

Critical Areas & the SMP

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Overview

- SMP history and status
- Legal framework
- SMP jurisdiction
- Critical areas in SMP



SMP Update History & Status

- SMP Update reviewed w/PC 2017-2022 – 81 work sessions + public hearing
- BOCC local adoption December 2023
- Ecology Public Hearing September 2024
- County response to public comment February 2025
- Ecology staff-level responses received December 2025
- Coordination w/Ecology staff – ongoing
- On the ground status: 2012 CAO regulates critical areas within shorelines



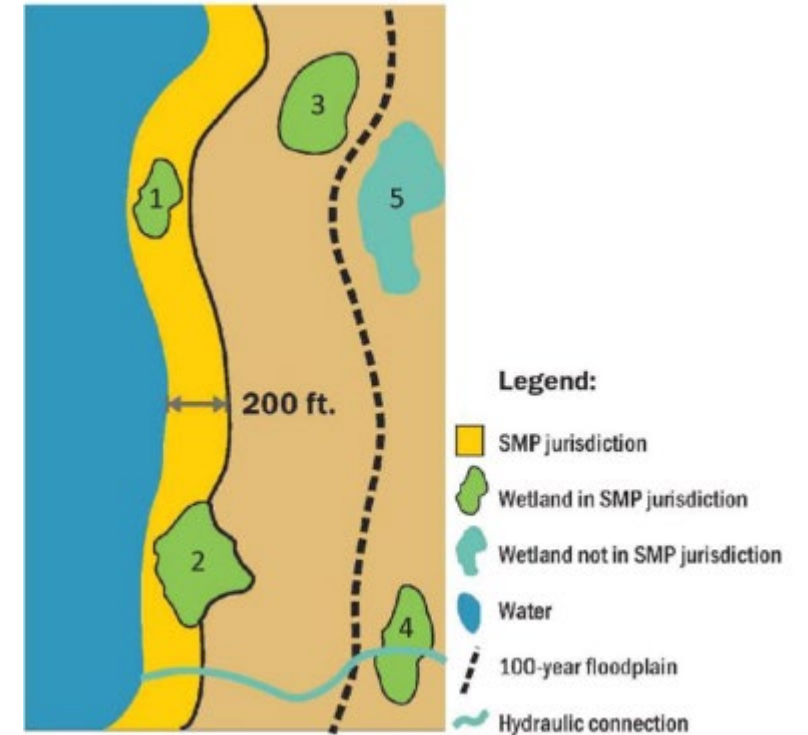
Legal Framework – SMP Comprehensive Update

- Growth Management Act regulates critical areas outside shoreline jurisdiction
- Shoreline Management Act regulates shorelines of the state and critical areas within shoreline jurisdiction
- GMA makes shoreline policies and goals an element of comp plan
- SMA requires protection of critical areas w/in shoreline jurisdiction
 - Provides flexibility in approach, ability to expand jurisdiction
 - Critical areas also considered during inventory & characterization work



SMP Base Jurisdiction

- Marine waters, lakes 20+ acres, streams >20 cu. ft./sec mean annual flow
- Shorelands, including
 - Lands extending 200 feet from ordinary high water mark
 - Floodway + contiguous floodplain 200 feet landward of floodway
 - Associated wetlands + river deltas
- Jurisdictions may expand SMP jurisdiction to include critical areas, land necessary to protect critical area buffers



SMP Jurisdiction – Critical Areas

- ALL critical areas within base SMP jurisdiction are subject to SMP
- SMP update expands base SMP jurisdiction to include entirety of these critical areas and buffers:
 - Marine bluff, landslide, and erosion hazard areas
 - High groundwater flood hazard areas
 - Important aquatic species and their habitats
 - Wetlands
- Critical area provisions must satisfy no-net-loss requirement
- Goal is simplified administration of code



Managing Critical Areas in SMP Jurisdiction

- Currently, properties with critical areas and shorelines are subject to entire CAO & SMP
 - May need permits of each
 - Development standards may conflict
- How are conflicts between codes handled in SMP update?
 - General regulations: Most restrictive applies
 - Nonconforming uses/structures: SMP body applies



Changes Coming With SMP Update

- Critical area provisions folded into SMP (by reference)
 - Courtesy appendix
- Permitting and administration handled solely by SMP
 - No CARPs, RUEs in base SMP jurisdiction or within critical areas included in SMP
 - Permits, appeals, enforcement managed by SMP
- Modifications to wetland provisions to comply with SMA



What about the new CAO?

- SMP update currently includes references to existing CAO
- Researching options of utilizing new CAO in SMP update
 - Goal: Ensure critical area standards are as easy to understand and implement as possible.
- County may also amend SMP to utilize updated CAO during next SMP periodic review



Example Scenarios

- How would the County review the following scenarios once the SMP update is complete?
 - Nisqually Riverfront parcel bisected by non-shoreline stream
 - Property with wetland at edge of Pattison Lake
 - Constrained lot on marine bluff



Questions?

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