

Comments received from Planning Commissioners for April 17th Meeting

From Jennifer:

General: I think the Futurewise memo of comments on the SMP dated March 6, 2019 includes many salient comments and corrections. I recommend that staff respond in a point-by-point manner to that comment letter.

19.300.110 Vegetation Conservation. I support policies that favor native vegetation in shorelines and limit clearing. But can you clarify where these policies apply? The policies say “on...shorelines”- the definition of shorelines (19.150.735) excludes shorelines of statewide significance, but the beginning of this chapter says the policies apply to all shorelines covered by the SMP. Maybe this is sufficiently clear?

I am concerned that vegetation conservation policies are moot/cannot be implemented in the case of expansions of nonconforming structures within shoreline jurisdiction (currently proposed to allow landward expansion). Just something to keep in mind.

19.300.120(B) and 19.300.130 (E) are problematic policies. Section .120(B) seeks to encourage aquaculture without a net loss of ecological function. New aquaculture will result in a net loss of ecological function, period, unless there is pretty dramatic restoration performed as mitigation. .130(E-L) defines aquaculture as a preferred use and go into significant detail about aquaculture. Are these policies required by the SMA? Can we get a little more context around the cited Washington Shellfish Initiative and what it really calls for in Thurston County? As public commenters have pointed out, there is a conflict between aquaculture and shoreline protection. I think we need to spend a bit more time discussing what the state expectations are for how our SMP is to balance these issues. What authority does the county have to deny new aquaculture projects or expansions of existing projects in light of these proposed policies? Even if we don't change the policies, I recommend we carve out a policy section devoted just to aquaculture (starting at 300.130E through L) since this is such a hot button issue.

Section 19.300.140 Restoration and Enhancement are critical policies if we seek to achieve no net loss while still allowing more shoreline development and redevelopment (and, in the case of this draft, if we reduce existing shoreline buffers). Does the Shoreline Restoration Plan cited here include tracking through time/annual reporting on restoration and enhancement projects? Otherwise how will we really know if we are achieving no net loss if we don't understand what improvements are actually being achieved on the ground?

From Doug:

19.300.100 Shorelines of Statewide Significance

3. Policy SH3 Result in the long term over short term benefit.

e. This focuses on the voluntary stewardship of the shoreline residential owners...What about government and commercial owners?

4. Policy SH4 Protect the resources and ecology of the shoreline

a. Change Project to Developments and ecosystem to ecological for consistency.

b. Change improvements to developments for consistency.

c. Change to read Public or commercial access shall be limited....

d. Add...Herbicides & insecticides should only be allowed to respond to non native pest and invasive vegetation infestations.

5. Policy SH-5...This policy seems to be in conflict with SH4. How do you reconcile this policy with the ADA requirements?

19.300.105 Critical Areas and Ecological Protection

F. Policy SH-12...The impact of the listed items vary by water body. Rivers are not just freshwater, they are a separate category. In some cases it is good to reduce and in others it is better to increase. I do not understand this policy as it relates to the three types of shorelines. I need clarification

H. Policy SH-14...Add item 6 or delete item 1 - 5 and use CAO as reference only.

6. Shorelands/tidelands/bed lands

19.300.110 Vegetation Conservation:

A. Policy SH-15... In general, this needs to be treated differently for rivers, lakes & marine. Vegetation needs vary by water type. This policy primarily applies to Rivers but has been expanded to lakes and marine. Where is the science to justify this? Even Theresa Nation, DFW in her presentation to the Planning Commissioners in December 2018 focused only on rivers. There are very logical reasons for shading on rivers and streams.

1. Insert the word variable to read "...shoreline edge to provide variable shading..." The sun moves and therefore, the term "variable shading" has emerged. Docks are permanent shading, vegetation is variable shading unless it is on a river or stream.

B. Policy SH-16... There needs to be a provision for non-native plants. What is wrong with ornamental plants? Where is the science? Many non native and ornamental plants are excellent and should not be ruled out just because there is a convenient list of native plants to use.

19.300.115.C - Policy SH-20...second line: Change the word could to would. "Could" is too vague.

19.300.130 Shoreline Use and Site Planning

We need an additional policy here for residential property owners. Clallam County has this in their SMP. That policy might read:

1. To respect the rights of private property owners and the rights of citizens at large to use and enjoy shorelines of the state.
2. To provide property owners with clear guidelines and requirements for future shoreline development and provide fair and reasonable allowances for the continued use and enjoyment of private property.

F. Policy SH-31...This policy should be eliminated. This is vetted by the Corp of engineers and Ecology permits. It is not needed in the SMP and as written is confusing as the industry is well established and not experimental or in a formative state. All business evolve as new technology is invented or implemented. How would you monitor or control this?

H. Policy SH 33...Change the 3rd line to read: significantly conflict with navigation, public access and

1. Change "are not likely to" to "...will not negatively..."

I. Policy SH 34...

B. Change the words "...significant ecological impacts." to negative ecological...

D. Insert: "impact on native species of marine...."

M. Policy SH 38... Is this where you add the mitigation bank? This is the first reference to moving your legally conforming structure back and not having to have a Substantial Use Permit. However, the way this is written you can't just improve ecological function a little, you have to go

to the maximum. Moving your structure back 10 feet is not good enough. Improving a little is better than nothing.

19.300.135 Public Access and Recreation

D. Policy SH-40...I do not like this policy and I doubt if you asked our governing officials if they really meant to require public access on developments of more than 4 parcels they would say of course not. Also, If the County/State does not protect the HOA from personal liability, this would be a significant financial burden to the development/homeowners.

19.300.145.C. South Puget Sound Policies: The Alliance for a Healthy South Sound. I object to codifying the AHSS. They can do their work without being included here. 19.300.145.C should be removed from the SMP. In addition:

1. There are too many open position on the AHSS
2. Why is an industry represented on the AHSS and no other private/commercial representation?