

**Board of County Commissioners
MEJIA-BARAHONA, District 1
EDWARDS, District 2
MENSER, District 3**

FOR STAFF REVIEW

Date Submitted: November 15, 2021

Proposed Code Amendment

Note: The Board of County Commissioners will rely largely on the information provided in this form to decide whether or not to pursue the proposed code amendment.

What is the issue/problem/opportunity to be addressed? What problems are County residents or other parties having with the current regulations? (Provide a specific example if possible):

RE: SMP Update - Ecology's SMP Handbook, Chapter 4, states: "Local planners working on SMP updates have asked for a tool to measure no net loss. In response, Ecology staff scientists and planners...developed a list of potential No Net Loss indicators for Shoreline Master Programs...Over time, the existing condition of shoreline ecological functions should remain the same as the SMP is implemented. Simply stated, the no net loss standard is designed to halt the introduction of new impacts to shoreline ecological functions resulting from new development...Local governments must achieve this standard through both the SMP planning process and by appropriately regulating individual developments as they are proposed in the future."

The Shoreline Master Program Guidelines in WAC 173-26-191(2)(a)(iii)(D) require the county to track shoreline permits and exemptions to ensure no net loss. A clear, transparent process for measuring no net loss and net ecological gain would protect the environment and increase public confidence that the county's shoreline master program is being effectively implemented.

The Thurston Environmental Community Stakeholders and other stakeholder groups would like to see measured totals for no net loss of shoreline ecological functions and net gain from permitted and other county projects. Climate adaptation and mitigation are probably the most important factors related to climate change in protecting the county's shorelines amidst growth and development. One example - buffer widths, particularly riparian and marine buffers, need to be adequate (using one site potential tree height [SPTH]) to protect us and ecological functions from sea level rise caused by climate change. Buffers must be standardized in all uses.

Are you aware of anyone else (individual or group) who shares this concern? If yes, who? How many? (Please provide contact information for stakeholders, if possible.)

1. Phyllis Farrell, South Sound Sierra Club Group-Conservation (phyllisfarrell681@hotmail.com)
2. Esther Kronenberg, Citizens for a Clean Black Lake (wekrone@gmail.com)

3. Sam Merrill, BHAS board member and chair, Conservation Committee (sammerrill3@comcast.net)
4. Daniel Einstein, President, and Director, Conservation Committee, Olympia Coalition for Ecosystem Protection (daniel@olyecosystems.org)
5. Sue Patnude, Deschutes Estuary Restoration Team (olydert@gmail.com)
6. Karen Tvedt, President, League of Women Voters of Thurston County (tvedtkl@msn.com)
7. Tom Crawford, President, chair, Board off Directors, Thurston Climate Action Team (tom@thurstonclimateaction.org)
8. Anne Van Sweringen, Representative, Thurston Environmental Community Stakeholders (Sierra Club South Sound, Black Hills Audubon Society, Thurston League of Women Voters, Thurston Climate Action Team, Thurston Environmental Voters) (avansw2@gmail.com)

What do you think needs to be changed, added, or deleted in the code? (Please cite the section of code you want changed or attach the affected code with the proposed changes.)

The county must track measurable, not just descriptive, net changes (gain or loss) over time to meet the standard of no net loss of shoreline ecological functions or net gain in shoreline functions. The county can develop a system to monitor shoreline freshwater and saltwater habitats (<https://ecology.wa.gov/Research-Data/Monitoring-assessment/River-stream-monitoring/Habitat-monitoring>). The system can maintain data and information from permittees' independent baseline analyses and continued future studies of existing ecological functions gathered from these projects.

The 15 SMP Handbook Indicators can be used to track gains and losses from development projects and water-dependent uses (particularly industrial aquaculture) with SDP and CUP permits, and other development. The process of determining and tracking a permitted project's net losses or gains, based on these indicators, can be written into the code. Measuring and continuing to track these indicators can give CPED a picture of shoreline conditions and ecological functions.

Once the SMP update of the 1990 code is accepted by Ecology, Thurston County CPED long range planners (Christina Chaput) will create recommendations for the SMP additions to the code. Sections including this addition may be located in:

Chapter 19.300 General Goals and Policies, .110 Vegetation Conservation, .115 Water Quality and Quantity, .120 Economic Development, .140 Restoration and Enhancement, .145 Transportation and Utilities;

Chapter 19.400 General Regulations, .100 Existing Development, .105 Proposed Development, .110 Mitigation, .115 Critical Areas, .120 Vegetation Conservation Buffers, B. Buffer Widths, C. Constrained Lot and Infill Provisions, D. Other Uses and Modifications in Buffers, .125 Water Quality and Quantity; .140 Bulk and Dimension Standards, .145 Public Access, .150 Flood Hazard Reduction Measures, .155 Restoration and Enhancement;

Chapter 19.500 Permit Provisions, Review and Enforcement, .100 Permit Application Review and Permits, A. Permit Application Review, B. Substantial Development Permit, D. Conditional Use Permits..., E. Variances..., F. Developments Not Required to Shoreline Permits or Local Reviews, .105 Procedure, B. Pre-submission Conference, G. Permit Revisions, K. Monitoring, .110 Enforcement and Penalties;

Chapter 19.600 Shoreline Use and Modification Development Standards, .110 Agriculture, .115 Aquaculture, B. Application Requirements, C. Development Standards, .120 Barrier...and In-Stream Structures, .125 Boating Facilities, .130 Commercial Development, .135 Dredging and Dredge Disposal, .140 Fill, .145 Forest Practices/Timber Harvest, .150 Industrial Development, .155 Mining, .160 Mooring Structures and Activities, .165 Recreation and Public Access, .170 Residential Development, .175 Shoreline Stabilization, .180 Transportation, .185 Utilities;

Chapter 19.700 Special Reports, .105 Wetland Delineation Report, .110 Wetland Mitigation Plan/Report, .112 Advance Shoreline Mitigation Plan, .115 Habitat Management Plan, .120 Geotechnical Report and Geological Report, .125 Hydrogeological Report, .130 Cumulative Impacts Report, .135 Navigation Study, .140 Shoreline Mitigation Plan, .145 Biological and Habitat Surveys;

Appendix B: Mitigation Options to Achieve No Net Loss for New or Re-Development Activities, B.2 Mitigation Standards for Specific Development Activities, B.3 New and Replacement Shoreline Armoring or Barrier Structures..., B.4 New and Replacement Overwater Structures..., B.5 Alternative Mitigation Options; and

Appendix C. Shoreline Restoration Plan, C.4 Identification of Degraded Sites with Restoration Potential, C.5 Existing Programs and Funding Sources, C.6 Implementation and Monitoring (Project and Program Effectiveness).

Where would the amendment apply? County wide (“certain marine areas and larger streams, rivers, and lakes in Washington” (Ecology <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-Management-Act-SMA/Shoreline-Management-Act-jurisdiction/Shorelines-of-statewide-significance>)

Who initiated the request: Citizen

Contact Information (Name):

Anne Van Sweringen

Representative, Thurston Environmental Community Stakeholders

(Sierra Club South Sound, Black Hills Audubon Society, Thurston League of Women Voters, Thurston Climate Action Team, Thurston Environmental Voters)

Citizen telephone number: (360) 628-1179

Citizen email address: avansw2@gmail.com

For staff-initiated requests only: Will this require a change to the permit process/systems? Please describe.

PLEASE RETURN THIS FORM:

Last Updated: March 26, 2021

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