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**COMMUNITY PLANNING &
ECONOMIC DEVELOPMENT DEPARTMENT**

Creating Solutions for Our Future

Joshua Cummings, Director

MEMORANDUM

TO: Planning Commission

FROM: Andrew Deffobis, Interim Senior Planner

DATE: January 27, 2022

SUBJECT: Shoreline Master Program Update Overview & Resources

Introduction

With the appointment of new members to the Planning Commission, staff would like to take the opportunity to provide some resources and background for [Thurston County's Shoreline Master Program update](#), one of several projects currently before the Planning Commission. More information is available at the links contained in this memo. Staff will also field general questions about the Shoreline Master Program (SMP) update at the upcoming February 2, 2022 Planning Commission meeting.

Thurston County is currently updating its SMP, as required by state law. The SMP update includes major changes to state law that have occurred since the [1990 SMP](#) was enacted, and more recent legislative changes that are housed in what is known as the "periodic update".

Note: Many concepts related to shoreline planning have been addressed in an informational [Shoreline Master Programs handbook](#) developed by the Washington State Department of Ecology. Staff recommends Planning Commissioners review the handbook for additional perspective on the SMP update.

Planning Background

The Shoreline Management Act (SMA), adopted in 1971, was passed with the goals of encouraging water-dependent uses, protecting natural shoreline resources, and promoting public access to Washington's shorelines. The SMA requires counties and cities to adopt Shoreline Master Programs (SMP) to administer the provisions of the SMA and protect certain shorelines in their communities.

SMPs contain both policies and regulations, are tailored to the needs of their local communities, and must be consistent with both the SMA and its implementing rules. The SMA is codified in [Chapter 90.58 RCW](#). Implementing rules and administrative guidelines are mainly codified in Chapters [173-26](#), and [173-27](#) WAC.

Jurisdictions must demonstrate that application of their SMP will result in no net loss of ecological function, which can be achieved through a variety of means. The Department of Ecology is responsible for reviewing and approving SMPs.

The County's SMP applies to "shorelines of the state", which generally include:

- Marine waters
- Lakes and reservoirs 20 acres or greater
- Rivers and creeks with a mean annual flow of 20 cubic feet per second or greater
- Floodways and contiguous floodplains within 200 feet of floodways
- Associated wetlands
- Shorelines of statewide significance, as defined in [RCW 90.58.030\(2\)\(f\)](#).

These areas are collectively referred to as "shoreline jurisdiction". In addition, Thurston County has opted to include all regulated frequently flooded areas associated with shoreline waterbodies, and the buffers necessary to protect those critical areas which are partially or wholly within shoreline jurisdiction.

The draft SMP update contains policies and regulations for development and redevelopment of the County's shorelines. This includes an environment designation system, permit requirements, and development and mitigation standards for uses and modifications that occur in shoreline jurisdiction. It also includes a restoration plan (Appendix C) that highlights restoration opportunities in Thurston County.

The SMP is built upon an inventory and characterization and proposed environment designations for the County's shorelines, developed in an earlier phase of the project. The [Inventory & Characterization](#) is the foundation for the SMP, and serves as a snapshot of shoreline conditions for planning purposes. The County conducted field reviews and reviewed available data to assemble information on the existing condition of County shorelines, including but not limited to physical features, priority habitats and species, water quality, riparian vegetation width, land use, zoning, development potential, public access, shoreline modifications, and management issues and opportunities.

This Inventory and Characterization Report and [report supplement](#) were used alongside designation criteria based on Ecology's recommended Shoreline Environment Designation system ([WAC 173-26-211](#)) to propose shoreline environment designations (SEDs) for County shorelines. SEDs contribute to achieving no net loss of ecological function by tailoring allowed uses, permit requirements, and development and mitigation standards to different shoreline environments based on their sensitivity and level of ecological function. SEDs range from relatively undisturbed "Natural" shorelines to more highly developed, impacted "Shoreline Residential" shorelines. The County's [SED Report](#) and [SED Report supplement](#) describe SEDs

used in the SMP update, the methodology for assigning designations to shoreline reaches, and lists the proposed designations for shoreline reaches.

Planning Commission Review and SMP Public Hearing

The Planning Commission has conducted a thorough review of the draft SMP leading up to its public hearing. The [public hearing draft](#) was published in August 2021. Staff also conducted a virtual open house for several weeks prior to the hearing, and [maintains information online](#) related to the update, including a story map, fact sheets, and interactive mapping tools.

On October 20, 2021, the Planning Commission held its [public hearing on the SMP update](#). The hearing had both virtual and in-person components. In total, approximately 110 people attended, and approximately 27 people provided verbal testimony during the hearing.

The written public comment period for the Planning Commission’s public hearing draft was open from August 13 through October 22, 2021. During this time, 299 comments were received from the public and stakeholder groups, in addition to five (5) comments from public and private agencies. Three (3) written comments were submitted during verbal testimony.

All written public comments received during this public comment period [are posted online](#). A public comment matrix is also posted on that site. Written and verbal comments covered a wide range of topics. Topics and themes discussed by the public include, but were not limited to:

- Questions about how the update would apply to specific properties or projects
- Support for specific buffer options in the draft
- Support for specific development standards in the draft
- Concerns about proposed shoreline environment designations (SEDs) for specific shoreline reaches, and requests to revisit these proposals
- SMP should ensure protection of natural systems
- Questions about how no net loss requirements are addressed in draft
- Comments on which activities should require permits, and how permits should be processed
- Questions on accuracy of maps depicting shoreline jurisdiction or SEDs
- Maintaining existing development on property should be allowed
- SMP should use an alternative term in place of “nonconforming”
- Questions about how the update affects property taxes or property values
- SMP should not be more restrictive than state requirements
- Companion educational pamphlet must be completed simultaneously with update
- Concerns about how the SMP update applies to agriculture
- Agricultural activities should be maintained and encouraged
- Concern about impacts posed by aquaculture operations and how they are regulated

SMP Update: Next Steps

The Planning Commission began reviewing the public hearing draft with respect to public comment at its November 3, 2021 meeting. To date, the Planning Commission has provided guidance on several items that went to public hearing as options, provided recommendations on agriculture policies, and have brought forward individual comments. Past Planning Commission meetings have been posted on the [County's YouTube page](#). Since the public hearing, the SMP has been discussed at the November 3, November 17, December 1, December 15, January 5, and January meetings.

Future meetings will focus on review of select shoreline environment designations. All changes requested by the Planning Commission since the public hearing will be included and distributed in an updated draft, which will ultimately form the Planning Commission's recommendation to the Board of County Commissioners.

After the Planning Commission issues its recommendation, the Board of County Commissioners must conduct its own review and public hearing of the SMP update before adopting the SMP. The Department of Ecology will then review the SMP update and associated documents for consistency with state law and guidelines. The SMP update will take effect upon approval by the Department of Ecology.