

Draft Spring 2009

Public Access Plan for the Cities of Lacey, Olympia, and Tumwater and their Urban Growth Areas



Thurston Regional Planning Council
2424 Heritage Ct. S.W. Suite A
Olympia, WA 98502
www.trpc.org



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Scott Carte	GIS Manager
Paul Brewster	Associate Planner
Rosalie Bostwick	Office Manager
Toni Tringolo	Office Specialist II
Lon Wyrick	Executive Director
Susan Andrews	Assistant Director

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About This Report

Consistent with Governor Gregoire's Plain Talk Executive Order 05-03 (2005), this report is written in a manner that is brief and to-the-point, uses non-bureaucratic language and features a clean design that promotes fast scanning and reading.

Scientific and legal references are kept to a minimum, replaced by a full list of sources in the report appendix.

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I. Introduction

A. Background

This report is a draft shorelines public access plan for the cities of Lacey, Olympia, Tumwater and their urban growth areas. The report has been created as part of the Shoreline Master Program for the Cities and is included in Phase 4 of the overall update.

There are three basic policy areas to the Shoreline Management Act: shoreline use, environmental protection and public access. The SMA emphasizes accommodation of reasonable and appropriate uses, protection of shoreline environmental resources, and protection of the public's right to access and use the shorelines (*see RCW 90.58.020*).

Master programs must include a public access element making provisions for public access to publicly owned areas, and a recreational element for the preservation and enlargement of recreational opportunities.

The overarching policy is that “the public’s opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. “Alterations of the natural conditions of the shorelines of the state, in those limited instances when authorized, shall be given priority for...development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the state.”

The SMA also implements the common law *Public Trust Doctrine*. The essence of this court doctrine is that the waters of the state are a public resource for the purposes of navigation, conducting commerce, fishing, recreation and similar uses and that this trust is not invalidated by private ownership of the underlying land. The doctrine limits public and private use of tidelands and other shorelands to protect to public's right to use the waters of the state.

Public access is defined as the ability of the general public to reach, touch, and enjoy the water’s edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations (WAC 173-26-221(4)(a)).

B. Timeline

A timeline for the complete shoreline master program update (a multi-year program) is below:

TABLE 1: TIMELINE FOR THE SHORELINE MASTER PROGRAM UPDATE FOR THE CITIES OF LACEY, OLYMPIA, AND TUMWATER

Phase	Update Schedule	Timeline
1	<ul style="list-style-type: none">• Determine what shorelines are regulated under the act• Conduct an inventory of all existing and available data for shorelines• Public Open Houses	Winter 2008
2	<ul style="list-style-type: none">• Analyze and characterize shoreline conditions	Spring 2008
3	<ul style="list-style-type: none">• Categorize each shoreline segment into a designation such as urban, suburban, or rural. Each will have a different set of rules.• Develop draft rules and policies• Public meetings	Fall 2008 Winter-Spring 2009
4	<ul style="list-style-type: none">• Analyze the cumulative impacts of expected shoreline development or redevelopment• Develop a restoration (and preservation) plan, including public access	Winter-Spring 2009
5	<ul style="list-style-type: none">• Public hearings• Planning Commission recommendations• City Council approval• State approval	Late 2009-2011

C. Methods and Sources of Information

The shorelines public access plan is built on related planning efforts by the cities of Lacey, Olympia, and Tumwater to acquire and develop shoreline properties for parks, reserves, and other recreational activities. Much of the information is found in their parks plans and capital facilities plans.

II. Public Access Requirements

The Shoreline Management Act has three broad policies:

1. Encourage water-dependent uses
2. Protect shoreline natural resources
3. Promote public access

Existing Public Access

Most public access to shorelines in the cities of Lacey, Olympia, and Tumwater is provided in City, County, and State parks and boat ramps.



Public viewing platform at Lois Lake, Lacey

Proposed Public Access

Under the proposed shoreline regulations, public access will also be required:

- On any new developments (including redevelopment) for water enjoyment, water-related, and non-water dependent uses
- In any new subdivisions of land into more than four parcels.

This means that rather than community access tracts in new subdivisions (such as the example on right), public access will be provided.

Exceptions are made for individual single-family residences, not part of a development (of more than four parcels) or when public access is infeasible due to incompatible uses, safety, security, impact to the shoreline, or if constitutional or other legal limitations apply.

If traditional public access is infeasible, alternates such as off-site improvements, viewing platforms, separation of uses through site planning and design, and restricting hours of public access must be considered.



Access to shorelines is often restricted in community tracts maintained by homeowners associations. Under the proposed regulations all new subdivisions will require dedicating public access

III. Opportunities for Public Access Along Shorelines

A. Lacey and Urban Growth Area

The Lacey Comprehensive Plan for Outdoor Recreation (2004) contains several sections relevant to shoreline areas in Lacey:

Action Program

The action program consists of prioritized projects that reflect the acquisition and development goals outlined in the Plan.

Priority #1 Acquisition: preservation in order to provide the opportunity for development:

- *Special sites/facilities where limited or rare opportunities exist for acquisition; i.e. trails, waterfront, special use properties (historical, commercial)*
- *Community parks*
- *Neighborhood parks*

Priority #2 Development: to provide diverse recreational opportunities at community and neighborhood parks, recognizing each park will have similar elements but may have different service objectives:

- *Community park development*
- *Special/sites/facilities that are community or regional in nature and offer opportunities in sufficient space or number to accommodate a unique use; i.e. athletic fields, freshwater swimming beach, rental facility*
- *Neighborhood parks*

Table 2 highlights existing public access, planned public access, and other opportunities for public access within Olympia and the urban growth area.

TABLE 2 : EXISTING, PLANNED, AND OPPORTUNITIES FOR PUBLIC ACCESS FOR LACEY AND UGA.

Shoreline	Existing Public Access	Planned Public Access	Other Opportunities
Marine Waters			
Nisqually Reach	None	None	The Hawks Prairie Community Open Space preserves this stretch of land for future public open space.
Rivers/Streams			
Woodland Creek	Pleasant Glade Park (City of Lacey) St. Martin's University has walking trails in wetland south of Interstate 5.	Urban Trails – preserve the Woodland/Mill Creek Corridor for public access and resource conservation.	
Lakes			
Chambers Lake	Chehalis Western Trail (Thurston County) Boat ramp (State)	Plans for the Chambers Lake Open Space include public access (City of Olympia).	Open space on the east side of Chambers Lake is owned by the City of Lacey.
Hicks Lake	Wanchers Park (City of Lacey) Boat Ramp (State)	South Hicks Lake Wetlands (City of Lacey) trails planned. West Hicks Lake Wetlands (City of Lacey) – plans to have a connected trails system between the park, boat ramps, and wetlands.	
Long Lake	Long Lake Park (City of Lacey) (swimming, boat ramp)	Long Lake expansion to adjacent parcels.	Wetlands at south end of Long Lake are owned by the City of Lacey.
Pattison Lake			Homeowners association open space on west side of lake is an opportunity for future public access.
Southwick Lake			North Thurston Public Schools owns property at the south end of Southwick Lake. City of Lacey owns two open space parcels at south end of Southwick Lake that could provide trails and public access in the future. Undeveloped properties present opportunities for public access.

B. Olympia and Urban Growth Area

The Olympia Parks, Arts, and Recreation Plan contains several sections relevant to shoreline areas in Olympia:

Park Facilities and Management

Goals and Policies for Parks Acquisition, Development and Maintenance establish the intent and direction for creating Olympia's park system. Olympia's park system is comprised of several park types, including: Neighborhood Parks, Community Parks, Special Use Parks, and the Open Space Network.

- *Preserve existing shoreline access areas. Acquire additional shore lands for beach access or public recreation upland uses where feasible. Preserve street rights-of-way, which extend to shore lands. Provide signage of these areas to preserve and promote public access.*
- *The area from the 5th Avenue Bridge to West Bay Marina, from the west shoreline of West Bay to West Bay Drive is an important scenic waterfront that needs to be planned in a coordinated manner to insure that a substantial portion of West Bay Urban Trail follows the waterfront.*

Urban Trails, Walking and Bicycling Facilities

- *Design the trail system to link neighborhoods with parks, cultural attractions, schools, shoreline access areas, commercial areas, and places of employment.*

Table 3 highlights existing public access, planned public access, and other opportunities for public access within Olympia and the urban growth area.

TABLE 3: EXISTING, PLANNED, AND OPPORTUNITIES FOR PUBLIC ACCESS FOR OLYMPIA AND UGA.

Type	Existing Public Access	Planned Public Access	Other Opportunities
Marine Waters			
Budd Inlet	Fiddlehead Marina One Tree Hill Marina Martin Marina Olympia Yacht Club Swantown Marina/East Bay Port Plaza 4 th Avenue Bridge 5 th Avenue Dam West Bay Marina Public viewing platform – West Bay Drive 1801 West Bay – private park with public access Seven Oars Art Site (public park) Percival Landing (Boardwalk) East Bay Waterfront Park Priest Point Park West Bay Park (undeveloped)	Increase public access at West Bay Park as park is planned and developed West Bay Waterfront Trail East Bay (Port of Olympia) redevelopment	
Rivers/Streams			
Black Lake Drainage Ditch	City of Olympia Wetlands		
Chambers Creek			
Deschutes River	None in Olympia		
Percival Creek			Proposed Percival Canyon Trail (alignment likely along railroad right of way if it is abandoned)

Type	Existing Public Access	Planned Public Access	Other Opportunities
Lakes			
Bigelow Lake			
Capitol Lake	Heritage Park (State) Marathon Park (State) Capital Lake Interpretive Center (State) 5 th Avenue Dam		
Chambers Lake	Boat ramp (State) Chehalis Western Trail (Thurston County)	Chambers Lake Open Space (City of Olympia)	
Grass Lake (Lake Louise)	Grass Lake Refuge	Grass Lake Refuge Phase II	
Hewitt Lake			
Ken Lake			
Ward Lake	Boat Ramp (State)	Ward Lake Park (City of Olympia) will include a swimming beach	

C. Tumwater and Urban Growth Area

The Tumwater Parks, Recreation and Open Space Plan contains several sections relevant to shoreline areas in Tumwater and the UGA:

Section 2.4 - Trail and corridor access systems

Water trails

a: Incorporate and improve a freshwater system of boat ramps, landings, and other improvements route for appropriate motorized craft on Black, Capital, and Munn Lakes.

b: Incorporate and extend a freshwater trail network for hand-carry or car-top craft including canoes, kayaks, and lorries on the Deschutes River extending the length of the navigable river from Deschutes Ridge through Pioneer Park to Tumwater Falls, and from the Old Tumwater Brewery into Capital Lake. Provide hand-carry access to the smaller navigable water bodies including Black Lake Ditch, and Barnes, Trosper, Trails End Lakes, Henderson Pond, and a number of other unnamed water features within the urban growth area.

Section 2.5 - Resource parks

Waterfront access and facilities

a: Acquire and develop additional freshwater shoreline access for waterfront fishing, beachcombing, wading, swimming, and other related recreational activities and pursuits – especially including sites on the Deschutes River, Barnes and Trails End Lakes, Henderson Boulevard, Olympia Mitigation, Restawhile, Kenneydell, Belmore, Railroad, and Rhondo Ponds.

Current Tumwater Subdivision Code provides additional opportunities for public access along shorelines:

Title 17 – Section G

Open space/park areas shall be held in single ownership where such ownership assumes full responsibility for maintenance and operation, or held in common ownership by all of the owners in the development area through a homeowners association or similar organization. The City as a condition of approval may chose to accept dedication, or the maintenance and operation responsibilities for the area, when the area to be dedicated is one or more of the following.

- Greater than 5 acres*
- Adjacent to an established or future City park or school grounds.*
- Includes access to a body of water, wetland, important fish/habitat, or other environmentally sensitive area.*

Table 4 highlights existing public access, planned public access, and other opportunities for public access within Olympia and the urban growth area.

TABLE 4 : EXISTING, PLANNED, AND OPPORTUNITIES FOR PUBLIC ACCESS FOR TUMWATER AND UGA.

Type	Existing Public Access	Planned Public Access	Other Opportunities
Rivers/Streams			
Black Lake Drainage Ditch		Conserve and provide access to the wetland stormwater retention areas (Tumwater Parks Plan).	
Chambers Creek	Very small segment of this creek is in Tumwater.		
Deschutes River	Pioneer Park (City of Tumwater) (includes hand-carry boat launch and trails) Tumwater Falls Park (non-profit ownership) includes trails	Plans for a Deschutes Watershed Center in Phase III of Pioneer Park (City of Tumwater and WDFW – includes a hatchery). Deschutes Valley Trail will provide additional points of public access (City of Tumwater). Conserve and provide access to the woodlands and wetlands from Pioneer Park south (Tumwater Parks Plan).	A portion of the former Brewery Property may be considered for acquisition by the City of Tumwater for a park.
Percival Creek	Very small segment of this creek (under SMA Jurisdiction) is in Tumwater.		

Type	Existing Public Access	Planned Public Access	Other Opportunities
Lakes			
Barnes Lake	None at this time.	City of Tumwater Park planned for this lake with public access.	Tumwater School District owns property on east side of lake. State owns property on south side of lake.
Black Lake	Boat ramp (State). Kennydell Park (Thurston County) – swimming beach and trails on east side of the lake. Guerin County Park (Thurston County – rural area) – undeveloped park on west shore of the lake.		
Capitol Lake	Tumwater Historic Park (City of Tumwater) – public boat ramp is adjacent to this park and owned by the State.		Redevelopment of the Historic Brewhouse property may include opportunities for public access.
Lake Susan & Munn Lake	Lake Munn Park (Thurston County) boat ramp.		
Troster Lake	Troster Lake Site (City of Tumwater – Undeveloped SW Neighborhood Park Site with informal public access).	No formal plans for public access at this site – which is planned to be the SW Neighborhood Park.	The best opportunity for public access along this shoreline is within the undeveloped SW Neighborhood Park.

IV. How This Plan Should Be Used

This plan is meant to highlight opportunities for future public access along SMA shorelines. This plan is built upon existing parks and recreation plans, and the inventory of existing public access sites.

V. Resources

City of Lacey, 2008. *Lacey Comprehensive Plan, (including Capital Facilities Chapter)*.

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City of Tumwater, 2007. *City of Tumwater Parks, Recreation and Open Space Plan, Draft*.

Thurston Regional Planning Council, 2008. *Draft Shoreline Inventory for the Cities of Lacey, Olympia, and Tumwater and their UGAs*.

ESA Adolphson, 2009. *Lacey, Olympia, and Tumwater - Shoreline Analysis & Characterization Report*, prepared for Thurston Regional Planning Council.

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Thurston County, 2008. *Thurston County Comprehensive Plan (including Capital Facilities Chapter)*.

Thurston Regional Planning Council, 2007. *Thurston Regional Trails Plan*.