RESOLUTION NO. 16333

A RESOLUTION PROVIDING INITIAL APPROVAL OF AMENDMENTS TO THE SHORELINE MASTER PROGRAM (TITLE 19 THURSTON COUNTY CODE); THE SHORELINE ENVIRONMENT DESIGNATIONS MAP; AND AUTHORIZING SUBMISSION OF THE SHORELINE MASTER PROGRAM UPDATE TO THE DEPARTMENT OF ECOLOGY FULFILLING REQUIREMENTS OF THE WASHINGTON STATE SHORELINE MANAGEMENT ACT, AND TO PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, Thurston County is required to plan under Chapter 36.70A RCW, the Growth Management Act (GMA), which contains fourteen goals that are intended to guide the development and adoption of comprehensive plans, which relate to urban growth, rural development, reduced sprawl, transportation, housing, economic development, property rights, permits, natural resource industries, open space and recreation, environment, citizen participation and coordination, public facilities and services, historic preservation, and shoreline management act goals and policies; and

WHEREAS, for shorelines of the state, the goals and policies of the Shoreline Management Act (SMA) as set forth in RCW 90.58.020 shall be considered an element of the County's comprehensive plan; and

WHEREAS, the Section 90.58.080 of the SMA requires jurisdictions to complete a comprehensive update to their shoreline master programs, and recurring periodic updates on a schedule prescribed by the Legislature; and

WHEREAS, the County's shorelines are currently regulated by the existing 1990 Shoreline Master Program (SMP) and the existing Critical Areas Ordinance, which was comprehensively updated in 2012 by Ordinance No. 14773; and

WHEREAS, the adoption of the Thurston County SMP must be processed in compliance with the requirements of the State Environmental Policy Act (SEPA); and

WHEREAS, the Board of County Commissioners (Board) has made findings of fact relating to the SMP referenced in this resolution supporting said amendments which are set forth below for adoption.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THURSTON COUNTY, AS FOLLOWS:

SECTION 1. FINDINGS. For the purposes of effective land use planning, the Board adopts the following legislative findings of fact for adopted amendments:

A. GENERAL FINDINGS

1. Thurston County is required to plan under Chapter 90.58 RCW, the Shoreline Management Act (SMA). Thurston County's Shoreline Master Program (SMP) (Title 19 TCC) implements the requirements of the SMA, and Chapter 36.70A, the Growth Management Act (GMA).

2. RCW 90.58.080 directs local governments to develop and administer local shoreline master programs for the regulation of uses on shorelines of the state. RCW 36.70A.480 provides that the goals and policies contained in a local shoreline master program shall be considered an element of the local comprehensive plan required by GMA. All other portions of the local SMP, including the regulations, are to be considered a part of the local development regulations required by GMA; and

3. The SMA requires counties to adopt policies and regulations to protect shorelines and associated shorelands as identified in RCW 90.58.030, to promote public access, and facilitate water-dependent uses of shoreline areas; and

4. RCW 90.58.050 provides that the SMA is intended to establish a cooperative program between local government and the state. Local governments have primary responsibility for planning and administering the regulatory program, and the state, through the Department of Ecology (Ecology), has a supportive and review role with an emphasis on providing assistance and ensuring compliance with the SMA; and

5. Pursuant to the SMA, Ecology must approve shoreline master programs prepared by local governments or adopt them by rule consistent with the SMA; and

6. The County uses several methods to ensure early and continuous public participation and open discussion in the review of proposed amendments including but not limited to direct mailing, email lists, internet information pages, and posted public notices; and

7. Thurston County has performed professional review, public notice, and comment with respect to these amendments; and

B. GENERAL PROCEDURAL FINDINGS

1. The current Shoreline Master Program (SMP) was adopted in 1989 via Resolution No. 9295, and had subsequent minor amendments in 1991 (Resolution No. 9712 and Ordinance No. 9935) and 1996 (Ordinance No. 11101); and

2. The amendments to the SMP contained herein were included on the 2022-2023 Official Development Code Amendment Docket as required by Chapter 2.05 Thurston County Code (TCC), Growth Management Public Participation; and

3. The County developed and periodically updated a public participation plan to guide engagement with the public throughout the SMP update project; and

4. The County convened a Scientific & Technical Advisory Group, which met early in the process to provide feedback and guidance on the County's SMP update and was comprised of County and state agency staff, tribal government representatives, and County advisory board members; and

5. An open house event was held at the Thurston County Courthouse in Olympia on December 19, 2018; and

6. A virtual open house was launched in August 2021 ahead of the Planning Commission's public hearing, with materials maintained online throughout the remainder of the update process; and

7. Information about the SMP update project, including but not limited to a project schedule, draft documents, interpretive materials, public comment form, and public comments received has been made available in an ongoing and continuous manner on a dedicated website (www.thurstonsmp.org); and

8. County staff have maintained an "on-demand" availability to meet with interested parties to inform them of the SMP, such as lake management districts and local river councils; and

9. The amendments to the Thurston County SMP are informed by foundational work laid out in the Thurston County *Inventory & Characterization Report* and *Shoreline Environment Designations Report*, published in 2013; and

10. The SMP update includes updates to mapped shoreline jurisdiction, mapped environment designations, and the goals, policies, and regulations for areas subject to the SMP; and

11. The SMP update is consistent with Initiatives #6 and #7 of the 2019-2020 Thurston County Strategic Plan, which seek to proactively shape a strong, diverse economy that provides equitable access to opportunity, and balance development with the preservation of the County's rural character, natural areas, and open spaces; and

12. The SMP as contained in this resolution has been updated for consistency with the Thurston County Comprehensive Plan and development code regulations; and

13. The SMP update as contained in this resolution has been updated with new formatting, including but not limited to font style, headers, footers, table nomenclature, map nomenclature, and citations; and

14. County staff has had continuous dialogue with Ecology staff throughout the SMP update process to help ensure the draft SMP meets all relevant state requirements; and

15. The amendments to the Thurston County SMP adopted by this resolution were the subject of a series of public hearings before the Thurston County Planning Commission and the Board and separate work sessions by each body as required by the GMA and the Thurston County Code; and

16. The Thurston County Planning Commission reviewed the proposed amendments over eighty-one work sessions from June 7, 2017, through August 3, 2022 and held a duly noticed public hearing on October 20, 2021; and

17. In the summer of 2021, a postcard was mailed to all property owners whose property was mapped within proposed shoreline jurisdiction. The purpose of this postcard mailing was to inform shoreline landowners about the launch of a virtual open house which was published ahead of the Planning Commission's scheduled public hearing, and to enable property owners to review draft SMP materials and provide their questions and comments to the County; and

18. On August 3, 2022, the Thurston County Planning Commission recommended approval of the SMP update with a vote of 5 for, and 3 against; and

19. In formulating its recommendations, the Thurston County Planning Commission considered public comments received through public hearings and the public process; and

20. The Board held work sessions to review the proposed amendments, the Planning Commission's recommendations, and a Planning Commission minority report on October 19,

2022 and February 22, March 7, May 24, June 14, July 26, August 30, September 25, October 16, October 30, November 20, and December 4, 2023; and

21. In formulating its decision, the Board considered the public comments received through the public hearings and the public process; and

22. A SEPA Determination of Non-Significance was issued May 12, 2023 (SEPA No. 2023101837) under SEPA (Chapter 43.21C RCW) for the changes contained in this amendment. The SEPA comment period ended on May 26, 2023 with one public comment received. The SEPA appeal period ended on June 2, 2023 with no appeal of the determination received; and

23. Pursuant to 36.70A.106 RCW, the State of Washington Department of Commerce was notified of the proposed changes contained in this resolution on May 31, 2023; and

24. The adoption and implementation of the updated SMP is expected to result in no net loss of shoreline ecological functions over time; and

25. Following adoption of this resolution, the Director of Community Planning and Economic Development (CPED) or his designee will submit the SMP and related materials to Ecology for review and additional public comment. Ecology will either approve as submitted, recommend changes, or deny the proposal. Pursuant to RCW 90.58.090, a proposed document that is eventually approved by Ecology shall constitute the official master program; and

26. Upon final approval by Ecology, the County will take appropriate administrative action to adopt the SMP in local code by repealing and replacing the existing SMP under Thurston County Code Title 19.

C. FINDINGS
SHORELINE MANAGEMENT ACT POLICIES

1. Section 90.58.020 RCW provides the Legislature's findings and policies regarding shorelines of the state, which are generally intended to protect shoreline ecological resources and foster public access and water-dependent uses of the shoreline; and

2. In formulating the Shoreline Master Program (SMP) update adopted by this resolution, the Board has considered the goals contained in RCW 90.58.020; and

3. The findings in this resolution and the record generated in the public hearing process and during the adoption of this resolution show that this measure is consistent with the SMA goals.

SECTION 2. SHORELINE MASTER PROGRAM UPDATE. In accordance with the provisions of this resolution, the existing SMP (Title 19 TCC) will be fully repealed and replaced with the contents of Attachment A upon formal approval by the Department of Ecology.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase or other portion of this resolution or its application to any person is, for any reason, declared invalid, illegal or unconstitutional in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

SECTION 4. CORRECTIONS. Upon approval of the Prosecuting Attorney's Office, the Clerk of the Board is authorized to make any necessary corrections to any map, mapped boundary, section, subsection, sentence, clause, phrase or other portion of this resolution for scriveners or clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

SECTION 5. EFFECTIVE DATE. All sections of this resolution shall take effect *immediately upon adoption.*

[DO NOT CODIFY]

ADOPTED: December 12, 2023

ATTEST:

Jamie Caldwell
Clerk of the Board

APPROVED AS TO FORM:

JON TUNHEIM
PROSECUTING ATTORNEY

12/7/23
Travis Burns,
Deputy Prosecuting Attorney

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