

Comments received from Planning Commissioners for March 20th Meeting

From Jennifer:

On page 1, the last paragraph beginning "the provisions" should probably be moved to the beginning of the Applicability subsection 120. I also think it would be more clear if section 120 applicability began with a clear definition of shoreline jurisdiction.

I like the addition of the language to paragraph 2 on page 3.

For the new language of "H" on page 3, beginning "When a site", it would be helpful to have a graphic illustrating this. You may have one later in the chapter so a reference to it would be great here.

On page 5, I would like to know the source of the change from one year to two years for the definition of abandonment.

On page 6 I am a little concerned with the addition of the word "primary" to the definition of building line. How does that change how this line was previously regulated, or does it? I feel like a garage or shed, even if not the primary building, would define the building line, since the impacts are the same (land clearing, impervious surfaces, etc).

Curious on page 11 about the "reserved" statement for landscaping and landscape materials. What is planned for here? What are the determining factors for what goes here?

I thinking bringing a map/graphic to the next meeting illustrating jurisdiction, building line, buffer, and shoreline setback line would be great.

From Doug:

19.100.110 Purpose and Intent - 4th paragraph: "The provisions of this title for regulating, critical areas shall apply to all land, water areas and all structures, and all uses irrespective of lot lines and the unincorporated territory of Thurston County, Washington, except for existing and on-going agricultural activities. Agricultural activities meeting the requirements of TCC Section 17.15.110 shall be regulated by chapter 17.15 TCC or by the ...(VSP)"

1. Why are all shorelines regulated as critical areas? Paragraph 3 states that "the shorelines themselves are not critical areas by default as defined in the GMA".
2. Why is agricultural activities excluded? Without proper provisions and oversight, agricultural property can contribute to ecological loss of shoreline function. The use of nitrogen fertilizers on large forested lands can significantly impact water quality and shoreline function from creek to river to lake to sea. Cattle and other livestock contribute pollutants and disturb the soil along the shoreline.

19.100.125 - 1st paragraph: The Critical Areas Ordinance places shorelines and their adjacent wetlands under the SMP jurisdiction.

1. Why does the more restrictive code apply?
2. Yes, a higher authority such as the state or federal could trump the SMP
3. At the June 7, 2017, PC meeting Work Session, Brad presented slides that said "Critical areas in shoreline jurisdictions will now be covered under the Shoreline Master Program"; Critical area protections 'transfer' to updated SMPs"; Updated SMPs are to provide 'sole' regulation of critical areas in shoreline jurisdiction"; and "A local SMP is essentially a shoreline-specific combined comprehensive plan, zoning ordinance, and development permit system all in one."
4. This also raises questions about the "conforming" vs. "nonconforming" issue which comes later. Why should the SMP align itself with other codes when it (the SMP) is the sole governing entity or at least the overriding entity, within the shoreline jurisdiction?

Chapter 19.150 Definitions:

19.150.145 Appurtenance:

1. While I am unable to locate this document, I remember reading that over-water structures as modified or explained by the legislature in the 2011 update was for houseboats like we see on Lake Union.
2. Why do you use stair towers as an exclusion? They are definitely connected to the use of a single family residence as access to their property. The County taxes the owner for this access so it should be an appurtenance.

19.150.185 Boating Facility:

1. Many single family residents have 5 or more watercraft (ski boat, kayak, rowboat, paddleboat, jet ski, canoe, etc.
2. Need to differentiate between commercial and residential.

19.150.195 Buffer:

1. As used throughout the SMP the "buffer" is the lake, marine or river front yard or space landward of the OHWM. A buffer at the typical residence (98% of shoreline residential) may well be all lawn, whether it is politically correct or not, it is still the buffer for that property.
2. "Standard" and "Reduced" buffers are discussed in Appendix B...but there are no definitions of these terms in chapter 19.150.

19.150.210 Bulkhead:

1. Why is commercial and Gov't bldg. structures excluded from this definition?
2. Where is the science that says a bulkheads does not protect the shoreline ecological function on all shorelines? On some shorelines a bulkhead is needed to provide for no net loss of shoreline function.

19.150.280 Development:

1. I will reserve comment on this definition until we discuss exclusions in chapter 19.500.

19.150.300 Ecological Function:

1. There needs to be a chart in subsequent chapters or appendices listing the functions for the three different shorelines - Rivers, Marine and Lakes.
2. There are also differences between urban environments and rural environments.

19.150.310 Eelgrass:

1. The Planning Commission was told on Dec. 5th by Micah Horwith, Ph.D., that our marine waters are becoming more acidic over time. Dr. Horwith showed how Eelgrass significantly reduces the acidity and increases the Ph. Therefore, native Eelgrass should be protected. The introduction of non native Eelgrass, also discussed by Dr. Horwith should be the one for which consultation should be sought and encouraged because it is not native.

19.150.400 Hard Surface:

1. What is a vegetated roof?
2. Why is it impervious?
3. See 19.150.405..."A non-vegetated surface".

19.150.405 Impervious surface:

1. What if the surface impedes the natural infiltration but contains it enough to allow the stormwater to be absorbed rather than run off ?
2. What about a surface that may not absorb across its full surface but does dispose of the water over the natural absorbent soil below?

19.150.440 Landscaping/Landscape Materials: Reserved...What is the plan here?

19.150.587 Net Gain...New definition

1. Why have we not included a definition for "Net Gain" ? We want to encourage property owners to improve the shoreline ecological function without being forced to do so. You have provided for this in later chapters so there should be a definition here.

19.150.595 Normal Maintenance

2. Why not include safety as another reason?

19.150.630 Predator Exclusion

1. Predator Exclusion is not a "required definition" and it is not a scientific concept.
2. Why do we have this definition? It is only for Aquaculture.
3. This is an environmentally disruptive process of poisoning, digging up, placing nets and tubes and otherwise excluding marine and shore animals from aquaculture areas.
4. Such practices have no place in government regulations that are specifically designed to protect and preserve natural ecological conditions unless it is being used to forbid the practice.
5. If these tactics were used on any other type of shoreline they would be forbidden.
6. Only non native & non migratory/invasive creatures should be considered for exclusion.

19.150.640 Priority Species

1. According to Dr. Horwith Eelgrass should be included here. Is it included in one of the referenced documents/WACs?

19.150.675 Residential Development

1. Why doesn't this definition include the provision listed under Recreational Development? The private property owner should have the opportunity, just like the public, to use their shoreline for activities such as fishing, swimming, viewing, etc.

19.150.720 Shoreline Stabilization

1. This definition needs to include a statement regarding the different types of shorelines and the differing needs for each.

2. Most references in the SMP for shoreline stabilization are based on the marine and river environments.
3. Lakes, rivers and Marine have different shoreline characteristics and should not be combined into one.

19.150.770 Substantial Development:

1. A section in subsequent chapters needs to have examples of what maintenance/repair projects can be done within this dollar limit.
2. As stated by Ecology in the STAG meeting: We need to make it easy for the property owner to voluntarily comply.
3. As suggested by stakeholder groups, there should be a booklet that covers these maintenance/repair, etc projects that can be done without an administrative permit and with an administrative permit. Then make this booklet available to the property owners to either download or order.

19.150.810 Vegetation Native:

1. Why not add "Vegetation Non-Native"?
2. There are many non native or highbred plants that can perform the functions of native plants.
3. This is not excluded by the act
4. Rain gardens approved by the County and other groups include non native plants.

Chapter 19.200 Shoreline Jurisdiction and Environment Designation

1. Will you be adding "Educational" as shoreline environment Designation?
2. Will this be Rural Conservancy?

19.200.105.A: Shorelines of Statewide Significance:

1. Why is the Deschutes River excluded?

19.200.110 Shoreline Environmental Designations (4th paragraph):

1. "does not disrupt or destroy the character of..." This is very subjective. Either delete it or be more objective/specific.
2. I assume this paragraph depends on later chapters to further define this. I am not sure they do.

19.200.115 Shoreline Residential:

1. Need to include reference to urban vs. rural environments. Requirements should be different.
2. Under "A" it states "to provide appropriate public access and recreational uses."
Are homeowners required to provide "public access" to their shoreline?
3. Under "C.4. "Commercial development should..." Why is commercial development allowed in the Shoreline Residential Designation?

From Donna:

The draft SMP relies on mitigation. The ‘No Net Loss’ principal has always been difficult to implement successfully in the field. Under this policy over the years we have seen the reduction of, among others, forage fish (Sand Lance, Surf Smelt, Pacific Herring) and Salmon, that are key indicators of Puget Sound’s health. Governor Jay Inslee has made Puget Sound recovery an important priority for our state.

The 'No Net Loss' principle is not a viable solution to improve the Sound. It has been policy for a long time while the Sound has continued to become less healthy over time. It is now at a crossroads. Mitigation and restoration are expensive and often results in a lesser level of ecological production than the original undeveloped area. What we could try to achieve in this SMP is one that recognizes reality and addresses the solutions for actually improving the Sound. Perhaps instead of applying only the 'No Net Loss' principal, the County could take leadership by offering waterfront owners an alternative to actually improve the health of Puget Sound. That could be established perhaps under a voluntary program in the County's SMP under a section that might be called 'Significant Net Gain' as the principal or goal. This could be implemented through property tax reductions or other incentives to willing waterfront landowners that significantly increase their buffers, restore native vegetation, etc.