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City Council

Review of Oral and Written Comments on the Shoreline Master Program (SMP)

Agenda Date: 8/27/2013
Agenda Item Number: 2.A
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Agenda Item:

Review of Oral and Written Comments on the Shoreline Master Program (SMP)

Issue:

Provide staff feedback and direction for preparation of the final draft of the SMP.

Committee Recommendation:

None.

City Manager's Recommendation:

In Study Session format, review and discuss comments.

Staff Contact:

Keith Stahley, Director Community Planning & Development

Presenter(s):

Keith Stahley, Director Community Planning & Development

Background and Analysis:

Council received public comment from 45 people at the July 9, 2013 public hearing. Many of these comments pertained to maintaining or increasing flexibility around setbacks and the treatment of nonconforming uses and structure. In addition, concerns were expressed about zero foot setbacks and the impact of sea level rise from multiple speakers. Council left the public record open on the July 9, 2013 draft of the Shoreline Master Program until July 23, 2013 and comments were received from 102 people. The comments are posted on the City's website.

The majority of these comments requested that City Council not allow zero foot setbacks and suggested a variety of alternatives. Concerns were also expressed about the impact of the proposed regulations on existing uses and structures (nonconformities), the impact of sea level rise and protection of the environment among other issues. Nearly all public comments and testimony related to the marine shoreline and to Reaches 3A (West Bay from Reliable Steel north to Tug Boat Annie's), 4 (Isthmus), 5A (Percival Landing from the Kissing Couple north to the Port Plaza) and 5C (Northpoint, Swantown Marina to the Boatworks) in particular. Reaches 3B (West Bay south of Reliable Steel), 5B (Marine Terminal) and 6A (East Bay south of Boatworks) received some mention.

The City Council has considered the SMP 28 times from the beginning of April, 2012 until August 27, 2013. Prior to that, the Planning Commission engaged in over 100 work sessions, deliberations, public meetings, and public hearings. The update process was initiated in 2007 with City staff working in collaboration with TRPC and a group of technical experts to develop the initial proposal that was presented to the Planning Commission in 2010. In addition to these efforts staff responded to over 170 questions submitted in advance of two staff-led workshops held on June 19 and June 20 of this year.

A number of parties provided written recommendations regarding specific changes to the July 9 draft to make the draft more readable or would address a specific issue or concern (see list below). These parties submitted specific proposed text amendments for Council's consideration. Staff has attempted to address their proposals in the attached summary of revisions when the suggestions did not substantially deviate from Council's prior direction or require a wholesale revision of the draft. Staff believes these revisions will help to facilitate Council's decision making process.

Please refer to correspondence from the following commenters (see attachment #2):

Lea Mitchell, Sara Smyth representing Smyth Landing, Hardel Mutual Plywood Corporation, West Bay Marina and Dunlap Towing, Port of Olympia, Walt Jorgensen, Bonnie Jacobs representing Friends of the Waterfront (FOW), and Deanna Gonzalez of Phillips, Wesch, Burgess (PWB) representing Olympia Yacht Club, West Bay Marina Associates, Stormans, Inc., LABAS 612 (Image Source) and the Thurston County Chamber.

In addition, Chrissy Bailey with the Washington Department of Ecology (DOE) provided comments. Each of her comments has been addressed in the attached summary.

The attached summary of revisions outlines these requests and recommendations as they relate to specific proposed text amendments and will provide Council with options to refine the SMP and provide direction to staff in preparation of a final draft. Where appropriate, staff has provided "staff clarification" to help to focus Council's deliberations. This is not an FSEIS comment and response document and therefore, not every comment has been addressed. It is an attempt to use the specific recommendations that were received to help City Council finalize the SMP. Many comments are not specifically addressed, and Council is encouraged to review the record in full to take all perspectives into consideration.

Many of these revisions are straight forward and are in direct response to DOE's comments. Significant policy questions are highlighted below and in the text of the attachment and will need Council's direction before a final draft can be prepared.

Other suggestions and concerns may benefit the SMP and make it more readable, such as an introduction that provides an overview of the City's role in implementing the SMP, describes how to use the document, and provides a strong purpose and intent statement.

Neighborhood/Community Interests (if known):

Public comment and written testimony included issues related to:

- Maintaining or increasing flexibility around setbacks and the treatment of nonconforming uses and structures
- Concern about zero foot setbacks
- Impact of sea level rise
- Protection of the environment
- West Bay Drive

Options:

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1. Provide staff feedback and direction for amendment of the July 9, 2013 draft DSMP and present revisions in the form of an updated September 17 draft for Council consideration.
2. Provide staff feedback and direction on the July 9, 2013 draft SMP and continue deliberations on September 17, 2013.

Financial Impact:

None.