



Thurston County Government

# Shoreline Master Program

Land-use & Zoning Regulations for County Shorelines

Proposed SMP Permit Requirements & Permitting Scenarios

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# Overview

- Shoreline Environment Designation Comparison Demonstration
- Review proposed shoreline permits
- Permitting Scenarios
- Discuss Upcoming PC Review of SMP Draft





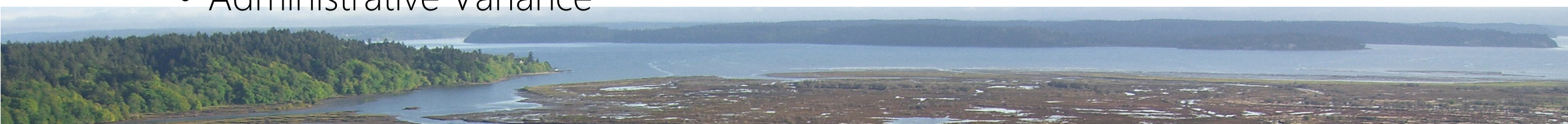
# Shoreline Environment Designation Comparison Tool





# SMP Permits

- Shoreline Substantial Development Permit (SSDP)
  - Letter of Exemption for certain uses (WAC 173-27-040; 19.500.100(C))
- Conditional Use Permit (CUP)
  - Administrative Conditional Use Permit
- Shoreline Variance (VAR)
  - Administrative Variance







# Permit Type Descriptions

- **Type I:** an application subject to clear, objective and nondiscretionary standards or standards that require the exercise of professional judgment about technical issues; is exempt from SEPA review.
- **Type II:** an application subject to objective and subjective standards which require the exercise of limited discretion about nontechnical issues and about which there may be limited public interest. (Requires SEPA)
- **Type III:** an application that is subject to standards which require the exercise of substantial discretion and where there may be broad public interest. (Requires Hearing Examiner decision)
- **Type IV:** Involves adoption or amendment of critical areas policies or regulations; and critical areas analysis required for site-specific comprehensive plan or zoning amendments.
- **Type V:** Similar to Type III process except Ecology has final administrative decision pursuant to WAC 173-27-130 and 173-27-200.





# Shoreline Substantial Development Permit

- Type III permit
  - Public notice required (300-500 feet from site; interested parties)
  - Co. Hearing Examiner holds public hearing, makes final decision
  - Permits routed to Ecology
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- Other state and federal approvals may be required.





# Shoreline SDP Exemptions

- WAC 173-27-040 provides statewide exemptions from SDP
  - Construed narrowly – all parts of project must qualify for exemption
  - Not an exemption from Shoreline Management Act or other elements of SMP—must comply with goals and intent of both.
  - CUPs and Variances may still be required



# Shoreline SDP Exemptions

*(Full text available at WAC 173-27-040 and proposed section 19.500.100(C) TCC.)*



- Single family residences, private non-commercial docks
- Bulkheads common to single family residences
- Normal maintenance of existing structures
- Emergency construction to protect against elements
- Normal farming/irrigation/ranching practices
- Development costing less than \$7,047





# Shoreline Conditional Use Permit



- Type V permit
  - County may impose conditions on permit
  - Requires notice of adjacent properties
  - Hearing examiner holds public hearing, makes decision
  - Ecology must approve CUPs
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- Other state and federal approvals may be required.



# Shoreline Conditional Use Permit



- Applicant must demonstrate use is consistent with SMP and RCW 90.58.020 and:
  - Does not interfere with normal public use of public shorelines or conflict with existing water dependent uses
  - Is compatible with other authorized uses in area and future planned uses
  - Will not result in significant adverse effects or net loss of shoreline functions
  - Public interest suffers no substantial detrimental effect
  - Consideration is given to cumulative impact of additional like actions





# Administrative Conditional Use Permit

- May be allowed for certain uses
  - Soft shoreline stabilization (vs. hard stabilization such as bulkhead)
- May or may not require public notice (depending on SEPA)
- County staff makes decision (no public hearing)
- Administrative CUPs must be approved by Ecology
- Other state and federal approvals may be required.





# Shoreline Variance

- Type V permit
- Provides relief from specific bulk, dimensional, or performance standards (not uses)
- Requires notice of adjacent properties
- Hearing Examiner holds public hearing, makes decision
- Variances must be approved by Ecology
- Other state and federal approvals may be required.







# Administrative Variances

- Examples:
  - Landward expansion of nonconforming structures within standard buffer
- May or may not require public hearing/HE decision
- Administrative variances must be approved by Ecology
  
- Other state and federal approvals may be required.





# Permitting Scenarios

- New Single Family Home
  - New Dock
  - New Bulkhead
- Repairing/rebuilding dock
- New aquaculture uses

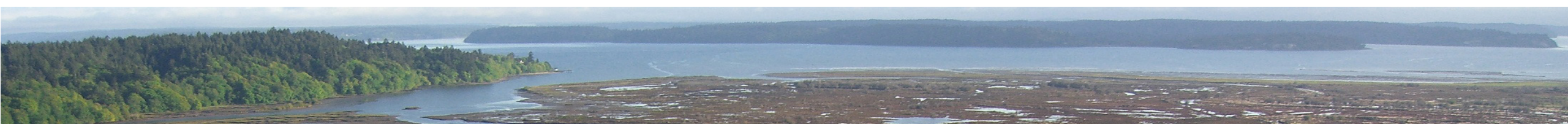




# New Single Family Home

*(per current draft)*

- SDP is not required; exempt from SEPA
- Buffers & construction setback are applied (may possibly be reduced through variance, and with mitigation)
- Must be designed to ensure no net loss of ecological function
- Structural stabilization generally not allowed for new structures
- Homes may be remodeled/rebuilt in same location
- Expansion within buffer requires variance.





# New Dock for Existing Home

- Prohibited in Natural environment
- Elsewhere, may need SDP if not exempt
  - Requires presubmission conference
- Must be designed and intended for access to watercraft
- Must demonstrate buoy, or joint use dock are not feasible
- Minimum size to meet intended use
- Other state/federal approvals may apply.







# Rebuilding/Repairing Dock

- **Maintenance** is defined as less than 50% of dock structure
  - Citizens may retain photos to document work.
- Treated wood & tires shall be replaced with alternative materials
- New structure requirements kick in at >50% replacement
  - Either in one project; or cumulatively over time.





# Shoreline Stabilization

- Generally limited to protecting existing structures
- New and remodeled development, new subdivisions must be designed and located so as not to require stabilization
- “Hard” stabilization such as bulkheads require geotechnical report
  - Must demonstrate that softer methods will not be effective
- Additional approvals required (e.g. Ecology, WDFW, Army Corps of Engineers)
- Mitigation may be required





# New Aquaculture Operations

- New aquaculture requires SDP, if not exempt
- New geoduck aquaculture requires CUP
  - SDP if operation substantially interferes with normal public use of surface waters
- Subject to development standards in Chapter 19.600
  - E.g. No net loss of ecological functions, must minimize aesthetic impacts
- Subject to approval and permit conditions of other agencies





# Questions/Upcoming PC Review

*SMP Topics for Upcoming Meetings:*

*December 4 – Aquaculture – Development Standards, Recent Case Law*

*2020 Meetings:*

*Study Halls on Chapter 19.600, 19.700, appendices*

*Other topics of interest*

*Review of entire document*

