Thurston County Shoreline Master Program Update

October 17, 2017 Community Meeting #1
Shoreline Master Program (SMP) Update

I. Introduction

II. Overview of SMP Review Process

III. Components of SMP Chapters 100-700

IV. Next Steps
I. Draft Document: Some information is required by statute but most topics are up for discussion.

II. Meetings will continue into 2018.

III. Planning Commission public hearing will take place after meetings. BoCC process to follow PC process.
Shoreline Master Program (SMP) Update

I. Doesn’t impact legally non-conforming structures unless a project proponent wants to expand structure or add new structures.

II. Normal maintenance and repair can continue on legally established non-conforming structures.

III. Options available to rebuild in current footprint in case of natural disaster/fire.
Thurston County Shoreline Master Program
Review Timeline/Process
Thurston County, Washington

* This is an adaptive process and can change as a result of stakeholder feedback, community engagement, and other conditions.

Updated September 2017
Shoreline Master Programs (SMPs)

- Used by local government to administer the Shoreline Act
- Contains both policies and regulations
- Tailored to the needs of the community
- Consistent with the Act and its implementing rules
Draft SMP Chapters

- 19.100 Introduction
- 19.150 Definitions
- 19.200 Shoreline Jurisdiction and Environment Designation
- 19.300 General Goals and Policies
- 19.400 General Regulations
- 19.500 Permit Provisions, Review and Enforcement
- 19.600 Shoreline Use and Modification Development Standards
- 19.700 Special Reports

- Appendix A Shoreline Environment Designations Map
- Appendix B Mitigation Options to Achieve No Net Loss for New or Re-Development Activities
- Appendix C Shoreline Restoration Plan
- Appendix D Channel Migration Zone Maps
- Appendix E Critical Area Regulations Incorporated By Reference
Chapter 100 & 150: Introduction & Definitions

- Introduction
- Purpose and Intent
- Adoption Authority
- Applicability
- Definitions
Shorelines of the State

Regulation of ‘Shorelines of the State’ is done by Department of Ecology in conjunction with local governments who are responsible for administering the regulatory program thru local SMP’s.

- **Shorelines of the State are defined as:**
  - Marine waters
  - Lakes and reservoirs 20 acres or greater
  - Rivers and creeks - mean annual flow $\geq$ 20 cubic feet per second
  - Floodways & Contiguous floodplains within 200 feet of floodways
  - Associated wetlands
  - Shorelines of statewide significance

*SMA: RCW 90.58.030(2)(g)*
State and Local Partnership Roles

Developed Shoreline Guidelines (WAC 173-26)

Ecology Reviews and approves SMPs

Local Jurisdictions Develop Shoreline Master Programs (SMPs) tailored to local conditions
Three fundamental policy objectives of the Shoreline Management Act:

1. Encourage water-dependent uses
2. Protect shoreline natural resources
3. Promote public access
Chapter 200: Shoreline Jurisdiction and Environment Designation

- Shoreline Jurisdiction
- Shoreline Environment Designations
  - Aquatic
  - Natural
  - Rural Conservancy
  - Urban Conservancy
  - Shoreline Residential
  - Mining*
Shoreline Inventory & Characterization

- Foundation for the Shoreline Master Program.

- Serves as a snapshot of current conditions and a baseline for tracking “no net loss of ecological functions.”

- Leads to understanding of relationship between shoreline processes and functions and built environment

- Based on review by Department of Ecology revised draft completed in 2013
Shoreline Environment Designations

- Effective shoreline management requires that the SMP prescribe different sets of environmental protection measures, allowable use provisions, and development standards.

- Manage shoreline conditions by assigning a shoreline environment designation.

- Updated Shoreline Environment Designation completed in 2013 classifying individual reaches into preliminary Shoreline Environment Designations.
Proposed Shoreline Environment Designations

*Aquatic SED applies to all shorelines of the state below the ordinary high water mark. Please see Map 1, Thurston County Shorelines of the State to identify areas where the Aquatic SED will apply.
Chapter 300: General Goals and Policies

- Applicability
- Shorelines of Statewide Significance
- Critical Areas and Ecological Protection
- Vegetation Conservation
- Water Quality and Quantity
- Economic Development
- Historic, Archeological, Cultural, Scientific and Educational Resources
- Shoreline Use and Site Planning
- Public Access and Recreation
- Restoration and Enhancement
- Transportation and Utilities
- South Puget Sound Policies

(WAC 173-26-191)
Example for Economic Development:

Goal: Provide for the location and design of industries, transportation, port and tourist facilities, commerce and other developments that are particularly dependent upon a shoreline location and/or use, when the shoreline can accommodate such development.

A. Policy SH-22  Accommodate and promote, in priority order, water-dependent, water-related and water-enjoyment economic development. Such development should occur in those areas already partially developed with similar uses consistent with this Program, areas already zoned for such uses consistent with the Thurston County Comprehensive Plan, or areas appropriate for water-oriented recreation.

B. Policy SH-23  Water-oriented economic development, such as those aquaculture activities encouraged under the Washington Shellfish Initiative, should be encouraged and shall be carried out in such a way as to minimize adverse effects and mitigate unavoidable adverse impacts to achieve no net loss of shoreline ecological functions.
Chapter 400: General Regulations

- Existing Development
- Proposed Development
- Mitigation
- Critical Areas
- Vegetated Buffers
- Water Quality and Quantity
- Historic, Archeological, Cultural, Scientific and Educational Resources
- View Blockage
- Development Standards
- Public Access
- Flood Hazard Reduction Measures
- Restoration and Enhancement
“Critical areas” = 5 types designated under GMA

- Wetlands
- Frequently flooded areas
- Geologic hazards
- Fish and wildlife habitat conservation areas
- Critical aquifer recharge areas
“No Net Loss”

- SMP update to include policies and regulations that will ensure “no net loss” of shoreline ecological functions.

- The standard is based on the baseline condition established in the shoreline inventory and characterization.

- A Restoration Plan is also required that requires a regulatory framework that improves shoreline functions over time.
Areas where the Shoreline Act applies

Minimum:
- **Marine** waters
- **Lakes** > 20 acres
- **Larger streams** (> 20cfs mean annual flow)
- "**shorelands**" 200’ landward from water’s edge, including 200’ of contiguous floodplain from edge of floodway
- **associated wetlands**, including all wetlands within 100-year floodplain.

**Local Option:**
1) all or portions of the **100-year floodplain**
2) "land necessary for critical area buffers"
If a new SMP does not include the option to expand SMA jurisdiction to include “land necessary for buffers for critical areas,” then the local jurisdiction shall continue to regulate those critical areas and their required buffers under GMA as well as SMP.

This is sometimes referred to as “dual coverage.”
OK to include allowances for **pruning and selective cutting** for view corridors, but can’t allow huge loopholes.

Example approach:

“Alter minimum needed for views, minimize shrub vegetation removal and ground disturbance. “

Can include specific criteria, e.g.,:

**Trees <6” dbh**: Can cut up to 10% of without county authorization.

**Trees > 6” dbh**: Limit cutting to 15% of such trees in the buffer. Need county approval, must replace with native trees/shrubs.
Allowances for remodels, and reconstruction of structures destroyed by fire or other natural disaster.

Local policy decision: Some SMPs allow a small or one-time increase if the modification doesn’t increase nonconformity (intrusion into a buffer).

Typically allow reconstruction within existing building footprint.

Ecology “default” for non-conforming uses: WAC 173-27-080
Buffer Averaging and Reduction

Buffer Width Averaging
• Total area of buffer after averaging = area within buffer prior to averaging.

Buffer Reduction
• No reductions of more than 25% of standard width without a variance (also applies to averaging)
**View protection** provision for single family residences

**Jefferson Co SMP example:**
On non-conforming lots, authorizes use of **common line setback** to accommodate shore views roughly comparable to adjacent residences.

SMP includes specific criteria for when this option can be used.
Other common allowances

- Maintaining existing landscaped areas within buffer

- **Unpaved trails** associated with residential use < 3’ wide unless additional width needed for safety in a hazard area.

- Harvesting Wild Crops

- **Noxious weeds** and **hazard trees**

- Passive recreation (fishing / hunting)

- Site investigative work

- Maintaining existing roads/driveways and facilities within existing ROW, e.g. electric; water; sewer lines; natural gas, cable

Photo Courtesy: Kitsap Sun

- Maintaining existing utilities

- Removing invasive species, Enhancing buffers
Chapter 500: Permit Application Review and Permits

- Permit Process
- Permit Types
- Permit Timelines
- Shoreline Master Program Amendments
- Administrative Interpretation
- Monitoring (to track no net-loss at the program level)
- Enforcement
Figure 19.500.105(A)(7) Shoreline Application Flow Chart.
Substantial Development Permit (SDP):

- a permit for any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold must be adjusted for inflation every five years, as defined in WAC 173-27-040(2). In September 2017, the amount was increased to seven thousand and forty seven dollars ($7,047).
Permit Types

Conditional Use Permit (CUP):
• a permit for a use, development, or substantial development that is classified as a conditional use or is not mentioned in the Development Use Matrix in Chapter 19.600.
Permit Types

**Variance Permit (VAR):**

- A permit for granting relief from specific bulk, dimensional or performance standards set forth in this Master Program and not a means to vary a use of a shoreline.
Chapter 600: Shoreline Use and Modification Development Standards

• Applicability
• Use and Modification Matrix
• Individual Use Chapters
  • Environmental Designations Permit Requirements
  • Application Requirements
  • Development Standards
Example: Residential Development – Environment Designations Permit Requirements

• Where residential development is proposed in the following designations, the identified permit requirements shall apply.

• 1. **Natural:**
  • a. CUP for primary single-family residences and subdivisions.
  • b. Prohibited for multi-family units and accessory dwelling units.

• 2. **Rural Conservancy and Urban Conservancy:**
  • a. SDP if exemption criteria not met.
  • b. CUP for multi-family units, accessory dwelling units and subdivisions.

• 3. **Shoreline Residential:**
  • a. SDP if exemption criteria not met.
  • b. SDP for multi-family units, accessory dwelling units, and subdivisions.

• 4. **Aquatic and Mining:** Prohibited
Chapter 700: Special Reports

• Special Reports - General
• Wetland Delineation/Mitigation Report
• Habitat Management Plan
• Geotechnical Report
• Hydrogeological Report
• Cumulative Impacts Report
• Navigation Study
• Shoreline Mitigation Plan
• Biological and Habitat Surveys
Find Shoreline Designation on map
- Natural
- Rural Conservancy
- Shoreline Residential
- Urban Conservancy
- Aquatic

Identify what use/modification you are proposing
- Residential, Industrial, Commercial
- Dock, pier, bulkhead

Check the Shoreline Use/Modification table to see which permit is needed
- Substantial Development
- Conditional Use
- Variance

Review General Regulations and Development Standards for proposed project
- Buffers/Mitigation
- Critical Areas
- Stormwater
- Allowances/Prohibitions
- Use Specific Development Requirements
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Next Steps

• Continue Shoreline Technical Group (STAG) meetings.

• Continue Community Group meetings.

• Continue Planning Commission briefings.

• Next Community Group meetings scheduled for **November 30th & December 20th**.

• Implement proposed review schedule

• Update webpages
Project Contacts:

- **Thurston County**
  - Brad Murphy, murphyb@co.thurston.wa.us

- **Ecology**
  - Sarah Cassal, salu461@ecy.wa.gov

Register for e-mail updates: www.thurstonplanning.org

Websites:

http://www.co.thurston.wa.us/planning/shoreline/shoreline_home.htm
http://www.co.thurston.wa.us/planning/shoreline/shoreline_status.htm
Chapters of DRAFT SMP @

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

• Bottom of page under Documents:
  • DRAFT Shoreline Master Program

Info on DRAFT SMP @

• Documents:
  • DRAFT Shoreline Master Program Inventory and Characterization:
    • http://www.co.thurston.wa.us/planning/shoreline/shoreline-inventory.html
  • DRAFT Shoreline Master Program Shoreline Environmental Designation Maps:
    • http://www.co.thurston.wa.us/planning/shoreline/shoreline-designation.html
  • On the shoreline designation report page the currently existing shoreline designation map is Map 1. The new proposed preliminary designation maps are Maps 2 thru 7. The 2013 report is the draft that accompanies the 2017 proposed updated SMP chapters (not the 2010).