



City of Olympia

City Hall
601 4th Avenue E
Olympia, WA 98501

Meeting Minutes City Council

Information: 360-753-8447

Tuesday, October 2, 2012

5:15 PM

Room 207

Special Meeting to Hold a Study Session

1. ROLL CALL

Present: 6 - Mayor Stephen H. Buxbaum, Mayor Pro Tem Nathaniel Jones, Councilmember Jim Cooper, Councilmember Julie Hankins, Councilmember Steve Langer and Councilmember Jeannine Roe

Excused: 1 - Councilmember Karen Rogers

2. [12-0591](#) Shoreline Master Program Workshop with Government Agencies

Attachments: [1. SMP Schedule](#)
 [2. Chart of Shoreline Reaches](#)

Mayor Buxbaum called the workshop to order at 5:15pm.

Staff Present: *City Manager Steve Hall
Assistant City Manager Jay Burney
City Attorney Tom Morrill
City Attorney Darren Nienaber
Community Planning and Development Director Keith Stahley*

Guests:

*Carrie Martin, Asset Manager - Washington Department of Enterprise Services
Michael Van Gelder, Planner – Washington Department of Enterprise Services
Karla Fowler, Community and Environmental Policy Director – LOTT
Tyle Zuchowski, Capital Planning Manager - LOTT
Neal Cox, So. Puget Sound District Manager - Washington Dept. of Natural Resources
Ed Galligan, Executive Director - Port of Olympia
Commissioner Bill McGregor, Port of Olympia
Commissioner Jeff Davis, Port of Olympia
Commissioner George Barner, Port of Olympia
Mike Reid, Senior Manager Business Development - Port of Olympia
Alex Smith, Environmental Programs Director - Port of Olympia
Timothy Harris, Attorney, Goodstein Law Group*

I. LOTT Clean Water Alliance

Karla Fowler, Community and Environmental Policy Director, addressed the Council. Ms. Fowler noted that LOTT does have projects planned that involve pipelines and some infrastructure, such as pumping capability.

A major project will be the replacement of a portion of the north outfall, which is located primarily in the Port Industrial area, but which would also extend to the north

end of the Port Peninsula and into the proposed Urban Conservancy designation. It appears that the project would require shoreline permits and LOTT is aware of the permitting processes and does not see that as an obstacle.

One area of concern includes the proposed Urban Conservancy designations in reaches CAP 4 and CAP 5 on the west side of Capitol Lake. Table 6.6 on page 73 of the draft SMP indicates that utility lines would be prohibited. LOTT already has pipelines in these reaches, including a sewer line and a reclaimed water line. A booster pump station is also in the LOTT Capital Improvement Plan which would be co-located with Olympia's facility by Marathon Park. Long-term plans for reclaimed water projects could also include the need to locate pipelines in this area along Deschutes Parkway, though that has not been determined as of now. Ms. Fowler presented a memorandum to the Council that reflected her comments to the Council.

II. Department of Enterprise Services

Ms. Carrie Martin, Asset Manager in the Facilities Division of DES, addressed the Council. Ms. Martin identified three areas where DES has an interest, all of which concern the agency's management responsibilities for Capitol Lake:

- 1. There is a potential for dredging in Capitol Lake when the long-term management strategy for the Lake is finalized.*
- 2. The SMP should accommodate various restoration projects that are either underway or planned for the Lake, including projects along Deschutes Parkway and measures needed to eradicate invasive species, such as the mud snail.*
- 3. DES would like to make sure the SMP does not make recreation facilities non-conforming around the Lake.*

III. Department of Natural Resources

Neal Cox, South Puget Sound District Manager, stated that DNR would like the SMP to prohibit non-water dependent uses along the shoreline.

IV. Port of Olympia

Executive Director Ed Galligan addressed the Council with opening remarks and introduced Port Staff and Commissioners.

Mr. Mike Reid, Senior Manager of Property and Business Development, stated that the Port has had some growing concerns about the SMP as it has progressed in its development. He stated that the Port feels it was "heard but not listened to" in spite of active participation and attendance at numerous Planning Commission meetings. Mr. Reid stated the Planning Commission draft missed the mark relative to the Port's concerns.

Turning to his presentation, Mr. Reid stated that the Port has a long-term plan, and that Plan is actually a part of the City's Comprehensive Plan on page 69, as adopted in 1995. The plan envisions development along the waterfront.

Mr. Reid presented a slide that shows other development plans the Port has ongoing, including a comprehensive scheme of development improvements and property development plans and guidelines. These represent the Port's "land use plan." These are available on the Port's web site.

Mr. Reid referenced several comment letters the Port has submitted. Mr. Reid referenced correspondence submitted that identified Ports as a "preferred waterfront

user in the Shoreline Management Act” and the Port’s specific interests. Mr. Reid referenced a letter wherein the Port has requested a Port Maritime Industrial shoreline designation be established for the Port property.

Mr. Reid stated the Port currently maintains 9,600 linear feet of shoreline and 70 percent of that is maintained in a park-like setting, including the East Bay trail, with pocket parks and public restrooms. The Port maintains many public walkways in the area as well.

Mr. Reid showed a slide of conceptual drawings that he stated would be at risk under the currently proposed SMP Urban Conservancy Designation. Depicted on the slide was a commercial center, a potential fueling dock, guest moorage docks, an expansion of the boatworks, etc. The slide was depicted as a “rendering,” and not a specific proposal.

Mr. Reid showed how various setbacks would impact plans for future development and stated that an Urban Conservancy Designation would “take out” much of the potential development area depicted in the rendering.

Alex Smith, Environmental Programs Director, addressed the Council to discuss how Ports are cited in the Shoreline Management Act. Ms. Smith stated that Ports are “priority uses” in the SMA. Ms. Smith stated the SMA requires Cities to ensure that their SMPs are coordinated with other existing statutes and plans, including Port planning efforts, Harbor Area statutes, etc. There is also a mandate that SMPs must be consistent with Comprehensive Plans, which includes the Port’s development plans.

Timothy Harris, on behalf of Goodstein Law Group, on behalf of the Port, addressed the Council. Port has been asking since 2010 to have a Port Maritime Industrial shoreline designation with 0-30 foot setback. Mr. Harris cited Anacortes, Port Townsend and Vancouver as examples of Ports that have designations similar to what the Port of Olympia is requesting.

Port Commissioner Jeff Davis addressed the Council. Commissioner Davis stated that the current SMP proposal is of concern because the Port believes it will impact its ability to conduct normal Port activities. Commissioner Davis highlighted several measures the Port has taken as a good steward in the region, including noise and light abatement, Hands On Museum, Farmers Market, etc.

Commissioner Davis stated that the Port has development goals that could be hindered by proposed setbacks and asked the Council to take a look at the Port’s vision (referring to the earlier presented rendering) to see how it would be impacted by those setbacks. Commissioner Davis asked the Council to consider that the Port is more than just a special interest, but rather a stakeholder.

Commissioner Barner addressed the Council. Commissioner Barner stated that he would like to see the Urban Conservancy designation removed from the peninsula, as it would restrict the ability to do business and would stifle investment. He also stated he would like to see the nonconforming status for many buildings and uses removed because a nonconforming status would have a negative impact on entities such as the Olympia Yacht Club. Commissioner Barner stated that the Port represents all the citizens of Thurston County and is committed to environmental cleanup and management. In addition, the Port has undertaken many projects that promote tourism and economic development in the community, and is currently negotiating to bring a 5 star hotelier to the area. Many out-of-town boaters visit the area because of the marina operation.

Commissioner Bill McGregor addressed the Council to reiterate that the Port represents and benefits all of Thurston County and to state that the proposed setbacks in the SMP would seriously impact Port operations and plans.

The work session topic was discussed and closed.

3. ADJOURNMENT

The meeting adjourned at 6:40 p.m.