

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 Steve Hall
Ecology responses by Chrissy Bailey*

Comment Number	Comment Topic and/or SMP Citation	Commenter(s)	Comment (Summary)	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.	Comment noted.
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.	Comment noted.
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.	Comment noted.
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.	Comment noted.
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.	Ecology also refers to sections 2.1 C and D of the SMP; these sections outline that regulation of private property to implement goals such as public access and other regulatory/administrative actions must be consistent with all relevant constitutional and legal limits, and must not unconstitutionally infringe on private property rights or result in a taking of private property. Section 3.25 C 2 of the SMP gives the Administrator the authority to waive public access requirements when legal tests cannot be met or when legal limits apply.
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.	This comment is in regard to the SMP prohibition on new covered moorage in the Aquatic designation (overwater). Ecology notes that portions of the Olympia Yacht Club (OYC) are subject to conditions of an agreement with the Washington State Department of Natural Resources (DNR) for use of State-Owned Aquatic Lands. In the process of considering an Aquatic Lands Habitat Conservation Plan (HCP) for lands managed by DNR, the agency analyzed the direct and indirect effects of various activities on sensitive species and their habitats. One of these activities is overwater structures. A number of potential effects from overwater structures were identified; after

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					<p>applying various conservation measures, possible outcomes were analyzed to assess if the potential for that activity to effect sensitive species and/or their habitats decreased as a result. Based on the findings of this analysis, if the HCP moves forward new covered moorage and boat houses will be restricted on state-owned aquatic lands. The draft HCP also identifies limitations that may affect existing covered moorage and boathouses, e.g., replacement structures would require translucent or transparent roofing materials and side walls/barrier curtains would not be allowed.</p> <p>The City is within its authority to consider this and other information when making decisions related to covered moorage in the SMP. Ecology notes that this prohibition applies throughout shoreline jurisdiction, not just at the OYC. Furthermore, Ecology notes that the City Planning Commission also discussed overwater covered moorage in the context of shoreline aesthetics when considering these provisions.</p> <p>Lastly, the Cumulative Impacts Assessment (CIA) prepared for the SMP identifies the overwater structure provisions in the locally adopted SMP, including the prohibition on new overwater covered moorage, as one of its most important protective provisions.</p> <p>Under section 3.81 of the updated SMP, lawfully existing covered moorage, of which boathouses are one type, can be maintained and repaired in accordance with the criteria in WAC 173-27-040. Unless required by DNR for purposes of light penetration, alterations to the footprint or building envelope are prohibited.</p>
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.	Comment noted.
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.	Because there is no Urban Recreation designation associated with the City's updated SMP, Ecology believes the commenter is suggesting the yacht club (OYC) be designated either Marine Recreation or Waterfront Recreation. The OYC site is not consistent with the designation criteria for MR ("areas on the Port Peninsula") in section 2.9 A of the updated SMP, or with the designation criteria for WR ("shorelines areas that are or are planned to be used for recreation or where the most appropriate use is for recreation open space or habitat conservation") in section 2.8 A of the updated SMP.
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 zone.	The City of Olympia is not clear on whether our draft SMP document adequately addresses the flood damage prevention requirements of the SMA. We seek the advice of the Department of Ecology to know if the requirements of the Shoreline Management Act, relative to this issue, have been met through the content of our draft Shoreline Management Plan.	<p>The Shoreline Management Act (SMA) requires that Master Programs include an element giving consideration to the statewide interest in the prevention and minimization of flood damages (RCW 90.58.100 (2)(h)). The SMP Guidelines consider frequently flooded areas a critical area as defined in RCW 36.70A.030 (5), and contain standards for management of frequently flooded areas and flood hazard reduction in WAC 173-26-221 (3).</p> <p>Although the term flooding is used in this and in similar comments,</p>

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					<p>the specific issue the commenter is referring to is sea level rise (SLR). Ecology acknowledges the commenter’s concern; however, the SMP Guidelines do not include standards or requirements related to SLR or marine flooding. When considered with Ecology’s required changes, Ecology believes the SMP addresses all of the standards and requirements related to frequently flooded areas and flood hazard reduction in the SMP Guidelines.</p> <p>The Guidelines recognize that “Over the long term, the most effective means of flood hazard reduction is to prevent or remove development in flood-prone areas.” Except for in the Port Marine Industrial designation and water dependent uses, development on the City’s marine shorelines is subject to a minimum 30 foot setback. The SMP also requires that new residential lots be designed and developed so new flood hazard reduction measures are not needed, and only allows new structural flood hazard reduction measures to protect existing development if non structural measures are not feasible and there will be no net loss of shoreline ecological functions. When authorized, new flood hazard protection measures must be located landward of designated vegetation conservation areas. Furthermore, the SMP requires that new uses and development be located and designed to eliminate the need for concurrent or future shoreline stabilization, to the extent feasible.</p> <p>The SMP Guidelines do not require the City in the SMP to detail how it intends to defend the City against water, or where the line of defense will be and who will pay for it. Even though the SMP Guidelines do not explicitly reference effects from Sea Level Rise, the SMP includes policies (Section 2.4 D & E, Section 2.9 G.1.d, Section 2.11 B & E) addressing the City’s commitment to developing information related to and considering the potential impacts of SLR. Since there are no requirements for SLR standards in the Act or the SMP Guidelines, there are no standards against which to review the results.</p> <p>Within the authority of the SMP Guidelines as they relate to flooding, Ecology believes the SMP complies with the minimum requirements.</p>
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.	Comment noted; please see Ecology’s response to comment 9 above.
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.	Comment noted; however, Ecology also notes the SMP record shows that at one time during development of the SMP the City Council proposed a 0’ setback along various marine reaches.
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	As reflected in the record, Olympia’s public process continued for many years and included over 100 well-documented meetings	As summarized in attachment A, the record reflects extensive opportunities for public involvement. The City met requirements in the SMA and SMP Guidelines for engaging the public and interested

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			really wanted in our SMP.	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.	parties. As noted by the City, the SMA and SMP Guidelines do not require unanimous agreement.
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 30-foot setback was result of balancing many interests consistent with SMA. To the extent 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.	Please see Ecology's response to comment 9 above. The SMP record indicates the City believes 30 feet is an adequate minimum for flood protection measures (a berm) along portions of the marine shoreline. Although Ecology acknowledges a trail along and restoration of the West Bay waterfront is a community goal, we also acknowledge that the majority of developable or redevelopable properties in this area are not in public ownership; therefore, there is no guarantee that a trail will be constructed or that restoration will occur.
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.	Comment noted.
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.	See Ecology response to comment 5 above.
16.	Building Setbacks in Urban Intensity Designation	Bob Jacobs/Friends of the Waterfront Sherri Goulet	Not much consideration was given to the 30 foot setback or how it would work in the future and is inadequate. Impression is Council 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.	Many alternative setbacks were considered by staff, Planning Commission and City Council. Final decision is well-supported by the record as an appropriate judgment of the Council.	With regard to public access, the SMA gives preference to uses that "increase public access to <i>publicly owned</i> areas of the shorelines" and "increase recreation opportunities for the public in the shoreline". The SMA does not qualify what is or is not considered 'quality' public access. As stated by the City, the record reflects significant consideration of setbacks and what could occur in a 30 foot setback. With the commenter's reference to a multi use path, Ecology presumes this comment is generally in reference to reach Budd-3A, as public access is prevalent in the other Urban Intensity reaches. Ecology notes in reference to the SMA preference for public access that the majority of this reach is not <i>publicly owned</i> .
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.	Comment noted.
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	See responses above.	The SMA and the SMP Guidelines do not suggest or require that SMPs include Capital Facility Plan-type levels of detail for measures to prevent and minimize flood damages, such as the commenter

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			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.		requests. For a summary of the flood hazard reduction and frequently flooded area requirements in the SMA and SMP Guidelines, please see Ecology's response to comment 9 above. Ecology recognizes and respects community concerns related to SLR; however, we also acknowledge that the SMP is not the means by which to establish "specific actions, costs, fund sources and a timeline for each portion of the shoreline" as it relates to preventing flood damage. Ecology believes the City has met the minimum requirements related to flood hazard reduction in the SMA and the SMP Guidelines.
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 is 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.	Liquefaction zones are considered a seismic hazard area under WAC 365-190-120, and are considered geologically hazardous areas under Olympia's municipal code. Geologically hazardous areas are addressed in the SMP Guidelines at WAC 173-26-221 (2)(ii). The Guidelines require, and with Ecology's required changes the SMP reflects that new development causing foreseeable risk from geological conditions during the life of the development is prohibited. As noted in WAC 365-190-120, "Some geological hazards can be reduced or mitigated by engineering, design, or modified construction...practices so that risks to public health and safety are minimized. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas must be avoided." For these reasons, Ecology concurs with the City's response and further states that such consideration is most appropriate at the project level when specific risks, hazards, and technologies can be evaluated and the need for avoidance can be established.
20.	City SMP approval	Bob and Bonnie Jacobs/Friends of the Waterfront	SMP submitted by City was approved in a troubling context. Certain Councilmembers (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.	Councilmembers extensively and carefully considered the proposed SMP, the governing law, and Ecology staff role and guidance.	Comment noted.
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.	Please see Ecology's response to comments 5 and 16 above.
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 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.	Provision 3.52 B on page 66 states that the construction of new or the expansion of existing non-water related or non-water dependent industrial uses shall obtain a shoreline conditional use permit. As outlined in attachment B (item GG), this provision conflicts with Table 6.1. Table 6.1 states that within shoreline jurisdiction, only water dependent or water related industrial/light industrial uses may be authorized. Existing non-water oriented industrial uses would be considered non-conforming uses, the expansion of which may be authorized with a Conditional Use Permit per Section 3.9 (A) of the SMP. Concur with the City's response that further limitations on industry will be determined by the zoning.

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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.	Section 3.52 (G)(5) on page 67 is a list of information that would be required with any shoreline permit application for industrial uses. The language is intended to identify information required to answer a question (what are the proposed methods for treatment, control and disposal of waste), not create a requirement. Furthermore, Ecology has recommended this entire provision be stricken from the SMP (attachment C, item WW). This language has the potential to conflict with other City codes and ordinances that outline permit application submittal contents and requirements.
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.	Concur with the City's response. Additionally, Ecology has recommended this section reiterate that these uses/activities are allowed in VCAs subject to compliance with the mitigation sequence and no net loss standard. Ecology also refers to section 3.3 (C), which limits these uses and activities to 33% (one third) of the VCA.
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.	The definitions in section 3.3 (C) outline that boat houses can be located over water or in upland areas, and that covered moorage occurs over water: (Covered moorage: "boat moorage...attached to the dock itself or the substrate of the water body"). Moving the text from section 3.48 B into section 3.47 is one of Ecology's recommended changes because that provision speaks to upland boat storage, not covered moorage. The provisions in section 3.47 and 3.48 apply to boating facilities, which by definition do not include facilities serving single family residences. All boat storage, including that associated with marinas or other boating facilities as well as with residences, would be required to meet the applicable development standards in the SMP text as well as in Tables 6.1 through 6.3.
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 the City's Comprehensive Plan. Impacts on views will be addressed during the development review process.	In full, the cited statute reads "No permit shall be issued pursuant to this chapter for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state <i>that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served</i> " (<i>emphasis added</i>). With regard to reach Budd-3A, the City established building height and view blockage limits intended to retain public and private view access to Budd Inlet from hillside sites above West Bay Drive (OMC 18.06.100.A.2.c). These limits have been referenced in the updated SMP. Furthermore, View Protection provisions in sections 3.35 through 3.37 of the SMP reflect the statutory language cited in this comment and require a view analysis for any structure taller than 35 feet that addresses protected views. Ecology has required a change to the locally adopted SMP that confirms the Administrator's ability to place conditions on development in order to prevent the loss of protected views. As the City's response notes, at the time a specific project has is proposed within this reach its compliance with SMA and SMP policies and regulations related to building heights and views will

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					be evaluated.
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.	This is one of Ecology’s recommended changes, which the City can consider along with Ecology’s required changes.
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.	According to Table 6.2, the maximum building height in shoreline jurisdiction is 35 feet waterward of streets in reaches Budd-4 (west of Yashiro and north of 4 th) and Budd-5A (west of Columbia). While the SMA outlines that Master Programs should ‘insure the integrated use of natural and social sciences and the environmental design arts’, the SMP Guidelines do not require that specifics related to building scale or design be addressed in the SMP . The Guidelines do require that local SMPs regulate the design of permitted uses to minimize interference with the public’s use of the water, in the context of public access associated with views. Ecology notes the City’s design review ordinances will address building design and scale both inside and outside of shoreline jurisdiction, and therefore believes the SMP complies with applicable standards.
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.	Comment noted.
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.	As outlined in Ecology’s response to comment 28 above, the maximum building height in shoreline jurisdiction is 35 feet waterward of streets in reaches Budd-4 and Budd-5A. In Budd 6-A, the Urban Conservancy portion of this parallel reach also has a 35 foot maximum building height per Table 6.2. The Guidelines contain no requirements specific to human scale design. The remainder of the comment (pertaining to the portion of reaches Budd-5A and 6A that are landward of streets within shoreline jurisdiction) is noted.
31.	Table 6.3 on pages 61 and 62	Bob and Bonnie Jacobs/Friends of the Waterfront Jeffrey Jaksich	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 the water. This is minimum amount of space needed for future public uses, increased safety and a human scale built environment.	See responses above regarding building locations and heights; setbacks along lakes were based on balance of environmental protection with current conditions. See inventory of current building setbacks.	Please see Ecology’s responses to comments 9, 13, 16, 19, 28 and 30 above.
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.	Comment noted.
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.	Please see Ecology’s response to comment 16 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	See response above.	Please see Ecology’s response to comment 19 above.

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			severe earthquake.		
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.	Comment noted.
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.	Comment noted.
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.	Comment noted.
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.	Comment noted.
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.	Comment noted.
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.	Comment noted.
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.	Comment noted.
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 commerce and for people to access and enjoy.	Concur.	Comment noted.
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.	Comment noted.
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.	See Ecology response to comment 12 above. Ecology is not familiar with the reference to prior City Council buffer policies.
45.	City SMP approval	Jeffrey Jaksich	Councilmembers (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.	Comment noted.

Comment Number	Comment Topic and/or SMP Citation	Commenter(s)	Comment (Summary)	Local Government Response and Rationale	State Response and Rationale
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.	Ecology is not familiar with the reference to an Olympia saltwater shoreline minimum buffer. Comment noted.
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.	Comment noted.
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	Comment noted.
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.	Comment noted.
50.	City SMP approval	Robert Jensen	Record contains attitudes counterproductive to and that colored development of a credible SMP. Statements by certain Councilmembers 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.	Comment noted.
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.	Please see Ecology responses to comments 9 and 18 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 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.	See responses above. Ecology staff is urged to review cited report and seek additional information as needed. Periodic updates to the SMP are required and as new information becomes available it will be incorporated into the Program.	Please see Ecology responses to comments 9 and 18 above. As recognized in the cited report, Ecology notes that broad areas of the City are at risk from flooding associated with SLR due to salt water backflow up open stormwater outfalls during high tides. Additionally, portions of the study area are at risk from flooding as a result of high volumes of runoff having nowhere to drain to when combined with high tides that inundate the gravity storm drain systems. While no doubt important considerations, those means of flooding affect and involve a variety of geographic locations and infrastructures far more complex than those addressed by the SMA or the SMP Guidelines. The SMP is intended to address by regulation activities that occur within shoreline jurisdiction (WAC 173-26-186 (6)). Furthermore, the cited report indicates that at existing sea levels, setbacks of 100 feet would still allow development in areas inundated from the 100 year flood. Ecology maintains that shoreline setbacks are one of many tools and strategies that will be required to effectively protect the City from flooding.
53.	Setbacks	James Lengenfelder	Because of community's continued disagreement, seems	SMP update process does not require that	Comment noted.

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			inappropriate to alter current setbacks. Nothing in record to support larger setbacks being pushed by some folks in the community.	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.	Please see Ecology response to comment 6 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.	Please see Ecology responses to comments 9 and 18 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.	Please see Ecology responses to comments 9, 13, 16 and 18 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 statutes, recent scientific research, the public record, environmental site analysis, and Olympia's Comprehensive Plan (Comp Plan) Update.	See response above regarding flood risks.	With regard to RCW 90.58.100 (2)(h), please see Ecology responses to comments 9 and 18 above. Local governments, not Ecology, are authorized to adopt moratoriums under the SMA - see RCW 90.58.590.
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.	Please see Ecology responses to comments 9, 18 and 52 above.