

Responsiveness Summary: City of Olympia Locally Adopted Shoreline Master Program (SMP)

Ecology Public Comment Period: July 23, 2014 through 5:00 pm on September 8, 2014

City responses by name, date

Comment Number	Comment Topic and/or SMP Citation	Commenter(s)	Comment (Summary)	{Tentative} Local Government Response and Rationale	State Response and Rationale
1.	Sea Level Rise	Jeanette Dickison	SMP draft does a good job of protecting shoreline and responding to Sea Level Rise (SLR).	Concur; and see flooding response below.	
2.	Building Heights	Jeanette Dickison	Satisfied with plan as it applies to West Bay Drive; elsewhere, "views" have usurped heights and will prevent urban densities along the rest of Olympia's shoreline and the Port Peninsula. Plan does little to bring a housing district to downtown and inhibits the ability of the Port to respond to exchange of goods and ideas.	Proposed height limitation and view protection provisions strike a balance consistent with Shoreline Management Act (SMA), local values and community's vision for downtown.	
3.	Existing Buildings and Uses	Bob Van Schoorl/Olympia Yacht Club Gary Ball Walt Schefter Vita Zvirzdys-Farler Kevin Stormans/Bayview Thriftway James Lengenfelder	Supports nonconforming development provisions. Clarity regarding the ability to maintain, repair and restore existing structures and uses is critical to existing property owners.	Concur.	
4.	Setbacks and Vegetation Conservation Areas (VCAs)	Bob Van Schoorl/Olympia Yacht Club Gary Ball Walt Schefter	Increased setbacks to 30 feet within downtown waterfront corridor/Urban Intensity area represents well-crafted compromise between appropriate shoreline protections and flexibility for downtown waterfront. Setbacks are consistent with the shoreline inventory and recognize existing shoreline environment in the downtown area. Cumulative impacts assessment agreed no net loss standard can be achieved with recommended standards.	Concur.	
5.	Public Access	Bob Van Schoorl/Olympia Yacht Club Gary Ball Walt Schefter Vita Zvirzdys-Farler	Want to make sure public access is a partnership not a mandate. Accommodating public access on private property is not a valid basis to significantly increase setbacks. Shoreline Management Act (SMA) requires public access opportunities but not a public trail around the entirety of Olympia's waterfront.	Proposed public access provisions, especially for non-water-oriented uses, are consistent with SMA balancing of public enjoyment and access, water dependent uses and environmental protection.	
6.	Covered Moorage	Bob Van Schoorl/Olympia Yacht Club	There are mandates in the SMP that should not be; these should be between the property user and the lessee and be taken care of when we negotiate our new lease with the Department of Natural Resources. We need the ability to maintain our boathouses.	Proposed covered moorage limitations are consistent with recommendations of state agencies and environmental protection.	
7.	Mixed Use	Bob Van Schoorl/Olympia Yacht Club	Agree with some of the mixed use provisions. Believes we should have a mix of waterfront, retail, office, recreational opportunities.	Concur.	
8.	Environment Designation for the Olympia Yacht Club	Bonnie Jacobs/Friends of the Waterfront	Doesn't understand why the yacht club is designated Urban Intensity, believes it should be Urban Recreation.	Urban Intensity designation of this area is consistent with 'inventory and characterization,' neighboring shoreline uses and providing for new uses of the site.	
9.	Flooding	Bonnie Jacobs/Friends of the Waterfront	SMP does not address flooding and appears to punt. Wants to know how Olympia will defend the city against water, where the line of defense will be and who will pay for it. Will we encourage more publicly financed buildings in the flood zone? It is also a liquefaction	Proposal includes adopting Olympia's critical area regulations, including references to flood risk management and seismic regulations. SMA does not require that SMPs	

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			zone.	include a specific flood-control plan. The City continues to develop strategies for responding to sea level rise through close monitoring of the evolving science and gathering data and conducting research unique to Olympia and Budd Inlet.	
10.	Building Setbacks in Urban Intensity Designation	Bonnie Jacobs/Friends of the Waterfront	30 foot building setback will limit options to stem rising tides that might be more effective, less costly, and create a more pleasing waterfront experience. Wants to see setbacks of 50 feet or more.	Thirty-foot distance balances such opportunities for sea level rise protection with development potential of private property; consistent with SMA goals.	
11.	Building Setbacks in Urban Intensity Designation	Bonnie Jacobs/Friends of the Waterfront	(In response to other testimony) - keep hearing compromise and balance and there was no compromise on the 30-foot setback. That was a bare minimum and that's what they chose. They did not compromise 6 inches on 30-foot setback.	See above response.	
12.	Community Visioning	Susan Ahlschwede	Community gatherings should have continued on a regular basis throughout the process. More structure and direction from the council and the community would have made it clear what Olympia really wanted in our SMP.	As reflected in the record, Olympia's public process continued for many years and included over 100 well-documented meetings and other opportunities for public participation of both the Planning Commission and the Olympia City Council, all consistent with SMA and the Growth Management Act.	
13.	Building Setbacks in Urban Intensity Designation	Susan Ahlschwede	Environment designations were hotly debated and changed many times between Urban Conservancy and Urban Intensity. 30-foot setback for urban intensity reaches of Budd Inlet is a mistake; the minimum should be 50 feet excluding the marine terminal. Health and safety issues associated with flooding will magnify; protection methods can be built into a 50 foot setback. A 30 foot setback means buildings would be smack dab up against a future trail. This would not create the right feeling and would make future maintenance difficult. Restoration also must occur in these areas. If all of the above (restoration, trail and flood control) can't happen in 30 feet, it isn't enough.	Selection of thirty-foot setback was result of balancing many interests consistent with SMA. To extend consistent with SMA and guidelines, such local judgment should be approved by Ecology. Given existing ownership and development patterns much of the Urban Intensity SED will continue to enjoy setbacks in excess of 30 feet.	
14.	Setbacks and Vegetation Conservation Areas (VCAs)	Vita Zvirzdys-Farler	Strongly supports setback and VCA provisions in the urban intensity area. Would have liked to have seen 10-foot setbacks but the 30-foot setbacks within downtown waterfront core represent a good compromise between shoreline protections and flexibility.	See above re setbacks.	
15.	Public Access and Mixed Use	Vita Zvirzdys-Farler James Lengenfelder Adam Frank/Olympia Master Builders (OMB)	Mixed-use commercial development is only allowed when providing both public access and shoreline enhancement/restoration. Ecology's regulations related to mixed use development are not this restrictive. SMP should allow mixed use commercial developments that provide significant public benefit, which may include - but is not limited to - public access and/or shoreline restoration. OMB supports mixed uses in the shoreline, but public access through private property should not always be required.	See response above re non-water-oriented uses. Local judgment regarding public access to be provided upon such uses is appropriate.	
16.	Building Setbacks in Urban Intensity	Bob Jacobs/Friends of the Waterfront	Not much consideration was given to the 30 foot setback or how it would work in the future and is inadequate. Impression is Council	Many alternative setbacks were considered by staff, Planning Commission and City	

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	Designation	Sherri Goulet	chose the least width they could for reasons they kept to themselves. Considering how it's measured, 30 feet means around 20 feet of flat land, which is not enough to accommodate a multi use path (City standard is 22 feet). Need 50 foot or more setbacks, 40 feet of flat land with no buildings on it, for quality public access, which is required by the SMA. Shoreline recreational uses are a preferred use under the SMA.	Council. Final decision is well-supported by the record as an appropriate judgment of the Council.	
17.	Building Heights	Bob Jacobs/Friends of the Waterfront	A 3 story building so close to a path provides a looming wall that is unpleasant to path users and doesn't represent quality access.	City received a wide variety of comments on this issue and carefully evaluated options. Ultimate conclusion as expressed in the proposal should be approved.	
18.	Flooding	Bob Jacobs/Friends of the Waterfront Sherri Goulet	SMP submittal fails to comply with RCW 90.58.100(2)(h). Verbal testimony refers to three maps (exhibits) that represent why wider setbacks are needed. The SMP essentially says the city will deal with flooding in the future, which isn't an adequate response to a statutory requirement to prevent and minimize flood damages. Specific actions, costs, fund sources and a timeline for each portion of the shoreline are needed. 20 feet of flat land is insufficient for flood prevention structures and the equipment needed to install and maintain them. A narrow setback forecloses more desirable options in terms of effectiveness, cost and public access.	See responses above.	
19.	Liquefaction	Bob Jacobs/Friends of the Waterfront	Basically all the waterfront downtown except for East Bay Drive is in a liquefaction zone. SMA requires the SMP to require against adverse effects to public health. Also, cities are required to protect property. Wider setbacks would further both objectives by putting buildings back further from the water so you get less damage to them and the people in them - areas near the water and whatever is on top of them are likely to flow into the water in the event of an earthquake.	Much of downtown Olympia including many areas well removed from the shoreline are subject to liquefaction. Pursuant to State directives including the Growth Management Act, the City of Olympia requires that all new structures comply with seismic standards intended to reduce such risks. SMA does not require exceptional standards in the shoreline area.	
20.	City SMP approval	Bob and Bonnie Jacobs/Friends of the Waterfront	SMP submitted by City was approved in a troubling context. Certain Council members (1) downplayed the importance of the SMA and stated it was not appropriate to manage land use within shoreline jurisdiction, and (2) promoted reduction of Ecology's role in implementation, to be accomplished by keeping SMP provisions weak so Council could maximize City's flexibility.	Council members extensively and carefully considered the proposed SMP, the governing law and Ecology staff role and guidance.	
21.	Public Access, section 2.15B on page 16	Bob and Bonnie Jacobs/Friends of the Waterfront Jeffrey Jaksich	Change cited section to require public access be incorporated to maximum extent practicable in all new development or redevelopment. This would comply with the SMA policy in RCW 90.58.020, paragraph 4 and statutory policies that public access is a preferred use under the Act.	City proposed policy is consistent with SMA and reflects public access priority of the Act.	
22.	Industrial Development, section 3.52B on page 66	Bob and Bonnie Jacobs/Friends of the Waterfront Jeffrey Jaksich	Amend cited section to specify this applies only to <u>light</u> industrial uses. Except for Marine Terminal, new or expanded non-water dependent and non-water related <u>heavy</u> industrial uses are not appropriate.	Specific reference is to the content of an application for industrial development, and should apply to all industry. Limitations on industry location are determined by combination of the SMP and local zoning, and not by these SMP-wide standards. Table 6.1	

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				permits new industrial uses in the Urban Intensity and Port Marine Industrial SEDs only as water dependent or water oriented only. These uses are generally prohibited in all other SEDs.	
23.	Industrial Development, section 3.52G.5 on page 67	Bob and Bonnie Jacobs/Friends of the Waterfront Jeffrey Jaksich	Remove sanitary sewer outfalls from cited section; all sanitary sewage is now and for the foreseeable future will be processed by LOTT.	Although rarely exercised, the potential for individual industrial uses to provide separate wastewater treatment and outfall should be retained.	
24.	Vegetation Conservation Areas (VCAs), section 3.31 on page 50	Bob and Bonnie Jacobs/Friends of the Waterfront Jeffrey Jaksich	In cited section, reconsider allowed activities in VCAs that are inconsistent with function and purpose of VCAs (loading equipment for transport of logs and picnic shelters).	Uses to be allowed within VCAs were carefully considered to provide for water-oriented uses and public access. Proposed VCAs are larger than minimum needed specifically so these uses can be accommodated.	
25.	Boat Storage and Covered Moorage, sections 3.47 and 3.48 on page 65	Bob and Bonnie Jacobs/Friends of the Waterfront Jeffrey Jaksich	Term "dry moorage" is an oxymoron. "Moorage" means in the water. Suggest defining "moorage" as in water and "boat storage" as out of the water, whether on land or in/on a structure over the water. Merge section 3.48B into 3.47. Allow boat storage in shoreline jurisdiction only for single family residences.	For consistency, proposed definitions are consistent with SMP guidelines and definitions utilized by State agencies. Specific references can be provided on request.	
26.	Table 6.2 on page 60	Bob and Bonnie Jacobs/Friends of the Waterfront Jeffrey Jaksich	Budd 3A: 65-foot height limit is inappropriate, will allow for view blockage to many properties on adjacent hill. 35-foot height limit would be consistent with express statutory direction (RCW 90.58.320). If 65-foot height limit is allowed, require a VCA as in 7-9-13 City Council hearing draft.	These building height allowances and related mitigation were carefully considered to balance view protection and consistency with community vision as expressed in City's comprehensive plan. Impacts on views will be addressed during the development review process.	
27.	Table 6.2 on page 60	Bob and Bonnie Jacobs/Friends of the Waterfront Jeffrey Jaksich	Urban Intensity: for readability, change "all others" to Budd 4 and 5A.	City staff welcomes any proposals by Ecology for increasing readability and clarity of the proposed SMP.	
28.	Table 6.2 on page 60	Bob and Bonnie Jacobs/Friends of the Waterfront Jeffrey Jaksich	Urban Intensity: under "all others" (Budd 4 and 5A), height limit of 35 feet would achieve human scale development. Building step backs should be imposed for same purpose.	See responses above regarding building locations and heights.	
29.	Table 6.2 on page 60	Bob and Bonnie Jacobs/Friends of the Waterfront Jeffrey Jaksich	Waterfront Recreation: change maximum standard building height from 42 feet and 35 feet to 15 feet. Buildings taller than 15 feet are not appropriate in shoreline jurisdiction for public parks with the exception of the carillon at the south end of Heritage Park (Cap 6).	See responses above regarding building locations and heights. Proposed SMP would allow State flexibility to revise Heritage Park plans within SMP constraints – SMA does not require limiting to current plans for site.	
30.	Table 6.2 on page 60	Bob and Bonnie Jacobs/Friends of the Waterfront Jeffrey Jaksich	Reach Budd 4: 35-foot height limit is suggested to match current zoning. For reaches 5A and 6A, 35-foot limit waterward of streets and 45 feet in remainder would maintain human scale.	See responses above regarding building locations and heights.	
31.	Table 6.3 on pages 61 and 62	Bob and Bonnie Jacobs/Friends of the Waterfront	Minimum setbacks from ordinary high water mark under any conditions should be at least 50 feet except for the Marine Terminal (Budd 5B), Ward Lake and Ken Lake, and shelters for public access to	See responses above regarding building locations and heights; setbacks along lakes were based on balance of environmental	

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		Jeffrey Jaksich	the water. This is minimum amount of space needed for future public uses, increased safety and a human scale built environment.	protection with current conditions. See inventory of current building setbacks.	
32.	Cap 6 reach (Heritage Park)	Bob Jacobs	30-foot setback would allow buildings that could be 35 feet tall to be built right behind walking path. This is contrary to the design of park. Setback and height allowance should be changed to at least 100 feet and one story. Only exception should be for construction of carillon at the south end of Heritage Park.	Proposed SMP would allow State flexibility to revise Heritage Park plans within SMP constraints – SMA does not require limiting to current plans for site.	
33.	Building Heights	Sherri Goulet	30-foot setback would allow 35-foot tall buildings immediately adjacent to path; walking along such a path with buildings towering over would not be construed as quality public access. A 50 to 55-foot setback would provide a reasonable quality walking experience.	See response above.	
34.	Earthquake Preparedness	Sherri Goulet	30-foot setbacks are inadequate to mitigate against soil liquefaction along the shorelines caused by earthquakes. Public and private buildings must be protected from the liquefaction ensuing from a severe earthquake.	See response above.	
35.	Setbacks	Adam Frank/Olympia Master Builders	Scientific assessments show there's no need to increase setbacks; 30 feet is sufficient to achieve a no net loss standard while maintaining flexibility for waterfront development. Olympia Master Builders (OMB) would like to voice its strong support for the compromise reached.	Concur.	
36.	Existing Buildings and Uses	Adam Frank/Olympia Master Builders	OMB supports clarity provided by nonconforming development provisions. Imprecise standards can cause anxiety for property owners so it's nice to have clear and easy to understand guidance.	Concur.	
37.	SMP overall	Kevin Stormans/Bayview Thriftway	Encourages adoption of SMP as submitted by the City. Document strikes compromise and balance with different views and opinions that have been expressed as well as Shoreline Master Program Guidelines.	Concur.	
38.	Setbacks	Kevin Stormans/Bayview Thriftway	Nothing in record supports large setbacks within downtown waterfront. 30-foot setbacks represent well-crafted compromise between appropriate shoreline protections and flexibility. Supports City's proposed setback within "Urban Intensity" areas.	Elements of record do support larger setbacks, but these were considered when reaching 30-foot provision of the proposal.	
39.	Vegetation Conservation Areas (VCAs)	Kevin Stormans/Bayview Thriftway	Olympia's downtown waterfront core is identified as a degraded and an artificial shoreline environment with little to no existing shoreline ecological function. The Cumulative Impacts Assessment performed by ESA concluded that the City's SMP will maintain overall condition of shoreline and avoid long-term cumulative impacts.	Concur.	
40.	Existing Buildings and Uses	David Schaffert/Thurston County Chamber	Cites concurrence and agreement with respect to nonconforming development provisions with earlier speakers (Mr. Van Schoorl, Mr. Frank and Ms. Zvirzdys). Ability to repair, maintain, and, ultimately to be able to rebuild if something happens to one's structure was a real concern.	Concur.	
41.	Setbacks	David Schaffert/Thurston County Chamber	A lot of eye of the beholder in this. Concur with citing shoreline inventory and no net loss in support of current proposal.	Concur.	
42.	Mixed Use	David Schaffert/Thurston County Chamber	Chamber is interested in ability to have mixed use in a vibrant downtown urban waterfront. Chamber's adopted vision for urban waterfront is very similar to Friends of the Waterfront, which envisions a mixed-use vibrant waterfront that can be utilized for	Concur.	

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			commerce and for people to access and enjoy.		
43.	SMP overall	Mike Reid/Port of Olympia	Port has seen many drafts through this process and is pleased with the current product. It has addressed some of the concerns the Port had. It is filled with compromises that address the issues that were raised; Port supports it.	Concur.	
44.	City SMP approval	Jeffrey Jaksich	Public involvement and input were limited and hampered by self-serving planning staff and some elected officials. Olympia Planning Commission subcommittee and support staff distorted public input and reversed prior City Council buffer policies by bringing back decided policy with narrower buffers and misinformation.	Public involvement process was extensive, fair and consistent with SMA and GMA.	
45.	City SMP approval	Jeffrey Jaksich	Council members (1) downplayed importance of SMA stating it was not appropriate to manage land use within shoreline jurisdiction, and (2) accomplished reduction of Ecology's role in implementation by keeping SMP provisions weak so Council could maximize City's flexibility.	See response above.	
46.	City SMP approval	Jeffrey Jaksich	Staff driven changes allowed for reduced buffer from the wider Olympia saltwater shoreline 50 foot buffer minimum.	Proposal reflects information, comments and opinion from many parties including staff.	
47.	Existing Buildings and Uses	Walt Schefter	Must be recognized that urban uses of the waterfront have existed for hundreds of years and that purpose of SMP process is not to roll back development and squeeze out uses to fulfill vision of some earlier age. It is to protect what is there now and halt any further loss.	Concur.	
48.	SMP overall	John DeMeyer	Proposed SMP is result of long process involving input from all interested parties. It strikes acceptable balance in providing environmental protection and accessibility to the shoreline by general public and water dependent users.	Concur	
49.	SMP overall/West Bay	Mort James III/West Bay Drive Neighborhood Association	Supports October 2013 draft SMP as it pertains to West Bay. West Bay subarea plan balances design considerations, view corridors and density with public amenities, shoreline restoration and enhancement opportunities and incentives; association is dedicated to preserving it consistent with state shoreline regulations. Draft is a good compromise for development, sea level rise concerns and restoration.	Concur.	
50.	City SMP approval	Robert Jensen	Record contains attitudes counterproductive to and that colored development of a credible SMP. Statements by certain Council members either (1) expressed views of SMA as antiquated, unresponsive to today's land use issues and no longer of significant impact, or (2) seek to increase City's flexibility by reducing Ecology's role.	See response above.	
51.	Flooding	Robert Jensen	City is aware of actual and forecast flooding in marine shoreline areas but SMP does not take marine flooding into account. Understands City included a provision providing for further study of flooding issues instead of including an element that addresses flooding per RCW 90.58.100(2)(h). SMP is defective because regulations are not appropriate. SMP should be remanded for consideration of flooding.	See responses above.	
52.	Flooding and Sea Level Rise	Judy Bardin	SMA requires SMP to address flood control including "prevention and mitigation of flood damages" (RCW 90.58.100(2)(h)) and that the City	See responses above. Ecology staff is urged to review cited report and seek additional	

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			use the best available scientific information (RCW.90.58.100 (1)(e)). City has not addressed available scientific information and lacks sufficient data to plan for sea level rise impacting flooding risk. Cites findings from "The City of Olympia Engineered Response to Sea Level Rise", December 2011 and states 30-foot setbacks are too risky and may tie City's hands in planning for flood protection.	information as needed. Period updates to the SMP are required and as new information becomes available it will be incorporated into the program.	
53.	Setbacks	James Lengenfelder	Because of community's continued disagreement, seems inappropriate to alter current setbacks. Nothing in record to support larger setbacks being pushed by some folks in the community.	SMP update process does not require that unanimity result; resulting proposal reflects many viewpoints.	
54.	Covered Moorage	James Lengenfelder	Current draft prohibits new covered moorage. Since all are overwater structures, it seems appropriate to discuss building standards for them rather than prohibiting them.	See response above.	
55.	Flooding, sections 2.4D and E on page 10	Lee Montecucco	Plan as submitted does not meet statutory requirement to address flooding. Cited provisions do not address flooding in a meaningful way.	See response above.	
56.	Setbacks	Lee Montecucco	30-foot setbacks for saltwater are inadequate for options in the future which will allow for defense against flooding while preserving public access and space for vegetation conservation areas. In many places, only 20 feet or so would be usable - 50 foot setback would allow for the options mentioned above; 30 feet is not enough.	See response above.	
57.	SMP overall	Paul Ingman	Ecology must call for a moratorium because of a lack of standard scientific proof that the City complied with RCW 90.58.100.2h and other state statues, recent scientific research, the public record, environmental site analysis, and Olympia's Comprehensive Plan (Comp Plan) Update.	See response above regarding flood risks.	
58.	Flooding	Paul Ingman	City has not satisfactorily provided three important considerations to prevent flood damage: Sustainable Strategy, Responsible Choices, and Public Involvement. No sustainable strategy because the SMP is based on "The City of Olympia Engineered Response to Sea Level Rise" December 2011, which was a preliminary analysis and is incomplete; because setback distances are inconsistent between the SMP, the above named study and the Comprehensive Plan update; and because SMP is inconsistent with sea level rise projections, facts, and research. No responsible choices because "Engineered Response to Sea Level Rise" is in terms of physical responses and not natural science responses involving ecology, biology, oceanography etc. No public involvement because no hearing was held on research for flood wall, no hearing comments support idea that City has decided to defend downtown from flooding, no hearing held to integrate Comp Plan update and SMP, and no information on taxpayers financial obligation to continuously increase flood wall heights. City's efforts to manage a strategy to prevent sea level rise flooding are inconsistent with requirements of the SMA.	See responses above.	