

**BHAS Talking/Message points
for CAO Public Hearing on Dec. 10th, 2011
(Submitted by Donna J. Nickerson)**

The Thurston County Planning Commission is holding a public hearing on Saturday, December 10, from **10:00 AM – 3:00 PM (or until all of the people present have had a chance to speak)**. It will be held at the Thurston County Courthouse complex, Building 2. This hearing is on the revision of the Critical Areas Ordinance (CAO) and it is important that members of the community speak up.

If you would like to speak at the hearing, please sign up when you arrive. You will receive a number informing you when you will be called up to speak. Staff will also give you an idea of how long your wait time might be so that you can leave and come back in time.

We encourage your participation in this public comment opportunity and I have listed below some recommendations based on our Best Available Science review reports and review of the 2011 Draft CAO update.

If you cannot speak at the hearing, you may also give written comments to Andrew Deffobis at deffoba@co.thurston.wa.us

The county will be accepting written public comments until 5 pm December 23rd.

For more information on the process, and to read the 2011 draft updates to the CAO, please visit the Thurston County website at:

http://www.co.thurston.wa.us/planning/critical_areas/criticalareas_home.htm

If you have any questions regarding the hearing, or the key points below, please don't hesitate to contact me at D.J.Nick@comcast.net .

Thank you,
Donna Nickerson

Some key points to consider choosing from – remember you will have a 3 minute limit for your comments:

General comments:

- Thank you for the opportunity to provide public comment.
- The updated 2011 Draft CAO is a good improvement and represents careful work by the Planning Commission. This new Draft is much more clear and allows flexibility for landowners on a site by site basis. It also represents improved protections for the important critical areas that we rely on for our own health and safety, and high quality of life, including protections for prairies and oak woodlands.

- The update is long overdue. Thurston County’s natural lands contain important habitat values that produce many locally important ecological goods and services that sustain our local economy. It is a privilege to live and own lands that contain critical areas. The CAO simply guides us in how live on these lands and steward critical areas to preserve their integrity and enjoy the benefits of clean water, healthy soils, flood protection, and the aesthetic values and wildlife habitat that they provide to both landowners and the public.
- It makes economic sense to protect critical areas on private property. Studies show that properties with healthy riparian buffers of native trees and shrubs have high property values.
- Counties that protect their natural areas, wildlife, clean water and working lands are better places to live and command higher property values than places without good land use. Good land use rules that promote stewardship of private lands are sound investments that governments can make for their citizens and communities.

Specific comments on the key parts of the Draft that require improvements:

- The Draft will need strengthening to better meet these 3 fundamental requirements:
 1. the standard of “no-net loss”;
 2. the special consideration clause of the Growth Management Act (GMA) that places extra weight on functions necessary to recover salmon; and,
 3. consideration and evaluation of cumulative effects.
- For example, Best Available Science indicates that we need 1,000-foot riparian* buffers in freshwater and marine areas to maintain key ecological functions at “no-net loss”. While a 150-foot buffer in the more developed marine areas may be a reasonable policy compromise, more protection is needed in the marine areas that are largely undisturbed. These areas are essential to keep our nearshore waters clean for fish and shellfish, recreational use, and public health.
- For marine areas that are largely undisturbed, a minimum buffer of 250 feet will help satisfy the special consideration clause of the GMA that places extra weight on functions necessary to recover salmon. Nearshore areas in Thurston County are used by a number of salmon species and forage fish throughout the year. Fish and Wildlife Guidance recommends 250 feet of buffer for marine shorelines of the state. This would be consistent with the buffer requirements for fresh water fish-bearing streams.
- The requirement in the current CAO Draft for 250-foot riparian area buffers along fresh water fish bearing streams is a reasonable policy compromise that is based on science.

- Clearing and Grading should be prohibited in all riparian habitat buffers and conditionally allowed in management zones. (See CAO Draft Chapter 24.25, Table 24.25-3, page 14.)
- The Draft CAO does not consider the cumulative effects that will inevitably occur from current vested development, reasonable use exemptions, mitigation uncertainties, sea level rise, and hydrological changes, in particular with anticipated future growth.

One example: Reasonable Use Exemptions should be allowed; however, the reasonable use should encourage (through incentives) the use of green building techniques that are already being employed by some builders in the region. These techniques:

- do not adversely impact riparian function
 - require a significantly smaller footprint than the 5,000 feet proposal (which is not based on science and allows for potential encroachment into the riparian area).
- Shoreline armoring (bulkheads) is a key threat identified by the Puget Sound Partnership. Bulkheads often fail and need to be replaced. Bioengineering has evolved to be a far superior choice; it mimics nature and offers enduring protection for public safety with little maintenance. Bioengineering should also be defined – it could include a combination of native plants, and large woody debris anchored by large glacial field stones. Hard armoring should be removed from the options for shoreline and slope stabilization.
 - The Enforcement-Violations- Penalties Chapter should use of a combination of tools to work with landowners to foster true stewardship of critical areas. For example:
 - education outreach,
 - increasing both enforcement presence and fines high enough to deter violations,
 - incentives (through expansion of the open space tax benefit program), and
 - on site monitoring visits by County Staff.
 - The Critical Aquifer Recharge Areas Chapter (Chapter 24.10) must apply the precautionary approach in all cases and consider projected changes over time and cumulative effects in order to ensure that the County's primary sources of water remain pure.

* "riparian" refers the interface area between a water body (such as a river, lake, or ocean) and the land.