streams, lakes and reservoirs, and wetlands, would the Planning Commissioners consider separating future plans into four parts by type of water (i.e., (1) marine waters, (2) rivers and streams, (3) lakes and reservoirs, and (4) wetlands) in order to simplify the revision process and allow stakeholders to concentrate on their particular type rather than the whole?

We concur with John H. Woodford's 9/23/2021 "Coalition's Key Shoreline Master Program (SMP) Issues" letter and appreciate all of the work John has done on the SMP project.

As Jonathon Cody stated during the 10/20/2021 Public Hearing, "People who live on the lake want to take care of the lake." We wholeheartedly support Mr. Cody's notion and strive to be good stewards, not only of our property but of Long Lake as a whole. We agree with Bob Jenson that septic tanks should be carefully maintained and regularly inspected; with Brent Trowbridge who spoke against using phosphorus-containing pesticides and herbicides that can leach into the lake, and with Joseph Wolfe who suggested requiring water quality and stormwater outfall monitoring.

We also wonder, as did C.J. Russo, about motorboats and use of gasoline on the lake. Further, we are concerned about wake boats and the damages they cause to bulkheads and docks. Why are these items not addressed in the SMP?

We are pleased that Long Lake has an active, enthusiastic and knowledgeable Lake Board and agree with Frank Hudick that Lake Management Districts should be encouraged and considered a valuable resource.

We suggest creating an attractive, easy-to-understand pamphlet/guidebook be given to all property owners, present and future, explaining the SMP in layman's terms and listing ways they can be stewards of the environment.

We encourage the Planning Commission and its staff to value public participation and honor stakeholder input, to answer the public's questions about the SMP in an easily accessible format and place prior to taking any further official action, and to continue to build a positive public-private partnership on this and other issues.

Thank you for considering our input.

Sincerely,  
Carol Jo Hargreaves and Larry Schneider  
2526 Carpenter Road SE  
Olympia, WA 98503  
(209) 988-5831 and (209) 305-5092

**From:** [kimballsranh@outlook.com](mailto:kimballsranh@outlook.com)  
**To:** [SMP](#)  
**Subject:** Incoming SMP Comment  
**Date:** Thursday, October 21, 2021 8:05:02 PM

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**Your Name (Optional):**

**Your email address:** kimballsranh@outlook.com

**Comment:** We are opposed to this revision. The wetlands, bodies of water are a vital use for farmers and ranchers. Livestock, grass growth, food harvests and property owners' access to these bodies of water is essential for most land owners. People purposely purchase lands with wetlands or bodies of water for these reasons. People don't buy land for these uses to have it continually change with setbacks and regulations. These lands are more valuably used by ranchers and farmers than any other use I can see proposed here as to why revisions need to be made. If you want to keep future farming and agriculture alive in our county. Making it difficult for such future purchasers and users is not advantageous.

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Time: October 22, 2021 at 3:04 am

IP Address: 174.204.74.246

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

Sent by an unverified visitor to your site.



**From:** [matthewbrownhh@gmail.com](mailto:matthewbrownhh@gmail.com)  
**To:** [SMP](#)  
**Subject:** Incoming SMP Comment  
**Date:** Thursday, October 21, 2021 8:08:43 PM

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**Your Name (Optional):**

**Your email address:** matthewbrownhh@gmail.com

**Comment:** I OBJECT to this shoreline update.

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Time: October 22, 2021 at 3:08 am

IP Address: 216.227.108.146

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

Sent by an unverified visitor to your site.

**From:** [cpbixby@gmail.com](mailto:cpbixby@gmail.com)  
**To:** [SMP](#)  
**Subject:** Incoming SMP Comment  
**Date:** Thursday, October 21, 2021 8:52:28 PM

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**Your Name (Optional):** Chris Bixby

**Your email address:** [cpbixby@gmail.com](mailto:cpbixby@gmail.com)

**Comment:** This seems to be a most short-sighted proposal. This pandemic has shown us the value of local production. The ridiculously short period of time contemplated shows a desire to kill local farmland. Two years doesn't even give enough time for an ownership change. And farming should be encouraged and have no barriers to entry.

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Time: October 22, 2021 at 3:52 am

IP Address: 216.227.107.40

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

Sent by an unverified visitor to your site.

**From:** [pman0574@gmail.com](mailto:pman0574@gmail.com)  
**To:** [SMP](#)  
**Subject:** Incoming SMP Comment  
**Date:** Thursday, October 21, 2021 10:27:34 PM

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**Your Name (Optional):**

**Your email address:** pman0574@gmail.com

**Comment:** I highly oppose this stealing of our farm land. For what legitimate reasoning could you possibly have? Do you stop receiving property taxes on this land? If not you are overstepping your boundaries, when did the government start thinking they control the activities on purchased land? Please stop this ridiculous power grab!

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Time: October 22, 2021 at 5:27 am

IP Address: 74.209.52.241

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

Sent by an unverified visitor to your site.

**From:** [trackingyranch@gmail.com](mailto:trackingyranch@gmail.com)  
**To:** [SMP](#)  
**Subject:** Incoming SMP Comment  
**Date:** Friday, October 22, 2021 9:37:15 AM

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**Your Name (Optional):** Jake Yancey

**Your email address:** [trackingyranch@gmail.com](mailto:trackingyranch@gmail.com)

**Comment:** These type on restrictions would directly effect the conservation, habitat creation, work we are currently doing with prescribed grazing on the Black River.

Through collaborative efforts with WSDFW, Center For Natural Land Management, USFW, and Center for Ecological Studies we have brought cattle grazing back to abandoned farm ground (out of production for well over 10 years) and are currently grazing livestock on seasonally flooded ground.

The documented, monitored, and Commercially Beneficial program has increased Oregon Spot Frog Habitat, created increased ovapositioning sites, led to increased beaver activity, left to increased observed waterfowl and birds, and most recently, and following three years of grazing, has led to the discovery of Pacific Lamprey.

Some if this ground may have been "historically farmed" but some has not and rather is pioneered ground with interests in increasing wildlife habitat.

Should restrictive proposed buffers be written in, with grazing not listed as a management tool, this County loses a great, clearly demonstrated, tool for not only producing commercially viable agriculture (grazing), which I'm our case is sold right here in the County, but also loses a viable, feasible, practical, demonstrated, and efficient way to CREATE habitat.

Please consider not including restrictive buffers as there is a difference between "stockpiling" possible habitat and "managing" habitat.

To see this type of Prescribed Grazing in action feel free to call for a tour (360)352-7707.

Jake Yancey  
Tracking Y Ranch

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Time: October 22, 2021 at 4:37 pm  
IP Address: 174.204.71.114  
Contact Form URL: <https://thurstoncomments.org/comment-on-the-proposed-shoreline-code-update/>

Sent by an unverified visitor to your site.

**From:** [toadlily@integra.net](mailto:toadlily@integra.net)  
**To:** [SMP](#)  
**Subject:** Incoming SMP Comment  
**Date:** Friday, October 22, 2021 12:34:02 PM

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**Your Name (Optional):** Dave Brastow

**Your email address:** [toadlily@integra.net](mailto:toadlily@integra.net)

**Comment:** Things I'm concerned about:

1) The lack of any real teeth for enforcement of regulations. I recently reported activity on a neighbor's property, conducted by the tenant. They were stacking pallets for pathways over about one half of the near shore cattail beds on the north shore of Trosper Lake, as well as clearing vegetation almost to the lake.. This was prime nesting area for a variety of species of birds, and was observed being used for many, many years. What could be done and was done by the county? Almost nothing. The compliance officer who came in response to the report was in agreement that this was all illegal. But they couldn't enter the property without permission, and could only view and video the damage from our property. The only recourse was writing a letter to the owner. The pallets are still there. The birds aren't.

Please add people and money for the enforcement of the regulations. The police claim that they don't have jurisdiction in such matters, since they are civil crimes.

2) I would love to enhance the riparian habitat for the benefit of the wildlife. The lack of forest management is a big issue nation wide, but property owners are not allowed to cut dangerous branches, trim overgrown thickets, or remove or restrict weedy species that choke out everything else (leaving an unhealthy ecosystem). The other neighbors can't cut a dead tree that is likely to fall on our house, can't even shorten it so it will not reach the house, without a permit and a great deal of time and expense. (By the way, a large number of trees all along the lake edge died because a beaver raised the lake level about 10", which drowned the trees roots during the nearly a year it took some agency to figure out what to do about the beaver.)

Please allow for a way for property owners to submit management plans for there own property, without costly permits and other prohibitive expenses. And why are people allowed to clear vegetation for the purpose of maintaining a view, but not for habitat management?

3) Find a better way to determine the boundaries of the various zones. Even in the new proposed system it is impossible to tell what is the extent of the Shoreline Protection Area . In one place it's listed as 125 feet, on one map it's about 80 feet and on another its about 300 feet (beyond the property line, so that everything we own is included.) In reality, at about 75 feet, the property becomes upland forest type. And along one side of the property, at about 100 feet, it becomes a housing development.

The blanket assignment of a distance is irresponsible in my opinion, and very costly for most individual home owners to have corrected.

Thanks, enough for now, though not nearly all,  
 Dave

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Time: October 22, 2021 at 7:33 pm

IP Address: 97.126.65.65

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

update/

Sent by an unverified visitor to your site.

**From:** [hagestedt@gmail.com](mailto:hagestedt@gmail.com)  
**To:** [SMP](#)  
**Subject:** Incoming SMP Comment  
**Date:** Friday, October 22, 2021 12:46:17 PM

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**Your Name (Optional):** Adam Christopher Hagestedt

**Your email address:** [hagestedt@gmail.com](mailto:hagestedt@gmail.com)

**Comment:** 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 an important issue to me given the buffer zone and my house is within 75 ft of the lake.

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. Not the 75-feet under consideration since this impacts as I said if my house is in or outside the buffer zone.

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.

5) Ch 19.500.075 and 19.500.100.B.2. I strongly 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 19.600.160.C.1.r., Ch 19.600.160.C.4.f. and Ch 19.600.160.C.5. I agree with each of these Options. Strike the requirement for pier, dock, float or ramp grating on lakes that do not contain salmon.

7) 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.

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Time: October 22, 2021 at 7:46 pm

IP Address: 67.161.85.207

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

Sent by an unverified visitor to your site.



**From:** [gmiddleton@rrlarrison.com](mailto:gmiddleton@rrlarrison.com)  
**To:** [SMP](#)  
**Subject:** Incoming SMP Comment  
**Date:** Friday, October 22, 2021 2:27:57 PM

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**Your Name (Optional):** Grant Middleton

**Your email address:** [gmiddleton@rrlarrison.com](mailto:gmiddleton@rrlarrison.com)

**Comment:** We need to maintain the use of our local agricultural lands without more limiting factors. The current COVID environment we have experienced and continue to experience is probably the best example of why this needs to happen, although there are many more reasons. The major shipping/receiving delays at the ports is another example . We need to maintain what local agricultural resources we have available to provide support to our local communities with local produce and organic supplies in general. Having usable agricultural land for farming activities is essential! Taking away usable agricultural land from farms whether big or small is not in the Publics best interest.

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Time: October 22, 2021 at 9:27 pm

IP Address: 96.79.202.225

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

Sent by an unverified visitor to your site.

**From:** [laurel.lodge@comcast.net](mailto:laurel.lodge@comcast.net)  
**To:** [SMP](#)  
**Subject:** Incoming SMP Comment  
**Date:** Friday, October 22, 2021 3:12:38 PM

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**Your Name (Optional):** Loretta Seppanen

**Your email address:** [laurel.lodge@comcast.net](mailto:laurel.lodge@comcast.net)

**Comment:** Thank you for the opportunity to make these comments late in the SMP review process. These are comments about agricultural land in the SMP and potential inadvertent threat to farming.

Many local farms are along the many creeks and rivers in the county. A large share of farms will change hands in the coming decades due to the aging population of the current farm producers. As that transition happens some farms will be owned by land trusts with a goal of keeping the land in farming by leasing it to the next generation of farmers. Some farms will transition to the next generation within the family or to other farm families. Also, due to the age of current farmers, family health or other tragedy could result in the land being out of farming for three, four or five years before the farmer is back on their feet and farming again.

As farms transition to new owners who aim to continue farming the land the SMP should treat the farms the same as farms that exist at the time of adoption of the SMP. Similarly farms that return to production after more than a two year temporary suspension of farming should be seen as farms that exist at the time of adoption. Despite change of ownership or longer than two year suspension of farming, these agricultural activities should not need to apply for a permit. This would help to preclude loss farms because of the expense of new requirements on land that stays in production. A maximum a VSP could be required to assure that farming the land meets the goal of no net loss of ecological function.

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Time: October 22, 2021 at 10:12 pm

IP Address: 73.221.17.236

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

Sent by an unverified visitor to your site.

**From:** [jon@jonpettit.us](mailto:jon@jonpettit.us)  
**To:** [SMP](#)  
**Subject:** Incoming SMP Comment  
**Date:** Friday, October 22, 2021 6:16:28 PM

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**Your Name (Optional):** Richard Lawrence

**Your email address:** [jon@jonpettit.us](mailto:jon@jonpettit.us)

**Comment:** I am submitting a comment through a friend regarding my property on Woodland Creek. I am concerned as to the ability to use my property and build my retirement home on a site that already has both a water well and septic system. Increasing setbacks without established risk to the environment amounts to unreasonable limits to use property that has been in my family for nearly 80 years. Consideration of proximity to shoreline should also include aspects of total size of property subject to development.

Thank you for consideration,  
Richard Lawrence  
by Jon Pettit

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Time: October 23, 2021 at 1:16 am  
IP Address: 73.11.128.191  
Contact Form URL: <https://thurstoncomments.org/comment-on-the-proposed-shoreline-code-update/>

Sent by an unverified visitor to your site.

**From:** [fryecove@comcast.net](mailto:fryecove@comcast.net)  
**To:** [SMP](#)  
**Subject:** Incoming SMP Comment  
**Date:** Friday, October 22, 2021 9:21:34 PM

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**Your Name (Optional):** Marty Beagle

**Your email address:** fryecove@comcast.net

**Comment:** First off, true appreciation to the county staff that have labored over this Plan. A long process but worth the effort to ensure future generations will still be able to appreciate the PNW environments.

I live on the Steamboat Island part of the county- moved here in 1976. Page #'s refer to the draft reviewed on October 20, 2021.

My comments on the draft:

1. Section 19.400.100 , page 47

I like the use of the term "legally existing" compared to "nonconforming" .

"Nonconforming " just sets things off on the wrong foot...

2. 19.400.120, page 56

Buffers. 250' seems a little much to me ( Urban Conservancy, Rural Conservancy, Natural) - a person in an existing house in a "Natural " area could not build a garden shed closer than 250' to Ordinary High Water . That said, a 50' reduced buffer for Shoreline Residential seems too close to water.

Also, perhaps consider establishing different buffer criteria for Freshwater and Marine environments. They really are two different ecologies.

3. 19.400.120.D.(1) (b) page 60,62

Decks: I can't recall seeing a waterfront home with a deck of 100 sq.ft. or smaller- no way is that the reality in the county. Also, the use of the term "adjacent " is vague - does the 100 sq. ft. deck need to be secured to the main domicile or just nearby ? Also, do not allow viewing platforms as close as 25' to OHWM- that is inviting pollution and littering.

4. 19.400.120.D.(3)(c)

Review of thinning trees in a shoreline designated as Natural will be accomplished by County staff. What appeal process will provide relief for an applicant ?

5. Sec 19.400.120.D.1.(e) (viii) prohibits storage sheds in the Natural environment. They should be allowed but with an appropriate cap on size.

6. 19.500.075 and 19.500.100.C.(3) and 4 (a)

As far as Development types, a Substantial Development Permit should be a Type 1 or 2 with Thurston County staff making the decision.

Exemption letter should be affordable to the applicant.

7. 19.600.115 , page 98

A number of the information items required on the application don't make sense to me,( examples B.3.(j) B.4.(f) ) - Biological Demand and loading of the sediment by biosolids from whatever critters are being grown- but how can an applicant provide any data when nothing can be cultivated ( and thus measured/sampled) until a permit is issued...same thing with B.4(c) - Department of Health certification is required - why is that necessary when the applicant won't have a crop ready for harvest until 18 months after planting ( at the earliest; add a few years for Manila clams or 5 years for geoducks...) - the Health Department will charge a grower in the ballpark ( depending on classification) of \$700 annually. Consider the "Mom-n-Pop" growers and the tightness of their budget...

At a recent meeting of the Board of Commissioners testimony was submitted stating

aquaculture practices in the County were releasing vast amounts of microplastics into our inlets. I concur that there is indeed a problem with plastic pollution in our world, but asserting plastic equipment used in geoduck/shellfish farming is a main culprit in this matter belies the facts. Recent studies of a heavily farmed area in British Columbia (Baynes Sound) found the vast majority of microplastic pollution is from microbeads (used in cosmetics, not geoduck farming) and microfibers, not from the anti-predator PVC tubes utilized in geoduck cultivation. (See Davidson, K and Dudas, Sarah E., Microplastic Ingestion by Wild and Cultured Manila Clams in Baynes Sound, British Columbia in Archives of Environmental Contamination and Toxicology, 71, pages 147–156 (2016), and Martinelli, J.C., Low Incidence of Microplastic contaminants in Pacific Oysters From the Salish Sea, in Science of the Total Environment, 715 (2020) 136826. Expert testimony given and upheld at hearings of the Washington State Shorelines Hearing Board (SHB) has opined that PVC anti-predator tubes do not significantly degrade; due to the fact that because they are underwater the vast majority of the time they experience little exposure to UV radiation (SHB No. 11-019 Finding of Fact (FF)9), SHB No. 13-006 (FF41-42 and Conclusions Of Law (COL); 16); SHB No. 14-024 (FF 44-47 and COL 13,20)

8. page 103 - mussel rafts - these dozen or so bullet points don't belong in this document. It is more appropriate to list such specific conditions in the Substantial Development Permit or the Conditional Use Permit when it/they are issued.

9. Section 19.600.115 C.1.(b)

I strongly support ensuring no deleterious effects on Puget Sound by development on the Uplands.

Thanks again for the efforts,

Marty Beagle

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Time: October 23, 2021 at 4:21 am

IP Address: 67.183.205.112

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

Sent by an unverified visitor to your site.

**From:** [Laura Schrager](#)  
**To:** [SMP](#)  
**Subject:** Comments on Draft Shoreline Master Plan, October 21, 2021  
**Date:** Friday, October 22, 2021 9:49:13 PM

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Thank you for the opportunity to provide input. We have not been following the crafting of the current Draft Shoreline Master Plan, but we watched the public hearing on October 21, 2021 and have reviewed the draft plan. We offer these comments with the caveat that since we have not been tracking the Plan's development, our comments may miss the mark.

Our property at 4122 Gravelly Beach Loop NW is located near Frye Cove Park in an area with a proposed designation of "Natural." There are three points in the plan that are of concern to us.:

**1. Buffer widths** -- 19.400.120, Section B (p. 53 of Oct 21, 2021 draft)

We strongly support the new proposed limits of 200' and 150' for the Standard and Reduced Standard Buffer respectively in the Natural Area rather than the earlier proposed limits of 250' and 200'.

Our house was built in 1994/5 and we have a 180 foot set-back. At that time approval was required for any structure closer than 200' from mean high tide. We received approval to place our house on a bench at 180'. I doubt that our 4-acre lot would be buildable if a building could not have been placed closer than 200 feet from mean high tide. Marine waterfront lots often have slopes and benches such that house placement may be ecologically more desirable on a closer in bench. With proper review, we would support that the Reduced Standard buffer for the Natural Area be even less than 150', perhaps as low as the 110' proposed for Rural Conservancy Area.

**2, Decks** -- 19.400.120 Section D: 1, b

This section contains the following language: "Decks and viewing platforms adjacent to residential structures may be permitted, but shall be limited to one-hundred square-feet in size." As a naive reader of the plan the use of the word "adjacent" is ambiguous as to whether or not decks attached to homes are limited to 100 sqft. Such a limitation would make no sense for waterfront homes.

**3. Stairs** -- 19.400.120 Section D: 1, c

This section indicates that beach stairs are allowed with proper review and permitting. The chart on p.89, however, prohibits beach stairs in Natural Areas. We obtained a permit for our beach stairs many years ago, and we strongly believe that the use of those stairs, rather than cutting a trail down to the water, was ecologically preferable. We urge you to allow stairs, with permitting, in the Natural Area.

In terms of protecting our marine environment, we feel that failing septic systems play a huge role in degradation of water quality and were disappointed to see little attention to that issue in the Plan. We would encourage progress on that issue.

Thank-you for the chance to comment. We can be reached by email or phone (360-866-9343) if you have any comments or questions.

Laura and Sam Schrager

**From:** [bookwoman99@hotmail.com](mailto:bookwoman99@hotmail.com)  
**To:** [SMP](#)  
**Subject:** Incoming SMP Comment  
**Date:** Friday, October 22, 2021 11:58:08 PM

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**Your Name (Optional):** Cynthia Wilson

**Your email address:** [bookwoman99@hotmail.com](mailto:bookwoman99@hotmail.com)

**Comment:** October 20, 2021

Dear Planning Commissioners,

Thank you for the opportunity to comment on the draft SMP. I have several comments that I will try to relate below. Generally, I think there are some good items in the draft. I do have serious concerns with the proposals to reduce the current buffers for Freshwater and Marine Riparian areas, also known as Shorelines in this document. The science does not support reducing buffers from their current distance. Additionally, there are numerous activities proposed to be allowed within the buffers, storage structures, platforms, etc.

It appears that the Planning Commission is relying on the implementation of mitigation to reduce impacts. Mitigation sequencing is required when impacting an environmentally sensitive area and the number one priority is avoidance. Relying on mitigation is false confidence since very few private property mitigation projects are successful. This is due not usually to purposefully removing plants or maintaining buffers, but due to lack of attention, changing property owners, and the County's inability to monitor and force a property owner to complete and maintain the mitigation area. It is a problem and results in permanent loss and function of ecological functions. It also puts the County in the untenable position of regulating by enforcement and trying to do it consistently and for every project. Avoidance of impacts should be the priority, then clear criteria for those properties that cannot be used without some alteration of buffer functions. Mitigation can then be required and applied for those limited projects. I encourage you not to reduce the current buffers and not to allow non-essential buffer reductions with unachievable mitigation requirements. Reducing current buffers and relying on mitigation will not lead to the no net loss requirement.

TCC 19.400 Buffers should remain the same as the current buffers for the Fresh and Marine Riparian Areas within Critical Areas Ordinance, Option B. The CAO Riparian (Shoreline) buffers were identified as critical during the CAO and are based on the Best Available Science at the time. Current science indicates that even larger buffers may be required to preserve fish and wildlife habitat as well as water quality. You need only to look at the Governor's "State of the Sound" to see that we are not doing enough to protect our valuable natural resources including salmon and Orca. [stateofthesound.wa.gov](http://stateofthesound.wa.gov). Reduction of Reductions, loss of vegetation and structures within a Riparian buffer are not supported by WDFW Management Recommendations for Washington's Priority Habitats: Riparian | Washington Department of Fish & Wildlife, Land Use Planning for Salmon, Steelhead and Trout: A land use planner's guide to salmonid habitat protection and recovery | Washington Department of Fish & Wildlife

Page 57. It's unclear which type of Shoreline B.2. is referring as the proposed reduction are quite drastic compared with the standard buffers. Are you proposing to reduce a 250-foot buffer on a Natural Shoreline to 150 feet by just submitting a restoration plan? Why? I encourage you not to allow for reducing buffers based on difficult to enforce mitigation unless a property does not have a buildable area and avoidance cannot be met. Although mentioned here, mitigation sequencing requires avoidance, minimization and mitigation. It is contrary to the law and science to jump to mitigation, especially since mitigation is rarely successful for



individual private properties. It is difficult for staff to review mitigation plans. They can face pressure from property owners, internal staff and political influence.

Independent studies and the County records indicate that nearly all requested variances are approved regardless of quality of report. Even though many require mitigation, even under the best of circumstances, mitigation fails due to lack of maintenance, changing owners, and even purposeful removal after County staff has completed their review and the project is approved. The County has neither adequate staffing for permit reviews nor for compliance. Using the CAO as guidance, a property that is too small for use can use an administrative process to develop in an appropriate area (as defined in square feet) on the property with appropriate mitigation. Fewer mitigation projects would be easier to monitor. No variances should be allowed in the code for property that simply wants a smaller buffer but does not need it to use their property. Private property mitigation is rarely successful and the smaller buffer is contrary to the science on environmental protect, both for water and habitat. You will not achieve no net loss and the County will continue to degrade the shorelines. The current buffers within the CAO offer an administrative process to minimally reduce a buffer. It also sets out the standards. Using the current Riparian area buffers with this administrative process can achieve environmental protection, provide clear criteria for a reduction and streamline the process if those criteria are met.

Please don't place the burden of approving permits through administrative processes on staff. Having an independent Hearing Examiner or the Department of Ecology, will provide consistent and non-biased review.

People seemed determined to impact their lake property but their actions do affect others, and those others are counting on you to do the right thing. For all shorelines, there was some testimony and the public hearing that stated that waterfront property owners care about the lakes and know what is needed to protect them. I don't doubt their sincerely but the science you have before you, does not support what has been happening on our lakes. Lack of shoreline vegetation, armoring, bulkhead, lawn, septic systems close to the water, fertilizers, stormwater discharges, etc. It is death by a thousand cuts because no one thinks that what they do has an impact. Many of our lakes are significantly developed, most of these also have water quality issues and limited native fish life. Bass love docks and the cover. But they eat juvenile trout and salmon as well as other native species who don't have refuge or cover due to lack of vegetation or shoreline armoring. We know these things because of the science. Science that individual property owners likely have not seen or reviewed. But you, as Planning Commissioners, have seen the science. Please make the right decisions for all of the citizens in Thurston County.

I couldn't find a definition of "footprint" although it was used throughout the document. This will be very important to define remodels, repairs and expansions. Additionally, limiting the footprint to "the minimum necessary" is nebulous and not useful to staff or applicants. There are many proposals for structures within the shoreline buffers. Small sheds, viewing platforms, etc. Will they require impervious area around them? How large? How about steps or access? All activities within a buffer will have impact and consequences to the shoreline environment. If you want to allow these types of uses, you should be very specific about how impact you want to occur and realize that no net loss will be very difficult to achieve.

The term non-conforming or legally non-conforming is a well understood term in the planning field for most jurisdictions. I think "legal non-conforming" as reference to a legally permitted structure, which may now not meet current codes, would be appropriate. It is clear that the Planning Commission is seeking to allow reconstruction of legal non-conforming structures within the same footprint which is a big benefit to shoreline property owners and will make some permitting easier. I hope that the PC has incorporated language to anticipate footprints

that include unpermitted structures or impervious areas and for structures that are so dilapidated that they are unlivable but could claim to “remodel within the existing footprint”. I hope that neither of these situations would be acceptable to the PC but making sure staff has clear language to use will be important to include in the SMP. Frequently this can be helped by stating “remodeled within the existing legally permitted footprint” or similar.

Docks and piers should be prohibited on Marine shorelines. They are unusable due to tidal influence; they interfere with nearshore drift and they cannot be built without damaging the nearshore which is critical habitat for salmonids and other marine species that are so threatened now.

Page 162. I’m unclear why grating on docks is under discussion. I would recommend that WDFW criteria be used to avoid confusion for staff and applicants. I believe that WDFW requires it for resident and non-resident fish through their HPA process. It would be a burden to imply to a property owner that they do not need grating when in fact, they would need the grating through the HPA from WDFW. The science supports it for all fish species not just anadromous. To limit it as phrased, ignores the fact that there are land locked salmon which require no less protection than anadromous salmonids. For instance, Steelhead are the anadromous form of the rainbow trout (*Oncorhynchus mykiss*). Are you proposing to protect water bodies with Steelhead but not those with Rainbow trout? They are both salmon. WDFW could provide their guidance on dock construction and impacts to fish and the County could incorporate those criteria.

There were many people not at the hearing that you are representing. The natural resources, plants, animals and aquatic species are relying on you to provide scientifically supported protection for them and their habitats.

There are many more individual page comments I could make so I hope that the PC will consider having another Public Hearing with an updated version of the SMP that uses science to protect our important and valuable natural resources. I would love to support a document like that.

Thank you for your time and attention.

Sincerely

Cynthia Wilson

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Time: October 23, 2021 at 6:57 am

IP Address: 73.181.212.244

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

Sent by an unverified visitor to your site.

**From:** [BOB LANOUE](#)  
**To:** [Andrew Deffobis](#)  
**Subject:** SMP Public Hearing Input  
**Date:** Thursday, October 21, 2021 9:00:34 AM  
**Attachments:** [SMP Public Hearing Comments.pdf](#)

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Andrew, please accept this input to the Public Hearing record. After months and years I wanted to attend, but couldn't because of an out of town commitment. I am sending this from my iPad, if it's a blank document let me know.

Bob

## Comments for SMP Public Hearing

I want recognize Andrew Deffobis for the effort on the Plan. He has shown a willingness to help homeowners and property owners. I especially appreciate that he attended and led the SMP discussion with a room full of lake property owners hosted by the Long Lake Management District.

While I have already submitted input during the online open house, I want to comment during the Public Hearing.

1. I have commented numerous times at Planning Commission Meetings of a need for a User Friendly Pamphlet to accompany the SMP. I find the plan in its current form difficult to read and understand. This product has a better use for regulators and planners than for the average county citizen. A sister document geared toward the citizen user would greatly benefit the shoreline management program.
2. The SMP should not label property nonconforming! This label is divisive and in my opinion serves no useful purpose. I recommend this concept be stricken.
3. Buffers from the OHWM for shoreline residential should remain at 50 feet.
4. A deck or viewing platform should not be restricted to 100 square feet. This is too small of an area to be useful.
5. A deck should be considered pervious because water does flow through the spaces between boards.
6. The requirement to use grating on docks, piers and floats in the lake environment should be deleted.
7. The county engineering staff should be consulted on the spacing of residential pilings on piers and docks. I believe 20 feet is too far and a length of 6 or 8 feet a more reasonable width.
8. Figure 19.600.160(1) should be used as an example with the measurements removed. The average length of a lake boat is in excess of 18 feet. A 15 foot float is too short to safely moor a boat.

**From:** [Whisler, Bob](#)  
**To:** [Andrew Deffobis](#)  
**Subject:** Last nights zoom meeting on the SMP  
**Date:** Thursday, October 21, 2021 10:52:57 AM

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Andrew,

Interesting meeting last night. In reviewing the interactive SED map and my property (1523 Delphi Rd SW) I find it difficult to understand the designation of my property vs the parcels adjacent to me. Why is my property which is high and dry for the most part and significantly further away from the stream bed or high water mark compared to the neighboring parcels to the east of me almost entirely designated natural conservancy with the balance under consideration whereas those properties designated rural? The parcel directly and adjacent to me to the west is designated much differently with that parcels property literally adjoining the tide flats not designated at all?

Regarding my comments about grazing horses on my property and that being the likely use for my property in the future along with a small horse facility, you responded back to me that because that activity hadn't taken place for the past two years it may be subject to special request/approval. I want to know more about this as the SMP process proceeds as any rule restricting me from using that property in the manner I described will be an issue and in my opinion, contrary to the overall concept of grand fathering prior use or structures.

Thank you,

Bob Whisler  
Vice Chairman, Kyocera International Inc.  
Managing Executive Officer, Kyocera Corporation  
Direct: 858-576-2600  
Fax: 858-268-2275

**From:** [John H Woodford](#)  
**To:** [Andrew Deffobis](#)  
**Subject:** SED re-designation and Carpenter's Park  
**Date:** Thursday, October 21, 2021 5:39:34 PM

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Hello Andy,

While I've opposed all of the SED re-designations that have come to light so far, there is one missed site that I must bring to the attention of the Planning staff and the Planning Commission. It is Tax Parcel # 11826240100 on the east shoreline of Long Lake, known locally as Carpenter's Park. It was once owned by the Carpenter's Local #470, of Tacoma, and was used as a weekend retreat for the members.



Carpenter's Park from the WDFW boat launch across the lake. The approximate north and south property lines are indicated yellow.



Carpenter's Park, on the east shoreline of Long Lake, from above...approximately at the midpoint of reach LLO-4 to LLO-5, Parcel # 11826240100, is the 11.60 acres, from the shoreline, up the bluff, to the former campsite. Parcel # 11826130100 is the 4.65 acre, narrow rectangle that connects the larger parcel to Walthew St SE, which run north/south on the right hand side of this image. This smaller parcel falls outside the SMP jurisdiction. The existing SED of the larger Parcel # 11826240100 is **Rural**; the proposed is **Shoreline Residential**. You've got this one wrong. The **SED should be**, if not **Natural**, at least **Rural Conservancy**. Please give serious consideration to this SED re-designation.

The small circled island is Kirby Island, reach LLO-16, and it has an existing SED of Rural and proposed of Natural. You've got this one right; do the same for Carpenter's Park.

Respectfully submitted,

John H Woodford, AIA  
Emeritus Architect



**From:** [IRIS NEWMAN](#)  
**To:** [Andrew Deffobis](#)  
**Subject:** RE: comments for the new Shorelines Review from Iris Newman, per our phone call.  
**Date:** Thursday, October 21, 2021 6:17:42 PM

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Dear Sirs:

I thank you so very much for your kind phone call. I appreciate the information you shared with me.

I wish to add a few items for consideration for Shorelines Management review.

1. The issues of septic systems for rural folks is a good one. I know that not everyone can budget an engineered septic system. But, I hope you will consider allowing those in this review of rules.

If the engineered septic system is done well, it will allow the offal to be potable water, and that is a bonus for our environment.

These are so very possible, and I think there should be an option when a landowner wants to move a septic system or put in a new one, within your current rules.

Think of it this way, A well-engineered system will take away any need for concern of contamination of the waterways that are being considered. Yes, not everyone can afford them. But, if a landowner does budget for this lovely option, that landowner should be given consideration, and you should allow the use of these systems.

I personally have FDA and other credits to my name regarding marine systems for processing seafood, both at sea and on land. This is done all the time in that industry. Piece of cake.

2. Another idea that I wish to ask for your consideration is the use of "gray water" from a home.

Grey water must be contained in systems in parts of CA when building new homes. Again, this has marine applications.

Grey water can be looped and treated quite easily. By using gray-water in a contained system, the landowner is helping conserve water. The landowner is keeping that water out of the septic system or the sewer system. WA might be still called the Evergreen State, but we are facing climate changes. Any and all recycled water, like a good gray-water system, is saving runoff to the shorelines and rivers and bays, and it also saves our water table. And it puts much less water into the septic fields and sewers. And making potable water in this method is cost-effective and good for the environment.

3. While I do not, do not, do not, recommend these for new rules; **I do hope that these may be included as modern, environmental options that will allow landowners to use. I hope these will be included in your exceptions, on a case by case basis.**

Thank you very much for including these comments in your Shoreline Management Review.

Sincerely,  
Iris Newman



On 10/20/2021 3:26 PM Andrew Deffobis <andrew.deffobis@co.thurston.wa.us> wrote:

Hello Ms. Newman,

If you would like a phone call, please provide the number. Also, if you could tell me what subjects you wish to discuss, I can prepare some information before I call you.

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

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**From:** IRIS NEWMAN <irisnewman@comcast.net>  
**Sent:** Wednesday, October 20, 2021 3:23 PM  
**To:** Andrew Deffobis <andrew.deffobis@co.thurston.wa.us>  
**Subject:** zoom no

Dear Sir,

I do not prefer the zoom method of communication. But I do wonder if a phone consult is possible. Thank you, I will await your response. My phone is a 360 Olympia number and I will provide it at your request. thank

you.

Iris Newman

**From:** [Hdegive](#)  
**To:** [Andrew Deffobis](#)  
**Subject:** Carpenter's Park  
**Date:** Thursday, October 21, 2021 7:40:53 PM

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Hello Andy,

I hope that you are getting a lot of feedback on the issue of Carpenter's Park. This parcel is one of the last undeveloped stretches of natural shoreline left on Long Lake. It includes a section of marshland that together with it's upland woods has long been maintained in pristine condition as a day park for the members of the local Carpenter's Union. It provides habitat for a large population of waterfowl and shore birds as well as wood birds and other woodland creatures. I have seen eagles, osprey, various species of heron, river otters and and all manner of indigenous birds along the shoreline. In the winter, it serves as protection for a large population of wintertime residents. It provides habitat for fish and is across the lake from a State Fish and Wildlife boat launch and public access area. As such, it is seen and enjoyed by many state residents. It provides a buffer for some of the massive amount of pollutants in local runoff waters. (Much of which is piped directly into the lake from storm drains all around the area.)

Sent from my iPhone

**From:** [Andy Anderson](#)  
**To:** [Andrew Deffobis](#)  
**Cc:** [John Woodford](#)  
**Subject:** Long Lake Designation  
**Date:** Thursday, October 21, 2021 7:41:28 PM

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Mr. Deffobis,

I understand you are advocating for a redesignation of Carpenters Park. As a resident of Long Lake for over ten years, I wish to express my shared desire to see Carpenter Park's re-designated to Rural Conservancy or Natural. This re-designation would be a key action to ensure continued use of Long Lake by the community while preserving its natural beauty and wildlife.

Thank you,  
Walter(Andy) Anderson  
7116 Holmes Island RD SE  
Lacey, WA 98503

Sent from my iPhone

**From:** [ruskeyabby@gmail.com](mailto:ruskeyabby@gmail.com)  
**To:** [Andrew Deffobis](#)  
**Cc:** [Emily Pitman](#)  
**Subject:** SMP Public Comment re Zangle Cove  
**Date:** Thursday, October 21, 2021 10:35:39 PM  
**Attachments:** [Ruskey Letter to TC Planning Commission Oct21.docx](#)

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Andrew Deffobis, Interim Senior Planner  
 Community Planning & Economic Development  
 Thurston County Courthouse, Building 1, 2nd Floor  
 2000 Lakeridge Drive SW, Olympia, WA, 98502  
[Andrew.Deffobis@co.thurston.wa.us](mailto:Andrew.Deffobis@co.thurston.wa.us)

Dear Mr. Deffobis:

I understand that comments received by Friday, October 22, 2021 are considered part of the public hearing about the Shoreline Master Plan proposed revisions. Since 2004, I have been the homeowner and steward of the property at 7630 Earling Street, NE, Olympia. This property is in inner Zangle Cove and is among a small group of other homes in the SMP, reach MBU16WA, that is under consideration for a proposed change from “shoreline residential” to “rural conservancy”. I am writing in opposition to this proposed change.

While I do not have technical expertise related to shoreline plan management or near shore ecology, I am an environmental and climate learning and policy specialist and regard ownership along Zangle Cove a privilege and responsibility. It provides food and habitat for numerous species, and I am glad that my bank, even though overgrown with invasive Himalayan blackberry, is also a source of nutrients and protection for the food web that thrives in the cove, which I cherish. I want to see Zangle Cove remain in this natural state and continue to sustain wildlife, recreation, and the human spirit.

That said, in evaluating the change proposed, I do not believe it will appreciably result in this protection. The existing 50-foot buffer is more than sufficient for sustaining land supports to near shore habitat for wildlife in Zangle Cove and would be interested in scientific evidence that would argue otherwise. I’m grateful that my neighbors, the Townsend family, are voluntarily removing the bulkhead they inherited when they purchased their property. Imposing a 150 buffer seems odd and unnecessary given that we are all well-developed properties that are hooked up to the Boston water and sewer system. We are a seamless part of the shoreline community of Boston Harbor and Zangle Cove.

Thus, the proposal appears to single out a small handful of responsible property owners in an area with a strong land/water/environment ethic. I understand that your job is to establish guidelines that will protect the environment given the decision of future owners as well, but I would suggest that incentive programs to remove existing bulkheads and dams, bolstering shorelines with native plants, along with the monitoring of shore habitat, water quality and mitigation of sources of toxic run-off and algae growth would go a lot further towards water quality and the protection of habitat, wildlife and the “sense of place” all who live and visit here enjoy. Additionally, tightening the enforcement reigns and ensuring that the county (and or other responsible agencies) effectively enforces the

existing zoning height and set-back limits for this area would also be proactive and helpful.

In sum, it seems to me that the proposed change along Zangle Cove in the SMP is unnecessary and request that the current designation be retained. Also, I would like to take this opportunity to provide a friendly suggestion that in the future, county planning staff initiate a site visit and meeting with those who would be impacted by proposed changes such as this. I would not have known about the implications of the passage of the SMP here in my neighborhood and to my property if a neighbor hadn't reached out. Finally, it's occurred to me that a covenant among neighbors for stewardship of Zangle Cove in perpetuity, and the coordination and cooperation among neighbors to improve the health of the cove, would strengthen our social and natural systems here in our amazing "back yard". Any resources the county may have for supporting this type of initiative would be most appreciated.

I hope this letter will find its way to those who are thoughtfully weighing, and have the power to determine the science as well as cultural and financial sensibility of the proposed change to reach MBU16WA in addition to the overall SMP. With thanks to those who have worked so diligently on this plan,

Abigail Ruskey  
PhD Student, Management of Complex Systems, UC Merced  
Climate Learning and Policy Specialist  
7630 Earling Street, NE, Olympia, WA 98506  
360-359-5006

October 21, 2021

Andrew Deffobis, Interim Senior Planner  
Community Planning & Economic Development  
Thurston County Courthouse, Building 1, 2nd Floor  
2000 Lakeridge Drive SW, Olympia, WA, 98502  
Andrew.Deffobis@co.thurston.wa.us.

Dear Mr. Deffobis:

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Thus, the proposal appears to single out a small handful of responsible property owners in an area with a strong land/water/environment ethic. I understand that your job is to establish guidelines that will protect the environment given the decision of future owners as well, but I would suggest that incentive programs to remove existing bulkheads and dams, bolstering shorelines with native plants, along with the monitoring of shore habitat, water quality and mitigation of sources of toxic run-off and algae growth would go a lot further towards water quality and the protection of habitat, wildlife and the "sense of place" all who live and visit here enjoy. Additionally, tightening the enforcement reigns and ensuring that the county (and or other responsible agencies) effectively enforces the existing zoning height and set-back limits for this area would also be proactive and helpful.

In sum, it seems to me that the proposed change along Zangle Cove in the SMP is unnecessary and request that the current designation be retained. Also, I would like to take this opportunity to provide a friendly suggestion that in the future, county planning staff initiate a site visit and meeting with those who would be impacted by proposed changes such as this. I would not have known about the implications of the passage of the SMP here in my neighborhood and to my property if a neighbor hadn't reached out. Finally, it's occurred to me that a covenant among neighbors for stewardship of

Zangle Cove in perpetuity, and the coordination and cooperation among neighbors to improve the health of the cove, would strengthen our social and natural systems here in our amazing “back yard”. Any resources the county may have for supporting this type of initiative would be most appreciated.

I hope this letter will find its way to those who are thoughtfully weighing, and have the power to determine, the science as well as cultural and financial sensibility of the proposed change to reach MBU16WA in addition to the overall SMP. With thanks to those who have worked so diligently on this plan,

Abigail Ruskey  
PhD Student, Management of Complex Systems, UC Merced  
Climate Learning and Policy Specialist  
7630 Earling Street, NE, Olympia, WA 98506  
360-359-5006



**From:** [mclb2001@yahoo.com](mailto:mclb2001@yahoo.com)  
**To:** [Andrew Deffobis](#)  
**Subject:** Carpenter Park  
**Date:** Thursday, October 21, 2021 11:00:55 PM

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Andrew

The site on Long lake formally known as Carpenters Park on the east shoreline of Long Lake must be brought to the attention of Planning staff and Planning Commission. They should visit this designation again.

It was once a weekend retreat for members of a Local Carpenters Union and I remember watching the wonderful weekends these families got to enjoy.

I grew up on Long Lake as my parents took the bold step to move to the "country" in 1961 and raise their family here. I am thankful that I was and am still able to live here most my life.

It was a magical place. I have seen many changes to the lake over all these years and have many memories before it became so populated.

In meetings I recall statements that most of the lakes are currently developed so they will be residential as there are not many parcels left for development. Look again - this parcel on Long Lake is. At the least it should be natural or rural conservancy.

Kirby island for example-neighboring parcel.

Long Lake struggles with the population and we have been assessed with extra taxes to maintain it. The Long Lake committee does a WONDERFUL job of maintaining it with their relentless hours of work.

We can't watch and wait to see what next big development comes our way to create more maintenance on this last bit of piece of heaven we still try to enjoy as Long Lake.

Please encourage them to review this one more time.

Thank you

Liz Bettine  
60 Year Resident of Long Lake

**From:** [Andrew Deffobis](#)  
**To:** [Brian K Muirhead](#)  
**Subject:** RE: Updated Material on SED map inputs for Parcel 11702140600  
**Date:** Monday, October 25, 2021 4:41:00 PM

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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

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**From:** Brian K Muirhead <brian91011@earthlink.net>  
**Sent:** Friday, October 22, 2021 7:26 AM  
**To:** Andrew Deffobis <andrew.deffobis@co.thurston.wa.us>  
**Subject:** Updated Material on SED map inputs for Parcel 11702140600

Andrew,

The attached document contains a complete new input on the SMP SED map issue we've been working with you. This document is more complete and supersedes the information be already provided. Please let me know you received and understand the new inputs. As stated in this document, we have contracted for a survey of the -600 parcel, which along with the survey we have of the -100 parcel will provide the data to update the GeoData maps and support our owner proposed boundary line change.

Thank you for your time and effort on this important work. We look forward to working with you and the Planning Commission to implement a mutually agreeable SED for our property.

Brian and Nancy Muirhead

[brian91011@earthlink.net](mailto:brian91011@earthlink.net)  
818 687 7003

To: Andrew Deffobis. ([Andrew.deffobis@co.thurston.wa.us](mailto:Andrew.deffobis@co.thurston.wa.us))

Andrew,

The following is an update to the material we submitted with respect to our issues with the proposed Shoreline Environment Designations (SED) for our parcel 11702140600 (-600). This information supersedes the info we provided previously and should replace what we've already given you (if you can remove what I sent you before from the public record that would be best but if not, this is the material you should be working with. Our updated material is a site map (Figure 1) for our residential parcel, 11702420100 (-100), from a survey, plus approximate boundaries and existing features in parcel -600, including an approximate OHWM profile, existing paths (~10 wide), existing cement block stairs (4ft wide), existing hillside landscaping, and existing dock. We have contracted for a survey of parcel -600 in order to provide a fully accurate site map of both parcels which we will provide you when it's complete.

The current SED LPA-8 reach boundary (as best I can understand from the SED map, Figure 2) between shoreline and conservancy appears to be a slanted line into -600 parcel starting near the intersection of the eastern property line of -100 with the southern property line of -600. Our estimate of the line is shown in Figure 1. It should be noted that the parcel boundaries as shown on the map appear to be in error as they are not consistent with the legal definition as shown by survey of the -100 parcel and will be verified by survey for parcel -600. Per 19.200.145.B (pg 33) of the SMP Planning Commission Review document, we will provide our survey information so that the Thurston County GeoData information can be updated.

The proposed SED LPA-8 reach would be along the -600 parcel boundary which, as shown on Figure 3. Per our assessment below it is not consistent with the Natural designation per Table 2 of the Thurston County Shoreline Master Program Update, Shoreline Environment Designations Report date June 30, 2013:

- 1) Ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity. NO
- 2) Considered to represent ecosystems and geologic types that are of particular scientific and educational interest. NO
- 3) Unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety. NO
- 4) Includes largely undisturbed portions of shoreline areas such as wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats. NO
- 5) Retain the majority of their natural shoreline functions, as evidenced by shoreline configuration and the presence of native vegetation. NO
- 6) Generally free of structural shoreline modifications, structures, and intensive human uses. NO

For reference, with respect to the proposed Rural Conservancy definition, the proposed SED LPA-8 does not meet most of the criteria below:

- 1) Outside incorporated municipalities and outside urban growth areas, AND at least one of the following: YES
- 2) Currently supporting low-intensity resource- based uses such as agriculture, forestry, or recreation. NO
- 3) Currently accommodating residential uses YES
- 4) Supporting human uses but subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, wetlands, flood plains or other flood prone areas NO
- 5) Can support low-intensity water-dependent uses without significant adverse impacts to shoreline functions or processes NOT SURE
- 6) Private and/or publically owned lands (upland areas landward of OHWM) of high recreational value or with valuable historic or cultural resources or potential for public access. NO
- 7) Does not meet the designation criteria for the Natural environment. YES

Based on watching a previous Planning Commission meeting that was addressing an SED issue (per your recommendation) we have proposed an owner recommended reach LPA-8 boundary line, which envelops all currently used residential property is drawn parallel to the currently assumed reach line and translated about 125 ft to the northeast as shown on Figure 1. Per Section 19.200.145 (pg 32), we believe that a “field observation” along with our new survey will support our owner proposed boundary line. The area between our owner proposed LPA-8 and LPA-7 could be Natural.

Therefore, per Table 2 we believe that our owner proposed boundary lines meets the criteria for shoreline residential, specifically:

- 1) Does not meet the criteria for the Natural or Rural Conservancy Environments. YES
- 2) Predominantly single-family or multifamily residential development or are planned and platted for residential development. YES
- 3) Majority of the lot area is within the shoreline jurisdiction. YES
- 4) Ecological functions have been impacted by more intense modification and use. YES

Thank you for your time and effort on this important work. We look forward to working with you and the Planning Commission to implement a mutually agreeable SED for our property.

Brian and Nancy Muirhead  
[brian91011@earthlink.net](mailto:brian91011@earthlink.net)  
[818 687 7003](tel:8186877003)

FIGURE 1  
SITE MAP OF PARCELS

## SITE MAP OF PARCELS

11702 420100

11702 140600

[ALL HAND DRAW FEATURES  
AND APPROXIMATE]

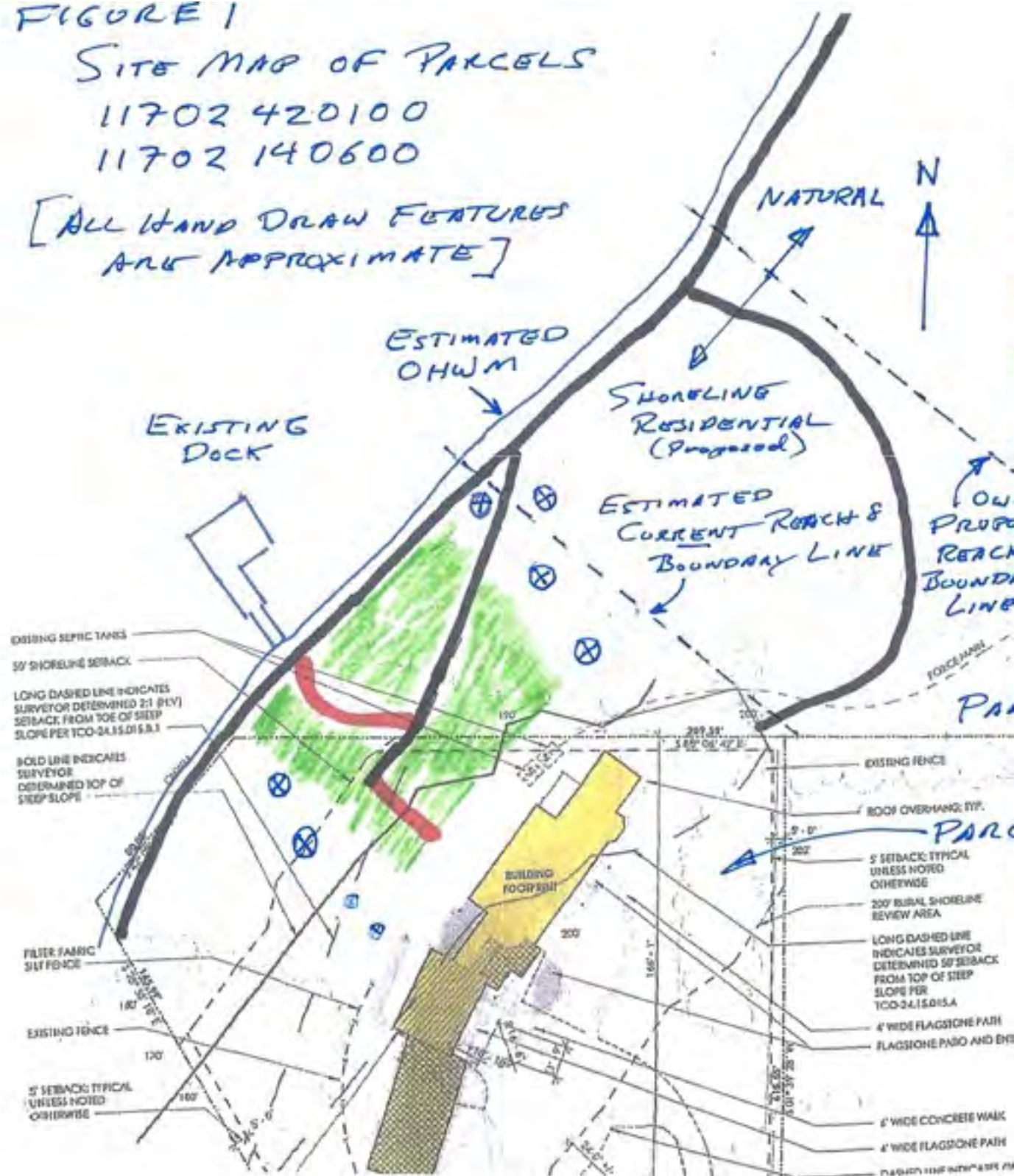




Figure 1. Site map of parcels 117020100 (-100) and 11702140600 (-600) including survey based information for -100 and hand drawn approximate features for -600. This figure will be replaced on a fully survey based document once the survey of the -600 parcel is complete.

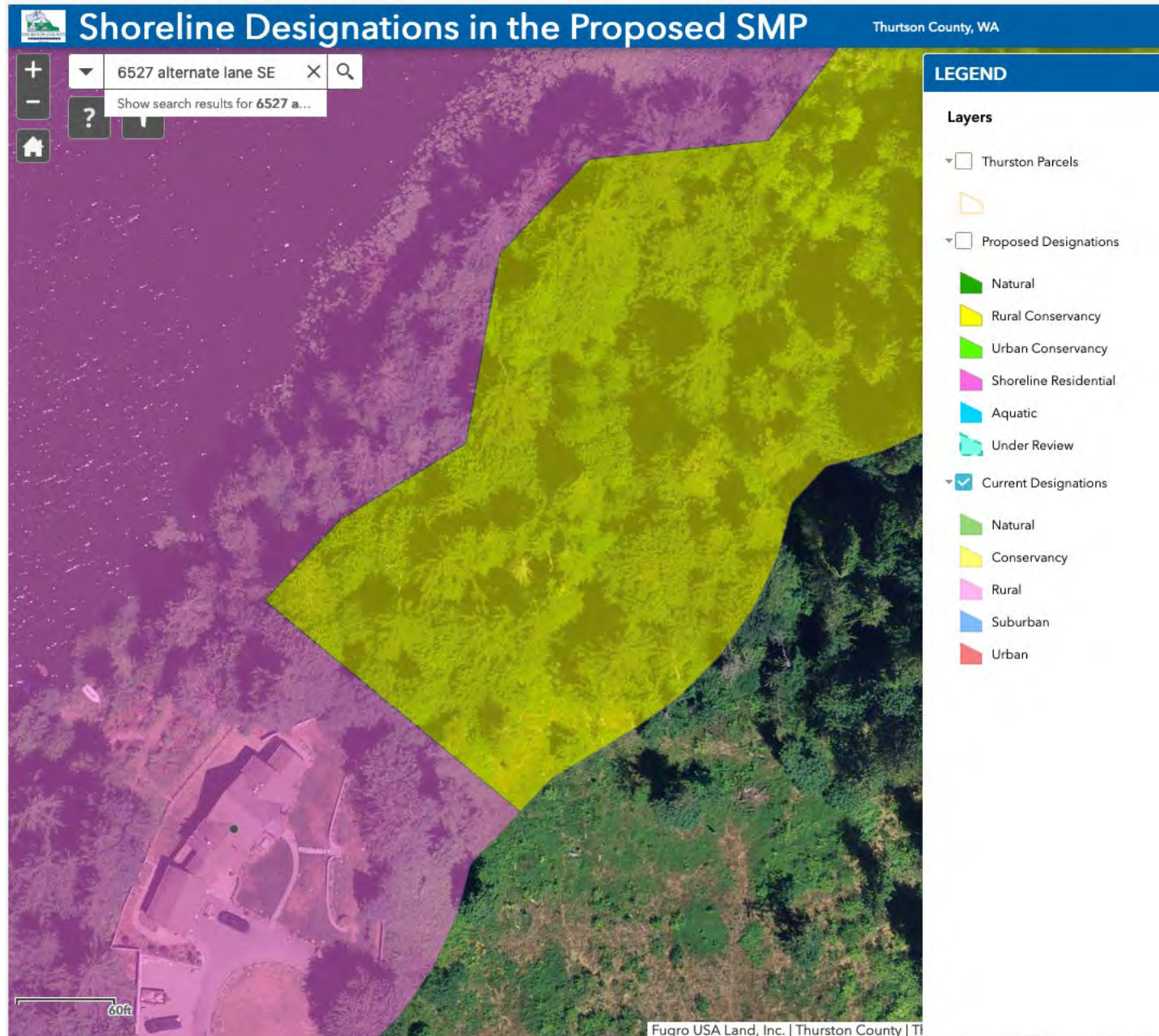


Figure 2. Aerial view (2018) of partial -100 and -600 parcels with current SED designations

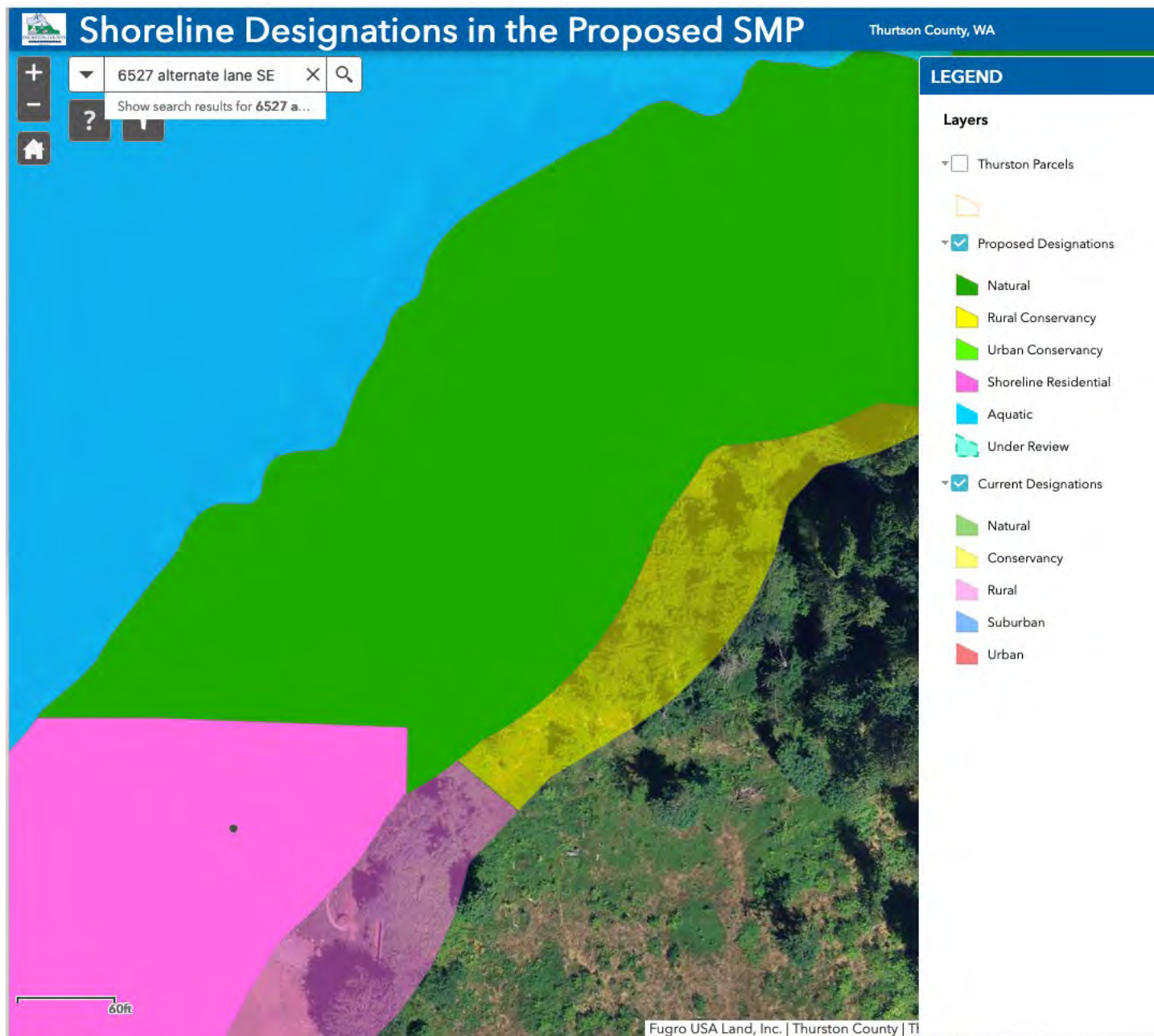


Figure 3. Aerial view (2018) of partial -100 and -600 parcels with proposed SED designations that we have issue with.

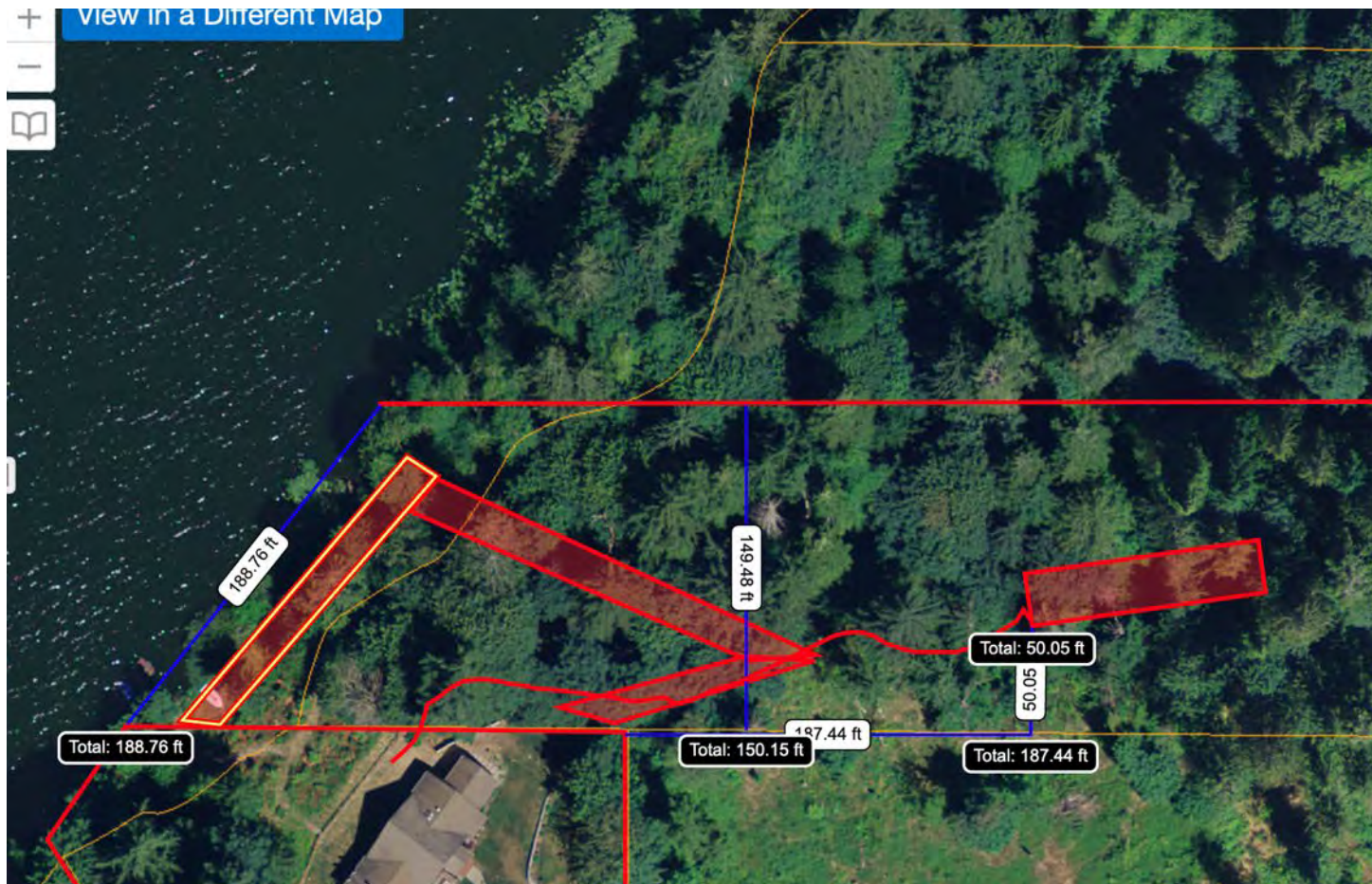


**Previous inputs that are superseded by material provided on 10/22/21. Feel free to remove from the public record.**

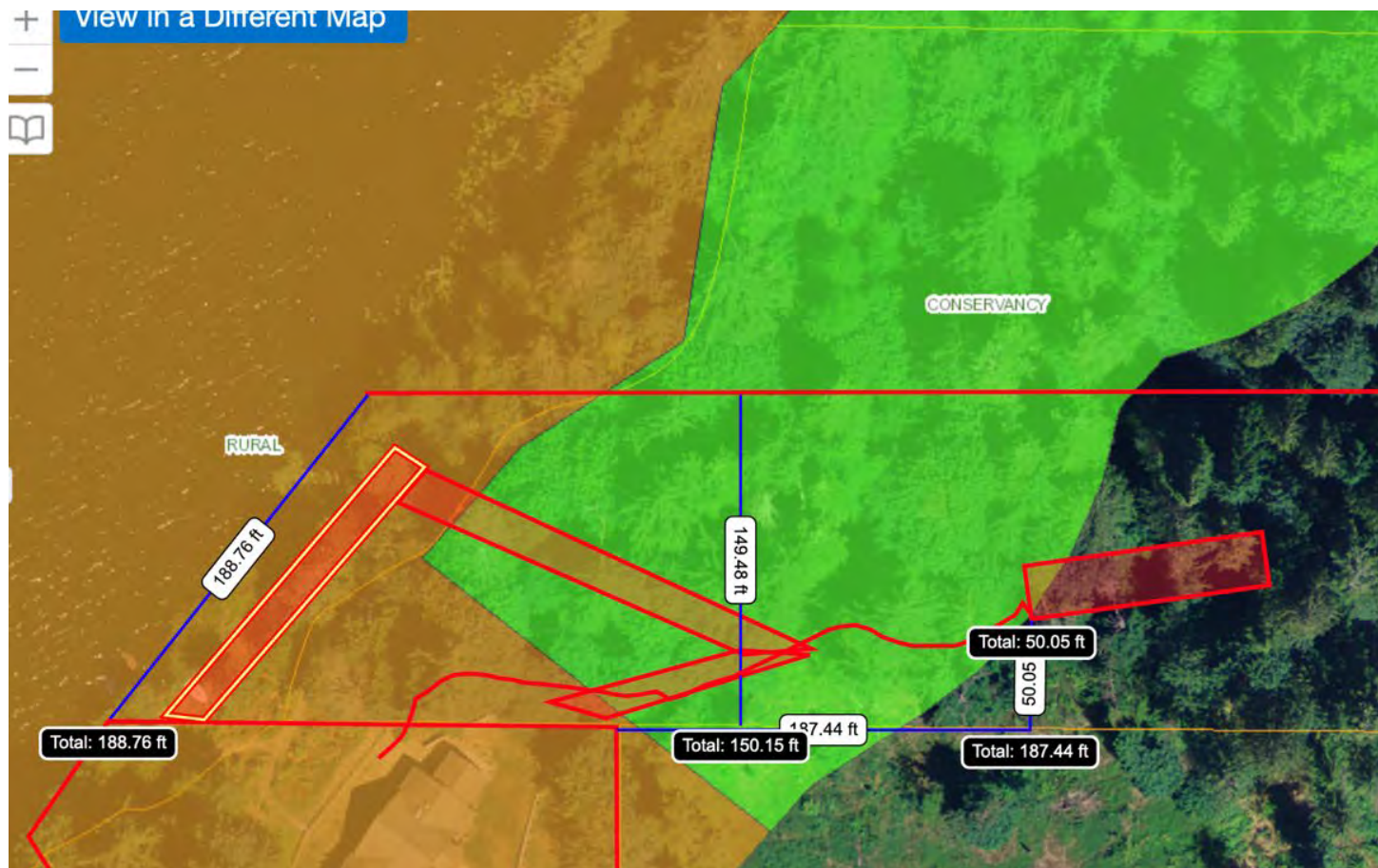
**Inputs on the proposed SED for our properties:**

The following is from previous email to you sent 9/30, which you responded to on 10/5/21: 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 (-600) as "natural." Our residence is on the adjacent parcel 11702420100 (-100). We understand and accept that part of our parcel, -600, 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 -600 as active living area, for access to the lake and for the septic drainage system. 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.

The following are new inputs in response to your questions. Below is a figure that is a very rough edit of the GeoData map of the -600 parcel and part of the -100 parcel. The red polygons are pathways from -100 to the shoreline through -600, and the most eastward (to the right) is the septic drainfield (with a curvy line from the tanks at the back of the house). The next drawing shows where the current shoreline designations are. It seems to me that the geodata map is not accurate with respect to the actual shoreline and the 2018 and 2019 aerial views are not clear with respect to the existing backyard down to the shoreline. I'm preparing a more accurate sketch (based on the 3<sup>rd</sup> figure below), which I hope to have in the next few days. I've also contacted a surveyor to do a boundary survey of the -600 parcel (we have a detailed survey and topo of the -100 parcel) but don't know when that might be available. With the new survey we'd have an accurate basis for where the SED lines should be drawn. If it makes sense, we could also do a boundary line adjustment to get a cleaner interface between the parcels.

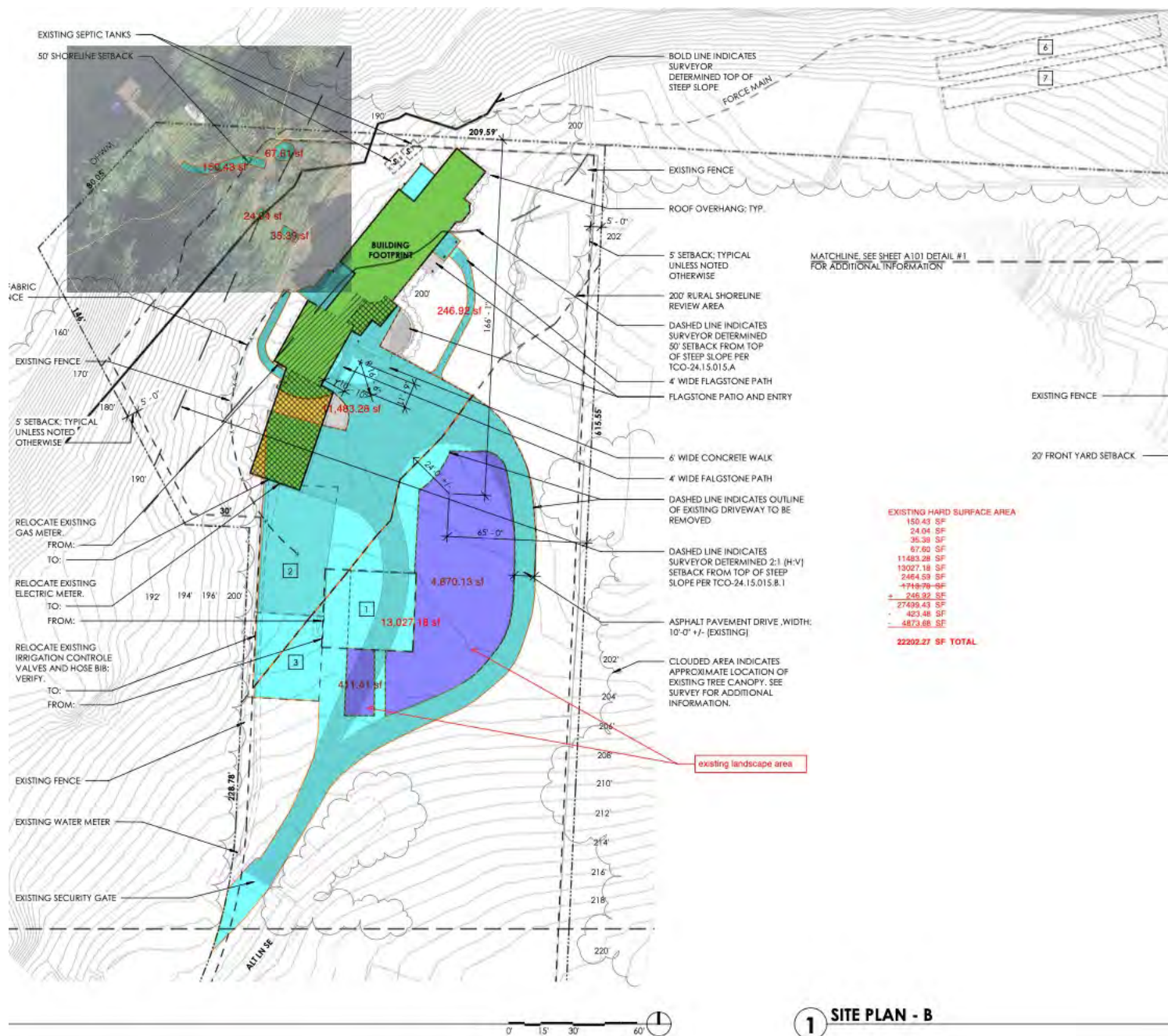


Geodata image with very rough existing features not seen from aerial image.



Geodata image with current SED contours.



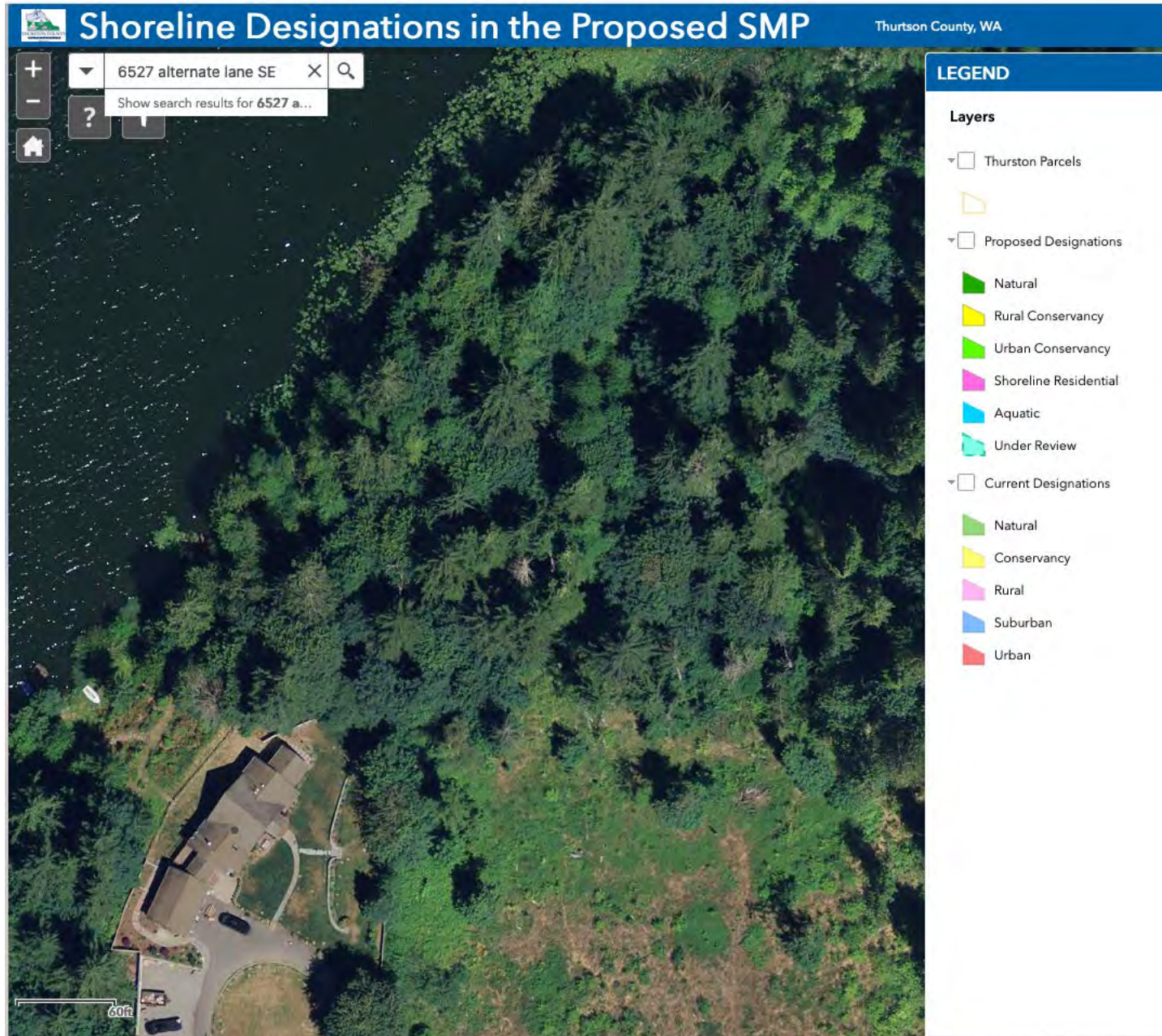


Existing site plan for parcel -100 that has some part of -600, including septic drainage field. This drawing will be updated to better show existing feature in -600 parcel that have and are being used by owners.

**Additional SED issue:** We are entering this input on the behalf of various members of the Pattison Lake Association. The region of Pattison Lake that accommodates a railroad trestle and tracks is currently labeled as shoreline residential. This is inappropriate given the purpose and designation criteria as defined in the SED report of June 30, 2013. A designation of urban or rural conservancy are more accurate and appropriate.

**For reference, the following are screen shots of the SED maps part of the SMP.**





Aerial view (2018) of partial -100 and -600 parcels



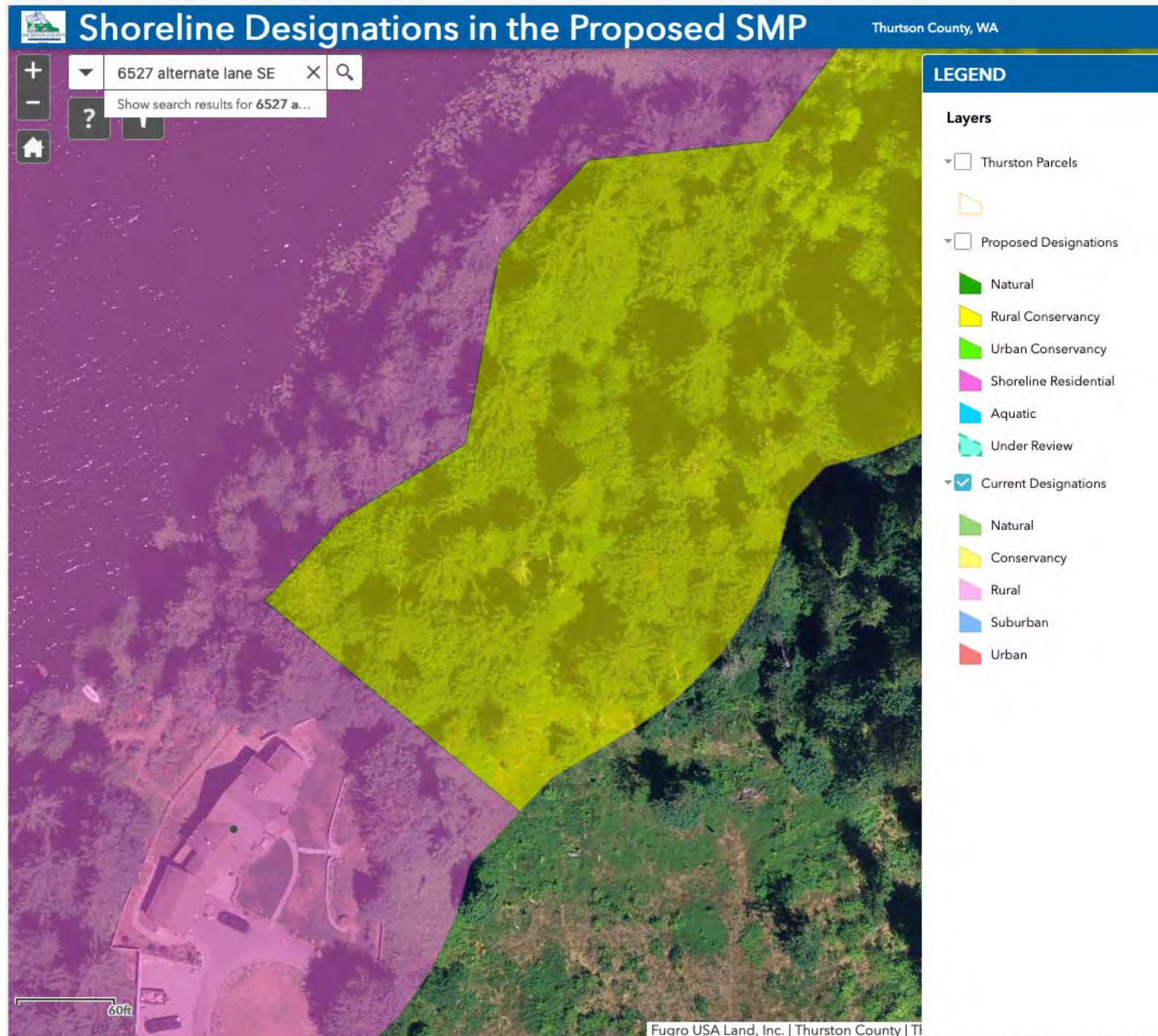
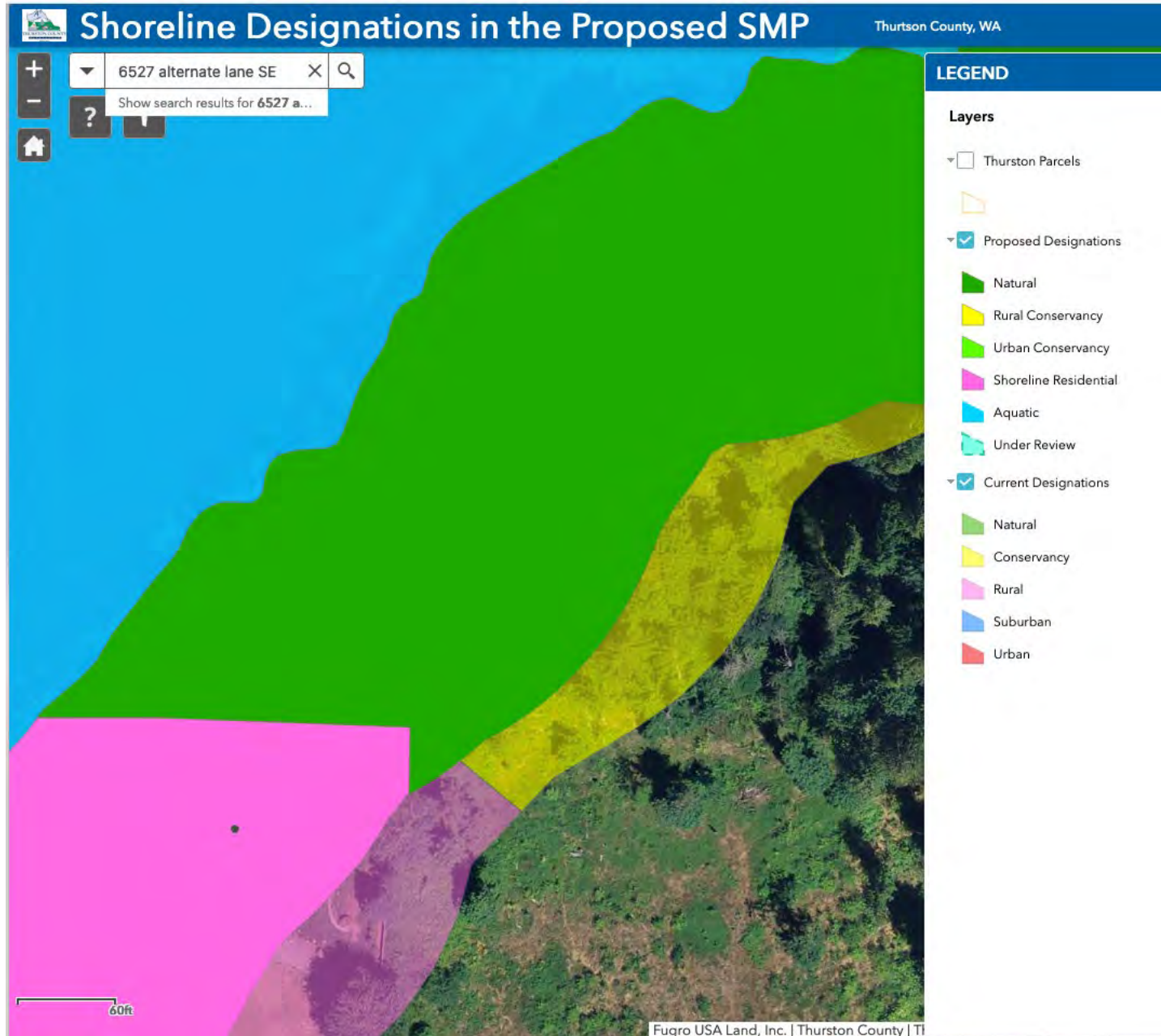


Figure 2 Aerial view (2018) of partial -100 and -600 parcels with current SED designations



Aerial view (2018) of partial -100 and -600 parcels with proposed SED designations that we have issue with.



**From:** [Susan](#)  
**To:** [Andrew Deffobis](#)  
**Subject:** Long Lake  
**Date:** Friday, October 22, 2021 7:50:05 AM

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Please take into consideration my comments as a long time resident on Long Lake.

The proposed changes to Carpenter Park and the work already begun have impacted the habitats already. Eagles used to soar. Nests were being built and newborns learned to fly right in front of our home. Lately, we see very few.

Housing and associated travel and all that comes with them can only add to pollution, noise and negative impacts on the natural habitats. Shoreline maintenance is of utmost importance to creation. Please designate Natural or Rural Conservancy.

Thank you.  
Susan Gillis

**From:** [Gary Larson](#)  
**To:** [Andrew Deffobis](#)  
**Subject:** Reclassification of shoreline residential  
**Date:** Friday, October 22, 2021 7:56:14 AM

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Andrew,

I'm requesting properties I own at the south end of Long Lake (recently approved under BLA 2011628OTC lots ABC) site addresses 4242, 4244 and 4248 Kyro Road SE, portions to be classified as "shoreline residential".

I appreciate your consideration in this request.

I can be reached at (360) 789- 1865.

Sincerely,  
Gary Larson

Sent from my iPhone

**From:** [gary nylund](#)  
**To:** [Polly Stoker](#)  
**Cc:** [Andrew Deffobis](#)  
**Subject:** Shoreline  
**Date:** Friday, October 22, 2021 8:21:29 AM

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We would like the commissioners to know we would like the following:

1. Buffer widths (issue number two in correlation letter) for lakes to remain as they were in the 1990 SMP.
2. Pier, dock, float or ramp grating ( issue seven in coalition letter) we want the option to exclude expensive grading for lakes that do not contain salmon.
3. Pier and dock pilling spacing ( issue eight in coalition letter ) we want the option to reduce spacing to 8 feet.
4. Pier and dock width ( issue nine in the coalition letter) we want the option to be able to make piers/ docks 8 feet wide or more if applicant can demonstrate need.
5. Shoreline Environmental Designations ( issue twelve 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.

Thank you for taking time to read this and please know we do care about our lake.

Gary & Karen Nylund  
Lake Lawrence residences

**From:** [Carol Jo Hargreaves](#)  
**To:** [Andrew Deffobis](#)  
**Cc:** [John Woodford](#)  
**Subject:** Fwd: Shoreline Master Program - Input on Planning Commission Options; Questions and Comments  
**Date:** Friday, October 22, 2021 9:59:48 AM

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I am sending a copy of our input on the Draft SMP. I couldn't get Andrew's email to work on the Thurston County website yesterday. I cc'd John Woodford for his records.

Thank you for the opportunity to respond and to ask questions. I look forward to hearing back from you.

(I sincerely apologize for the spacing changes that occurred when sending this message via email.)

—Carol Jo Hargreaves

Begin forwarded message:

**From:** Carol Jo Hargreaves <[cjohargreaves@gmail.com](mailto:cjohargreaves@gmail.com)>  
**Subject:** Shoreline Master Program - Input on Planning Commission Options; Questions and Comments  
**Date:** October 21, 2021 at 4:04:59 PM PDT  
**To:** [smp@co.thurston.wa.us](mailto:smp@co.thurston.wa.us)  
**Cc:** Larry Schneider <[larry.schneider04@verizon.net](mailto:larry.schneider04@verizon.net)>, Kenny Kanikeberg <[lekhek@msn.com](mailto:lekhek@msn.com)>, Kelly Putscher <[hollidog28@gmail.com](mailto:hollidog28@gmail.com)>

First, thank you to Thurston County Planning Commission and its staff for the years of work they have put into developing the updated Shoreline Master Program. It is a complex and time-consuming job. Please stick with it, keep listening to stakeholders and be sure to incorporate feedback and answer questions before proceeding to finalize the plan.

Following are answers to the Planning Commission Options as were highlighted in yellow in the draft SMP. These answers are from me and my husband, Larry Schneider, who reside at 2526 Carpenter Road SE, Olympia, WA, on Long Lake.

**19.400.100 Existing Development** - Please do not use the phrase "legally nonconforming." It has a negative connotation. Instead, we prefer, in the following order: (1) "legally existing," (2) "conforming," or (3) "existing structure"

**19.400.120 Vegetation Conservation Buffers**

**B. Buffer Widths** - Leave the Freshwater Lakes Buffer at the existing 50 feet.

**D. Other Uses and Modifications in Buffers** - Yes, we agree the default options should be decks and viewing platforms larger than 100 square feet and closer than 25. A shoreline variance should be required.

We do not understand the text of the SMP section B.2 on Mitigation Standards or the sample figures provided in Appendix B, however we concur a statement should be included that decks will be considered pervious if designed to allow water to infiltrate the ground below and the ground below the deck is not compacted or otherwise made impervious.

5. Yes, we agree that water-oriented storage structures should be limited to residential uses only.

#### **19.500.100 Permit Application Review and Permits**

**B. Substantial Development Permit** - Remove the requirement for Substantial Development Permits to undergo public hearing. This action is expected to simplify and speed up the permitting process and save many people's time.

#### **19.600.115 Aquaculture**

**3. Additional Standards for Net Pens.** Fish net pens and rafts shall meet the following criteria... - We concur with all of these criteria but would add to the second to last bullet a specific timeframe/deadline associated with "Respond promptly to complaints and take measures to comply." For example, "...respond to the complaint within 10 business days..."

#### **19.600.150 Industrial Development**

**A. Environment Designations Permit Requirements** - Speaking only about Long Lake, we prefer that industrial development be prohibited in all areas - Shoreline Residential, Urban and Rural Conservancy.

#### **19.600.160 Mooring Structures and Activities**

**A. Environment Designations Permit Requirements** - Speaking about Long Lake only, do not allow docks in any Natural environment of the lake's shoreline.

**B. Application Requirements** - We concur that the requirement to consider alternative moorage prior to allowing piers and docks (#8) should be stricken. In addition, we recommend striking #6 regarding demonstration that existing facilities are not adequate or feasible.

#### **C. Development Standards -**

**1. General Development Standards** - No comment regarding striking the requirement to consider alternative moorage; pertains to marine environment only.

No comment regarding whether covered moorage should be permitted; relates to commercial and industrial uses.

We agree that the requirement for grating on lakes that do not contain salmon should be stricken from the SMP.

**3. Pilings** - We think pilings should be placed at distances that preserve the structure, integrity and safety of the pier, no more than 20 feet apart lengthwise, but possibly less.

**4. Piers** - We believe the standard pier width allowance should be 8 feet to ensure user safety. At the standard width or less, there should be no requirement for applicant to demonstrate need.

e. We agree the grating requirement on lakes that do not contain salmon should be stricken.

**5. Floats** - We agree the requirement for grating on lakes that do not contain salmon should be stricken.

#### **Appendix B: Mitigation Options to Achieve No Net Loss for New or Re-Development**

## **Activities**

**B.2 Mitigation Standards for Specific Development Activities** - We agree to include statement about decks being considered pervious if designed to allow water to infiltrate ground below and ground below is not compacted or otherwise impervious.

**B.4 New and Replacement Overwater Structures (in order of preference)** - C. We agree that grating does not need to be required for new/replacement docks in waterbodies that do not support salmon or other anadromous fish.

**In addition to the requested "Public Hearing Options" addressed above, we submit the following comments and questions for your consideration:**

### **Interactive Shoreline Environment Designations (SED) Map -**

1. The map is difficult and frustrating to use. The view changes rapidly from tiny to huge if you barely move your mouse.
2. We concentrated our map investigation on Long Lake. Please help us understand why the nine properties north of Long Lake Park have no LLO# and are being redesignated from Rural to Aquatic whereas the next five properties appearing on the map are in LLO-14 and LLO-15 and are being redesignated from Rural to Aquatic and Shoreline Residential.
3. Moving further along the shoreline to Holmes Island, some of the properties on the island are in LLO-14 and LLO-15 and are being redesignated from Rural to Aquatic and Shoreline Residential but others are in LLO-17 and redesignated from Rural to Shoreline Residential. Why are not all properties on Holmes Island designated in the same way?
4. How are the LLO-14, LLO-15 and LLO-17 designations different?
5. What are the impacts, both positive and negative, of the SED redesignations? For instance, could there be an impact on property values? What about any property owner rights being lost or gained? Do owners' responsibilities change in any way? Will property taxes be affected? Some homeowners currently raise chickens or harvest timber on their property. Will the Shoreline Residential designation cause changes in the rules about such activities? If so, in what ways?

### **Shoreline Master Program -**

Considering the complexity of the current SMP that includes marine waters, rivers and streams, lakes and reservoirs, and wetlands, would the Planning Commissioners consider separating future plans into four parts by type of water (i.e., (1) marine waters, (2) rivers and streams, (3) lakes and reservoirs, and (4) wetlands) in order to simplify the revision process and allow stakeholders to concentrate on their particular type rather than the whole?

We concur with John H. Woodford's 9/23/2021 "Coalition's Key Shoreline Master Program (SMP) Issues" letter and appreciate all of the work John has done on the SMP project.

As Jonathon Cody stated during the 10/20/2021 Public Hearing, "People who live on the lake want to take care of the lake." We wholeheartedly support Mr. Cody's notion and strive to be good stewards, not only of our property but of Long Lake as a whole. We agree with Bob Jenson that septic tanks should be carefully maintained and regularly inspected; with Brent Trowbridge who spoke against using phosphorus-containing pesticides and herbicides that can leach into the lake, and with Joseph Wolfe who suggested requiring water quality and

stormwater outfall monitoring.

We also wonder, as did C.J. Russo, about motorboats and use of gasoline on the lake. Further, we are concerned about wake boats and the damages they cause to bulkheads and docks. Why are these items not addressed in the SMP?

We are pleased that Long Lake has an active, enthusiastic and knowledgeable Lake Board and agree with Frank Hudick that Lake Management Districts should be encouraged and considered a valuable resource.

We suggest creating an attractive, easy-to-understand pamphlet/guidebook be given to all property owners, present and future, explaining the SMP in layman's terms and listing ways they can be stewards of the environment.

We encourage the Planning Commission and its staff to value public participation and honor stakeholder input, to answer the public's questions about the SMP in an easily accessible format and place prior to taking any further official action, and to continue to build a positive public-private partnership on this and other issues.

Thank you for considering our input.

Sincerely,  
Carol Jo Hargreaves and Larry Schneider  
2526 Carpenter Road SE  
Olympia, WA 98503  
(209) 988-5831 and (209) 305-5092

**From:** [Alan Bennett](#)  
**To:** [Andrew Deffobis](#)  
**Subject:** Thurston County SMP  
**Date:** Friday, October 22, 2021 10:08:12 AM

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Andrew:

I want to express my concern regarding the designation of “legally non conforming” status given to those residences that would fall into “non compliance” with the updated buffer standard proposed. Like the large number of other home owners here on Long Lake, I too would like this changed to either “Conforming” or perhaps a new designation, “Conforming to standard at time of construction”. Words do have meaning. Future lawyers and banking representatives may take issue with the proposed double speak.

I also want to request that SED for the parcel 11826240100 located on Long Lake known as Carpenter Park be considered for a designated as “Natural” rather than residential.

Regards,

Alan Bennett  
3522 Long Lake Dr. SE  
Lacey, WA 98503



**From:** [Meredith Magee](#)  
**To:** [Andrew Deffobis](#)  
**Subject:** Carpenter's Park  
**Date:** Friday, October 22, 2021 10:10:47 AM

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Mr. Deffobis,

Carpenter's Park as a "Residential Development" stands to impact the lake ecology of Long Lake and the lake community as a whole, for years and perhaps generations to come, if we don't get it right.

As a former resident of Holmes Island proper, directly across from the designated location, and having raised my small children on the island, I feel strongly about how a large number of residential properties might affect the lake itself and the ecology of the area.

The home that we lived in is my in-laws house and it is still a part of our family; we live across town now and visit regularly. Swimming in the summer is a major draw for my girls that grew up and learned to swim on Long Lake.

At times, even now there are occasions when the lake is "too crowded" to go out and enjoy it on the boat or even swimming, when the waves are coming at us so quickly and all the boats are churning up lake weed and debris. We receive the brunt of that lake debris, (and trash) by the way, as a home directly on the point of the island.

My fear is that adding a large number of residential properties, directly across from the island and the boat launch and park, will greatly affect the lake itself, our ability to enjoy it, the amount of debris and trash ending up in our swimming area, etc. Not to mention the fact that the increased usage will affect the ecology of the lake itself. Climate change is a real concern and Long Lake has not gone unaffected by its impacts. We need to protect the natural state of the lake, as it remains, as best we can, and can do so by limiting large scale developments such as Carpenters Park.

I ask that you think about this re-designation thoroughly and consider the ultimate impact as it won't be minimal, given the size of the planned development. Please re-designate the area of Carpenter Park as Rural or Natural and protect this remaining portion of the lake that is not developed.

Thank you,

Meredith Magee

Sent from my iPhone

**From:** [Terralyn Barfield](#)  
**To:** [Andrew Deffogis](#)  
**Subject:** Carpenter's Park must remain a last open space for wildlife  
**Date:** Friday, October 22, 2021 11:03:55 AM

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Attn. Mr. Deffogis,

I agree with the letter below. The Carpenter Park area must be preserved.

Just recently, during the Carpenter Road construction, we on Long Lake Dr. Noted a period of days when a doe and her fawns were running back and through our yards looking for safety, but apparently unable to find any. Our area is no longer the haven is used to be. What green spaces we still have must be guarded or we will loose something very precious.

What wildlife we are still able to enjoy in the Long Lake area will no longer have a home is this parcel becomes just more privately owned residential housing. The quality of life of the residents, humans included as well as the property values of the current residents around Long Lake will forever be diminished with the loss of this wild space.

Please save this as a conservation act immediately. Thank you.

Respectfully,  
Terralyn Barfield  
3231 Long Lake Dr. SE

Hello Andy,

While I've opposed all of the SED re-designations that have come to light so far, there is one missed site that I must bring to the attention of the Planning staff and the Planning Commission. It is Tax Parcel # 11826240100 on the east shoreline of Long Lake, known locally as Carpenter's Park. It was once owned by the Carpenter's Local #470, of Tacoma, and was used as a weekend retreat for the members.



Carpenter's Park from the WDFW boat launch across the lake. The approximate north and south property lines are indicated yellow.



Carpenter's Park, on the east shoreline of Long Lake, from above...approximately at the midpoint of reach LLO-4 to LLO-5, Parcel # 11826240100, is the 11.60 acres, from the shoreline, up the bluff, to the former campsite. Parcel # 11826130100 is the 4.65 acre, narrow rectangle that connects the larger parcel to Walthew St SE, which run north/south on the right hand side of this image. This smaller parcel falls outside the SMP jurisdiction. The existing SED of the larger Parcel # 11826240100 is **Rural**; the proposed is **Shoreline Residential**. You've got this one wrong. The **SED should be**, if not **Natural**, at least **Rural Conservancy**. Please give serious consideration to this SED re-designation.

The small circled island is Kirby Island, reach LLO-16, and it has an existing SED of Rural and proposed of Natural. You've got this one right; do the same for Carpenter's Park.

Respectfully submitted,

John H Woodford, AIA  
Emeritus Architect