

From: [Aldo Leopold](#)
To: [Andrew Deffobis](#)
Subject: Comments on proposed shoreline designation status on Zangle Cove
Date: Tuesday, October 5, 2021 9:08:19 PM

Andrew Deffobis
Interim Senior Planner
Thurston County Community Planning and Economic Development Department

Dear Mr. Deffobis,

I'm writing to provide comments on the proposed change in shoreline designation status along a portion of Zangle Cove, designated reach MBU16, as part of the SMP update. I recently purchased the home located at 638 77th Ave NE, on Zangle Cove. A neighbor contacted me regarding the proposed changes and suggested that I review them and provide comments if I had any. I have reviewed the proposed update and offer the following input.

My background is in natural resource management, and in particular, restoration of aquatic ecosystems. I've worked as an aquatic ecologist for over 25 years, in the private, non-profit, and public sectors. I have focused on implementing both estuarine and riverine restoration work, however I have also completed numerous wetland delineations and critical areas reviews in the past. Given this background, I am familiar with shoreline plans, and also very supportive of shoreline planning that provides maximum protection for nearshore ecosystems. I suggest that goal is best served by shoreline management plans based on sound science and that can be effectively implemented to achieve the goal of nearshore conservation and restoration. As an owner of shoreline property affected by the proposed plan, I also have a vested interest, but one that is tempered by my commitment to shoreline conservation and restoration. My comments are based on that perspective.

My opinion is that the proposed SMP update inaccurately designates a portion of the MBU16 reach of shoreline as "rural conservancy", that should be designated "shoreline residential". The reason I believe this, is that while there are important ecological processes occurring along the reach, most ecological processes have been disrupted to some extent because the shoreline is not "ecologically intact". The reason I believe the shoreline is not "ecologically intact", is because of the following:

1. Significant stretches of this reach of shoreline have bulkheads.
2. The shoreline vegetative community has been dramatically altered, is not comprised of a native plant community, and is heavily colonized by invasive exotic species.
3. All of the uplands within the shoreline management zone have been subdivided into residential lots and nearly completely developed for residential use.

Consequently, I suggest that the characteristics of the portion of reach MBU16 beginning at the MBU15 reach break, along the shoreline that is highly developed just past the end of 77th Ave NE, are more consistent with the definition of "shoreline residential". While there may be some exceptions within this section of the reach, they are limited and may warrant their own designation.

The reasons I recommend this modification to the proposed designation are the following:

1. It is more consistent with the shoreline designation definitions and more accurately

reflects the conditions along this reach of shoreline.

2. It acknowledges historic uses more appropriately.
3. The shorelines management zone in this area is platted and developed for residential use.
4. The development is served by a municipal water and sewer system.
5. And finally, a designation of “shoreline residential” for this reach that is impacted by shoreline alterations, would not discourage shoreline restoration, while a change to “rural conservancy” would.

To further explain why I suggest changing the designation to “rural conservancy” will discourage restoration, I offer the following. With the change to conservancy, that requires mitigation for many projects within 150’ of the shoreline as opposed to 50’ for “residential” designation, property owners would be encouraged to reserve restoration opportunities for when they need mitigation. With that approach, classified as mitigation, restoration work would no longer be eligible for public funding, and consequently, would either not occur or be scaled back because of cost. I offer my own property as an example. The entirety of my shoreline has a structurally sound, 8’ high, concrete bulkhead that fully disrupts nearshore processes. The home located on the property is almost completely within 150’ of the shoreline. I would like to consider restoring this shoreline. However, even with my background, I have to pause to consider the personal implications of doing this altruistically, and consider reserving the opportunity in the event I wish to complete renovations to the exiting home, which is older and in need of improvements. If this shoreline was designated “shoreline residential”, I would not be discouraged from seeking opportunities to implement restoration as none of the home is within 50’ of the shoreline.

I ask that in consideration of these comments, the planning department reconsider the boundaries of reach MBU15, and include the portions currently delineated as MBU16 that are intensively developed, within reach MBU15.

Thank you for considering my input. If you or others involved with this issue would like to discuss my comments more, please don’t hesitate to contact me.

Best Regards,

Allen

Allen Lebovitz
638 77th Ave NE
Olympia, WA 98506
Allen@countrypetvet.com
360.903.4809

From: ronnrenee@comcast.net
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Tuesday, October 5, 2021 1:31:32 PM

Your Name (Optional):

Your email address: ronnrenee@comcast.net

Comment: Prefer Option A in buffer setbacks.

Time: October 5, 2021 at 8:31 pm
IP Address: 73.42.228.212
Contact Form URL: <https://thurstoncomments.org/comment-on-the-proposed-shoreline-code-update/>

Sent by an unverified visitor to your site.

From: ron_moore@comcast.net
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Tuesday, October 5, 2021 3:03:36 PM

Your Name (Optional): RONALD MOORE

Your email address: ron_moore@comcast.net

Comment: i belive you are getting some wrong infor mation there is an ilegal earth dam north of highway 12 at the slew west of rochester that should be removed to allow better flow and also allow better fish migrating the water stops flooding as soon as the water starts going over this dam whitch gives you a false flood reading i dont know what restrictions the blue means but i know my land has never flooded in the last 3 100 year floods however i know it makes financing hard or inposible the way it is now

Time: October 5, 2021 at 10:03 pm

IP Address: 73.11.148.78

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

Sent by an unverified visitor to your site.

From: [Brian K Muirhead](#)
To: [Andrew Deffobis](#)
Cc: [Dr. Nancy Muirhead](#)
Subject: Re: Resend: Input to SMP
Date: Wednesday, October 6, 2021 6:55:39 AM

Andrew,
 Thanks for your emails and thanks for the SED report. I was surprised that this is a final Draft but dated 6/30/13, interesting that there's been no updates since then, implying that any issues haven't been identified or worked since then. I'm familiar with the SED map tool but I don't know when the arial image was last updated. I'll look at my survey information and take some pictures to try and show where and why I think the designation is incorrect. I'll be sending in additional comments on the SMP through the virtual site (unless you'd rather I send them directly to you), and will be at the 10/20 meeting.
 Best regards,
 Brian

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

Hi Brian,

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

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

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

Regards,

Andrew Deffobis, Interim Senior Planner

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

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

Sent: Monday, October 4, 2021 11:11 AM

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

Cc: Dr. Nancy Muirhead <nancymuirhead@verizon.net>; Brian Muirhead <brian91011@earthlink.net>

Subject: Resend: Input to SMP

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

Andrew,

Thank you for your briefing to the Thurston County lake residents on 9/23/21. My name is Brian Muirhead and my wife Nancy and I are new residents on Pattison Lake as of Oct. 2020. We have two major issues we are bringing to your attention now and will provide additional inputs on a number of other items through the virtual Open House process.

We agree strongly with one of the questioners at your talk that any buffer zone dimension should be based on specific criteria that the Dept. of Ecology (DoE) might have for changing any of the buffer dimensions away from the current ones, e.g. Shoreline Residential: 50 ft. We both work in scientific fields and we recognize that basing decisions on "science" must always be able to be validated, typically by independent sources of data, analysis and where possible, testing. I've tried looking for appropriate information on the DoE website but the varied nature and volume of documentation left me unable to find what I was looking for. Any pointers would be helpful.

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

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

designation where appropriate.

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

Brian and Nancy Muirhead

brian91011@earthlink.net

818 687 7003

From: jwoodford.aia@gmail.com
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Wednesday, October 6, 2021 10:02:12 AM

Your Name (Optional): John Woodford

Your email address: jwoodford.aia@gmail.com

Comment: This is not a transparent Open House! There is no way to see comments made by any other members of the public...or replies posted by the Community Planning staff. It is the sharing of this kind of information that is the greatest value of a true OpenHouse.

Time: October 6, 2021 at 5:02 pm
IP Address: 73.239.224.36
Contact Form URL: <https://thurstoncomments.org/comment-on-the-proposed-shoreline-code-update/>

Sent by an unverified visitor to your site.

From: ccalving1977@gmail.com
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Wednesday, October 6, 2021 11:54:57 AM

Your Name (Optional): Charles Gilman

Your email address: ccalving1977@gmail.com

Comment: I have three concerns but first, those images of Lake St. Clair do not show a dramatic change. Some trees were removed in the top of the images while some grew significantly in the bottom. One house was built on an existing site in the middle and the only change was adding a roof and some landscaping.

My concerns center on the language you've used. For instance, in the SMP Fact Sheet #2: "Lateral expansion of nonconforming (hyphenated earlier) structures required (are these rules not in effect?) a variance or reasonable use exception." In almost every sample language under the Current SMP, the language is inconsistent, non-descriptive ("a complex process"), seems to be deliberately confusing such as the quote above, and/or missing vital definitions such as "nonconforming" structures and lots or "mitigation." That you've failed to explain it's the SMP and this proposed SMP that will label buildings not currently found to be nonconforming as nonconforming is misleading at best.

The second concern is the missing language. Under SMP FAQ 2, you fail to include any prohibited changes. For example, under "Expanding a Structure" under the draft SMP, you don't note lateral expansion will be prohibited. You also don't explain what mitigation would be required or even is. Under "Storage Structures" you list restrictions as though they're authorizations. They aren't restricted at all under the current SMP but you use language of "allowed up to" rather than "prohibited over."

Finally, you seem to be attempting to usurp FEMA's authority. Also under the SMP FAW #2, under "Interior Remodel," current SMP, it reads the remodel value could not exceed 50% of the structure's original value. I couldn't find any reference to that in the current SMP but it is a requirement under both FEMA's Unit 8 and 44CFR 59.1. Are you claiming the remodel value can exceed 50% of the original value? Or, worse yet, are you stating those restrictions still apply but that you're adding additional restrictions making it appear as a newly authorized criteria?

Time: October 6, 2021 at 6:54 pm

IP Address: 147.56.4.186

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

Sent by an unverified visitor to your site.

From: seviersonhicks@comcast.net
To: [Andrew Deffobis](#)
Subject: SMP draft and parcel #09350004000
Date: Wednesday, October 6, 2021 10:30:12 AM

Andrew,

Could you please tell us how the proposed changes to the SMP will affect our property at 9735 Yelm Hwy SE. The parcel # is 093500400 and is adjacent to Eaton Creek.

Thank you,

Dean and Wendice Sevier

From: [cncollinsusn](#)
To: [Polly Stoker](#)
Cc: [Andrew Deffobis](#)
Subject: Shoreline Master Program revision
Date: Wednesday, October 6, 2021 12:01:40 PM

Ms Stoker,

I currently own property on Lake Lawrence and have worked closely with the county permit department over the past six years to build our house and put in a dock on the lake. The requirements of the current shoreline master program as currently written were followed closely and approved by the county.

I have reviewed the proposed revision to the shoreline master program and would like you to consider the following changes to the proposal.

1. Buffer widths (Issue #2 in coalition letter) for lakes to remain as they were in the 1990 SMP . If this particular issue is changed to what the county staff wants we would have found it nearly impossible to use the portion of the property on the shoreline.
2. Pier, Dock, Float or ramp grating (Issue #7 in coalition letter) there should be an option to exclude expensive grating for lakes that do not contain salmon.
3. Pier and Dock piling spacing (Issue #8 - in coalition letter) there should be an option to reduce spacing to 8 feet.
4. Pier and Dock Width (Issue #9 - in coalition letter) there should be an option to be able to make our piers/docks 8 feet wide or more if applicant can demonstrate need.
5. Shoreline Environmental Designations (SEDs) (Issue #12 in coalition letter) I would like you to adopt the changes made for residents of Lake Lawrence adopted by the Planning Commission and Board of County Commissioners.

Please take the time to review these recommendations for Lake Lawrence in order to allow property owners here to live and use the lake in a safe and responsible manner.

Christopher Collins
17127 Lakepoint Dr SE
619 368-8293

Sent from my iPad

From: [planning](#)
To: [Andrew Deffobis](#)
Subject: FW: Comments on Shoreline setback
Date: Wednesday, October 6, 2021 12:24:18 PM
Attachments: [PlanningCommission.odt](#)

From: Treesmoto <treesmoto@aol.com>
Sent: Monday, October 4, 2021 3:10 PM
To: planning <planning@co.thurston.wa.us>
Subject: Comments on Shoreline setback

October 2, 2021

Thurston County Planning Commission – Shoreline

Dear Committee Members:

We own four pieces of beachfront property on the west-facing side of Henderson Inlet. Three pieces are adjacent and total 300+ feet of beachfront. The fourth piece is non-adjacent and has 100+ feet of beachfront. Two of these lots are only about 300 feet deep.

We share the Commission's concerns re: erosion and stability, garden runoff, driveway and roof runoff, and shade removal. We support and respect the Commission's desire to protect the natural state of Henderson Inlet and its beaches.

However, we believe that a 250 foot set back for building is more than is needed to protect the aforementioned environment. It would mean that a building site plan for two of our properties would be extremely prohibitive. A house, garage, and septic system would need to be wedged into very small square footage. The building site plan for the other two properties would also be restrictive.

We propose that a 200 foot set back would be more than adequate to protect the inlet waters and beaches, while giving owners the opportunity to use their properties and to be good and respectful conservators of the environment.

Respectfully,

Bonnie andd Ken Morimoto
13141 St. Andrews Dr. 160L
Seal Beach, CA. 90740

562-794-9429

From: [planning](#)
To: [Andrew Deffobis](#); [Polly Stoker](#)
Subject: FW: Shoreline Master Program Recommendations Needed For Lake Lawrence
Date: Wednesday, October 6, 2021 12:30:27 PM

Appears to be comments for the SMP update.

From: mickatcoug@aol.com <mickatcoug@aol.com>
Sent: Monday, October 4, 2021 7:07 PM
To: permit <permit@co.thurston.wa.us>
Subject: Shoreline Master Program Recommendations Needed For Lake Lawrence

Dear Polly and Andrew and Thurston County Planning Comissioners,

As a lakeshore property owner at 17035 Lake Point Dr. SE (Lot 4 Division 2) Yelm, WA, on Lake Lawrence, I would like the following to be included in the Shoreline Master Program:

1. Buffer Widths (Issue #2 in coalition letter) for lakes to remain as they were in the 1990 Shoreline Master Program
2. Pier, Dock, Float, or Ramp Grating (Issue #7 in coalition letter) I want the option to exclude expensive grating for lakes that don't contain salmon.
3. Pier and Dock Piling Spacing (Issue #8 in coalition letter) I want the option to reduce the spacing to 8 feet.
4. Pier and Dock Width (Issue #9 in coalition letter) I want the option to make our piers and docks 8 feet wide or more if an applicant can demonstrate the need for more space.
5. Shoreline Environmental Designations (SEDs) (Issue #12 in coalition letter) I want the changes we were to make for the residents of Lake Lawrence adopted by the Planning Commission and Board of Thurston County Commissioners.

I sincerely thank you for your thoughtful consideration of my requests for these essential details in protecting the quality of our lake and environment in the future.

Sincerely,

Michael E. Crosby

From: afaussethna@aol.com
To: [Andrew Deffabis](#)
Subject: Critical area map
Date: Wednesday, October 6, 2021 4:16:43 PM

Hi Andrew,

Is the critical area map new or was it mapped out before? I am at the Southeast End of Holmes Island and it encompasses my property. What does this change for me? Most of the area, including my complete shoreline, is lined with a bulkhead and my yard to the bulkhead is a lawn, so a critical area does not make any sense. The area looks to go deep into my property and my house is a little over 50 feet from the waterline/bulkhead. The areas highlighted in the green do not make sense with the surrounding non-colored in areas. These green and grey shadings do not show up on any key the describes what they are marking other than the map is called a critical area map.


Thank you in advance for your response,
Adam Faussett

[How to Participate](#)[Why We do Shoreline Planning](#)[An Overview](#)[Updates Explained](#)[SMP Property Types](#)[Buffers](#)[How it Affects](#)

- Shorelines extending landward 200 feet measured from the ordinary high water mark (OHWM), and
- Associated wetlands and floodplains.

The SMP also applies to critical areas within shoreline jurisdiction. With proposed updates, if your shoreline property also has critical areas - you will ONLY need to go through the SMP permitting process for your proposed development. This could be a huge efficiency gained for Thurston County residents!

The map to the right shows all



A map of Holmes Island, a small landmass surrounded by water. The island is labeled 'HOLMES ISLAND' in the center. A road, 'HOLMES ISLAND RD SE', runs along the top and left sides of the island. The shoreline is highlighted with a thick green line. The area immediately adjacent to the shoreline is shaded in light green, while the rest of the island is shaded in light grey. The surrounding water is light blue.

From: [Polly Stoker](#)
To: afaussettdna@aol.com
Cc: [Andrew Deffobis](#)
Subject: Re: SMP Comments
Date: Wednesday, October 6, 2021 5:53:07 PM

Thank you for your comments.

I have forwarded to Andrew Deffobis to include with his materials for Planning Commission.

Polly Stoker

On Oct 6, 2021, at 5:12 PM, "afaussettdna@aol.com" <afaussettdna@aol.com> wrote:

Hi Polly,

Here are my opinions on the yellow highlighted segments in the SMP Draft.

1. Labeling structures- existing permitted structures should be called conforming. They were conforming to all applicable rules when built, nothing has changed on their end and the description of them should not be changed to separate them from every other existing permitted structure built according to the rules existing at the time of building.
2. Shoreline residential buffer width should be 50 feet as it has been since it was first put in as a rule. Lakefront properties that have already been developed should not have the rules changed after the fact.
3. There should be no limit on deck size or location and a shoreline variance should not be required to build one.
4. I agree that a accessory storage structure should be for residential use only.
5. I agree that a SDP should be handled administratively as long as there is a public notification.
6. No opinion on net pens, etc
7. I agree that there should not be industrial development in Shoreline residential areas.
8. Docks should be allowed in natural environments for public use.
- 9/10. Alternative moorage should not need to be considered prior to allowing a pier or dock
11. No opinion on covered moorage for commercial uses
- 12/15. Dock grating should not be required on water that does not contain salmon. The bass like it under my dock.
13. Residential pilings should be closer together than 20 feet, 8 feet is still too far, 6 feet would allow them to be smaller and would have less of an impact on the lake floor.
14. 6 feet should be the standard for dock width.

Thank you for your time and attention,
Adam Faussett

From: tallnwscorp@gmail.com
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Wednesday, October 6, 2021 12:59:53 PM

Your Name (Optional): Mark Larson

Your email address: tallnwscorp@gmail.com

Comment: I have a neighbor Maureen Cox at 2233 113th ave SW Olympia WA 98512 who is and has been polluting the neighborhood and ignoring all building codes for years.

She is currently leasing part of her property to a commercial tile manufacturing operation within the wetland, they grind silica containing materials out in the open all day long.

You don't have to take my word for it, you can see the contamination from the parcel look up overhead photos. You can come sample from the surrounding wetlands.

If you want to make a difference for the better within the sensitive area you are describing I suggest you take a look at this issue.

Mark Larson
360-561-7641
home owner @ 2119 113th ave sw Olympia WA 98512

Time: October 6, 2021 at 7:59 pm
IP Address: 73.59.44.74
Contact Form URL: <https://thurstoncomments.org/comment-on-the-proposed-shoreline-code-update/>

Sent by an unverified visitor to your site.

From: [Bob Zych](#)
To: [SMP](#)
Subject: Shoreline Master Program Comments on the Proposed Shoreline Code Update
Date: Wednesday, October 6, 2021 4:13:35 PM

As Shoreline Residential property owners,

- I oppose extending the Buffer Widths on page 53 of the SMP Draft. The rationale for extending buffer widths for “net loss of shoreline ecological function” is not sufficiently compelling to justify the proposed further restriction on private property.
- On page 63 b of the SMP Draft, allow decks and viewing platforms larger than 100 square feet as default option, & closer than 25 feet, without a shoreline variance.
- On page 110 A of the SMP Draft, prohibit Industrial Development in e Shoreline Residential, Urban Conservancy, Rural Conservancy SEDs.
- On page 116 A, 118 e, 119 5 of the SMP Draft, strike requirement for grating on lakes that do not contain salmon.
- On page 117 3b of the SMP Draft, allow 8-foot distance for spacing of residential pilings in lakes.
- On page 116 4a of the SMP Draft, allow 6 feet pier width as standard allowance, with up to 8 feet if applicant can demonstrate need.

--

Robert & Susie Zych
3240 Long Lake Drive SE
Olympia, WA 98503
360.259.1293

From: midtec@wa-net.com
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Wednesday, October 6, 2021 8:47:03 PM

Your Name (Optional): Darell

Your email address: midtec@wa-net.com

Comment: How can I or anyone for that mater take this plan seriously when you can not get rid of the old tumbled down RVs parked along the road spuing all kinds of wast onto the road and down drains onto the sound.

Time: October 7, 2021 at 3:46 am
IP Address: 71.212.194.53
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
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Thursday, October 7, 2021 8:55:39 AM

Your Name (Optional): Glenn Schorno

Your email address: schornoag@hotmail.com

Comment: Who benefits from the update? Who's property loses value from the update? Is there a mechanism to fully compensate the landowners that lose value?

Time: October 7, 2021 at 3:55 pm

IP Address: 74.209.54.88

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

Sent by an unverified visitor to your site.

From: [STEVEN WALTON](#)
To: [Polly Stoker](#); [Andrew Deffobis](#)
Cc: [Barry Halverson](#)
Subject: 2021 Draft SMP
Date: Thursday, October 7, 2021 8:07:59 AM

Thurston County Planning Commission,

I am a lakefront property owner on Lawrence Lake and I request acceptance of the following input in advance of the October 20 public hearing on the draft 2021 Draft Shoreline Master Plan (SMP):

I am in general agreement with the position expressed on all of the 19 issues addressed in the September 23 Shoreline Stakeholders Coalition letter. I most strongly support the following issues:

1. Buffer widths (Issue #2 in coalition letter) for lakes to remain as they were in the 1990 SMP .
2. Pier, Dock, Float or ramp grating (Issue #7 in coalition letter) I want the option to exclude expensive grating for lakes that do not contain salmon.
3. Pier and Dock piling spacing (Issue #8 - in coalition letter) I want the option to reduce spacing to 8 feet.
4. Pier and Dock Width (Issue #9 - in coalition letter) I want the option to be able to make my pier/dock 8 feet wide or more if I can demonstrate the need.
5. Shoreline Environmental Designations (SEDs) (Issue #12 in coalition letter) I want the changes the coalition was able to make for residents of Lake Lawrence adopted by the Planning Commission and Board of County Commissioners.

Thank you for your consideration of this input and overall work in this area.

Steve Walton
Lawrence Lake Resident

From: [Tom Goldsby](#)
To: [Andrew Deffobis](#)
Subject: Property number 09560002000
Date: Thursday, October 7, 2021 8:43:45 AM

Andy,

Are there any zone or other changes to my property at 14149 Military Rd SE, Tenino WA 98589, property number 09560002000 ? If so, why? Please note: this is the second time I have sent you this email.

Thank you,

Richard (Tom) Goldsby

14149 Military Rd SE

Tenino WA 98589

Mobile: 360-481-1422

Home: 360-446-2729

tomyg@fairpoint.net

From: [Darlene Edwards](#)
To: [Andrew Deffobis](#)
Subject: smp concerns
Date: Thursday, October 7, 2021 8:54:41 AM

Dear Mr. Andrew Deffobis,

I am concerned about the area under review on my property at 13315 Gunstone St SW Olympia WA 98512

Why would the current area shown as rural conservancy need to be enlarged?

Actually, the current band of yellow that extends out from the buffer zone of Beaver Creek, which I was not aware of

until studying this material, is confusing. I have lived here for twenty-two years and prior to that this property has been in my family since my grandparents purchased it in 1942.

The area under review which is called Dry Creek (although your virtual map shows it as Beaver Creek) does not have Beaver Creek as its source, but rather its source is a spring which is in the wooded area between Maytown Road and Champion Drive of Scott Lake. I have hiked in this area and seen the small creek that flows out from there and gradually comes down to my property only in the winter depending on the rainfall amount. The flow is never anywhere close to twenty cubic feet per second.

I wonder why the source of Dry Creek is not shown on the map? A call from you to discuss this would be greatly appreciated. My number is 360 556 8328..

Thank you for your consideration of this matter.

Sincerely,

Darlene Edwards

From: [John H Woodford](#)
To: [Andrew Deffobis](#); [Polly Stoker](#)
Cc: [Meredith Rafferty](#); [Patrick Townsend](#)
Subject: Wrongful SED re-designation in Boston Harbor
Date: Thursday, October 7, 2021 9:24:26 AM

Good morning Andy and Planning Commissioners,

During last evening's Public Communications portion of the Planning Commission meeting several (Patrick, Larry, Mary Beth, Meredith and John) residents of the western shoreline of Zangle Cove in Boston Harbor opposed the re-designation of their residential properties from Rural (the "old" name for Shoreline Residential) to Rural Conservancy. The Thurston County Shoreline Stakeholders Coalition agrees whole-heartedly with their opposition.

I had prepared these three screen shots a few days ago after scrolling through SMP Open House Buffer Chart Current & Proposed - Comparison (PDF). Last evening's testimonies prompted me to get this letter written ASAP. As many of you know, I am a retired architect. I like to see visuals...a picture is worth a thousand words.



Zangle Cove with the 1990 SMP shoreline environmental designation superimposed. The western shoreline of the cove is designated "Rural."



Zangle Cove with the 2021 draft SMP shoreline environmental designation superimposed. The entire shoreline of the cove is designated "Rural Conservancy."



A very recent Google Maps view of Zangle Cove showing that the western shore is lined with existing homes typical of neighborhood designated "Shoreline Residential." This reach should not be re-designated; it should be "Shoreline Residential."

Given that **every re-designation appeal** (\pm 70 properties on Lake Lawrence and Offutt Lake) that

has already come before the Planning Commission has resulted in the re-designation being overturned...and the obvious flaw shown above, illustrates the immediate need to re-examine the entire re-designation process and conclusions. Remember, some 2,700 Thurston County shoreline properties are scheduled for re-designation in the current draft Shoreline Master Program.

Respectfully,

John H Woodford, AIA
Emeritus Architect
Chair, Thurston County Shoreline Stakeholders Coalition

From: [Greg Ireland](#)
To: [Polly Stoker](#); [Andrew Deffobis](#)
Cc: [Barry Halverson](#); [Chris Ireland](#)
Subject: Shoreline Management
Date: Thursday, October 7, 2021 10:01:48 AM

Hello,

My name is Greg Ireland and I live at 15916 Lawrence Pl se, on Lake Lawrence in Thurston County. I understand you are considering ill advised changes to the Shoreline Management Program. Please record my thoughts into your deliberations, and please do not make it harder for homeowners on the lake to modify/build/or otherwise enjoy their property. My thoughts:

1. **Buffer widths (Issue #2 in coalition letter) for lakes to remain as they were in the 1990 SMP .**
2. Pier, Dock, Float or ramp grating (Issue #7 in coalition letter) we need the option to exclude expensive grating for lakes that do not contain salmon.
3. Pier and Dock piling spacing (Issue #8 - in coalition letter) we need the option to reduce spacing to 8 feet.
4. Pier and Dock Width (Issue #9 - in coalition letter) we need the option to be able to make our piers/docks 8 feet wide or more if applicants can demonstrate need.
5. Shoreline Environmental Designations (SEDs) (Issue #12 in coalition letter) we need the changes we were able to make for residents of Lake Lawrence adopted by the Planning Commission and Board of County Commissioners.

Thanks for your service,

--

Greg Ireland

greg@theirelandcabin.com

360-359-3401

James M. Bishop
2321 12th Ave NE
Olympia, WA 98506

THURSTON COUNTY
RECEIVED

SEP 27 2021

DEVELOPMENT SERVICES

Subject: Shoreline Master Program

September 24 2021

Thurston County Community Planning and Economic Development

2000 Lakeridge Dr. SE

Olympia, WA 98502

Dear Sirs,

After receiving your card and giving much thought to the subject of, "plans to use or develop your property could be affected " I felt I must respond.

I have spent most of my life on this property since 1938. My parents made it into a family farm to help in their survival. We had cows, pigs, chickens and raised hay. In those days we had a drainage system which drained into Indian Creek, headwater at Biglow Lake. Dairies and family farms finally disappeared and the land owners were told most of their property was declared WET LANDS and restrictions began.

For a few years I was involved with the Blake Drainage Commission as a commissioner. Our job was to keep the drainage ditches open. We tried to do this until we had a on the job meeting, subject being, the wasting of our time. We received no help from either Thurston County or City of Olympia Public Works in cleaning and/or replacing culverts, the ones under 12th Ave NE and the major one under South Bay Rd between 7th and 8th Ave NE. Our decision was to dissolve the Blake Drainage System. At this time Thurston County was notified and the system was declared closed.

About two years ago, the City of Olympia, made a change to its storm water system in the NE part of Olympia by running a drain line directly into property just south of my property. This was protested by local property owners who were ignored. It was believed the reason the drainage system was mis-managed was because the City of Olympia did not want this water to drain to their downtown treatment plant so the culverts under 12th Ave

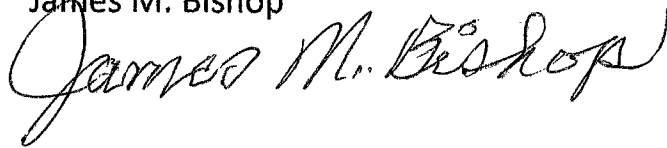
and South Bay Road were allowed to plug up which in the end KILLED INDIAN CREEK.

We live in a forgotten area, an area which requires us to pay an annual Stormwater Tax of \$103.11 and wonder where our tax money is being spent, knowing that it is not spent in our area. Also this summer on drives around the area I have noticed many small growths of Tangy Ragwort and I am being taxed \$6.47 as a NOXIOUS WEED fee. What is being done with this money?

Well, I now have spoken my words of wisdom. Thurston County and City of Olympia have already destroyed a large portion of my property and now I have to wonder what Thurston County Planning & Economic Development will be doing.

Sincerely,

James M. Bishop

A handwritten signature in black ink that reads "James M. Bishop". The signature is written in a cursive style with a large, stylized initial "J".

From: [Ron Philippsborn](#)
To: [Andrew Deffobis](#)
Cc: [T.K. Philippsborn](#)
Subject: Re: Thurston County SMP Virtual Open House Link
Date: Thursday, October 7, 2021 1:12:20 PM

Thanks for sending me the link.

After looking at the map, it looks like our SED changed from Rural to Rural Conservancy. Where we were lumped in with the waterfront houses around Schirm Loop, the line has shifted so that we're now in another category. I kind of get that, because most of the Schism Loop homes are on smaller lots close to the beach, while we're on a larger piece of property, with our house set back from the Edgewater Beach high bluff waterfront. But since I couldn't find out what our buffer requirements are under the old system (on the interactive map, the SED's listed under Proposed and Current Designations have different names and the Fact Sheet only references the new ones), I can't really tell what effect the change will have on us.

In a nutshell, like everyone else, I'm primarily interested in whether this will require any action on our part. Specifically, since we can't start any new construction here anyway under the terms of a Capital Land Trust Conservation Easement on our property, I would just like your assurance that there's no possible impact on any of our existing structures.

Thank you,

RON PHILIPPSBORN
2333 86th Ave NW
Olympia, WA. 98502
(360) 672-8585

On Oct 6, 2021, at 5:05 PM, Andrew Deffobis
<andrew.deffobis@co.thurston.wa.us> wrote:

Hello Ron,

Thanks for taking my call this afternoon. Here is a link to our Shoreline Master Program update virtual open house:

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

Please let me know if you have any questions. Our Planning Commission will hold a public hearing on Wednesday, October 20 at 7 PM (both on Zoom and in-person at the County Courthouse). The written public comment period for the Planning Commission is open until 11:59 PM on Friday, October 22.

Regards,

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

From: [Tom Goldsby](#)
To: [Andrew Deffobis](#)
Cc: [Tom Goldsby](#); [Terry Goldsby](#)
Subject: Re: Property No. 09560002000
Date: Thursday, October 7, 2021 4:53:25 PM

Hi Andy,

Thank you for your quick response. Are you aware proximity to the flood plain in our elevation certificates from 1978 and 2018 differ from the map the county is using? I sent copies to the county when we did them. I expect that may impact the designation; plus, our family has been here nearly 100 years and haven't seen it flood. The ever deepening of the river bed here, over the last 100 years, has likely lessened the risk it ever will. My grandfather and his father were loggers and grew strawberries and ran cattle on the property. You can still find barbed wire from the early 1900s embedded in the old fir trees along the river.

We took the main house down in the 60s and built two new houses and out buildings in the 70s and 80s.

We may build a smaller mother-in-law/retirement home on the property. Will a change in designation impact that process and increase costs?

Thank you,

Richard (Tom) Goldsby

14149 Military Rd SE

Tenino WA 98589

Mobile: 360-481-1422

Home: 360-446-2729

tomyg@fairpoint.net

On Oct 7, 2021, at 11:12 AM, Andrew Deffobis <andrew.deffobis@co.thurston.wa.us> wrote:

Hello Tom,

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

There are no zoning changes associated with the County's Shoreline Master Program (SMP) update, but shoreline environment designations are proposed to change in some areas. Your property is currently mapped as Conservancy in the current Shoreline Master Program, because of its proximity to the Deschutes River and associated wetlands and floodplain. The designation is proposed to change to Natural as a result of shoreline inventory and characterization that was completed earlier in this process. That process looked at the type and degree of development along county shorelines, and the ecological function provided by shorelines, among other features. Shorelines were then assigned a Shoreline Environment Designation that best reflects its current condition.

The shoreline buffer and wetland buffers are not proposed to change, however the shoreline designation does affect what types of land uses can occur on property, what permits are needed, and the rules that a project would follow. The SMP update will reflect changes in state law and Ecology guidelines that have been adopted in the 30 years since the current SMP was adopted.

It also appears that additional portions of your property that are not currently subject to the SMP are under review to possibly be included. This is because we are folding into our SMP jurisdiction map all of the wetland data used by our planners in reviewing projects. Please note: Whether a property is in or out of SMP jurisdiction, and the extent of a property that is in SMP jurisdiction or affected by critical areas, is determined during the land use application review process.

Do you have any plans for future development that you would like me to look into to see how the SMP update might specifically affect you? Or if you have other questions, please let me know. I know this is a lot to process.

Regards,

Andrew Deffobis, Interim Senior Planner

From: bmktaylor@comcast.net
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Thursday, October 7, 2021 3:10:02 PM

Your Name (Optional): james biehl

Your email address: bmktaylor@comcast.net

Comment: reading over smp site,concerned about buffers.Why make it different and more restrictive than state regulations.Your plan 'A' makes the most sense. Am also troubled by setback from hwm. in regards to existing structures. Are these proposals going to impact my heirs if they decide to sell?

Time: October 7, 2021 at 10:09 pm

IP Address: 73.83.174.131

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

Sent by an unverified visitor to your site.

From: jazz_bug_99@yahoo.com
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Thursday, October 7, 2021 5:28:48 PM

Your Name (Optional): Leslie Dalzell

Your email address: jazz_bug_99@yahoo.com

Comment: I don't understand why we cannot clear vegetation from the buffer area, especially if it is dead. For example, if a tree falls and is dead, can it be removed? If not, why not? The way the language is written, it seems you need a permit even to just mow the lawn or pull weeds within a buffer zone.

Time: October 8, 2021 at 12:28 am

IP Address: 50.202.26.90

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

Sent by an unverified visitor to your site.

From: jazz_bug_99@yahoo.com
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Thursday, October 7, 2021 5:29:32 PM

Your Name (Optional): Leslie Dalzell

Your email address: jazz_bug_99@yahoo.com

Comment: I would like clarity if a permit/CUP is needed to improve an existing bulkhead on a lakefront.

Time: October 8, 2021 at 12:29 am

IP Address: 50.202.26.90

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

Sent by an unverified visitor to your site.

From: jazz_bug_99@yahoo.com
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Thursday, October 7, 2021 5:41:30 PM

Your Name (Optional): Leslie Dalzell

Your email address: jazz_bug_99@yahoo.com

Comment: Under 19.400.100, why would the labeling of existing legally built homes be different than what the state law recognizes the structures as? If the state recognizes these structures as conforming, then why wouldn't Thurston County follow suit?

Time: October 8, 2021 at 12:41 am

IP Address: 50.202.26.90

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

Sent by an unverified visitor to your site.

From: jazz_bug_99@yahoo.com
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Thursday, October 7, 2021 5:43:28 PM

Your Name (Optional): Leslie Dalzell

Your email address: jazz_bug_99@yahoo.com

Comment: Under 19.400.120 why is there an option a and an option b? I could not find why there are two different proposals and what would make us choose one over the other. Also what is the scientific reason to change the shoreline residential buffer from 50 ft to 75 ft all of a sudden?

Time: October 8, 2021 at 12:43 am

IP Address: 50.202.26.90

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

Sent by an unverified visitor to your site.

From: jazz_bug_99@yahoo.com
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Thursday, October 7, 2021 5:44:38 PM

Your Name (Optional): Leslie Dalzell

Your email address: jazz_bug_99@yahoo.com

Comment: 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.

Time: October 8, 2021 at 12:44 am

IP Address: 50.202.26.90

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

Sent by an unverified visitor to your site.

From: jazz_bug_99@yahoo.com
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Thursday, October 7, 2021 5:47:18 PM

Your Name (Optional): Leslie Dalzell

Your email address: jazz_bug_99@yahoo.com

Comment: Ch 19.400.120.D.1.e. I agree with the Option. Limit water-oriented accessory storage structures to residential uses only
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.
Ch 19.600.150. I support the option to prohibit industrial development in Shoreline Residential Environmental Designations.
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.

Time: October 8, 2021 at 12:47 am

IP Address: 50.202.26.90

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

Sent by an unverified visitor to your site.

From: jazz_bug_99@yahoo.com
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Thursday, October 7, 2021 5:48:18 PM

Your Name (Optional): Leslie Dalzell

Your email address: jazz_bug_99@yahoo.com

Comment: 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. Who is going to be the buffer police? How much money are we planning to spend to enforce this ruling?

Time: October 8, 2021 at 12:48 am
IP Address: 50.202.26.90
Contact Form URL: <https://thurstoncomments.org/comment-on-the-proposed-shoreline-code-update/>

Sent by an unverified visitor to your site.

From: jazz_bug_99@yahoo.com
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Thursday, October 7, 2021 5:49:53 PM

Your Name (Optional): Leslie Dalzell

Your email address: jazz_bug_99@yahoo.com

Comment: Pollution of Thurston County waters is only addressed in passing in the in this draft SMP...whether that pollution comes from: a) Faulty or inappropriately located septic systems, b) Use of inappropriate lawn and/or garden fertilizers, and/or c) Stormwater runoff directly into the County's marine waters, lakes and rivers should not be allowed. For example, here on Long Lake there are thirteen outfall pipes that drain from County roads into the lake... most of these outfalls drain directly into the lake with no pretreatment. Stormwater runoff accounts for 75% of the pollution of our waters.

The Planning staff should provide new goals to ban the use of plastics by the shellfish industry on Thurston County tidelands and to establish new operational guidelines.

Time: October 8, 2021 at 12:49 am

IP Address: 50.202.26.90

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

Sent by an unverified visitor to your site.

From: jazz_bug_99@yahoo.com
To: [SMP](#)
Subject: Incoming SMP Comment
Date: Thursday, October 7, 2021 5:51:22 PM

Your Name (Optional): Leslie Dalzell

Your email address: jazz_bug_99@yahoo.com

Comment: 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.

Time: October 8, 2021 at 12:51 am

IP Address: 50.202.26.90

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

Sent by an unverified visitor to your site.

From: [Thurston County | Send Email](#)
To: [Andrew Deffobis](#)
Subject: Property questions in Tenino with new designations
Date: Friday, October 8, 2021 8:18:26 AM

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: **Kevin Jensen**

Email (if provided): **kevinjensen68@gmail.com**

Phone: (if provided): **3604894989**

Message:

Good morning Andy, we seem to cross paths fairly often lately (virtually.) I have Riverbend Ranch out in Tenino. Anyway I have been behind on keeping up with my county notices, this seems to be a big one affecting a great deal of my property.

My first question, there is a proposed "natural" area on my property on the south side of the Skookumchuck from SK-4/SK-5 through SK-6. I read the definition of the "natural" area, with minimal impact from man and trying to keep it that way, what are my new limitations as a land owner managing this property for grazing/long term timber with this new designation?

My next question is more broad, as a significant amount of my land will be designated as "rural conservancy." These areas seem to be close to the 100 year flood areas, follow the 1990 designations for shoreline but with a new name and a bit of expansion. Again, what impact would this have on my active agricultural operation? Thank you for you time Andy look forward to speaking with you soon.

Kevin

From: [Tom Goldsby](#)
To: [Andrew Deffobis](#)
Subject: Fwd: Property No. 09560002000
Date: Friday, October 8, 2021 11:22:13 AM

Hi Andy,

After I sent that last email I read portions of the SMP and “Shoreline Residential” seems a more appropriate designation, given the multiple single family structures adjacent, up river and surrounding, don’t you think? This address is often confused with the opposite side of the river. GPS often place this address at the driveway and barn directly across the river. We often get deliveries and even get mail from the county to pull Tansy Ragwort that is actually referring to the farm and fields on the other side of the river. Given this section of the river, historically, a portion of a Weyerhaeuser park, has always been a favored spot for steelhead and fly fishing and rafters, it seemingly falls under a different designation in many ways.

Please advise.

Thank you,

Richard (Tom) Goldsby
 14149 Military Rd SE
 Tenino WA 98589
 Mobile: 360-481-1422
 Home: 360-446-2729
tomyg@fairpoint.net

Begin forwarded message:

From: Tom Goldsby <tomyg@fairpoint.net>
Date: October 7, 2021 at 4:52:51 PM PDT
To: Andrew Deffobis <andrew.deffobis@co.thurston.wa.us>
Cc: Tom Goldsby <tomyg@fairpoint.net>, Terry Goldsby <terrytomg@fairpoint.net>
Subject: Re: Property No. 09560002000

Hi Andy,

Thank you for your quick response. Are you aware proximity to the flood plain in our elevation certificates from 1978 and 2018 differ from the map the county is using? I sent copies to the county when we did them. I expect that may impact the designation; plus, our family has been here nearly 100 years and haven’t seen it flood. The ever deepening of the river bed here, over the last 100 years, has likely lessened the risk it ever will. My grandfather and his father were loggers and grew strawberries and ran cattle on the property. You can still find barbed wire from the early 1900s embedded in the old fir trees along the river.

We took the main house down in the 60s and built two new houses and out buildings In the 70s and 80s.

We may build a smaller mother-in-law/retirement home on the property. Will a change in designation impact that process and increase costs?

Thank you,

Richard (Tom) Goldsby
 14149 Military Rd SE
 Tenino WA 98589
 Mobile: 360-481-1422
 Home: 360-446-2729
tomyg@fairpoint.net

On Oct 7, 2021, at 11:12 AM, Andrew Deffobis <andrew.deffobis@co.thurston.wa.us> wrote:

Hello Tom,

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

There are no zoning changes associated with the County's Shoreline Master Program (SMP) update, but shoreline environment designations are proposed to change in some areas. Your property is currently mapped as Conservancy in the current Shoreline Master Program, because of its proximity to the Deschutes River and associated wetlands and floodplain. The designation is proposed to change to Natural as a result of shoreline inventory and characterization that was completed earlier in this process. That process looked at the type and degree of development along county shorelines, and the ecological function provided by shorelines, among other features. Shorelines were then assigned a Shoreline Environment Designation that best reflects its current condition.

The shoreline buffer and wetland buffers are not proposed to change, however the shoreline designation does affect what types of land uses can occur on property, what permits are needed, and the rules that a project would follow. The SMP update will reflect changes in state law and Ecology guidelines that have been adopted in the 30 years since the current SMP was adopted.

It also appears that additional portions of your property that are not currently subject to the SMP are under review to possibly be included. This is because we are folding into our SMP jurisdiction map all of the wetland data used by our planners in reviewing projects. Please note: Whether a property is in or out of SMP jurisdiction, and the extent of a property that is in SMP jurisdiction or affected by critical areas, is determined during the land use application review process.

Do you have any plans for future development that you would like me to look into to see how the SMP update might specifically affect you? Or if you have other questions, please let me know. I know this is a lot to process.

Regards,

Andrew Deffobis, Interim Senior Planner

From: [Christina Chaput](#)
To: [Andrew Deffobis](#)
Subject: FW: SMP
Date: Friday, October 8, 2021 2:13:04 PM

From: Thurston County | Send Email <spout@co.thurston.wa.us>
Sent: Friday, October 8, 2021 2:08 PM
To: Christina Chaput <christina.chaput@co.thurston.wa.us>
Subject: SMP

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: **Christina Chaput**

Subject:

From: **john drebick**

Email (if provided): jdrebick@comcast.net

Phone: (if provided): **3609514340**

Message:

We have substantial ownership on both sides of McLane Creek.. Our home also confronts. Please provide detal proposed changes. 1710 Delphi Rd SW

From: [John Woodford](#)
To: [Andrew Deffobis](#)
Subject: Conforming vs. Legally Non-conforming
Date: Friday, October 8, 2021 4:58:42 PM
Attachments: [CoalitionLtr -Conforming.pdf](#)

Good afternoon Andy,

The *Staff note* following Ch 19.400.100 Existing Development of the *July 28, 2021 Planning Commission Working Draft* of the Shoreline Master Program states, “The Commission is interested in public comment on the topic.” The Thurston County Shoreline Stakeholders Coalition’s position on this matter remains the same as it was on August 31, 2020.

Therefore, I am re-submitting the Coalition’s letter, *Conforming vs. Non-Conforming or Legally Non-Conforming*, so it may become a part of the SMP Open House Public Communication. We feel that that it necessary that the SMP must be consistent with the State of Washington RCW 90.58.620, ***(a) 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.*** Plus, it’s just the right thing to do!

Respectfully submitted,

John H Woodford, AIA
Emeritus Architect
Chair, Thurston County Shoreline Stakeholders Coalition

Thurston County Shoreline Stakeholders Coalition

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

August 31, 2020

To: Thurston County Planning Commissioners

From: John H. Woodford, Chairman
Thurston County Shoreline Stakeholders Coalition

Re: Conforming vs. Non-Conforming or Legally Non-Conforming

Commissioners,

Since the introduction of the draft Shoreline Master Program (SMP) in the summer of 2017, there has been a dispute between homeowners and the planning staff regarding the designation of legally built homes and appurtenant structures that may now be located wholly or in part within the newly defined shoreline buffers. Many older homes were constructed before there were any designated setbacks. Some homes may have been constructed closer to the waterline line because of a variance having been granted due to some other site restriction. Whatever the reason, these homes have always, until staff presentation of this draft SMP, been considered “conforming.”

The State of Washington recognizes that such structures are “conforming” in RCW 90.58.620.

RCW 90.58.620

New or amended master programs—Authorized provisions.

(1) New or amended master programs approved by the department on or after September 1, 2011, may include provisions authorizing:

(a) 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; and

(b) Redevelopment, expansion, change with the class of occupancy, or replacement of the residential structure if it is consistent with the master program, including requirements for no net loss of shoreline ecological functions.

(2) For purposes of this section, "appurtenant structures" means garages, sheds, and other legally established structures. "Appurtenant structures" does not include bulkheads and other shoreline modifications or overwater structures.

(3) Nothing in this section: (a) Restricts the ability of a master program to limit redevelopment, expansion, or replacement of overwater structures located in hazardous areas, such as floodplains and geologically hazardous areas; or (b) affects the application of other federal, state, or local government requirements to residential structures.

[2011 c 323 § 2.]

NOTES:

Findings—2011 c 323: "(1) *The legislature recognizes that there is concern from property owners regarding legal status of existing legally developed shoreline structures** under updated shoreline master programs. Significant concern has been expressed by residential property owners during shoreline master program updates regarding the legal status of existing shoreline structures that may not meet current standards for new development.

(2) Engrossed House Bill No. 1653, enacted as chapter 107, Laws of 2010 clarified the status of existing structures in the shoreline area under the growth management act prior to the update of shoreline regulations. *It is in the public interest to clarify the legal status of these structures that will apply after shoreline regulations are updated*.*

(3) Updated shoreline master programs must include provisions to ensure that expansion, redevelopment, and replacement of existing structures will result in no net loss of the ecological function of the shoreline. Classifying existing structures as legally conforming will not create a risk of degrading shoreline natural resources." [2011 c 323 § 1.]

**The blue and bold selected portions of the RCW were so designated by me for emphasis.*

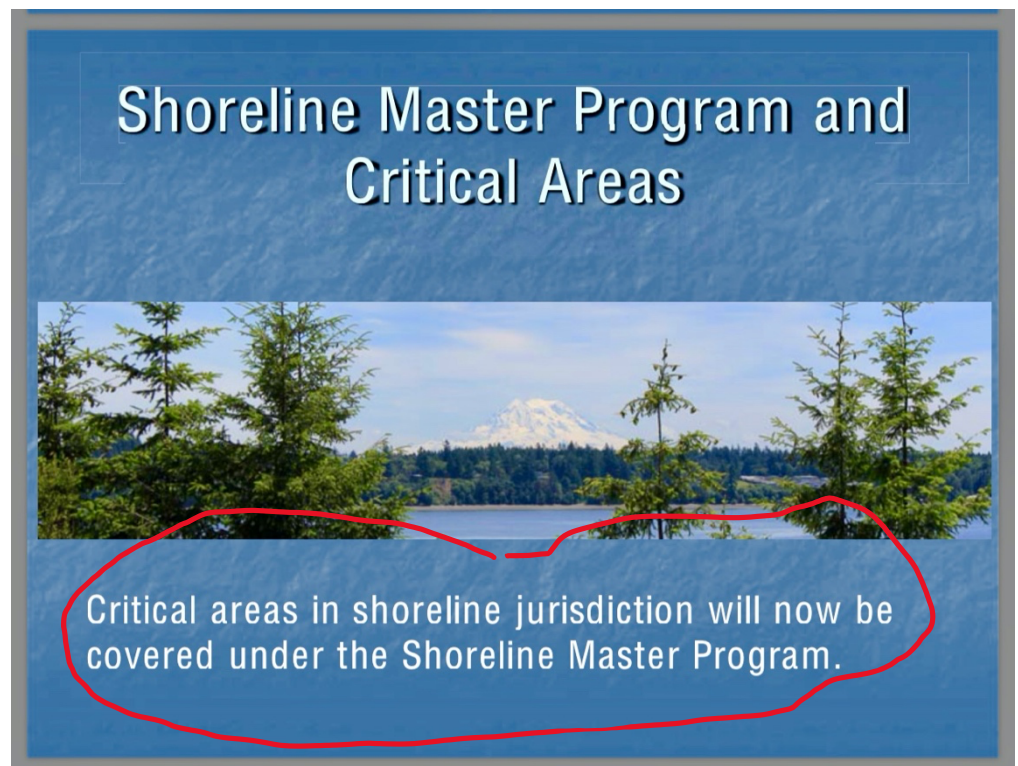
Early on Senior Planner Brad Murphy devised the term "legally non-conforming" to apply to structures legally established within designated buffers prior to adoption of this SMP. Mr. Murphy has repeatedly said, "It's just a name, why should it matter to you." At the December 19, 2018, SMP Open House one of the displayed panels said, *What's In a Name?*

Whether they are called "conforming," "legally non-conforming," or any other name, structures in buffers must follow the same rules for repair, expansion and replacement.

Mr. Murphy has acknowledged that "conforming" is allowed by the State but has said such a designation would be in conflict with other County regulations. But other Codes are updated regularly...Building Codes, Mechanical Codes, Plumbing Codes, Electrical Codes, etc. Existing structures are not mandated to undergo upgrades at the time of each Code update, and they are not labeled "legally non-conforming" upon County adoption of those Code updates.

If the above conflict is with the Critical Areas Ordinance, Comprehensive Plan, Zoning Ordinance and/or Development Permitting consider the following.

At the June 7, 2017, Planning Commission meeting, Mr. Murphy introduced the current draft SMP to you Commissioners. He made his introduction through the use of a PowerPoint presentation. Here are copies of three of the individual slides from that presentation. As you can see, in the first slide Mr. Murphy stated, *"Critical areas in shoreline jurisdiction will now be covered under the Shoreline Master Program."*



In this second slide, Mr. Murphy said both that, *"Critical area protections 'transfer' to updated SMPs"* and *"Updated SMPs are to provide 'sole' regulation of critical areas in shoreline jurisdiction."*

In this third slide, Mr. Murphy made these declarations about the powers of the SMP even more impactful by stating, *"A local SMP is essentially a shoreline-specific combined comprehensive plan, zoning ordinance, and development permit system all in one."*

Conforming vs. Non-Conforming or Legally Non-Conforming may be largely a symbolic issue. But it is an issue rooted deeply in the hearts of many of us. As stated above in RCW 90.58.620, *"It is in the public interest to clarify the legal status of these structures..."*

As we stakeholders see it...if there is a conflict between the SMP and other County regulations, it's either those other regulations that should change or the SMP should be able to stand alone within the shoreline jurisdiction and be able to declare that all legally built structures shall be "conforming."

Thank you for your consideration.

Respectfully submitted,

John H. Woodford, Chairman

Critical area protections "transfer" to updated SMPs

2003 law, clarified by Legislature in 2010:

Updated SMPs are to provide "sole" regulation of critical areas in shoreline jurisdiction.

Ecology's test for adequacy of critical area regulations is whether they achieve "no net loss of functions"

EHB 1653 CERTIFICATION OF ENROLLMENT
ENGROSSED HOUSE BILL 1653
Chapter 107, Laws of 2010
61st Legislature
2010 Regular Session
GROWTH MANAGEMENT ACT--SHORELINE MANAGEMENT ACT
EFFECTIVE DATE: 03/18/10

Passed by the House February 18, 2010
Issue 55 Page 39

FRANK CHOP
Speaker of the House of Representatives

Passed by the Senate March 2, 2010
Issue 18 Page 15

DEAD OWEN
President of the Senate
Approved March 18, 2010, 2:28 p.m.

CHRISTINE GREGG
Governor of the State of Washington

BARBARA BAKER
Chief Clerk

FILED
March 18, 2010

SECRETARY OF STATE
State of Washington

- Statute on CAOs/SMPs: RCW 36.70A.480
- SMP guidelines: WAC 173-26-191(2)(b), -221(2)

Shoreline Master Programs (SMPs)

- A local SMP is essentially a shoreline-specific combined comprehensive plan, zoning ordinance, and development permit system all in one.
- Goals & Policies → SED map → Use Table