

# Gap Analysis Report

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## Shoreline Master Program Periodic Review City of Olympia

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# 1. Introduction

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This document presents the result of the City of Olympia (City) Shoreline Master Program regulatory and policy gap analysis. In accordance with the Washington State Shoreline Management Act, local jurisdictions with “Shorelines of the State” are required to conduct a periodic review of their Shoreline Master Programs (SMPs) (Washington Administrative Code [WAC] 173-26-090). The periodic review is intended to keep SMPs current with amendments to state laws, changes to local plans and regulations, changes in local circumstances, and new or improved data and information. The review is intended to be limited in scope in comparison with the City’s 2015 Comprehensive SMP update, with an emphasis on required legislative changes, while improving development regulation clarity and document flow.

The City adopted its current SMP on October 8, 2015 (Ordinance No. 7028), with minor amendments in 2018/19 (Ordinance Nos. 7025 and 7187). Shorelines of the State in the City include Budd Inlet, Grass Lake, Capitol Lake, Ward Lake, Ken Lake, Black Lake Ditch, Percival Creek, and Olympia’s marine shoreline areas. The waters of Budd Inlet seaward of extreme low tide are considered Shorelines of Statewide Significance.

The current SMP outlines goals and policies for the shorelines of the City and establishes regulations for development occurring within shoreline jurisdiction which are codified as Chapter 18.20 of the Olympia Municipal Code (OMC). The current SMP regulates critical areas in shoreline jurisdiction through a reference to the city-wide critical areas regulations in OMC 18.32 (Critical Areas Regulations) and OMC 16.70 (Flood Damage Prevention Regulations), as adopted on December 12, 2017. Elsewhere throughout the City, critical areas are regulated by the City’s updated Critical Areas Ordinance (CAO) as codified in OMC 18.32, which has been updated since the adoption of the current SMP, most recently in May of 2019 (Ordinance 7187).

As a first step in the periodic review process, the City’s current SMP was reviewed by City staff and consultants. The purpose of this Gap Analysis Report is to provide a summary of the review and inform updates to the SMP. This report is organized into the following sections:

- **Section 2** identifies gaps in consistency with state laws. This analysis is based on a list of amendments between 2007 and 2019 as summarized by the Washington State Department of Ecology (Ecology) in its Periodic Review Checklist.
- **Section 3** identifies issues with integrating the City’s current critical areas regulations into the updated SMP.

- **Section 4** identifies opportunities to incorporate elements of the City’s recently completed Sea Level Rise Plan (2019) into SMP policies and regulations (i.e., the ability to implement the plan through development regulations).
- **Section 5** identifies gaps in consistency and implementation between the updated SMP and the City’s Comprehensive Plan and Municipal Code.
- **Section 6** identifies other issues as identified by City staff to consider as part of the periodic review process to produce a more effective SMP.

This report includes several tables that identify potential revision actions. Where potential revision actions are identified, they are classified as follows:

- **“Mandatory”** indicates revisions that are required for consistency with state laws.
- **“Recommended”** indicates revisions that would improve consistency with state laws but are not strictly required by legislation.
- **“Optional”** indicates legislative amendments that can be adopted at the City’s preference but are not required.
- **“No action necessary”** indicates the current SMP meets the intent of or already contains listed legislative updates, changes to critical areas, comprehensive plan or zoning code.

This document attempts to minimize the use of abbreviations; however, a select few are used to keep the document concise. These abbreviations are compiled below in Table 1.

Table 1. Abbreviations used in this document.

Abbreviation	Meaning
BAS	Best Available Science
CAO	Critical Areas Ordinance
City	City of Olympia
Ecology	Washington State Department of Ecology
OMC	Olympia Municipal Code
RCW	Revised Code of Washington
SLR	Sea Level Rise
SMP	Shoreline Master Program
SSDP	Shoreline Substantial Development Permit
WAC	Washington Administrative Code

## 2. Consistency with Legislative Amendments

Table 2 summarizes potential revisions to the Olympia SMP based on a review of consistency with legislative amendments made since SMP adoption. In general, mandatory changes to the SMP are minor in nature. These amendments address revised rules regarding SMP applicability, including updated exemption thresholds and definitions. Ecology has also developed new guidance on regulating nonconforming uses, structures, and development that may be useful for the City to clarifying the nonconformance regulations in its SMP (Item 2017g below). Note that section numbers may be updated during the revision process. The section numbers listed in the table below may differ from those in proposed updates to the SMP.

Only a limited number of revisions in Table 2 are classified as “mandatory.” Furthermore, the revisions classified as “mandatory” are anticipated to be minor in effect. Table 2 summarizes potential revisions to the City’s SMP based on a review of consistency with amendments to state laws identified in the Periodic Review Checklist provided by Ecology. Topics are organized chronologically by year.

Table 2. Summary of gaps in consistency with legislative amendments sorted by year, and mandatory and recommended SMP revisions.

<i>Row</i>	<i>Summary of change</i>	<i>Review</i>	<i>Action</i>
<b>2019</b>			
<b>a.</b>	Washington State Office of Financial Management (OFM) adjusted the <b>cost threshold for building freshwater docks</b>	OMC 18.34.220 directly references WAC 173-27-040 for exemptions from the requirement to obtain a shoreline substantial development permit (SSDP).	No action necessary
<b>b.</b>	The Legislature removed the requirement for a shoreline permit for <b>disposal of dredged materials at Dredged Material Management Program (DMMP) sites</b>	No DMMP sites are located within city limits.	No action necessary
<b>c.</b>	The Washington State Office of Financial Management (OFM) adjusted the <b>cost threshold for substantial development</b> to \$7,047.	OMC 18.34.220 directly references WAC 173-27-040 for exemptions from the requirement to obtain an SSDP.	No action necessary
<b>2017</b>			
<b>a.</b>	The Legislature added restoring native kelp, eelgrass beds and native oysters as fish habitat enhancement projects.	OMC 18.34.220 directly references WAC 173-27-040 for exemptions from the requirement to obtain an SSDP,	No action necessary

<b>Row</b>	<b>Summary of change</b>	<b>Review</b>	<b>Action</b>
		therefore this change has been incorporated into the SMP by reference.	
<b>b.</b>	Ecology amended rules to clarify that the <b>definition of “development”</b> does not include dismantling or removing structures.	SMP Section 3.3 and OMC 18.20.120.B adopt by reference the definition of ‘development’ per state law (RCW 90.58.030, WAC 173-27-030 and 173-26-020). Therefore, this change has been incorporated by reference.	No action necessary
<b>c.</b>	Ecology adopted rules that clarify <b>exceptions to local review under the SMA.</b>	The current SMP does not address exceptions to local review under WAC 173-27-044 and -045.	<b>Mandatory:</b> Add reference to statutory exceptions via reference to WAC 173-27-044 and -045.
<b>d.</b>	Ecology amended rules that clarify <b>permit filing procedures</b> consistent with a 2011 statute.	The SMP adopts provisions of WAC 173-27-130 by reference in Section 3.4.D.	No action necessary
<b>e.</b>	Ecology amended <b>forestry use regulations</b> to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require Substantial Development Permits.	Forest practices are prohibited in all shoreline areas per OMC 18.20.610.	No action necessary
<b>f.</b>	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>	Olympia has no lands within shoreline jurisdiction under exclusive federal jurisdiction (i.e., National Parks, permanent military installations, etc.) within shoreline jurisdiction.	No action necessary
<b>g.</b>	Ecology clarified “default” provisions for <b>nonconforming uses and development.</b>	The SMP establishes its own standards for nonconforming use and development, including distinct sections for nonconforming structures, uses, and lots. The SMP does not include distinct definitions for nonconforming structures, uses, and lots, though these items are implicitly defined in the regulations.	<b>Recommended:</b> Consider updating language for clarity, including adding definitions to define nonconforming structures, uses, and lots.
<b>h.</b>	Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews.</b>	The current SMP does not address the periodic review scope or procedures. However,	No action necessary

<b>Row</b>	<b>Summary of change</b>	<b>Review</b>	<b>Action</b>
		this process is already outlined in the WAC and does not necessarily need to be included in the Olympia SMP.	
i.	Ecology adopted a new rule creating an <b>optional SMP amendment process</b> that allows for a shared local/state public comment period.	SMP Section 3.13 establishes amendment procedure, referencing WAC 173-26-100.	<b>Recommended:</b> Add new provision clarifying the optional SMP amendment process that allows for a shared local/state public comment period, expediting City process, pursuant to WAC 173-26-104.
j.	<b>Submittal</b> to Ecology of proposed SMP amendments.	SMP Section 3.13 discusses required amendment approval by Ecology, inferring transmittal of amendments would be required. Section 1.8 of the SMP establishes that SMP amendments take effect 14 days after Ecology approval.	No action necessary
<b>2016</b>			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the <b>Americans with Disabilities Act</b> .	OMC 18.34.220 directly references WAC 173-27-040 for exemptions from the requirement to obtain an SSDP, therefore this change has been incorporated by reference.	No action necessary
b.	Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.	The current SMP incorporates by reference the CAO adopted by the City on December 12, 2017, which includes reference to the 2014 wetlands rating system.	No action necessary
<b>2015</b>			
a.	The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.	The SMP does not address this.	<b>Recommended:</b> Consider amending SMP to define special procedures for WSDOT projects per WAC 173-27-125 under SMP Section 3.55/OMC 18.20.700 'Transportation and Trail Facilities'
<b>2014</b>			
a.	The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for <b>replacement docks on lakes and rivers</b> to \$20,000 (from \$10,000).	OMC 18.34.220 directly references WAC 173-27-040 for exemptions from the requirement to obtain an SSDP. Therefore this change has been incorporated by reference.	No action necessary



<b>Row</b>	<b>Summary of change</b>	<b>Review</b>	<b>Action</b>
<b>b.</b>	The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.	OMC 18.20.654.B.6, SMP Chapter 2.27 (Residential Policies), and Chapter 3.3 (Interpretations and Definitions) address this.	No action necessary. See Table 8 in Section 6 below for a discussion of potential amendments to live-aboard regulations.
<b>2012</b>			
<b>a.</b>	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .	The current SMP does not outline the appeal process after Ecology's approval of an SMP/SMP update. However, this process is already outlined in the WAC and does not necessarily need to be included in the Olympia SMP.	No action necessary
<b>2011</b>			
<b>a.</b>	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> .	The current CAO (December 2017) applied to shoreline jurisdiction references the approved federal wetland manual and applicable regional supplements.	No action necessary
<b>b.</b>	Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .	The current SMP contains a reference to commercial geoduck aquaculture, but only lists application requirements.	<b>Recommended:</b> Revise existing language to reference to entire rule, which includes permit content requirements in addition to application requirements: <i>In addition to other requirements in this chapter, applications for commercial geoduck aquaculture shall contain all of the items <u>and meet minimum permit requirements identified in WAC 173-26-241(3)(b)(iv)</u>.</i>
<b>c.</b>	The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.	OMC 18.20.654.B.6 and SMP Chapter 2.27 (Residential Policies) address this.	No action necessary
<b>d.</b>	The Legislature authorized a new <b>option to classify existing structures as conforming</b> .	This is not required. The SMP does not include language indicating that existing residential structures are considered conforming.	No action necessary

<i>Row</i>	<i>Summary of change</i>	<i>Review</i>	<i>Action</i>
<b>2010</b>			
<b>a.</b>	The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications.</b>	Consistency was established in 2015 SMP comprehensive update. The City has previously updated its CAO and the SMP and therefore addressed the issue of overlapping critical area regulations.  The SMP includes the 14-day rule for Ecology approval under Section 1.8.	No action necessary
<b>2009</b>			
<b>a.</b>	The Legislature created new “relief” procedures for instances in which a <b>shoreline restoration project within a UGA</b> creates a shift in Ordinary High Water Mark.	The SMP addresses this in Section 3.70 (OMC 18.20.855).	No action necessary
<b>b.</b>	Ecology adopted a rule for certifying <b>wetland mitigation banks.</b>	The current SMP critical areas regulations authorize certified mitigation banks provided they are approved by state and federal agencies.	No action necessary
<b>c.</b>	The Legislature added <b>moratoria authority</b> and procedures to the SMA.	The SMP and OMC 18.20 do not address this, though the City may rely on statute to adopt provisions.	No action necessary
<b>2007</b>			
<b>a.</b>	The Legislature clarified <b>options for defining "floodway"</b> as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	An appropriate definition for “Floodway” was incorporated into the last SMP update (SMP Chapter 3.3).	No action necessary
<b>b.</b>	Ecology amended rules to clarify that comprehensively updated SMPs shall include a <b>list and map of streams and lakes</b> that are in shoreline jurisdiction.	SMP Section 2.1 lists all Shoreline of the State in Olympia.	No action necessary
<b>c.</b>	Ecology’s rule listing statutory exemptions from the requirement for an SDP was amended to include <b>fish habitat enhancement projects</b>	OMC 18.34.220 directly references WAC 173-27-040 for exemptions from the requirement to obtain a shoreline	No action necessary

<b>Row</b>	<b>Summary of change</b>	<b>Review</b>	<b>Action</b>
	that conform to the provisions of RCW 77.55.181.	substantial development permit (SSDP).	

### 3. Consistency with Critical Areas Ordinance

The City’s SMP alone provides protection for critical areas within shoreline jurisdiction. The current SMP regulates critical areas in shoreline jurisdiction through a reference to OMC 18.32 (Critical Areas Regulations) and OMC 16.70 (Flood Damage Prevention Regulations), as adopted on December 12, 2017. Elsewhere throughout the City, critical areas are regulated by the City’s Critical Areas Ordinance (CAO) as codified in OMC 18.32, which has been updated since the adoption of the current SMP, most recently in May of 2019 (Ordinance 7187).

Additional critical areas regulations are provided in OMC 16.70 (Flood Damage Prevention Regulations), OMC 13.16 (Erosion Hazard Regulations), and OMC 18.40 (Drinking Water Wellhead Protection Area Regulations). These additional code sections are all incorporated by reference into the CAO.

It is expected that the City will update the adoption by reference during this periodic update, such that the City’s most current critical areas regulations will apply within shoreline jurisdiction. As such, this gap analysis report covers a review of the City’s most current critical areas regulations, and identifies any amendments recommended or required prior to incorporation into the updated SMP. Inconsistencies between the City’s current critical areas regulations and current guidance and best available science are primarily related to wetland buffers.

Table 3 below summarizes issues to be resolved in order to incorporate the City’s current CAO into the updated SMP. A more detailed discussion of wetland buffer recommendations follows Table 3.

Table 3. Issues to be resolved to integrate the City’s CAO into the updated SMP

#	Issue	Review & Relevant Location(s)	Action
<b>Applicability</b>			
1	Incorporating Critical Areas Regulations by Reference	<p><b>Review:</b> The SMP currently adopts OMC 18.32 and OMC 16.70, as adopted on December 12, 2017, by reference. References within the SMP must be for specific, dated versions of critical areas regulations. As such, this reference should be updated to reference the current CAO (to be updated concurrently with the SMP).</p> <p><b>Current SMP:</b> • Section 1.6</p>	<p><b>Mandatory:</b> In the updated SMP, reference the most recently dated Critical Areas Ordinance.</p>

#	Issue	Review & Relevant Location(s)	Action
		<ul style="list-style-type: none"> <li>Section 3.22 (OMC 18.20.420)</li> </ul>	
<b>Wetlands</b>			
2	Ecology Wetland Buffer Guidance: Updated in 2018	<p><b>Review:</b>            The City’s CAO references the appropriate 2014 Ecology wetland rating system. However, the current wetland buffer widths are not consistent with recent Ecology guidance published in 2018. See discussion and Table 4 below for additional details.</p> <p><b>CAO (OMC 18.32):</b>  <ul style="list-style-type: none"> <li>18.32.535(B)</li> </ul> </p>	<p><b>Recommended:</b> Revise wetland buffer provisions in the SMP critical area regulations to be consistent with current Ecology guidance related to habitat scores and wetland buffers. See discussion and Table 4 below for additional details.</p>
3	Wetland Buffer Width Variation	<p><b>Review:</b>            The City’s CAO allow for reduction of wetland buffer widths up to 25 percent if the applicant implements applicable minimization measures prescribed in the CAO, which reference Ecology guidance. This provision, though similar in nature to Ecology’s current guidance, is somewhat inconsistent with current guidance, which doesn’t support buffer reduction. Rather, current Ecology guidance includes the use of the referenced minimization measures to establish minimum and maximum buffer widths. The CAO also allows for buffer width averaging, which is consistent with Ecology guidance.</p> <p><b>CAO (OMC 18.32):</b>  <ul style="list-style-type: none"> <li>18.32.535(F) &amp; (G)</li> </ul> </p>	<p><b>Recommended:</b> To align with BAS and Ecology guidance, consider revising critical areas regulations to replace existing buffer reduction provisions with buffer widths and minimization measures consistent with Ecology’s current guidance.</p>

### Wetlands

The current BAS-based wetland rating system is the *Washington State Wetland Rating System for Western Washington* (Hruby 2014, Ecology publication No. 14-06-029), which is appropriately referenced in the City’s current CAO. However, in July 2018, Ecology again updated its

guidance for wetland buffers. The change in guidance is the result of Ecology's continued evaluation of the 2014 wetland rating system as it relates to the 2004 wetland rating system.

The updated guidance provides alternatives to buffer tables based solely on wetland category to provide a balance of predictability and flexibility while being easy to use and protecting wetland functions and values. The preferred alternative includes variable buffer widths based on wetland category and habitat score, according to the updated rating system, as shown in Tables 4 and 5 below. While the City's CAO currently employs variable buffer widths based on wetland category and habitat score, the current buffer widths are not in alignment with current Ecology guidance.

Under the preferred alternative of variable buffer widths based on wetland category and habitat score, projects that can mitigate the impacts and disturbances associated with surrounding land use may be eligible for reductions in required buffer widths. Table 6 lists impact-minimization measures which, when implemented in combination with a wildlife corridor to adjacent priority habitats where applicable, allow an applicant to reduce the standard buffer widths by up to 25 percent (Ecology 2016). Other buffer reduction methods, other than buffer averaging, are inconsistent with Ecology's current guidance, and would not apply under the preferred alternative.

The resulting standard buffer widths range according to habitat score from 75 to 225 feet for Category I and II wetlands and from 60 to 225 feet for Category III wetlands, and are 40 feet for Category IV wetlands. These impact-minimization measures are currently referenced in the CAO to allow an applicant to reduce the standard buffer widths by up to 25 percent. However, this 25 percent reduction currently applies to standard buffer widths which are inconsistent with best available science and Ecology guidance. Additionally, explicitly including a table of these measures, rather than referencing Ecology's guidance, may improve clarity and code compliance.

To align the SMP guidance with the updated guidance, we recommend updating the CAO to follow Ecology's new guidance for wetland buffer widths. There are several discrepancies between the buffer widths currently in the CAO and the updated guidance. This comparison is shown in Tables 4 and 5 below. Table 4 shows the CAO's current wetland buffer scheme, while Table 5 shows the proposed buffer widths under Ecology's most recent guidance.

Table 4. Current wetland buffer widths (in feet) under Section 18.32 OMC

Wetland Characteristics	Buffer Width (feet)
Natural Heritage Wetlands/Bogs	250
Estuarine (Category I)	250
Estuarine (Category II)	150
Habitat Score: 3-4 pts	100
Habitat Score: 5 pts	140
Habitat Score: 6 pts	180
Habitat Score: 7 pts	220
Habitat Score: 8 pts	260
Habitat Score: 9 pts	300
Water Quality Improvement Score: 8-9 pts, and Habitat Score: 4 pts or less	100
Category I or II (not meeting any above criteria)	100
Category III (not meeting any above criteria)	80
Category IV	50

Table 5. Wetland buffer widths (in feet) under Ecology's 2018 Guidance

Wetland Category	Proposed Buffer Widths (feet) Per 2018 Ecology Guidance					
	<i>Without minimization measures</i>			<i>With minimization measures</i>		
	Habitat Score			Habitat Score		
	<i>High</i>	<i>Moderate</i>	<i>Low</i>	<i>High</i>	<i>Moderate</i>	<i>Low</i>
I	300	150	100	225	110	75
II	300	150	100	225	110	75
III	300	150	80	225	110	60
IV	50			40		

Table 6. Wetland buffer impact minimization measures, per Ecology’s most recent guidance

<b>Disturbance</b>	<b>Required Measures to Minimize Impacts</b>
<b>Lights</b>	*Direct lights away from wetland
<b>Noise</b>	*Locate activity that generates noise away from wetland *If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source *For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the
<b>Toxic runoff</b>	*Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered *Establish covenants limiting use of pesticides within 150 ft of wetland *Apply integrated pest management
<b>Stormwater runoff</b>	*Retrofit stormwater detention and treatment for roads and existing adjacent development *Prevent channelized flow from lawns that directly enters the buffer *Use Low Intensity Development techniques (for more information refer to the drainage ordinance and
<b>Change in water regime</b>	*Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
<b>Pets and human disturbance</b>	*Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion *Place wetland and its buffer in a separate tract or protect with a conservation easement
<b>Dust</b>	*Use best management practices to control dust



## 4. Integrating Olympia’s Sea Level Rise Plan

The City of Olympia contains six miles of marine shoreline. Watershed reviewed the current SMP for consistency with the policies and regulations in the City’s Sea Level Rise Response Plan (March 2019). While investigating how to incorporate the plan’s recommendations into this periodic update several key items were identified and are outlined in Table 7 below.

It should be noted that some SLR plan policies are already incorporated into the SMP and Comprehensive Plan. However, there are no explicit sea level rise development regulations incorporated into the OMC.

The table below summarizes over-arching changes that can improve policy consistency between the City’s Sea Level Rise Response Plan and the administration of the SMP. City planning staff anticipate coordinating with public works staff responsible for the development of the City’s Sea Level Rise Response Plan to facilitate incorporation of relevant policies and regulations into the SMP during this periodic review process.

Table 7. Summary of recommended SMP revisions to improve consistency with SLR Policies

#	Issue	Relevant Location(s)	Review & Action
<b>Administration</b>			
1	<b>Sea Level Rise Inundation Overlay District</b>	<b>SMP Maps/Appendices:</b> Official Shoreline Environment Designation Maps	<b>Review:</b> Sea level rise projections are intimately related to shoreline planning. Therefore, providing a static map in the SMP, depicting an SLR overlay district as to all impacted marine areas will help tie the 2019 SLR plan work with SMP policy direction. The data from this map will support any new policies the City puts forth for shoreline adaptation, hard armoring in the downtown, or avoidance.  <b>Recommended Action:</b> Add the City’s online SLR inundation web-map map or add an SLR layer as an overlay to the current SED Map (SMP Appendix B ‘Shoreline Environmental Designations for the City of Olympia’).
2	<b>Expand SLR Plan Scope</b>		<b>Review:</b> The SLR Response Plan addresses downtown Olympia.  <b>Recommended Action:</b> Consider adding provisions to SMP policies regarding educating shoreline property owners about sea level rise as a component of SMP

#	Issue	Relevant Location(s)	Review & Action
			outreach. The City may consider expanding the SLR plan in the future to address other areas.
3	<b>Policy and Regulation Additions</b>		<p><b>Review:</b> Public Works staff who worked on the SLR plan have noted a variety of instances where existing policies and regulations are unclear or insufficient and have made recommendations for clarifications and additions based upon new BAS for SLR. City planning staff anticipate coordinating with public works staff responsible for the development of the SLR Plan to facilitate incorporation of relevant policies and regulations into the SMP during this periodic review process.</p> <p><b>Recommended Action:</b> Add, remove, and clarify policy language and regulations, as necessary.</p>

## 5. Consistency with Comprehensive Plan and Development Regulations.

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Olympia’s Comprehensive Plan does not include a dedicated Shoreline Element Chapter. However, references to the SMP and the document’s authority are outlined within the Comprehensive Plan Natural Environment Element and OMC 18.20 ‘Shoreline Master Program Regulations’.

The goals and policies of the Shoreline Master Program updated in 2015 were proposed as an amendment and was subsequently added verbatim to the Natural Environment Element of the Comprehensive Plan.

Proposed changes to development regulations in OMC 18.20 are referenced throughout various sections of this document. During our gap analysis review no changes to the SMP were identified at this time to address comprehensive plan and development regulations.

## 6. Other Issues for Consideration

City of Olympia Community Planning and Development staff have also highlighted for consideration certain modifications to the SMP. Proposed changes are primarily to improve clarity and functionality of the document and shoreline permit processes. A selection of the proposed changes, rationale, and input from The Watershed Company are included in Table 8 below. A comprehensive list of comments from City staff is included as Appendix A of this report.

Table 8. Additional issues identified by City staff

#	Issue	Review & Relevant Location(s)	Action
1	Hearing Examiner Review for Shoreline Permits	<p><b>Review:</b> City planning staff have noted that currently, most shoreline permits require Hearing Examiner review. This is not common among SMPs, and is not necessary for processing SSDPs and Shoreline Exemptions.</p> <p><b>Current SMP:</b> • OMC 18.20.280</p>	<p><b>Recommended:</b> Consider SMP language to revise the permit review process so that applications for SSDPs and Shoreline Exemptions do not require Hearing Examiner review. Shoreline Conditional Use and Variance Permits would continue to require Hearing Examiner review.</p>
2	Clarify on extent of Shoreline Jurisdiction	<p><b>Review:</b> City planning staff have noted that there is often confusion about the extent of shoreline jurisdiction, with many members of the community under the impression that if any portion of a property is within shoreline jurisdiction, the entire property is subject to the SMP. This is not the case, but may be established more clearly in the SMP to avoid further confusion.</p> <p><b>Current SMP:</b> • OMC 18.20.300</p>	<p><b>Recommended:</b> Update SMP language to clarify the extent of shoreline jurisdiction.</p>
3	Isolated Areas / Functional Disconnect	<p><b>Review:</b> City planning staff have noted that there is a lack of clarity on the applicability of certain shoreline regulations when a project is disconnected from the shoreline by substantial infrastructure, such as a public roadway. Many SMPs</p>	<p><b>Recommended:</b> Consider adding SMP language to establish that certain shoreline regulations, including buffers, do not apply in the case of a functional disconnect from the shoreline by a public roadway or other substantial infrastructure.</p>

#	Issue	Review & Relevant Location(s)	Action
		include language which clarify that certain regulations, such as shoreline buffers, do not apply in these instances.	
4	SEPA Exemption/Public Hearings	<p><b>Review:</b>            The SMP currently establishes that if a project does not require SEPA, then it does not require Hearing Examiner review. Due to certain SEPA exemption areas within the City, this can create confusion about whether or not a hearing is required.</p> <p><b>Current SMP:</b></p> <ul style="list-style-type: none"> <li>• 18.20.280.C</li> </ul>	<p><b>Recommended:</b> Per Review Item #1 above, remove the requirement for Hearing Examiner review on all SSDP and Shoreline Exemption proposals. This provision could then be removed, eliminating the potential for confusion.</p>
5	RV Parks in Shoreline Jurisdiction	<p><b>Review:</b>            Staff have noted difficulty permitting RV parks within shoreline jurisdiction, particularly within the area operated by the Port of Olympia. This type of development is currently promoted by the Port’s Scheme of Harbor Improvements. This document is referenced and supported within the SMP, though the City does not currently have the ability to permit this use in shoreline jurisdiction. This use would not constitute a ‘water-dependent use’ per WAC 173-26-020, but could potentially be justified as a ‘water-enjoyment use’ or a ‘water-related use,’ which would imply that the economic viability of the use is dependent upon a waterfront location.</p>	<p><b>Recommended:</b> Update Marine Recreation Management Policy A.2 to include RV parks as a water-oriented recreation use. While an RV park could be considered Water Enjoyment or Water Related, certain restrictions should be considered (e.g. parking, restricting this allowance to specific SEDs, etc.). This may require discussion with Ecology.</p>
6	Policy and Regulation Additions/Deletions/Clarifications	<p><b>Review:</b>            Staff have noted a variety of instances where existing policies and regulations are unclear, insufficient, or extraneous, and have made recommendations for</p>	<p><b>Recommended:</b> Add, remove, and clarify policy language and regulations, as necessary.</p>

#	Issue	Review & Relevant Location(s)	Action
		clarifications, deletions, and additions. See Appendix A of this report for a complete list of staff recommended revisions.	
7	Live-aboard Standards	<p><b>Review:</b></p> <p>The SMP currently allows live-aboard vessels only in marinas, and only when adequate sewer and waster disposal facilities are available. No limit on the percentage of total slips to be used as live-aboards. WA DNR establishes a limit of 10 percent of total slips in a marina, though this figured may be modified by the City through amendments to the local SMP. Staff have noted citizen concerns with the existing limit, and have expressed interest in raising this limit to 20 percent to ensure adequate opportunities for live-aboards.</p>	<p><b>Recommended:</b> Add language to establish a live-aboard limit of 20 percent of total slips in a marina, with clarifying provisions to ensure that adequate facilities are provided to accomodate live-aboard vessels in a marina. This may include new development standards for live aboards, if appropriate.</p>

## References

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- DNR (Washington State Department of Natural Resources). December 2009. Washington State's Dredged Materials Management Program. Accessed April 2020. [https://www.dnr.wa.gov/publications/aqr\\_dmmp\\_factsheet.pdf?rx3wo](https://www.dnr.wa.gov/publications/aqr_dmmp_factsheet.pdf?rx3wo)
- Ecology (Washington State Department of Ecology). July 2018. July 2018 Modifications for Habitat Score Ranges. Modified from Wetland Guidance for CAO Updates: Western Washington Version. Ecology Publication No. 16-06-001. Accessed April 2020.
- Ecology (Washington State Department of Ecology). November 2019. Shoreline Permitting Manual: Guidance for Local Governments. Ecology Publication No. 17-06-029. Accessed April 2020. <https://fortress.wa.gov/ecy/publications/documents/1706029.pdf>
- Ecology (Washington State Department of Ecology). September 2019. Revised Periodic Review Checklist Guidance. Shoreline Master Program Periodic Review. Accessed April 2020. [https://fortress.wa.gov/ecy/ezshare/sea/ShorelinePlannerToolbox/2019/PeriodicReviewChecklist Guidance\\_9-19\\_rev.pdf](https://fortress.wa.gov/ecy/ezshare/sea/ShorelinePlannerToolbox/2019/PeriodicReviewChecklistGuidance_9-19_rev.pdf)
- Hruby, T. 2014. Washington State Wetland Rating System for Western Washington: 2014 Update. Ecology Publication No. 14-06-029. Washington State Department of Ecology, Olympia, WA.
- Olympia (City of Olympia). 2014. City of Olympia Comprehensive Plan. City of Olympia, WA. Accessed April 2020. <http://olympiawa.gov/city-government/codes-plans-and-standards/olympia-comprehensive-plan.aspx>
- Olympia (City of Olympia). No Date. Olympia Municipal Code. City of Olympia, WA. Accessed April 2020. <https://www.codepublishing.com/WA/Olympia/>
- Washington Administrative Code. 2018. Washington State Legislature. Available online: <http://apps.leg.wa.gov/WAC/default.aspx>.

## Planning Staff Comments



#	General Comments	
1	1. Wherever "to the extent feasible", "where feasible", "appropriate", "minimum necessary" are used in a policy statement, delete. These standards are more appropriate under regulations.	
2	2. SMP was written before "plain talk" standards were developed for the Comprehensive Plan update. Will policies be modified using these standards? In rereading, there's room for improvement.	
3	3. On page 4 (Section 1.2) of the hard copy SMP, there's a reference to park and utility plans as master plans. This is incorrect.	
#	Shoreline Policies	Staff Comment
<b>Shoreline Ecological Protection - PN 2.2</b>		
4	Policy G	The City has not yet developed a program for reviewing shoreline conditions.
5	Policy F	Consider removing this policy; other work program items have taken priority, and other avenues (e.g., regulatory) for achieving this goal are in place.
<b>Shoreline Use and Development Policies - PN 2.4</b>		
6	Policies D, E	Now that the Sea Level Rise Response Plan is complete, are these policies still relevant?
<b>Aquatic Environment Management Policies - PN 2.5</b>		
7	Policy B	Addresses new overwater structures, but not existing structures. The commercial regulations allow expansion of existing overwater structures, but there's no policy support. Clarify that provisions apply to buildings, not structures such as docks or covered moorage. There are other provision that address dock
8	Policy D	As written, this policy is confusing, especially the term "water resources". The intent was to minimize the building footprint/maximize uses within the structure to reduce the number of overwater structures. We probably won't see a lot of overwater structures given the high cost of construction,
9	Policy E	Revise to include forage fish habitat.
10	Policy H	This policy is not specific to the Aquatic Environment; move under Shoreline Use and Development Policies. Or consider deleting as the underlying shoreline designations and zoning districts determine what uses are allowed.
<b>Natural Environment Management Policies - PN 2.6</b>		
11	Policy A.2	Awkward wording. Replace "considered to represent" with "is characterized" or similar.
<b>Marine Recreatoin Management Policies - PN 2.9</b>		

12	Policy A.2	Add camping/RV parks as an example of water-oriented recreation.
13	Policy D	Eliminate reference to fee-in-lieu program; unlikely one will ever get established.
14	Policy E	Delete "waterward of OHWM"; removal of hard armoring landward of the OHWM is also desired.
15	Policy F	Delete this policy? It may not be necessary to keep this policy.
16	Policy G.2	Delete this policy. It doesn't make sense that the SMP would need to be amended to execute a restoration plan.
<b>Shoreline Residential Management Policies - PN 2.10</b>		
17	Policy G	Delete "waterward of OHWM"; removal of hard armoring landward of the OHWM is also desired.
<b>Urban Intensity Management Policies - PN 2.11</b>		
18	Policy E	Replace "provide for" with "support".
19	Policy F	Should also apply to redevelopment. Replace "relevant" with "applicable".
20	Policy G	Delete "Where feasible". As long as it complies with the WAC and SMP, providing public access is feasible.
21	Policy H	Refer to design guidelines as source of "aesthetic objectives".
22	Policy	Remove reference to "fee in lieu" as such a program has not been established and most likely won't be.
<b>Port Marine Management Policies - PN 2.12</b>		
23	Policy G	Wording is awkward. Whether a site needs to be cleaned up is determined by the Dept. of Ecology.
24	Policy I	Remove reference to "fee in lieu" as such a program has not been established.
<b>Parking Policies - PN 2.14</b>		
25	General comment	Add policy regarding recreational vehicles within shoreline jurisdiction?
<b>Public Access Policies - PN 2.15</b>		

26	General comment	Add policy to address situations where public access already exists nearby.
<b>Vegetation Policies - PN 2.18</b>		
27	Policy C	Remove "to the greatest extent feasible"; no need to include as a policy statement.
28	Policy D	Tree removal for views has been an on-going issue. Currently, the policy allows in limited situations, but is this a policy we want to revisit?
29	Policy E	Include use of chemicals in educational materials.
<b>View Protection Policies - PN 2.19</b>		
30	General comment	Look at West Bay Drive regs; they may require that views from the water be considered in project design.
31	General comment	Create stronger link to the City's tree protection and critical area standards. The City gets a lot of requests to cut down trees for view purposes.
32	Policy B	During the big update, the Planning Commission wanted views from the water to receive the same protection as views toward the water. Since view protection is for the benefit of the general public, most of whom experience the shoreline from land, remove "and through the development from the
<b>Agriculture Policies - PN 2.21</b>		
33	Policy A	There are no agricultural uses along Olympia's shorelines; policy not relevant.
<b>Aquaculture Policies - PN 2.22</b>		
34	Policy A	There are no eelgrass beds in Budd Inlet.
<b>Boating Facilities Policies - PN 2.23</b>		
35	Policy D	Delete "to the extent compatible with shoreline functions...."
36	Policy F	Provide rationale for why covered moorage is not allowed. Revise to include the term boathouses to be consistent with Policy J, Moorage Policies.
<b>Commercial Policies - PN 2.24</b>		
37	Policy G	Use of low impact development covered in other policy sections; consider eliminating to reduce redundancy.
<b>Industrial Policies - PN 2.25</b>		

38	Policies A and B	Conflicting policy statements. Non-water oriented industrial uses prohibited under B, but given lower priority under A.
39	Policy C	Port staff and priorities are shifting; the Port may be interested in revisiting this policy to reflect their current strategy. The Scheme of Harbor Improvement (SHI) was revisited in 2017, with no major changes.
40	Policy D	"marine" is extraneous in context of sentence.
41	Policy G	Similar to comment _____ regarding environmental cleanup. The Port Penninslua sits on fill, so something is bound to be contaminated.
<b>Residential Policies - PN 2.27</b>		
42	Policy B	Except for shoreline setbacks, VCA's, and building height, standards in 18.04.060 and 18.32 determine how a site can be developed. Unless more stringent standards are established in the SMP, not sure what this policy accomplishes.
43	Policy E	It's unclear if this policy applies to all residential development, or to multifamily development and plats.
44	Policy G	Revisit floating residences? SB 6027 - vetoed by Gov. Inslee on 4/3/2020
45	Policy H	Keep this policy? Hard to administer.
<b>Shoreline Modification Policies - PN 2.30</b>		
46	Policy F	Revise to reflect Sea Level Rise Response Plan.
<b>Dredging Policies - PN 2.31</b>		
47	Policy B	Delete "appropriate". Dredging activities go through review and scrutiny by local, state, and federal agencies. Through that process, appropriate mitigation will be established.
48	Policy C	Modify this policy to include federal agencies.
49	Policy F	Modify this policy to address protection of water quality if dewatering of dredge materials takes place in close proximity to the water.
50	Policy G	Consider eliminating this policy. Most dredge materials in Olympia are contaminated, so having this policy doesn't accomplish anything.
<b>Fill Policies - PN 2.32</b>		
51	Policy C	Revise to reflect Sea Level Rise Response Plan.
52	Policy E	Revise to prohibit disposal of dredge materials; materials must be dumped at authorized sites.

Moorage Policies - PN 2.33		
53	Policy C	Revise to reflect Sea Level Rise Response Plan.
54	Policy E	Revise to prohibit disposal of dredge materials; materials must be dumped at authorized sites.
55	Policy H	Very similar to Policy H, Industrial Policies; remove one of the other to avoid redundancy.
56	Policy J	Written slightly different than Policy F under Boating Facility Policies; see comment under Boating Facilities.
Shoreline Stabilization Policies - PN 2.34		
57	General comment	Create separate policies for armoring related to sea level rise?
58	Policy F	Clarify that the term "structures" refers to buildings, not armoring. "Structure" is also used in reference to hard armoring.
59	Policy G	Related to comment above; "structures" used in this policy refers to armoring, not a building.
#	Shoreline Regulations	Comments
60	OMC 18.20.200.E	A program/method for tracking cumulative impacts has never been set up.
61	OMC 18.20.260	Revise to reflect the use of checklists for submittal requirements (which are consistent with code chapters, but may also require additional materials).
62	OMC 18.20.280	Most jurisdictions do not send all SSDP's to Hearing. Most have language much like Land Use Review that says it's a director decision unless it is of a contentious nature...etc. the director may elevate to HEX. SCUP's and variances make sense to continue going to the HEX, but SDP seems like an unnecessary processing step.
63	OMC 18.20.280.C	This language that says if a project does not require SEPA, then does not require a hearing is odd. Now that we have some parts of Downtown within the downtown SEPA Exemption area it should be reevaluated.
64	OMC 18.20.295	Add "hereinafter updated" or similar wording to reflect annual fee increases.
65	OMC 18.20.300	Clarity regarding the shoreline jurisdiction – Many community members believe that if any portion of a <i>property</i> is in the shoreline jurisdiction, then any <i>project</i> on that property must obtain a SSDP. This is problematic when the work proposed is well outside the shoreline jurisdiction. Language could/should be added to clearly identify when compliance is required.
66	OMC 18.20.410	Mitigation provisions in this section are overly complex; would be great if they can be simplified.
67	OMC 18.20.410.F.3	Mitigation projects should also rely on studies tailored to a specific project, not studies that are now 10-plus years old.

68	OMC 18.20.410.J	Delete this section; it's unlikely that a fee-in-lieu program will be established.
69	OMC 18.20.430.D	Delete this provision; redundant with B regarding compliance with OMC 18.12
70	OMC 18.20.430.E	Consult with others; this wording may need to be fine-tuned.
71	OMC 18.20.450.A and C; OMC 18.20.460.A.4	For the most part, public access requirements have worked out well. It seems reasonable to waive the requirements if a site is located across the street from a public access areas, and if pedestrian access is provided.
72	OMC 18.20.495.H	Except when property is already being platted, remove requirement to place VCA's in separate tract. This creates a burden on the homeowner to create a separate tract; conservation easement makes more sense.
73	OMC 18.20.507	Update code references for protected views.
74	OMC 18.20.510	Add provisions addressing stockpiling/dewatering of dredge materials.
75	OMC 18.20.510.C	What is current science on use of treated wood? Code currently allows only if there are no feasible alternatives, but should it be prohibited altogether?
76	OMC 18.20.620	Isolated Areas: When a property is across the street from the shoreline, or separated by a boardwalk, buildings, roadways etc. There should be clarifying language that identifies the types of requirements that are applicable. Buffers for example seem unreasonable. If public access to the shoreline is required – what type? It would be different than a property that was actually on the shoreline.
77	OMC 18.20.620.C	Total area of accessory structures limited to 800 square feet which is more restrictive than other areas in the City. Do we want to ease up on this?
78	OMC 18.20.810, Table 7.1	Reference to OMC 18.20.870 in table is incorrect, but am not sure of the correct reference.
79	OMC 18.20.820	Cross reference water quality provisions for dewatering dredge spoils in close proximity to the water.
80	OMC 18.20.846, 847, and 848	Update as necessary to reflect any changes in the state's grating requirements for docks, piers, and floats.