Topics to discuss with the Planning Commission include the following:

- Mitigation (Chapter 19.400.110 & Appendix B)
- Permit Process, and Exemptions (Chapters 19.500.100, 19.500.105 & 19.600)
- Aquaculture permitting (Chapter 19.600.115)

Also any topics the Planning Commission would like to discuss.

The SMP and supporting documents can be found on-line at the following address:

https://www.thurstoncountywa.gov/planning/Pages/shorelines-update-docs-list.aspx
Mitigation:

Chapter 19.400.110 and Appendix B
Compensatory mitigation is the stage of mitigation sequencing where unavoidable impacts to shoreline ecological functions are offset by restoring, creating, enhancing, or preserving critical habitat within a specific watershed or geographic area.
Shoreline Management Act

• THE SHORELINE MANAGEMENT ACT OF 1971 WAS ADOPTED BY THE CITIZENS OF WASHINGTON WITH THE OVERALL GOAL TO:

“PREVENT THE INHERENT HARM IN AN UNCOORDINATED AND PIECEMEAL DEVELOPMENT OF THE STATE’S SHORELINES”

The Act is designed to provide for:

- Promote public access
- Reserve shorelines for water-dependent uses
- Protect shoreline natural resources and ecological functions
Proposed SMP Update Addresses All 3 SMA Policy Objectives

- Plan for **water-dependent** uses
- Promote **public access** to publicly-owned shorelines
- Protect **environmental resources** (“no net loss of ecological functions necessary to sustain shoreline natural resources”)

- **SMA Policy: RCW 90.58.020**
- **No Net Loss: WAC 173-26-201(2)(c)**
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”

- Statute on CAOs/SMPs: RCW 36.70A.480
- SMP guidelines: WAC 173-26-191(2)(b), -221(2)
“Critical Areas” = 5 types designated under GMA

WETLANDS

Frequently flooded areas

Geologic hazards

Fish and wildlife habitat conservation areas

Critical aquifer recharge areas

GMA: RCW 36.70A.030(5)
WAC 173-26-221(2)(a)
Mitigation Sequencing

- Permitted uses and developments shall be designed and conducted in a manner that protects the current ecological condition, and prevents or mitigates adverse impacts.

- Mitigation measures shall be applied in the following sequence of steps, listed in order of priority:
Mitigation Sequencing

a. **Avoid** the impact altogether by not taking a certain action or parts of an action;

b. **Minimize** impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

c. **Rectify** the impact by repairing, rehabilitating or restoring the affected environment;

d. **Reduce or eliminate** the impact over time by preservation and maintenance operations;

e. **Compensate** for the impact by replacing, enhancing, or providing substitute resources or environments, including utilization of the in-lieu-fee process where appropriate; and

f. **Monitor** the impact and the mitigation projects, and take appropriate corrective measures.
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 Designation

• 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.
A master program or amendment to a master program takes effect when and in such form as approved or adopted by the department.

The department shall approve the segment of a master program relating to critical areas as defined by RCW 36.70A.030(5) provided the master program segment is consistent with RCW 90.58.020 and applicable shoreline guidelines.
• Shoreline master programs shall provide a level of protection to critical areas located within shorelines of the state that assures “no net loss of shoreline ecological functions necessary to sustain shoreline natural resources” as defined by department of ecology guidelines adopted pursuant to RCW 90.58.060.
“No Net Loss”
“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 Report.

• A Restoration Plan is also required that requires a non-regulatory framework that improves shoreline functions over time.
“No Net Loss”

- Application of the mitigation sequence shall achieve no net loss of ecological functions for each new development and shall not result in required mitigation in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions.
“No Net Loss”

- Simply stated, no net loss means that, over time, the existing condition of the shoreline ecological functions should remain the same as they were when the Master Program update was implemented.

- This is achieved through two processes: regulatory compliance and restoration planning.
“No Net Loss”

- Regulatory compliance is achieved with standards set in the comprehensive update to the SMP, including the Inventory and Characterization Report, Shoreline Designation Report, Goals and Policies, and development standards.

- Implementation is the project by project review and permitting of projects and requiring compensatory mitigation for unavoidable adverse impacts.
“No Net Loss”

- Restoration Planning (Appendix C) in the context of the SMP is non-regulatory, voluntary, and most often undertaken by public agencies, environmental stewardship groups, or local governments typically in partnership with private landowners.

- Implementation includes a number of voluntary actions and programs including Protection / Preservation through a private donation of a parcel or easement, fee-simple acquisition, or acquisition of a conservation easement by a land trust or government agency through various grant opportunities.
General Mitigation Standards

- Critical areas will be mitigated for per Section 19.400.115 and Title 24 TCC.

- After mitigation sequencing is applied in accordance with Section 19.400.110(A), compensatory mitigation for shoreline vegetation buffers (non critical areas and non critical saltwater or freshwater habitat areas) shall be guided by Appendix B.
General Mitigation Standards

- Some projects may result in multiple types of impacts to shoreline ecological functions, each of which may require compensatory mitigation.

- Mitigation is not required for impacts outside of the Standard Buffer.

- All applicable critical area, stormwater, and site planning buffers, setbacks, and mitigation sequencing standards still apply.
Mitigation Ratios

- Mitigation Ratios depend on the type and quality of habitat impacted.

- The following proposed mitigation ratios are for unavoidable impacts to non-critical area shoreline buffers.
### General Mitigation Standards (Appendix B)

<table>
<thead>
<tr>
<th>Existing Vegetation Being Removed</th>
<th>Mitigation Requirement Between the Standard and Reduced Standard Buffers</th>
<th>Mitigation Requirement Waterward of the Reduced Standard Buffer (x2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grass/Lawn (0.5:1)</td>
<td>Replace ½ of the equivalent of the cleared area with native vegetation (see Figure B.2-1a)</td>
<td>Replace the equivalent of the cleared area with native vegetation (see Figure B.2-1d)</td>
</tr>
<tr>
<td>Non-Native Vegetation/Landscaping (groundcover other than lawn, shrubs, trees) (1:1)</td>
<td>Replace the equivalent of the cleared area with native vegetation (see Figure B.2-1b)</td>
<td>Replace 2 times the equivalent of the cleared area with native vegetation</td>
</tr>
<tr>
<td>Native Vegetation (groundcover, shrubs, trees) (2:1)</td>
<td>Replace 2 times the equivalent of the cleared area with native vegetation (see Figure B.2-1c)</td>
<td>Replace 4 times the equivalent of the cleared area with native vegetation</td>
</tr>
</tbody>
</table>
Comment on Lawn Ratio...

- Idea behind 0.5 to 1 ratio was that functionally half of much area of native plantings would be better functioning than lawn/grass.

- Concern that may lead to cutting of plants and trees to make into lawn then mitigate it as lawn and not higher functioning habitat (i.e. native or non-native habitat).

- May need additional language in document to clarify.
Aquatic Vegetation can help buffer land from the erosive energy of wind, waves, and currents.

Whether you live beside a stream, river or lake, a buffer zone will protect your land and water quality.

Riparian Buffer buffers water from pollution and from sediment in runoff.
MITIGATION OUTSIDE OF BUFFERS IS NOT REQUIRED
Construction Clearing Outside of Buffers

Example: No mitigation is required when the construction clearing is outside of the buffers.

MITIGATION SUMMARY
Structure: New or Expansion.
Vegetation: ANY
Location of clearing: Outside the buffers.
Mitigate for: None required.
Mitigation ratio: Not applicable.

Figure B.1-1. Draft
MITIGATION FOR **EXISTING LAWN IS 0.5:1**

Construction Clearing Inside Standard Buffer

Example: 500 SF was cleared from standard buffer for construction. Mitigate 250 SF.

**MITIGATION SUMMARY**

- **Structure**: New or Expansion.
- **Vegetation**: EXISTING LAWN
- **Location of clearing**: Inside standard buffer.
- **Mitigate for**: Half of area cleared.
- **Mitigation ratio**: 0.5:1

Figure B.2-1a. Draft
MITIGATION FOR NON-NATIVE VEGETATION IS 1:1
Construction Clearing Inside Standard Buffer

Example: 500 SF was cleared for construction in standard buffer. Mitigate for 500 SF.

Figure B.2-1b. Draft

MITIGATION SUMMARY
Structure: New or Expansion.
Vegetation: NON-NATIVE
Location of clearing: Inside standard buffer.
Mitigate for: All area cleared in buffer.
Mitigation ratio: 1:1
MITIGATION FOR EXISTING NATIVE VEGETATION IS 2:1
Construction Clearing Inside Standard Buffer

Example: 500 SF was cleared for construction in standard buffer. Mitigate for 1,000 SF.

MITIGATION SUMMARY
Structure: New or Expansion.
Vegetation: EXISTING NATIVE
Location of clearing: Inside standard buffer.
Mitigate for: Twice area cleared in buffer.
Mitigation ratio: 2:1

Figure B.2-1c. Draft
MITIGATION FOR EXISTING LAWN IS 0.5:1 IN STANDARD & 1:1 IN REDUCED
Construction Clearing Inside Both the Standard & Reduced Buffers

Example: 500 SF was cleared for construction in the standard buffer & another 500 SF was cleared in reduced buffer. Mitigate for 750 SF total: 250 SF for standard & 500 SF for reduced.

MITIGATION SUMMARY
Structure: New or Expansion.
Vegetation: EXISTING LAWN
Location of clearing: Standard & Reduced buffers.
Mitigate for: Half standard & all reduced
Mitigation ratio: 0.5:1 Stnd. & 1:1 Reduced
MITIGATION OPTION: RAIN GARDEN (Size determined at time of application.)

Construction Clearing Inside Standard Buffer

Mitigate area cleared in standard buffer by planting a rain garden.

MITIGATION SUMMARY

Structure: New or Expansion.
Vegetation: EXISTING LAWN
Location of clearing: Inside standard buffer.
Mitigate by planting a rain garden.
Mitigation ratio: Determined at time of application.
Impervious Surface Removal Credit

- Impervious Surface Removal Credit: removal of impervious surface of an equivalent or greater area and replacement with vegetation may be utilized for mitigation credit at a 1:1 ratio,

- So long as the existing impervious surface to be removed is within the Standard or Reduced Standard Buffer. When such removal occurs outside of the Standard Buffer, a 0.5:1 ratio will be applied.
Mitigation option = removal of equal sized impervious surface

*Building setback also applies
Alternative Mitigation Options

- Programmatic mitigation options such as mitigation banking or, in-lieu fee (if available). For Thurston County, the draft Thurston County In-Lieu Fee Program could be utilized.

- “Advance Mitigation” - Documented voluntary restoration activities which occur on the property after adoption of this Program and are not related to compensatory mitigation required by Thurston County. (19.400.110 (B)(5)).

- Transfer of Development Rights, if applicable (TCC 20.62)
Mitigation Compliance

- Unless otherwise specified, mitigation shall take place prior to final project inspection to provide assurance that it will be completed and to mitigate for temporal loss of shoreline functions.

- Thurston County shall require monitoring reports on an annual basis, or an agreed upon monitoring schedule. (19.400.110 (C)(2)).

- Mitigation requirements shall run with the parcel, and notice of such requirements shall be recorded as a Notice to Title.
Comments/Questions?

- Need additional information related to Mitigation?
- Changes to proposed mitigation ratios?
Upcoming Meeting Topics:

- Permit Process, and Exemptions (Chapters 19.500.100, 19.500.105 & 19.600)
- Aquaculture permitting (Chapter 19.600.115)

Also any topics the Planning Commission would like to discuss.

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Website Information

- For additional information or to leave a comment on the Proposed Shoreline Master Program:

  https://www.thurstoncountywa.gov/planning/Pages/shorelines-update.aspx