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**COMMUNITY PLANNING &
ECONOMIC DEVELOPMENT DEPARTMENT**

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Creating Solutions for Our Future

MEMORANDUM

TO: Thurston County Planning Commission
FROM: Brad Murphy, Senior Planner
DATE: February 13, 2018
SUBJECT: Shoreline Master Program Update - Mining Shoreline Environment Designation

This is the first in a series of discussion/decision memos to be produced for discussion topics on updates to the Shoreline Master Program (SMP). Staff is continuing review of the SMP chapters with stakeholders to receive comments on the proposed update. All comments received on the draft document will be forwarded to the Planning Commission for your review. Staff updated the Planning Commission on the review process earlier in mid to late 2017. This discussion memo is intended to initiate discussion on the removal of the Mining shoreline environment designation from the draft Thurston County Shoreline Master Program.

Background:

Shoreline management must address a wide range of physical conditions and development settings along shoreline areas. Effective shoreline management requires that the shoreline master program prescribe different sets of environmental protection measures, allowable use provisions, and development standards for each of these shoreline segments (WAC 173-26-191 (1)(d)).

Local governments can manage different shoreline conditions by assigning a shoreline environment designation (SED) to each distinct shoreline section in its jurisdiction. Shoreline environmental designations are similar to zoning districts for areas under shoreline jurisdiction. The purpose of the environmental designations is to encourage uses that will protect or enhance the current or desired character of shoreline. The environment designation assignments provide the framework for implementing shoreline policies and regulatory measures specific to the environment designation (WAC 173-26-191 (1)(d)).

The current Shoreline Master Program for Thurston County uses six designations and two special management areas (see Map 1 in Appendix A):

- Aquatic;
- Natural;
- Conservancy;
- Rural;
- Urban;
- Suburban; (NOTE: although a suburban SED is described in the 1990 SMP, no shorelines in the entire county were designated suburban)
- Percival Management Area (Special Management Area);
- Deschutes Management Area (Special Management Area).

The State Department of Ecology’s 2003 guidelines (WAC 173-26-211(4)(b)) recommend that the updated Shoreline Master Program consider using the following six basic designations:

- Aquatic;
- Natural;
- Urban Conservancy;
- Rural Conservancy;
- Shoreline Residential;
- High Intensity.

The purpose and criteria for each of the Ecology recommended designations are shown in Table 1.

Table 1. Ecology Recommended Shoreline Environment Designations Menu (WAC 173-26-211) (5)

SED	Purpose	Designation Criteria
Aquatic	Protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark.	<ul style="list-style-type: none"> • Lands waterward of the ordinary high-water mark • May include wetlands
Natural	Protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. Only very low intensity uses are allowed in order to maintain the ecological functions and ecosystem-wide processes.	<ul style="list-style-type: none"> • Ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity. • Considered to represent ecosystems and geologic types that are of particular scientific and educational interest • Unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety. • Includes largely undisturbed portions of

		<p>shoreline areas such as wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats.</p> <ul style="list-style-type: none"> • Retain the majority of their natural shoreline functions, as evidenced by shoreline configuration and the presence of native vegetation. • Generally free of structural shoreline modifications, structures, and intensive human uses.
Rural Conservancy	<p>Protect ecological functions, conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use, achieve natural flood plain processes, and provide recreational opportunities. Examples: low impact outdoor recreation uses, timber harvesting on a sustained-yield basis, agricultural uses, aquaculture, low-intensity residential development and other natural resource based low-intensity uses.</p>	<ul style="list-style-type: none"> • Outside incorporated municipalities and outside urban growth areas, AND at least one of the following: • Supporting lesser-intensity resource-based uses, such as agriculture, forestry, or recreational uses, or is designated agricultural or forest lands • Currently accommodating residential uses outside urban growth areas and incorporated cities or towns • Supporting human uses but subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, or flood plains or other flood prone areas • High recreational value or with unique historic or cultural resources • Low-intensity water-dependent uses
Shoreline Residential	<p>To accommodate residential development and appurtenant structures and provide appropriate public access and recreational uses.</p>	<ul style="list-style-type: none"> • Inside Urban Growth Areas, incorporated municipalities, “rural areas of more intense development,” or “master planned resorts,” AND • Predominantly single-family or multifamily residential development or are planned and platted for residential development.
Urban Conservancy	<p>Protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.</p>	<ul style="list-style-type: none"> • Appropriate and planned for development that is compatible with maintaining or restoring of the ecological functions of the area, that are not generally suitable for water-dependent uses and that lie in incorporated municipalities, urban growth areas, or commercial or industrial rural areas of more intense development AND at least one of the following: • Suitable for water-related or water-

		<p>enjoyment uses</p> <ul style="list-style-type: none"> • Open space, flood plain, or other sensitive areas that should not be more intensively developed • Potential for ecological restoration • Retain important ecological functions, even though partially developed • Potential for development that is compatible with ecological restoration
High Intensity	<p>Provide high-intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions that have been previously degraded. Fully utilize existing urban areas before further expansion of intensive development is allowed.</p>	<ul style="list-style-type: none"> • Within incorporated municipalities, Urban Growth Areas, and industrial or commercial rural areas of more intense development AND • Currently support high-intensity uses related to commerce, transportation or navigation; or are suitable and planned for high-intensity water-oriented uses.

Although Ecology has recommended a classification system, local governments may establish a different designation system or may retain their current environment designations, provided it is consistent with the purposes and policies of the guidelines WAC 173-26-211 (4) and (5). Local governments may also assign “parallel environments” where appropriate [(WAC 173-26-211 (4)(c))]. The policies and regulations for each designation should reflect the purpose and intent of each environment and reflect its specific conditions.

Future development locating within shoreline jurisdiction needs to be consistent with the rules and policies within the environment designation, as well as local government zoning and critical area regulations. Ecology guidelines require critical area protection within shoreline jurisdiction that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources as defined by Ecology guidelines adopted pursuant to RCW 90.58.060.

Assigning Environmental Designations:

Master programs must contain a system to classify shoreline areas into specific environment designations. The classification system must be based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through comprehensive plans as well as the criteria in WAC 173-26-211 (2)(a). Environment designation assignment to shoreline reaches must assure the protection of existing shoreline ecological functions with the proposed pattern and intensity of development as well as be consistent with policies for restoration of degraded shorelines [WAC 173-26-211 (4)(b)].

Thurston County originally recommended using five of the six Ecology recommended SEDs and criteria consistent with Ecology’s provided criteria for each of the environment designations:

Aquatic, Natural, Urban Conservancy, Rural Conservancy, and Shoreline Residential [WAC 173-26-211(5)]. Thurston County does not have any “High Intensity” shorelines within its jurisdiction. In addition to the five Ecology recommended SEDs, Thurston County originally proposed to use one additional SED: Mining. The following table (Table 2) identifies the menu of originally proposed shoreline environment designations for the Thurston County SMP Update. For each designation, the purpose, criteria, and relation to the 1990 SMP system and/or state guidelines (WAC) is shown.

Table 2. Thurston County Recommended Shoreline Environment Designation Menu (WAC 173-26-211)(5).

SED	Purpose	Designation Criteria (Reach must meet some of the criteria but not all)	Relation to 1990 SMP system and/or state guidelines (WAC)
Aquatic	Protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark.	<ul style="list-style-type: none"> • Lands waterward of the ordinary high-water mark • May include wetlands 	The "Aquatic" SED is updated from the 1990 SMP to be consistent with the WAC designation.
Natural	Protect those shoreline areas that are relatively free of human influence, and/or that include intact or minimally degraded shoreline functions intolerant of human use. Only very low intensity uses are allowed in order to maintain the ecological functions and ecosystem-wide processes.	<ul style="list-style-type: none"> • Ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity. • Considered to represent ecosystems and geologic types that are of particular scientific and educational interest • Unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety. • Includes largely undisturbed portions of shoreline areas such as wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats. • Retain the majority of their natural shoreline functions, as evidenced by shoreline configuration and the 	The "Natural" SED is updated from the 1990 SMP to be consistent with the WAC designation.

		<p>presence of native vegetation.</p> <ul style="list-style-type: none"> • Generally free of structural shoreline modifications, structures, and intensive human uses. 	
Rural Conservancy	<p>Provide for sustained resource use, public access, and recreational opportunities while protecting ecological functions, and conserving existing ecological, historical, and cultural resources.</p>	<ul style="list-style-type: none"> • Outside incorporated municipalities and outside urban growth areas, AND at least one of the following: • Currently supporting low-intensity resource-based uses such as agriculture, forestry, or recreation. • Currently accommodating residential uses • Supporting human uses but subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, wetlands, flood plains or other flood prone areas • Can support low-intensity water-dependent uses without significant adverse impacts to shoreline functions or processes • Private and/or publically owned lands (upland areas landward of OHWM) of high recreational value or with valuable historic or cultural resources or potential for public access. • Does not meet the designation criteria for the Natural environment. 	<p>The "Rural Conservancy" SED is consistent with the WAC designation. It is most closely related to the 1990 SMP Conservancy Designation. The designation is newly labeled "rural conservancy" as it is intended for rural areas that have intact ecological functions.</p>
Urban Conservancy	<p>Protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.</p>	<ul style="list-style-type: none"> • Appropriate and planned for development that is compatible with maintaining or restoring of the ecological functions of the area, that lie in incorporated municipalities, urban growth areas, or commercial or industrial rural areas of more intense development AND at least one of the following: • Suitable for low-intensity water-dependent, water-related or 	<p>The "Urban Conservancy" SED is consistent with the WAC designation. It is most closely related to the 1990 SMP Conservancy Designation. This designation is newly labeled "urban</p>

		<p>water-enjoyment uses without significant adverse impacts to shoreline functions or processes</p> <ul style="list-style-type: none"> • Open space, flood plain, or other sensitive areas that should not be more intensively developed • Potential for ecological restoration • Retain important ecological functions, even though partially developed • Potential for development that is compatible with ecological restoration • Does not meet the designation criteria for the Natural environment. 	<p>conservancy" as it is intended for urban or planned urban areas that have intact ecological functions.</p>
Shoreline Residential	<p>To accommodate residential development and appurtenant structures and provide appropriate public access and recreational uses in areas where medium and high density residential developments and services exist or are planned.</p>	<ul style="list-style-type: none"> • Does not meet the criteria for the Natural or Rural Conservancy Environments. • Predominantly single-family or multifamily residential development or are planned and platted for residential development. • Majority of the lot area is within the shoreline jurisdiction. • Ecological functions have been impacted by more intense modification and use. 	<p>This is a new SED intended for residential or planned residential areas that generally do not have intact ecological functions. The "Shoreline Residential" SED is consistent with the WAC designation. It is most related to the 1990 SMP Rural Designation.</p>
Mining	<p>To protect shoreline ecological functions in areas with mining activities within shoreline jurisdiction. To provide sustained resource use, and protect the economic base of those lands and limit incompatible uses.</p>	<ul style="list-style-type: none"> • Outside incorporated municipalities and outside urban growth areas, AND: • Contains shorelines created from mining activity in areas where no previous naturally occurring SMA shoreline existed. 	<p>This is a new SED intended to improve consistency between the SMP and the Comprehensive Plan. The designation is most closely related to the "Rural Conservancy" WAC designation.</p>

In order to assign preliminary environment designations, staff evaluated the inventory and characterization information for each shoreline reach in relation to the corresponding designation criteria for each environment. In evaluating each reach in the context of each shoreline environment designation purpose and criteria, ecological processes and functions were considered first, and existing and planned land use were considered second. The preliminary shoreline environment designations were made to assure the protection of existing shoreline ecological functions with the proposed pattern and intensity of development and to be consistent with policies for restoration of degraded shorelines. Preliminary recommended shoreline environment designations are provided in tables 3-5, and shown on Maps 2 through 7 in Appendix A of the Shoreline Environmental Designation Report (2013).

In general, reaches or portions of reaches were designated Natural if they had high quality habitat characteristics and/or minimal shoreline modification. Reaches or portions of reaches were designated Shoreline Residential if they were platted and/or developed for relatively high-density residential development and showed signs of more intense modification/use, including containing the majority of the lot area within shoreline jurisdiction. Reaches that contained shorelines created by mining activity were designated Mining.

All other shorelands upland of the Ordinary High Water Mark received an Urban or Rural Conservancy designation. Public Parks that are wildlife refuges or pristine, undeveloped environments, were designated Natural, and Public Parks that did not fit that criteria were designated Rural Conservancy. An Aquatic designation is recommended for all areas waterward of ordinary high water mark--essentially creating a parallel designation for all shorelines (one for the shoreland or upland area and one for the water). For Shorelines of Statewide Significance, environment designation policies, boundaries, and use provisions were all chosen to implement SMA preferred use policies of RCW 90.58.020(1) through (7) [WAC 173-26-251(3)(c)].

All areas within shoreline jurisdiction that are not mapped and/or designated are automatically assigned a “rural conservancy” designation, or “urban conservancy” designation if within an urban growth area, until the shoreline can be re-designated through a master program amendment.

Per Ecology guidelines, formal boundaries will be established for each SED and policies and regulations prepared specific to that environment upon approval of the master program update. These policies and regulations will apply to all uses allowed with the environment designation.

Proposed Removal of Mining Designation:

In preparing the chapters for the SMP update staff identified a possible area of simplification of the document related to the Mining environment shoreline designation. According to Ecology’s guidelines (WAC 173-26-241(3)) mining is a use that should be included as an allowed use in areas where mining has been identified to be appropriate in shoreline jurisdiction. The SMP should also ensure that when mining or associated activities are authorized within shoreline jurisdiction, that those activities will be properly sited, designed, conducted, and completed so that the project will cause no net loss of ecological functions to the shoreline.

The proposed SMP update document includes mining as a use in Chapter 19.600 and includes permit requirements and development standards. The permit requirements and development standards are the steps the County takes to ensure that proposed projects will meet the no net loss of ecological functions standard. Having the Mining designation identified areas that are current or previous mined areas where mining activities created shoreline areas greater than 20 acres and therefore fall under shoreline jurisdiction.

However, mining areas currently being mined do not fall under shoreline jurisdiction until the mine operation is closed out and the mine's reclamation plan is implemented and completed. At that point the mining operations are complete and area is often zoned for some other land use, such as residential or natural area. During internal review with Current Planning staff it was noted that the shoreline environmental designation should be associated with the post-reclamation proposed land use/zoning of the area. Again, this is due to the fact that while in operation mines that are enlarged to the size of 20 acres or greater (i.e. meet shoreline jurisdiction) are not regulated until the mine closes operation and the mine reclamation is completed.

For new mines being proposed Thurston County will use the new mineral lands map overlay to identify where mineral lands occur in the county. Then in concert with the proposed allowed uses and permit requirements in the updated SMP (Chapter 19.600.155), and other pertinent codes and regulations, determine if proposed mining projects can meet the Ecology standard of no net loss.

Staff received very few comments on the proposed removal of the mining designation and the majority of the comments were in favor of the removal. Staff therefore bring forward the removal of the Mining designation to the Planning Commission for consideration.