

DATE: 27 January 2021

TO: Thurston County Planning Commissioners

FROM: Lake Lawrence Lake Management District Steering Committee

SUBJECT: Environmental Designation for Lake Lawrence LLA-8

**References:**

1. Letter from President, Lake Lawrence Community Club, dated January 7, 2021.
2. Final Draft, Thurston County Shoreline Master Program Update, Shoreline Environmental Designations Report, dated June 30, 2013.

**Facts:**

1. Reference 2 above, Table 2, page 4 describes the criteria used for each Shoreline Environmental Designation (SED).
2. Lake Lawrence LLA-8 is currently “Not Designated”.
3. In 2013 County Staff, in reference 2 above, created a new “reach – LLA-8” for Lake Lawrence and designated that reach “Natural”, claiming the criteria in Table 2, Reference 2 was the best match for this area. See below for our assessment of this “best match”. This area is commonly referred to as “Goat Island”.
4. Goat Island has been the property of the Lake Lawrence Community Club, see reference 1 since the canal was cut through the Community Club property over 50 years ago. The material extracted from the canal was deposited on the island side of the canal and has been when maintenance dredging has been required.
5. Until recently there was a vehicle maintenance and walking bridge to the island from parcels owned and/or controlled and maintained by the Community Club. Re-establishment of these bridges is in the long-range plans of the Community Club when funds are available. In the meantime, boats are used to ferry maintenance equipment to the island 2 or more times a year to properly maintain the area.
6. This island has been used, since it’s establishment in the late 1960’s as a community park with over 2 miles of well-established walking trails, blackberry picking areas, and a large 2+ acre pasture/meadow. **NOTE:** This area is widely used by the general public, not just members of the Community Club.
7. The Lake Lawrence Community Club has maintained this island continuously for the past 50+ years by mowing/cutting the pasture/meadow, keeping the hiking trails cleared and trimmed and removing invasive species such as scotch broom, yellow flag iris, purple loosestrife and tansy from the property at considerable expense. The County Noxious Weed Department has acknowledged the need to eradicate and/or control all of these invasive and toxic species of plants that are not native to the island.
8. The Lake Lawrence Lake Management District contributes \$1,000’s of dollars a year for control of Yellow Flag Iris alone.

**Assessment of FACTS:**

1. Reference 2 defines the purpose of a Natural SED as: 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. This does not come close to what the island has historically been used for and is currently used for.
2. Reference 2 defines the purpose of a Rural Conservancy SED as: Provide for sustained

resource use, public access, and recreational opportunities while protecting ecological functions, and conserving existing ecological, historical, and cultural resources. This definition of purpose fits Goat Island to a tee and is the best definition/purpose for Reach LLA-8.

3. See Table attached that evaluates Natural vs. Rural Conservancy SED criteria for Reach LLA-8.
  - a. Natural – Meets only one criterion for natural SED.
  - b. Rural Conservancy – Meets 6 of the 7 criteria for Rural Conservancy.

**Conclusion:** The only reasonable conclusion, based on the facts, is to designate Reach LLA-8 as Rural Conservancy. Although the Lake Lawrence Community Club has offered to designate a portion of Goat Island (the wetland edge of the island) as Natural, this would not be consistent with other SED's on the same lake (i.e., Reach LLA-1 to LLA-2 that is almost entirely wetland and undeveloped county park).

**Recommendation:** That Reach LLA-8 be designated Rural Conservancy.

Lake Lawrence Lake Management District Representing 605 LMD Members

Steering Committee

Letter Presented on Behalf of:

Barry Halverson

Curtis Cleaveland

Mary Caselnova

Michael Fischer

Jim Musselman

Roberta Allen

Dave & Arvis Olson

Phil Gothro, President Scenic Shores HOA representing 210 members

Skip Meredith

Jim Biehl

Frank Hudik

Danny Thomas

Steven Slater

Orin Brassfield

John & Sharon Gray

John & Anita Baer

Kim Nelson

Evaluation of Lake Lawrence SED's For Reach LLA-8

SED	Designation Criteria	Meets Criteria	Does Not Meet Criteria	Reasoning
Natural	Ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity.		X	This area has had human activity since it was developed. Bridges to the island, extensive maintained trails, trimmed trees/bushes, mowing pasture/meadow, etc.
	Considered to represent ecosystems and geologic types that are of particular scientific and educational interest.		X	There is nothing about this area that is 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.		X	over 5+ acres of this island has had several uses over the past 50+ years to include sustaining a goat herd.
	Includes largely undisturbed portions of shoreline areas such as wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats.		X	There is only one undisturbed area on this island and that is approximately 2 acres along the far east side of the island. From the northern tip of the island to the southern tip and the entire middle of the island are winding trails all along the canal, through the trees and criscrosses the meadow.
	Retain the majority of their natural shoreline functions, as evidenced by shoreline configuration and the presence of native vegetation.		X	As stated above 3/4 of the perimeter of the island is well maintained trails along the canal with cut and trimmed vegetation.
	Generally free of structural shoreline modifications, structures, and intensive human uses.	X		Could go either way. Free of structural shoreline modifications <u>except</u> a vehicle maintenance and walking bridge at two separate locations for 40 years with the vehicle/maintenance bridge abutments still intact with long range plans to re-establish the bridges.
Rural Conservancy	Outside incorporated municipalities and outside urban growth areas, <b>AND at least one of the following:</b>	X		YES - Meets all but one and you could argue depending on your interpretation of that one criteria that it also meets that one.
	Currently supporting low-intensity resource-based uses such as agriculture, forestry, or recreation.	X		YES - supports moderate recreational use
	Currently accommodating residential uses.		X	NO. It is a community park. Homes will never be built in this area, but depending on your interpretation of residential uses you could say it does accommodate residential uses as it is a park for an HOA that is also open for public use.
	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.	X		Currently supports human uses and has a wetland area on one side.
	Can support low-intensity water-dependent uses without significant adverse impacts to shoreline functions or processess.	X		Does support water-dependent uses without significant impact and has for past 50+ years.
	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.	X		Private land with high recreational value and does support public access.
	Does not meet the designation criteria for the Natural environment.	X		Correct - see above.

# Comments

FROM: Doug Karman

1-28-2021

Draft SMP Chapter 19.600 – 03/04/20 Planning Commission Meeting Version

4. Assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. This is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modifications.
5. Where applicable, base provisions on scientific and technical information and a comprehensive analysis of drift cells for marine waters or reach conditions for river and stream systems. Contact Ecology for available drift cell characterizations.
6. Plan for the enhancement of impaired ecological functions where feasible and appropriate while accommodating permitted uses. As shoreline modifications occur, incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.
7. Avoid and reduce significant ecological impacts according to the mitigation sequence in WAC 173-26-201 (2)(e).

## 19.600.105 Use and Modifications Matrix

Table 19.600.105 Shoreline Use and Modifications Matrix

**Commented [AD2]:** See individual Use and Modification sections below the matrix for comments on state permitting requirements/guidelines.

In general, state law requires a substantial development permit for activities not meeting the exemption criteria of WAC 173-27-040. In some cases, the WAC dictates when a conditional use permit must be obtained. Jurisdictions also have the discretion to require conditional use permits for a given use or modification if not otherwise pre-empted by the WAC.

SHORELINE USES and MODIFICATIONS						
<i>The following permits apply to the specific uses, modifications and development. Individual uses, modifications and development shall comply with the provisions of this Program, particularly Section 19.400.110 (Mitigation), and the Thurston County Comprehensive Plan as of the effective date of this Program.</i>						
Legend:	Natural	Rural Conservancy	Urban Conservancy	Shoreline Residential		Aquatic
P = Substantial Development Permit (SDP)						
E = Exempt from SDP if exemption criteria in Section 19.500.100(C) are met						
C = Conditional Use Permit (CUP)						
Ad = Administrative CUP						
X = Prohibited						
<b>Agriculture 19.600.110</b>						
General <sup>1</sup>	X	P	P	P		X
<b>Aquaculture<sup>2</sup> 19.600.115</b>						
Commercial Geoduck	C	C *	C *	C *		2
Other Aquaculture	X (P <sup>3</sup> ) ?	P <sup>3</sup> *	P <sup>3</sup> *	P <sup>3</sup> *		2
<i>Note: An SDP shall not be required for aquaculture development that meets the exemption criteria at Section 19.500.100(C). Supplemental seeding activities are also exempt.</i>						
<b>Barrier Structures (Includes Breakwaters, Jetties, Groins and Weirs) 19.600.120</b>						
General	X	C	C	C		2
Ecological Restoration <sup>4</sup>	P	P	P	P		2
<b>Boating Facilities (Including Marinas) 19.600.125</b>						
General	X	P	P	P		2
Marinas	X	C	C	C		2

Need Admin SDP

\* Why C? If no Pub Hearing for other req. then SDP - if P.H. already then Admin.

↑ P ? ↑

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C = Conditional Use Permit (CUP)					
Ad = Administrative CUP					
X = Prohibited					
<b>Commercial 19.600.130</b>					
Water-Oriented	X	P	P	P	X <sup>6</sup>
Non-Water-Oriented	X	X <sup>6</sup>	X <sup>6</sup>	X <sup>6</sup>	X <sup>6</sup>
<b>Dredging (see Section 19.600.135)</b>					
General	X	C	C	C	2
Maintenance Dredging of Existing Channels (as described in 19.600.135(C)(4))	E	E	E	E	E
<b>Dredge Disposal (see section 19.600.135)</b>					
General	X	C	C	C	2
Ecological Restoration <sup>7</sup>	C	P	P	P	2
<b>Fill (See section 19.600.140)</b>					
Waterward of OHWM	X	C	C	C	2
Upland of OHWM, or Ecological Restoration	C	P	P	P	2
Ecological Restoration	P	P	P	P	2
<b>Flood Hazard Reduction Measures 19.600.170(B), 19.400.150</b>					
General	C	C	C	C	C
Nonstructural methods <sup>25</sup>	E	E	E	E	N/A
<b>Forest Practices 19.600.145</b>					
Commercial Forestry	C	P	X	X	N/A
Class IV-General	C	P	P	P	N/A
<b>Industrial 19.600.150</b>					
Water-oriented Uses	X	X	C	X <sup>C</sup>	X <sup>6</sup>
Non-water-oriented Uses	X <sup>23</sup>	X <sup>23</sup>	X <sup>23</sup>	X <sup>23</sup>	X <sup>23</sup>
<b>Mining 19.600.155</b>					
General	X	C <sup>9</sup>	X	X	X
<b>Mooring Structures and Activities (Includes piers, docks, floats, ramps and buoys) 19.600.160</b>					
Single Use Docks <sup>27</sup>	X	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	2
Joint or Public Use Docks <sup>27</sup>	X <sup>11</sup>	P	P	P	2
Floats	X	P	P	P	2
Launch Ramps and Marine Rall	X	P	P	P	2
Buoys	X <sup>11</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	2
Boat lifts	X	P	P	P	2
<b>Recreation and Public Access 19.600.165</b>					

explain

Why C? - other Gov't Agencies are good enough?

Why not Dispose of Dredg. in Natural? Why a C? other reg's cover

Why C?

examples of acceptable Industrial How does 25 apply?

P should be Admin

E Admin

SHORELINE USES and MODIFICATIONS						
The following permits apply to the specific uses, modifications and development. Individual uses, modifications and development shall comply with the provisions of this Program, particularly Section 19.400.110 (Mitigation), and the Thurston County Comprehensive Plan as of the effective date of this Program.						
Legend: P = Substantial Development Permit (SDP) E = Exempt from SDP if exemption criteria in Section 19.500.100(C) are met C = Conditional Use Permit (CUP) Ad = Administrative CUP X = Prohibited	Natural	Rural Conservancy	Urban Conservancy	Shoreline Residential		Aquatic
Non-motorized, Water-Oriented	P	P	P	P		13
Other Water-Oriented	C <sup>12</sup>	P	P	P		13
Non-Water-Oriented	X	P <sup>14</sup>	P <sup>14</sup>	P <sup>14</sup>		X
<b>Residential 19.600.170</b>						
Single-Family	Ad	E <sup>15</sup>	E <sup>15</sup>	E <sup>15</sup>		X
Multi-Family, Subdivisions, and Accessory Dwelling Units	X <sup>16</sup>	C	C	P		X
Swimming Pools (in buffers and setbacks)	X	X	X	X		X
Boat houses	X	X	X	X		X
Water-oriented storage structure	X	E <sup>23</sup>	E <sup>28</sup>	E <sup>28</sup>		X
Beach stairs - working with Ecology on this section	X	P	P	P		X
<b>Restoration and Enhancement</b>						
General	P	P	P	P		P
Retaining Walls	X	C	C	C		
<b>Shoreline Stabilization (New/Repair and Maintenance) 19.600.175</b>						
Hard	C	C	C	C		18
Hybrid	Ad	Ad	Ad	Ad		
Soft - working with Ecology on this section	Ad <sup>17</sup>	Ad <sup>17</sup>	Ad <sup>17</sup>	Ad <sup>17</sup>		19
<b>Transportation 19.600.180</b>						
General	X <sup>20</sup>	C	C	P		P <sup>21</sup>
<b>Utilities 19.600.185</b>						
General	X <sup>22</sup>	P <sup>23</sup>	P <sup>23</sup>	P <sup>23</sup>		C

Footnotes:

- Does not modify or limit agricultural activities occurring on lands currently in agricultural use.
- Adjoining upland designation applies; see applicable regulations.
- A CUP shall be required for floating net pens in all areas and for aquaculture activities in the Natural environment designation where the proposal requires new structures or facilities (see section 19.600.115).
- See Barrier Structures and Other In-Stream Structures (Section 19.600.120) for qualifying ecological restoration.
- If the use is water-dependent or necessary to support an allowed use in the adjoining upland designation, then may be permitted through a SDP.
- See Commercial Development (Section 19.600.130) for allowances with a CUP.
- See Dredging and Dredge Disposal (Section 19.600.135) for qualifying ecological restoration.
- If the use is water-dependent or necessary to support an allowed use in the adjoining upland designation, then may be permitted with a CUP.

→ Explain

- New or Existing Admin SDP  
- P = create another category for Accessory D.

- Admin

- Explain

- Admin P not C  
- Admin P not C  
- Admin P not C

- Explain

9. Provided consistent with the Thurston County Comprehensive Plan Mineral Resources Overlay 20.30B.
10. Single-use buoys are exempt from Substantial Development Permit in certain environments, in accordance with Sections 19.500.100(C)(2)(B); 19.500.100(C)(3)(f); and 19.600.160(A)(1).
11. If the adjoining upland use is a public park, then up to two buoys allowed.
12. May be permitted through a SDP if consistent with an approved park plan.
13. See Recreation and Public Access (Section 19.600.185) for applicability in the Aquatic designation.
14. Non-water-oriented uses shall also be subject to shoreline buffer standards (Section 19.400.120).
15. SDP if single-family residence exemption criteria in Section 19.500.100(C)(3) and WAC 173-27-040 are not met.
16. May be permitted through a CUP for subdivisions.
17. Soft shore shoreline stabilization is exempt from a SDP if exemption criteria in Section 19.500.100(C)(3)(c) are met.
18. Hard shoreline stabilization prohibited in Aquatic unless demonstrated necessary, then may be permitted with a CUP (see Section 19.600.175).
19. Soft shoreline stabilization may be permitted with a SDP in Aquatic where demonstrated necessary, or through an exemption where criteria are met (see 19.600.175(D)).
20. If necessary to serve essential transportation corridors or in support of permitted uses and activities that cannot be located outside of the natural SED applicable buffers, may be permitted through a CUP (see Section 19.600.180).
21. See Transportation (Section 19.600.185) for limitations in Aquatic designation.
22. If essential utilities in support of permitted uses and activities that cannot be located outside of the natural SED applicable buffers, may be permitted with a CUP. Utilities in support of a permitted use shall be reviewed under the permitted use.
23. Utilities associated with an exempt single-family residence and appurtenances are accessory to the development and also "exempt".
24. An SDP shall not be required for aquaculture development that meets the exemption criteria at Section 19.500.100(C). Supplemental seeding activities are also exempt.
25. Non-water oriented industrial development is generally prohibited, unless the development meets the criteria in 19.600.150(B)(3). If the criteria is met, the development shall require a CUP.
26. See applicable standards in section 19.400.150.
27. Private non-commercial docks may be exempt from an SDP if they meet criteria in 19.500.100(C)(3) and WAC 173-27-040.
28. An SDP shall not be required for water-oriented storage structures that meet the exemption criteria of Section 19.500.100(C).

?

## 19.600.110 Agriculture

### A. Environment Designations Permit Requirements

~~Except for agricultural uses and lands that exist at the time of the adoption of this Program, and thus do not need to apply for a permit, <sup>to</sup> Where agriculture is proposed in the following designations the identified permit requirements shall apply:~~

**Commented [AD3]:** State law exempts ongoing ag from SMA regulation (RCW 90.58.065)

1. Natural- Prohibited
2. Rural Conservancy and Urban Conservancy- SDP (exempt if the activity meets criteria in 19.500.100(C)(3)(e) and WAC 173-27-040.)
3. Shoreline Residential- SDP (exempt if the activity meets criteria in 19.500.100(C)(3)(e) and WAC 173-27-040.)
4. ~~Mining- Prohibited~~
5. Aquatic: Prohibited (Farming of fin fish, shellfish and management of other aquatic products are subject to the policies and regulations of Section 19.600.115, Aquaculture).

**Commented [AD4]:** WAC 173-26-241 states ag not meeting exemption criteria is subject to SDP. Propose adding language here to reflect this.

### B. Development Standards

#### 1. Existing Agriculture

- a. ~~This section does not require modification of or limit agricultural activities occurring on agricultural lands as of the effective date of this Program.~~

**Commented [AD5]:** WAC 173-26-241(3)(a)(ii): Master programs shall not require modification of or limit agricultural activities occurring on agricultural lands.