



# Meeting Agenda

## Planning Commission

City Hall  
601 4th Avenue E  
Olympia, WA 98501  
Contact: Joyce Phillips  
360.570.3722

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**Monday, January 23, 2017**

**6:30 PM**

**Room 207**

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**1. CALL TO ORDER**

*Estimated time for items 1 through 5: 20 minutes*

**1.A ROLL CALL**

**2. APPROVAL OF AGENDA**

**3. APPROVAL OF MINUTES**

- 3.A** [17-0062](#) Approval of the January 9, 2017 Olympia Planning Commission Meeting Minutes

**Attachments:** [OPC 1.9.17 draft meeting minutes](#)

**4. PUBLIC COMMENT**

*An opportunity for the public to address the Commission regarding items related to City business, including items on the agenda. However, this does exclude items for which the Commission or Hearing Examiner has held a public hearing in the last 45 days or will hold a hearing on in the next 45 days or for quasi-judicial review items for which there can be only one public hearing.*

**5. STAFF ANNOUNCEMENTS**

*This agenda item is also an opportunity for Commissioners to ask staff about City or Planning Commission business.*

**6. BUSINESS ITEMS**

- 6.A** [17-0054](#) Public Hearing, Critical Areas Ordinance (CAO), Phase 2, Locally Important Habitat and Species

**Attachments:** [OMC18.32.300](#)

[Misc CAO amendments](#)

[SMP\\_CombinedAmendments](#)

[Shoreline Designations Map](#)

[OlympiaCAO\\_PhaseII\\_Recommendations\\_Oct2016\\_clean](#)

[Map\\_Heron\\_Rookeries\\_PublicOutreach](#)

[DraftHeronDevelopmentGuidelines](#)

[DraftHeronMgmtGuidelines](#)

*Estimated time: 40 minutes*

- 6.B**     [17-0053](#)     Preliminary Planning Commission Work Plan for April 1, 2017 through March 31, 2018

*Estimated time: 60-90 minutes*

**7.        REPORTS**

*From Officers and Commissioners, and regarding relevant topics.*

**8.        OTHER TOPICS**

**9.        ADJOURNMENT**

*Approximately 9:30 p.m.*

**Upcoming Meetings**

*Next regular Commission meeting is February 6, 2017. See 'meeting details' in Legistar for list of other meetings and events related to Commission activities.*

**Accommodations**

*The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources. If you require accommodation for your attendance at the City Advisory Committee meeting, please contact the Advisory Committee staff liaison (contact number in the upper right corner of the agenda) at least 48 hours in advance of the meeting. For hearing impaired, please contact us by dialing the Washington State Relay Service at 7-1-1 or 1.800.833.6384.*



City Hall  
601 4th Avenue E.  
Olympia, WA 98501  
360-753-8244

## Planning Commission

### Approval of the January 9, 2017 Olympia Planning Commission Meeting Minutes

**Agenda Date:** 1/23/2017  
**Agenda Item Number:** 3.A  
**File Number:** 17-0062

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**Type:** minutes **Version:** 1 **Status:** In Committee

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**Title**

Approval of the January 9, 2017 Olympia Planning Commission Meeting Minutes

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# Meeting Minutes

## Planning Commission

ATTACHMENT 1

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Contact: Joyce Phillips  
360.570.3722

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**Monday, January 9, 2017**

**6:30 PM**

**Room 207**

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**1. CALL TO ORDER**

Vice Chair Auderer called the meeting to order at 6:32 p.m.

**1.A ROLL CALL**

Commissioner Richmond arrived after roll call was taken.

**Present:** 7 - Vice Chair Mike Auderer, Commissioner Travis Burns, Commissioner Paula Ehlers, Commissioner Darrell Hoppe, Commissioner Negheen Kamkar, Commissioner Carole Richmond and Commissioner Missy Watts

**Excused:** 1 - Chair Brian Mark

**OTHERS PRESENT**

Community Planning and Development:  
Director, Keith Stahley  
Deputy Director, Leonard Bauer  
Senior Planner, Joyce Phillips  
Senior Planner, Linda Bentley  
Office Specialist/Minute Recorder, Stacey Rodell

**2. APPROVAL OF AGENDA**

**The agenda was approved.**

**3. APPROVAL OF MINUTES**

**3.A** [17-0007](#) Approval of the November 21, 2016 Olympia Planning Commission Meeting Minutes

**The minutes were approved.**

**4. PUBLIC COMMENT**

The following members of the public spoke:

George Kurzman spoke in favor of changing the current code that prevents a property owner from renting out an accessory dwelling unit (ADU) that has been built on the owner's property when the property owner does not live on site.

Judy Bardin stated she would like to see someone from an environmental group included on the 'missing middle' work group. She presented a list of environmental groups in Olympia that she would like to see invited to join the work group. Ms. Bardin made reference to the "Tool Box" which is a document listing potential tools to implement Olympia Downtown Strategy (DTS). She feels Item 22 (Reduced building/planning/impact SDC fees) will impact needed City services such as compliance enforcement. Reducing impact fees for some projects will only shift the cost to other developers or the public resulting in a possible general fund reduction. Item 22 also mentions a reduction in stormwater fees; she feels this will impact the efforts towards preparing for sea level rise. She feels it is not logical to reduce fees for projects that may be most impacted by sea level rise. She spoke about Item 24 (SEPA) and how the environmental impact statement (EIS) for the comprehensive plan covered a broad range of topics but a site specific SEPA review may include additional information. She is in favor of Item 27 (Brownfields Area-Wide or Property-Specific Grants/Loans).

Chris van Daalen spoke in favor of the exploration of the 'missing middle' housing. He spoke about Vancouver's use of laneway housing.

Kirsten Evenson spoke in favor of tiny homes and urged the City to make changes to the code to allow these types of affordable housing.

Joseph Becker, ecological builder in Olympia, has built a number of tiny homes. He has been actively encouraging the development of ADU's with the City for about ten years. He spoke about Santa Cruz, CA and its successful ADU program. He is in favor of condominium ownership being applied to ADU's. He also spoke in favor of detached accessory structure (DAS) zoning. A DAS is a detached bedroom and shared main house.

Bob Jacobs spoke in favor of ADU's but cautions the belief of having these types units will make housing more affordable. He has concerns the economic development in the region will only create more unaffordable housing due to population growth.

## **5. STAFF ANNOUNCEMENTS**

Ms. Phillips announced the following:

- Positions for City Advisory Boards are still open, including for the Planning Commission. The deadline to apply is January 31, 2017.
- A reminder the Commission will be reviewing and considering the Downtown Strategy recommendations soon. There is a lot of background information on the City's website to review. It is intended the final report to will be sent to the Commission in mid-January. The briefing will be on Feb 6, 2017 with the Public Hearing tentatively scheduled for February 27, 2017.
- At the next meeting the Commission will begin developing the Planning Commission work plan for April 1, 2017 - March 31, 2018. The starting point is the remaining items on the current work plan that are not complete and the

2017 CPD Work Program.

- The Comprehensive Plan chapter “teach back” summaries from Commissioners to the rest of the Commission will begin at the next meeting. Commissioner Richmond will be giving a recap of the Capital Facilities Plan (CFP). On February 27, 2017, Chair Mark is scheduled to cover Community Values and Vision. Vice Chair Auderer and Commissioner Burns will be summarizing the Economy chapter. Commissioner Kamkar will be summarizing either the Transportation or Public Participation & Partners chapter.
- Some of the projects that are currently under review are Harrison Mixed Used, Washington Realtors, Colonial Estates, Briggs North Multifamily, Briggs Town Center Multifamily and Washington State Employee Credit Union (WSECU).

## 6. BUSINESS ITEMS

### 6.A [17-0006](#) Critical Areas Ordinance (CAO), Phase 2, Locally Important Habitat and Species Briefing

Ms. Bentley reported on the Critical Areas Ordinance (CAO) Phase 2 - locally important habitat and species via a PowerPoint presentation. Under the Washington State Growth Management Act (GMA), the City is required to update the Critical Areas Ordinance (CAO) periodically as part of the City’s Comprehensive Plan update. The required update included a mandate that the City’s critical areas sections in the development code must be reviewed to ensure consistency with current best available science (BAS).

Phase 1 (BAS updates) - adopted by City Council at 2nd reading on August 16, 2016.

Phase 2

- Option to protect locally important species and habitats
- Shoreline Master Plan (SMP) amendment (concurrent with Phase 2 adoption)

Protection Options for locally important species and habitats

- Regulatory
  - Amend development code to include specific species/habitat
  - Requirements triggered by a specific proposal
  - Many species/habitats already protected by City CAO and SMP and by State Department of Fish and Wildlife Priority Habitat and Species list
  - Great Blue Heron habitat protection
    - Annual and additional seasonal buffers around known habitat
    - Provide and/or replace vegetative screening
    - Restrict timing on certain activities
    - Restrict development within a nesting colony
    - Nomination of additional locally important species/habitats
- Incentive-based
  - Land acquisition and/or conservation easements
  - Private donations

- Programmatic
  - Designate as open space, native growth protection, habitat preserve
  - Parks, Arts & Recreation - Land Acquisition West Bay Woods - Trails, Open Space, Habitat Protection
  - Public Works, Water Resources - Storm and Surface Water Plan - Aquatic Habitat - e.g., Low Impact Development regulations (in conjunction with Community Planning and Development)

#### Development considerations

- No development in the nesting colony
- Activities causing loud noises above the ambient level restricted in the breeding season - Feb 1-Aug 31
- All screening trees must be retained or replaced
- Development within the annual buffer must follow mitigation sequencing
- Development on parcels abutting nesting colony requires a minimum 30' building setback from the property lines closest to the colony
- If nesting colony abandoned, area should be protected for 10 years from last known active nesting season

#### Phase 2 Timeline

- Public Open House - January 18, 2017
- Planning Commission Public Hearing - January 23, 2017 (Including SMP Amendment)
- City Council Adoption - March-April 2017
- Department of Ecology Approval - Summer 2017

#### The information was received.

#### 6.B [17-0029](#) Briefing on Housing Tool Box and Downtown Strategy Work Implementation Plan

Mr. Stahley reported on the housing toolbox and Downtown Strategy work implementation plan via a PowerPoint presentation. He reviewed the "housing trilemma" - cities face tradeoffs in terms of housing affordability, job availability and quality of life. The slide compared the 100 largest metropolitan statistical areas (MSA) in the country. He also reviewed the following:

- New Downtown housing units from 2014-2016
- Proposed Downtown housing units from 2017-2019
- Housing toolbox highlights
- City owned property
- Downtown Strategy implementation plan highlights

#### The report was received.

#### 6.C [17-0024](#) 'Missing Middle' Infill Housing Analysis - Public Involvement Plan

Mr. Bauer reported on the 'Missing Middle' Infill Housing Analysis and the public involvement plan via a PowerPoint presentation. The term 'Missing Middle' refers to a range of multi-unit housing types that are compatible in scale with single-family homes. In other words, they provide 'middle' density housing. There have been



relatively few of these types of housing constructed in Olympia (and nation-wide) over the past 40 years - thus, they are referred to as 'missing'. Some examples of housing types this project will particularly focus on include tiny houses, modular units, cottage homes, townhouses, small multifamily apartments, and accessory dwelling units. To implement Comprehensive Plan goals and policies regarding providing a variety of housing types, the Missing Middle Infill Housing Analysis will review existing city regulations - such as zoning, permit fees, development standards, utility connection charges, etc. - for potentially disproportionate effects on the ability to provide for a variety of housing types in the City's residentially zoned areas. A work group will be formed to provide in-depth discussion and feedback throughout the project. The work group is currently proposed to include two Planning Commission members and one Utility Advisory Commission member. Mr. Bauer asked if any of the Commissioners would be interested in serving on this work group. Commissioner Ehlers and Commissioner Richmond indicated they would like to serve on this work group. Remaining work group members will represent a broad range of perspectives on infill housing design, financing, construction, neighborhood compatibility, and affordable housing.

**The information was received.**

**7. REPORTS - None**

**8. OTHER TOPICS - None**

**9. ADJOURNMENT**

The meeting adjourned at 8:41 p.m.





## Planning Commission

### Public Hearing, Critical Areas Ordinance (CAO), Phase 2, Locally Important Habitat and Species

Agenda Date: 1/23/2017  
Agenda Item Number: 6.A  
File Number: 17-0054

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Type: public hearing Version: 2 Status: In Committee

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#### Title

Public Hearing, Critical Areas Ordinance (CAO), Phase 2, Locally Important Habitat and Species

#### Recommended Action

Conduct a public hearing on the Critical Areas Ordinance (CAO), Phase 2, Locally Important Habitat and Species

#### Report

##### Issue:

Whether to conduct a public hearing on the Critical Areas Ordinance (CAO), Phase 2, Locally Important Habitat and Species.

#### Staff Contact:

Linda Bentley, Senior Planner, Community Planning and Development, 360.570.3746

#### Presenter(s):

Linda Bentley, Senior Planner, Community Planning and Development

#### Background and Analysis:

In 2015, the Land Use and Environment Committee (LUEC) directed staff to review potential additional protections for locally important habitat and species after the Washington State Growth Management Act (GMA) mandated update to the Critical Areas Ordinance (CAO) was completed, which occurred in August 2016.

After working with consultant ESA, staff presented information on protections for locally important habitat and species to LUEC on September 15 and November 17, 2016 and to Planning Commission on August 8, 2016, and January 9, 2017. A public open house to discuss the proposed amendments was held January 18, 2017. A report of the open house will be available at the Planning Commission's January 23 meeting.

A SEPA Determination of Non-Significance (DNS) for the recommended changes was issued January 10, 2017. The 60-day notice of intent to adopt, as required by state statute, was sent to the Department of Commerce on January 11, 2017.

## Proposed Protections

As suggested in ESA's October 31 memo (attached), staff and consultant believe that the city's existing CAO and SMP regulations will adequately protect most species and habitat but, based on community interest and Council direction, we are proposing new and amended regulations to give added protection to the great blue heron and its habitat.

Staff is also proposing a process by which additional locally important species and/or habitat could be nominated in the future as conditions change (proposed new OMC 18.32.325).

## Great Blue Heron and Habitat

In general, we are proposing the following approaches to protect heron rookeries:

- Adopt a fixed-width buffer around mapped heron rookeries
- Require tree and vegetative screening
- Restrict the timing on some types of activities (e.g., clearing, grading)
- Require consultation with the City and the Washington State Department of Fish & Wildlife (WDFW) during project planning

Our goal is to find the best balance between protecting species and respecting private property rights. WDFW recognizes that protections for heron rookeries have a different set of considerations in urban areas than in less developed areas. Consequently, staff is proposing a smaller seasonal buffer than that recommended in WDFW's management recommendations for nests in rural and less developed areas. As indicated on the attached draft maps, we are proposing a 200 foot year-round buffer and an additional 300 foot seasonal buffer for both the East Bay and West Bay rookeries. We also recommend regulatory language that outlines requirements for development near the rookeries (see proposed new OMC 18.32.327). We've developed two draft handouts - Great Blue Heron Management Guidelines and Great Blue Heron Development Conditions - which further explain the regulations.

## Non-regulatory Protections

The best way to protect important habitat and species is to acquire the land that provides the necessary habitat for important species. Therefore, we recommend the following:

- The City should continue to work with non-profit groups such as the Olympia Coalition for Ecosystems Preservation to pursue opportunities to purchase properties that support or are near known rookeries or other sensitive habitat.
- The City Parks Department should include as a consideration the quality and extent of habitat value when deliberating acquisition of land for passive-type parks.

The City could also research and develop incentives for landowners who want to permanently protect any type of breeding season habitat and assist existing non-profit groups to develop an ongoing citizen-science training program to assist in monitoring the status of locally important habitat and species.

## Shoreline Master Program (SMP) Amendments

When the City amends its CAO, it must also amend its SMP to adopt the new CAO by reference. The Washington State Department of Ecology must approve the amendments to the SMP before they can become effective.

The attached amendment to Olympia's SMP adopts the amended CAO by reference, ensures consistency with the CAO adopted July 19, 2016, and corrects errors. Minor changes to OMC 18.02.180 Definitions and OMC 18.32.500 and 515 are required to bring the CAO into consistency with the SMP and are also attached.

Neighborhood/Community Interests (if known):

Many groups and individuals in the community are interested in protection of the Great Blue Heron.

Options:

1. Recommend to City Council adoption of amendments to OMC Chapter 18, adoption of amendments to the SMP and approval of the non-regulatory suggestions, as recommended by staff .
2. Recommend to City Council adoption of amendments to OMC Chapter 18, adoption of amendments to the SMP and approval of the non-regulatory suggestions, with modifications .
3. Request staff to furnish further clarification or revisions.
4. Recommend denial of all proposed amendments and/or non-regulatory suggestions.

Financial Impact:

Initial review of locally important habitat and species was included in Community Planning and Development Department's 2016 budget; however, some approaches to habitat and species protection may require additional resources in the future.

Attachments:

Proposed OMC 18.32 amendments  
Miscellaneous Title 18 OMC amendments  
Shoreline Master Program amendments  
ESA memo  
Rookeries maps  
Great Blue Heron Management Guidelines  
Great Blue Heron Development Conditions

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**OMC Chapter 18.32 as approved by City Council Aug 16, 2016, with proposed new language shown in track changes.**

**18.32.300 Important Habitats and Species - Purpose and Intent**

In order to preserve and protect important habitats and species which are known to occur in Thurston County and which may be found within the City of Olympia, and which are not already protected by another critical area category, appropriate protection of an important habitat or species location shall be subject to the standards in OMC 18.32.305 through OMC 18.32.330. Protection in lake and marine shorelines is regulated under the City of Olympia Shoreline Master Program, OMC ~~14.08~~18.20.

**18.32.305 Important Habitats and Species - Applicability and Definition**

"Important habitats and species" are habitats or species known to occur within Thurston County and which may be found within the City of Olympia and which are not receiving habitat protection by another critical area category (e.g. Streams, Wetlands, or Landslide Hazard Areas) in this Chapter and:

- A. Are designated as endangered or threatened species identified under the Endangered Species Act; or
- B. Are state priority species identified on the Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) List and their habitats of primary association. (Consult the state WDFW for the current PHS list); or

C. Are designated as "locally important habitat or species" pursuant to OMC 18.32.327; or

CD. Are areas in Olympia that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness.

DE. Small lakes, defined as naturally existing bodies of standing water less than twenty acres in size that exist on a year-round basis in a depression of land or expanded part of a stream and not defined as "Shorelines of the State" by RCW 90.58 (Shoreline Management Act), are considered an "important habitat." This term does not apply to constructed ponds.

**18.32.315 Important Habitats and Species - Authority**

- A. No development shall be allowed in an important habitat and species area ~~where local, state or federally endangered, threatened or sensitive species have a primary association as defined in OMC 18.32.305~~ without approval from the Department. The Department may restrict the uses and activities of a development proposal, such as

construction restrictions during breeding season, which lie when the proposal is located within one thousand (1,000) feet of an important habitat or species location.

B. The minimum performance standards that apply to a development proposal shall be those provided by the Washington Department of Fish & Wildlife's Management Recommendations for Washington's Priority Habitat and Species (1991), as amended, and the requirements in OMC 18.32.115, except as modified on the basis of an Important Habitat and Species Management Plan described in OMC 18.32.330.

### **18.32.320 Important Habitats and Species - Buffers**

The Department shall establish buffers for the habitat or species on a case-by-case basis, in consultation with the WDFW or others with expertise if needed, based on the critical area report outlined in OMC 18.32.115 and the WDFW management recommendations for Washington's priority habitats and species, if available. The buffers shall reflect the sensitivity of the specific habitat(s) and/or species to be protected.

### **18.32.325 Process to Identify Additional Locally Important Habitat and Species.**

A. Additional species of local importance may be designated pursuant to OMC 18.58, zoning text amendment.

B. In addition to the decision criteria of OMC 18.59.050, a species may be designated locally important only if it demonstrates the following characteristics:

1. Local populations of native species are in danger of extirpation based on existing trends and best available science:

a. Local populations of native species that are likely to become endangered; or

b. Local populations of native species that are vulnerable or declining;

2. The species or habitat has recreation, commercial, game, tribal, or other special value;

3. Long-term persistence of a species is dependent on the protection of the species through the provisions of this part;

4. Protection by other county, state, or federal policies, laws, regulations, or nonregulatory tools is not adequate to prevent degradation of the species or habitat in the City; and

5. Without protection, there is a likelihood that the species or habitat will be diminished over the long term.

C. Effect of Designation. Designation of a species of local importance under this section shall not impact projects or proposals with a vested application or approved permit.



## 18.32.327 Locally Important Habitat and Species – Definitions and Performance Standards

### Great Blue Heron Rookeries

#### A. Definitions

1. Great Blue Heron Nesting Season means February 1 through August 31.
2. Great Blue Heron Nesting Colony means the area inside the line created when the outermost nesting trees are connected. This line is the nesting colony boundary of two or more nests.
3. Great Blue Heron Core Zone means the area consisting of the great blue heron nesting colony and the year-round buffer.
4. Great Blue Heron Management Area means the area consisting of a great blue heron nesting colony, the year-round buffer, and the seasonal buffer.
5. Screening Tree means a tree that is within a direct line of sight between structures or development and the nesting area, and/or a tree that blocks the visibility of the nesting colony from structures or development during any part of the year, and within the great blue heron management area.

#### B. Buffers and Measurements

1. The year-round buffer is 200 feet, measured from the nesting colony boundary.
2. The seasonal buffer is an additional 300 feet, measured from the great blue heron core zone boundary.
3. Great Blue Heron Pre-nesting Area means an area less than 1 kilometer (.62 miles) from a great blue heron nesting colony where male birds congregate prior to occupying the nests.

#### C. Development Conditions Within the Great Blue Heron Core Zone

1. No development shall occur in the great blue heron nesting colony.
2. Any development within the year-round buffer shall use mitigation sequencing as provided in OMC 18.32.135 to:
  - a. maintain baseline development conditions and ambient noise levels;
  - b. maintain great blue heron habitat features and processes and provide mitigation for any loss of heron habitat features and processes; and shall

- c. include an implementation plan for both the development and any required mitigation with maps, as-built drawings, vegetation removal and planting, timing, and an operation and maintenance plan for businesses that include outside operations.
- 3. If the parcel where the development will occur abuts a parcel containing a great blue heron nesting colony, there shall be a minimum 30 foot building setback from the property line(s) closest to the nesting colony. The setback shall be vegetated using native trees and shrubs that screen activities on the parcel from the nesting colony.
- 4. If a nesting colony has been abandoned by a great blue heron colony, the great blue heron management core zone for this colony shall be protected for a period of ten years from the last known active nesting season.

#### D. Development Conditions Within the Great Blue Heron Management Area

- 1. Any clearing, grading, outside construction or other activity that causes loud noise above ambient noise levels shall be done from September 1 through January 31, outside of the nesting season. Ambient noise is specific to the location of the nesting colony site and can include noises such as sirens and leaf blowers. Noise that is not considered ambient noise includes but is not limited to outdoor construction and the use of dump trucks, front end loaders, pile drivers and blasting equipment.
- 2. All 6 inch diameter breast height (dbh) or larger trees shall be retained if the removal of those trees decreases the effectiveness of the trees' screening of new and existing development from the colony and if replacing the removed trees with other trees does not screen the nesting colony to the same extent as the existing trees.

#### **18.32.330 Important Habitats and Species - Management Plan**

When a development proposal lies within an important habitats and/or species location, an Important Habitats and Species Management Plan shall be submitted by the applicant. The Department may waive the submittal when consultation with the Washington Department of Fish and Wildlife staff indicates that such a plan is not needed.

An Important Habitats and Species Management Plan shall:

- A. Identify how the development impacts from the proposed project will be mitigated. The Washington Department of Wildlife Priority Habitat and Species Management Recommendations (1991), as amended, shall be the basis for this plan.

B. Be prepared by a person who demonstrates sufficient experience and education as a wildlife biologist, habitat management consultant or botanist.

C. Contain, but not be limited to:

1. A description of the nature, density and intensity of the proposed development in sufficient detail to allow analysis of such land use change upon the important species and its habitat;
2. An analysis of the effect of the proposed development, activity or land use change upon the important species and its habitat, based upon Washington Department of Fish and Wildlife management guidelines;
3. A mitigation plan by the applicant which shall explain how any adverse impacts to the important species or its habitat created by the development will be minimized or avoided, such as:
  - a. Establishment of buffer zones;
  - b. Preservation of important plants and trees;
  - c. Limitation of access;
  - d. Seasonal restriction of construction and other activities; and
  - e. Provisions for periodic review of the plan.

and

4. A map(s) to-scale, showing:
  - a. The location of the proposed development site, to include a boundary survey;
  - b. The relationship of the site to surrounding topographic features;
  - c. The nature and density of the proposed development or land use change;
  - d. Proposed building locations and arrangements;
  - e. Existing structures and landscape features including the name and location of all streams, ponds and other bodies of water;
  - f. The extent and location of the important species habitat;
  - g. A legend with: Title, scale and north arrows, and date, including revision dates if applicable.

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ATTACHMENT 1

**18.02.180 DEFINITIONS – SPECIFIC.**

Lake. A naturally existing or artificially created body of standing water greater than twenty (20) acres in size. Lakes include reservoirs which exist on a year-round basis and occur in a depression of land or expanded part of a stream. A lake is bounded by the ordinary high water mark or the extension of the elevation of the lake's ordinary high water mark within the stream, where the stream enters the lake. All such lakes meet the criteria of RCW Chapter 90.58 (Shoreline Management Act) and have been inventoried as "Shorelines of the State" found in the Shoreline Master Program, ~~for the Thurston Region in OMC 14.0818.20.~~

Land Use Approval. A written approval or permit issued by the Director or Hearing Examiner, or designee thereof, finding that a proposed project is consistent with applicable plans, regulations and standards and authorizing the recipient to make use of property in a certain manner. The land use approval consolidates various non-construction permit reviews of a project such as design review, environmental review, zoning conformance, and site plan review. Land Use Approval is a permit which does not directly authorize construction or improvements to real estate, but which is a necessary and required precursor to authorization of such construction or improvement. Land Use Approval includes, but is not limited to, applications for review and approval of a preliminary or final subdivision, short plat, binding site plan, conceptual or detailed master planned development, planned residential development, conceptual design review, site plan review, conditional use permit, variance, shoreline development permit, or other such reviews pertaining to land use.

Land Use Approval, Administrative. A Land Use Approval which may be issued by an authorized official or body, usually the Director, without an open record predecision hearing.

Land Use Approval, Quasi-Judicial. A Land Use Approval issued by an authorized official or body, usually the Hearing Examiner, following an open record predecision hearing.

Landscape Plan. A component of a site development plan on which is shown: proposed landscape species (number, spacing, size at time of planting, and plant details); proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features; grade changes; buffers and screening devices; and any other information that can reasonably be required in order that an informed decision can be made by the approving authority.

and generally furnished with desks, tables, files, and communication equipment.

Office, Veterinary/Clinic. A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use. (See also Animal Hospital.)

Olympia Coordinate System. The horizontal ground scale coordinate system referenced to the Washington Coordinate System as established by the City Public Works Department.

On-Site. Located on the same lot that is the subject of an application for development.

On-Site Treatment and Storage Facility. A facility that treats or stores hazardous wastes generated on the same property, see current edition of "Zoning Guidelines for Hazardous Waste Treatment and Storage Facilities," prepared by the Solid and Hazardous Waste Program of the State Department of Ecology.

Open Record Hearing. A hearing conducted by a single hearing body or officer that creates the City's record through testimony and submission of evidence and information under procedures prescribed by this Title. [See RCW 36.70B.020(3)].

Open Record Appeal Hearing. A form of open record hearing held on request in response to a notice of decision when no open record predecision hearing was held on the project permit. [See RCW 36.70B.020(3)].

Open Record Predecision Hearing. A form of open record hearing held prior to the City's decision on a project permit. [See RCW 36.70B.020(3)].

Open Space, Common. Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and may include such complementary structures and improvements as are necessary and appropriate.

Open Space, Public. Undeveloped public land that is permanently set aside (as opposed to regulated) to protect the special natural character of a particular location. Open space may include, but is not limited to wetlands; wetland buffers; creek, stream or river corridors; forested areas; ravines, bluffs or other geologically hazardous areas; and undeveloped areas within parks.

Ordinary High Water Mark (OHWM). (Also referred to as Ordinary High Water Line OHWL) Per

WAC ~~22-110-020220-660-030~~, the mark on the shores of all waters that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in ordinary years, as to mark upon the soil or vegetation a character distinct from that of the abutting upland, provided that in any area where the ordinary high water line cannot be found, the ordinary high water line adjoining saltwater shall be the line of mean higher high water, and the ordinary high water line adjoining freshwater shall be the elevation of the mean annual flood. ~~OWHM-OHWM~~ is used to determine the location of standard buffer widths of streams as required under OMC 18.32.435(C)(1).

Ordinary Repair and Maintenance. Work for which a permit issued by the City is not required by law, and where the purpose and effect of such work is to prevent or correct any deterioration or decay of or damage to the real property or structure appurtenant thereto and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay or damage.

Outdoor Storage. The keeping of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 consecutive hours.

Over Water. Location above the surface of the water, including placement of buildings on piling or floats.

Overlay Zone. A zoning district or specific plan that encompasses one or more underlying zones or areas and which imposes requirements in addition to those required by the underlying zone. (See also Overlay Districts in Article III.)

Owner of Property. The fee simple owner of real property according to Thurston County Auditor records.

### **18.32.500 Wetlands - Purpose and Intent**

In order to protect the natural function of wetlands and for floodwater storage, floodwater conveyance, sediment control, pollution control, surface water supply, aquifer recharge, wildlife habitat, and recreation, those lands with wetlands or which lie within three hundred (300) feet of wetlands shall be subject to the standards in OMC 18.32.100(~~LA~~) and OMC 18.32.505 through OMC 18.32.595. (Note: Further information regarding development within associated wetlands along marine shorelines, lakes over 20 acres in size, and streams can be found in OMC 18.20 Shoreline Master Program.)

**18.32.515 Wetlands - Small Wetlands**

A. Wetlands less than one thousand (1,000) square feet shall be exempt from the requirements of OMC 18.32.135.A; wetland buffers in OMC 18.32.535, compensation projects in OMC 18.32.545 and replacement ratios in OMC 18.32.550 provided that the wetland or pond:

1. -Is an isolated Category III or IV wetland;
2. Is not associated with a riparian corridor;
3. Is not part of a wetland mosaic; ~~and~~
4. Does not contain habitat identified as essential for local populations of priority species identified by the Washington State Department of Fish and Wildlife~~;~~ ~~and~~
5. No part of the wetland is within shorelines of the State of Washington, except as authorized by OMC 18.20.420(C)(3).

B. Wetlands between one thousand (1,000) and four thousand (4,000) square feet shall be exempt from the requirements of OMC 18.32.135.A, provided that the wetland:

1. Is rated as a Category III or IV wetland,
2. Is not associated with a riparian corridor,
3. Is not part of a wetland mosaic,
4. Does not score 5 points or greater for habitat in the Washington State Wetland Rating System for Western Washington (2014),
5. Does not contain habitat identified as essential for local populations of priority species identified by the Washington State Department of Fish and Wildlife, ~~and~~
6. A wetland mitigation report is provided as required by OMC 18.32.590~~;~~ ~~and~~
7. No part of the wetland is within shorelines of the State of Washington.



### **1.6 Regulations Adopted by Reference**

The Critical Areas regulations ~~in effect on October 1, 2013~~ adopted on August 16, 2016, Ordinance Number 7030 and additional amendments adopted on \_\_\_\_\_, Ordinance Number \_\_\_\_\_ and contained in the Olympia Municipal Code (OMC) Chapters 18.32 and 16.70 are integral and applicable to this Shoreline Program, and are hereby adopted by reference; provided that the reasonable use provisions set forth in OMC 18.66.040 shall not be available within the shoreline jurisdiction. Instead, applicants may apply for a shoreline variance when seeking relief from critical areas regulations within shorelines. Similarly, Section 18.06.100 A.2.C -- West Bay Drive Building Height and View Blockage Limits (Ordinance 6646, passed on July 14, 2009), is hereby adopted by reference to the extent that the height and use regulations identified therein are applicable to the shoreline jurisdiction area.

### **3.17 18.20.310 – Official Shoreline Map**

The Shoreline Map (Figure 4.1) is hereby amended to correct a map error in Budd Inlet, Reach BUDD-3B to show the intent, which is to include the now unused railway berm shown on previous maps but erroneously deleted in the latest SMP update. The Boundary Descriptions in Appendix B are correct.

### **3.22 18.20.420 - Critical Areas**

- A. All uses and development occurring within the shoreline jurisdiction shall comply with Chapter 18.32 (critical area regulations) and Chapter 16.70 (flood damage prevention), except as modified in (C) below.
- B. If there are any conflicts or unclear distinctions between this chapter and Olympia's critical area or flood damage prevention regulations, the requirements that are the most consistent with the Shoreline Management Act or Washington Administrative Code pertaining to shoreline management shall apply.
- C. Regardless of other provisions in Chapter 18.32, to ensure consistency with the shoreline Management Act critical areas within shoreline jurisdiction shall be subject to the following:
  1. In shoreline jurisdiction, critical area review and permit procedures will be incorporated into and conducted consistently with the associated shoreline permit or exemption review and approval.
  2. Stream and Important Riparian Area buffer reductions beyond twenty-five percent (25%) ~~(OMC 18.32.435(H))~~ within shoreline jurisdiction shall require a shoreline variance.
  3. ~~In shoreline jurisdiction, OMC 18.32.515(B) does not apply. Furthermore, OMC 18.32.515(A) only applies to isolated Category III and IV wetlands, and impacts must be compensated for (the replacement ratios in OMC 18.32.550 apply in shoreline jurisdiction).~~

~~4.3.~~ Stormwater facilities may be allowed in the outer twenty-five percent (25%) of Category III and IV wetland buffers in shoreline jurisdiction (OMC 18.32.525(~~K~~)) and only when no other location is feasible.

~~5.4.~~ Utility lines may be allowed in the outer twenty-five percent (25%) of Category III and IV wetland buffers in shoreline jurisdiction (OMC 18.32.525(M)).

~~6.5.~~ Locating stormwater facilities or utilities within wetlands or within any wetland buffer other than those specified in numbers 4 and 5 above shall require a shoreline variance (OMC 18.32.530(E) and (G)).

~~7.~~ In shoreline jurisdiction, provisions allowing wetland buffer averaging (OMC 18.32.535(F)) and administrative wetland buffer reductions (OMC 18.32.535(G)) shall not be used together.

~~8.6.~~ Wetland buffer reductions beyond twenty-five percent (25%) (~~OMC 18.32.535(H)~~) within shoreline jurisdiction shall require a shoreline variance.

~~9.7.~~ Identification of wetlands and delineation of their boundaries in shoreline jurisdiction shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements (OMC 18.32.580).

~~10.8.~~ Reasonable use exceptions (OMC 18.66.040) are not available for relief from critical area standards within the shoreline jurisdiction. Instead, applicants seeking relief from the critical area standards shall apply for a shoreline variance.

~~11.9.~~ New development or the creation of new lots that would cause foreseeable risk from geological conditions during the life of the development is prohibited.

~~12.10.~~ Uses and activities that may be authorized within floodways are limited to those listed in WAC 173-26-221 (3)(c)(i).

~~13.~~ In shoreline jurisdiction, the point scale used to separate wetland categories in OMC 18.32.510 does not apply. Category I wetlands are those that score 23 or more points, category II wetlands are those that score between 20 and 22 points, category III wetlands are those that score between 16 and 19 points, and category IV wetlands are those that score fewer than 16 points.

**3.58 18.20.810 – Permitted Shoreline Modifications**

**Table 7.1 – Shoreline Modifications**

P – Permitted C – Conditional Use	Natural	All other Shoreline Environments	Aquatic (Same as adjacent	Notes & Applicable Regulations
---	---------	--	---------------------------------	--------------------------------------

<b>X – Prohibited X/C – Allowed by conditional use only in specific cases.</b>			<b>shoreline environment designation)</b>	
<b>Dredging</b>	C (Only for Ecological Restoration/ Enhancement Projects)	P	←	See OMC 18.20.820
<b>Fill</b>	C (Only for Ecological Restoration/ Enhancement Projects)	P	←	See OMC 18.20.830 through 837
<b>Piers, Docks, Floats and Buoys</b>	X	P	←	See OMC 18.20. <del>842-840</del> through 18.20.848
<b>Ecological Restoration and Enhancement</b>	P	P	←	See OMC 18.20.850 through 18.20.855
<b>Instream Structures</b>	P	P	←	See OMC 18.20.857
<b>Shoreline Stabilization Hard Armoring</b>	X	X/C See OMC 18.20.870	←	See OMC 18.20.860 through 18.20.870
<b>Shoreline Stabilization Soft Armoring</b>	P	P	←	See OMC 18.20.860 through 18.20.870
<b>Breakwaters, Jetties, Groins, and Weirs</b>	X	X/C See OMC 18.20.874	←	See OMC 18.20.872 through 18.20.874
<b>Stair Towers</b>	X	X	←	Prohibited

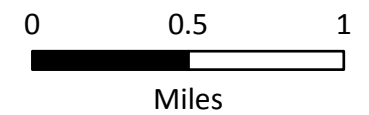
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ATTACHMENT 3

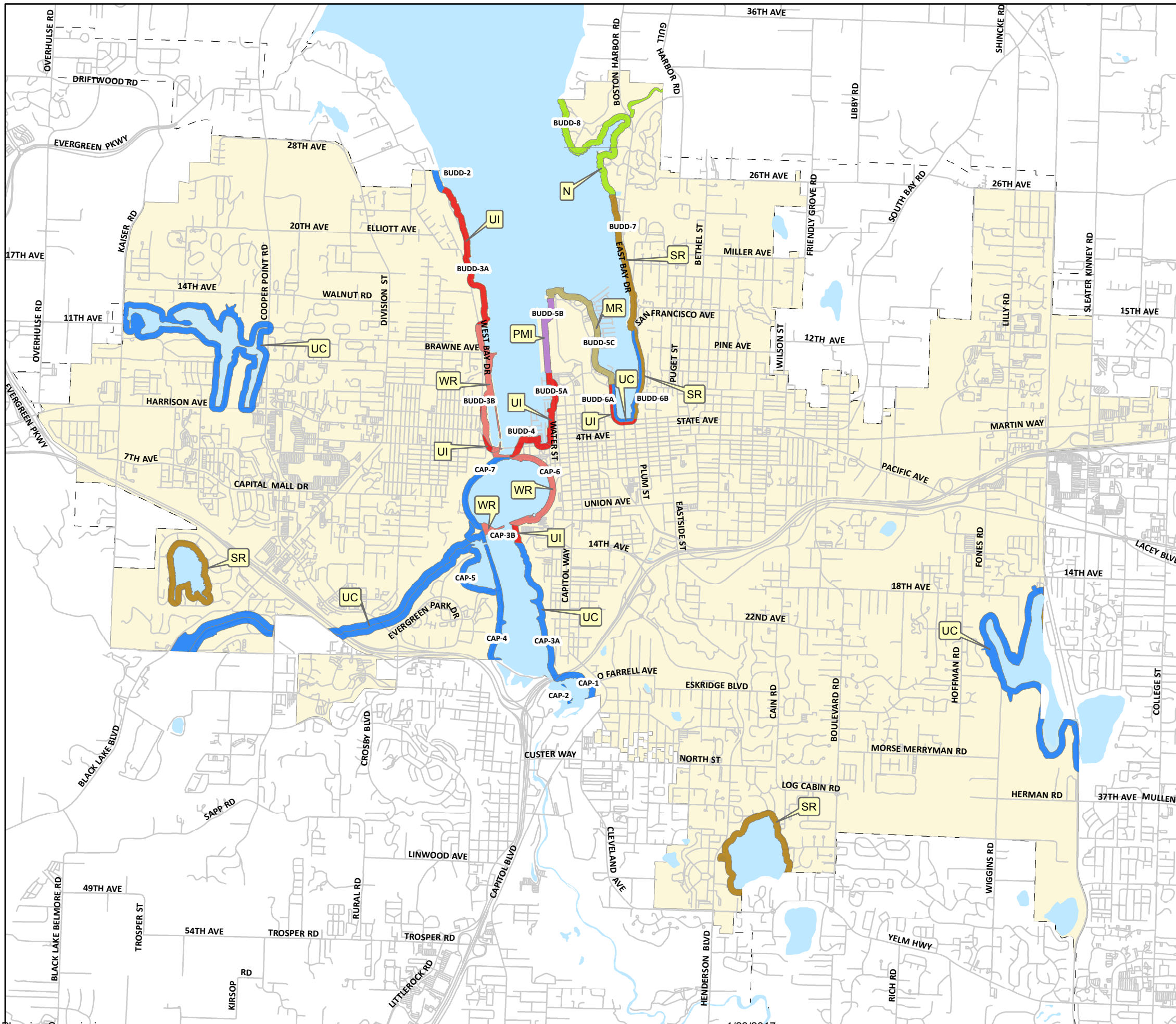
# FIGURE 4.1 OLYMPIA SHORELINE MASTER PROGRAM

## Shoreline Environment Designations 10/8/2015

-  AQUATIC
-  MARINE RECREATION
-  NATURAL
-  PORT MARINE INDUSTRIAL
-  SHORELINE RESIDENTIAL
-  URBAN CONSERVANCY
-  URBAN INTENSITY
-  WATERFRONT RECREATION
-  Roads
-  Urban Growth Area
-  Olympia City Limits
-  Tumwater/Lacey City Limits



DISCLAIMER: This map was created for internal City use only. The parcels, right-of-ways, utilities and structures depicted on this map are based on information taken from historical records and aerial photos. The information has not been independently verified as complete or accurate. Access to such information is provided to the public as a matter of public record, for general information only. The completeness and accuracy of this information should not be relied upon. Users are advised to field-verify all information through a private, licensed professional. The City of Olympia and its personnel expressly disclaim any liability arising from commercial or private use of this map or the information, or absence of information, contained herein.



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Seattle, WA 98107  
206.789.9658 phone  
206.789.9684 fax

# memorandum

date        October 31, 2016

to            Linda Bentley, City of Olympia

from        Ilon Logan

subject     Critical Areas Ordinance Update Phase II: **Locally Important Species and Associated Habitats Recommendations**

This memo is a follow-on to our previous memo *Locally Important Species and Associated Habitats Recommendations Overview and Options* (dated August 5, 2016) and includes high-level recommendations for implementing some of the previously discussed options. The intent is to provide a basis for discussion and decision-making by the City regarding protections for wildlife and wildlife habitats in Olympia.

Based on the review of existing information, published literature, and input from the CAO working group, we suggest the City consider a combination of regulatory and non-regulatory methods to expand and/or increase protections for wildlife and wildlife habitat. Our recommendations fall into two categories: 1) general protections for priority species and habitats, and 2) protections specific to great blue heron.

## **General Protections**

As reported in our previous memo, the City of Olympia contains a low number of sensitive and/or rare habitats and species as documented by the Washington Department of Fish and Wildlife (WDFW) in the Priority Habitats and Species (PHS) database (WDFW, 2016). This is due to the developed-nature of lands within the City and urban growth area boundaries, the limited extent of stream corridors and wetland areas, and the lack of native prairie or oak woodland habitats. The PHS database does include records for wood duck breeding areas and mink occurrences (both from the early 1990s), great blue heron rookeries, bald eagle and peregrine falcon breeding sites, and bat communal roosts. Additionally, several of the species identified by the CAO working group as important and/or potentially declining (see July 26, 2016 meeting notes), including western grebe, purple martin, osprey, Vaux's swift, several bat species, and Olympic mudminnow, are on the PHS list.

To provide regulatory protections for individual wildlife species, we have the following high-level recommendations for the City:

- Rely on the current regulations for important habitats and species (OMC 18.32.305B) for peregrine falcon and bald eagle. Both are state sensitive species (<http://wdfw.wa.gov/conservation/endangered/status/SS/>) and federal species of concern, which puts them within the City's current definition of important habitats and species. In addition, these two bird species were not a major concern by the CAO working group as neither are currently experiencing population declines.
- Rely on the current regulations for streams (OMC 18.32.405A), wetlands (OMC 18.32.505), and small lakes (OMC 18.32.305D) for habitat protection of wood duck breeding areas, western grebe, and Olympic mudminnow.
- Rely on the current regulations for streams (OMC 18.32.405A) and important riparian areas (OMC 18.32.405B) for habitat protection of bat communal roosts (including Yuma myotis, California myotis, big brown bat, little brown bat, and Townsend's big-eared bat).

In terms of a nomination process for adding new locally important species and habitats, the City should have a nomination and designation process in place. The Department of Commerce (formerly CTED) has developed an example step-wise process (see our previous memo) that can be used as a guide. We note that some counties and cities (e.g., Thurston County and City of Bellevue) have codified their version of the process in the CAO regulations. Based on our experience, this approach is not necessary as the nomination and designation process is rarely used and is an optional requirement of the GMA. We recommend that the City prepare its guidelines and have them available upon request from the City manager or other representative.

Lastly, to increase protection of general wildlife habitats in the City, we recommend the City continue to work with the Olympia Coalition for Ecosystems Preservation and pursue opportunities to purchase properties near known rookery locations as they did in 2016 when 2.5 acres of the West Bay Woods were acquired (The Olympian, August 16, 2016). In addition to outright purchase, the City could consider innovative ways of acquiring property for open space such as Transfer of Development Rights (TDR) and development incentives for set asides. These programs provide reduced property tax rates for property owners who voluntarily commit a portion of land to open space or avoiding activities harmful to specific species or habitat.

### ***Great Blue Heron Protections***

To protect the population of great blue heron and their breeding habitat, we suggest the City follow an approach similar to the City of Kenmore, which includes:

- Adoption of a fixed-width buffer around mapped heron rookeries
- Timing restrictions on some types of activities (e.g., clearing, grading)
- Consultation with the City and WDFW during project planning

For specifics, we recommend the City follow WDFW's guidelines for identifying, mapping, and managing heron habitats as detailed in *Management Recommendations for Washington's Priority*



*Species: Great Blue Heron* (Azerrad, 2012). An abbreviated set of guidelines is provided with this memo.

Following the WDFW guidelines would address and document the known rookery locations in both the West Bay woods and East Bay forested ravine and establish those areas as Heron Management Areas (HMAs). The WDFW-recommended buffers for nesting colonies in urban areas include a year-round buffer of 60 meters (197 feet) and an additional seasonal buffer of 200 meters (656 feet) for unusually loud activities during breeding season (i.e., February-September). Buffer protections are based on the premise that adequate buffers result in greater longevity and colony productivity because they are a physical and visual barrier to potentially intrusive activities, can protect nest trees from being blown down, and provide habitat for birds when they move from one nest tree to another. The City should require a site-specific habitat management plan to be developed whenever a land use proposal is submitted in or near the HMA.

As an alternative to the WDFW-recommended buffer widths, we recommend the City consider the City of Seattle's protections for great blue heron drafted in 2016, but not yet adopted (City of Seattle, 2016). The proposed regulations establish a year-round buffer of 197 feet and seasonal buffers that are less than the WDFW-recommended width. The proposed seasonal buffers include a 500-foot buffer applied to the colonies in the Kiwanis and North Beach Ravines and a 300-foot buffer applied to all other nesting colonies. The City maintains that heron colonies within the City of Seattle are in part habituated to urban conditions and notes that WDFW did not establish smaller seasonal buffers for urban areas.

To address the sometimes transitory nature of nesting colonies, we recommend the City stipulate the period in which a HMA remains in effect from the last known active nesting season. As referenced in the WDFW recommendations, the Migratory Bird Treaty Act (MBTA) states that protections applying to an active colony should remain in effect for 10 years after the last recorded nesting season. The City of Seattle draft protection adopt this time period as well.

We suggest that City project planners actively consult the WDFW guidelines for carrying out the heron recommendations. During project review, a habitat management plan should be developed whenever a land use proposal is submitted in or near the HMA. Consultation with WDFW about known heron activity and breeding confirmation should also occur.

Lastly, the WDFW guidelines also recommend non-regulatory incentive programs for protecting great blue herons, such as those described previously. While many local governments protect the nesting colony through regulatory measures, habitats that indirectly benefit a colony sometimes go unprotected. WDFW suggests local governments offer incentives to landowners who want to permanently protect any type of breeding season habitat. Specifically, proposals near breeding season habitat deserve high priority when choosing between candidates for new Conservation Futures sites. Furthermore, land trusts should also consider these areas when developing their conservation portfolios.

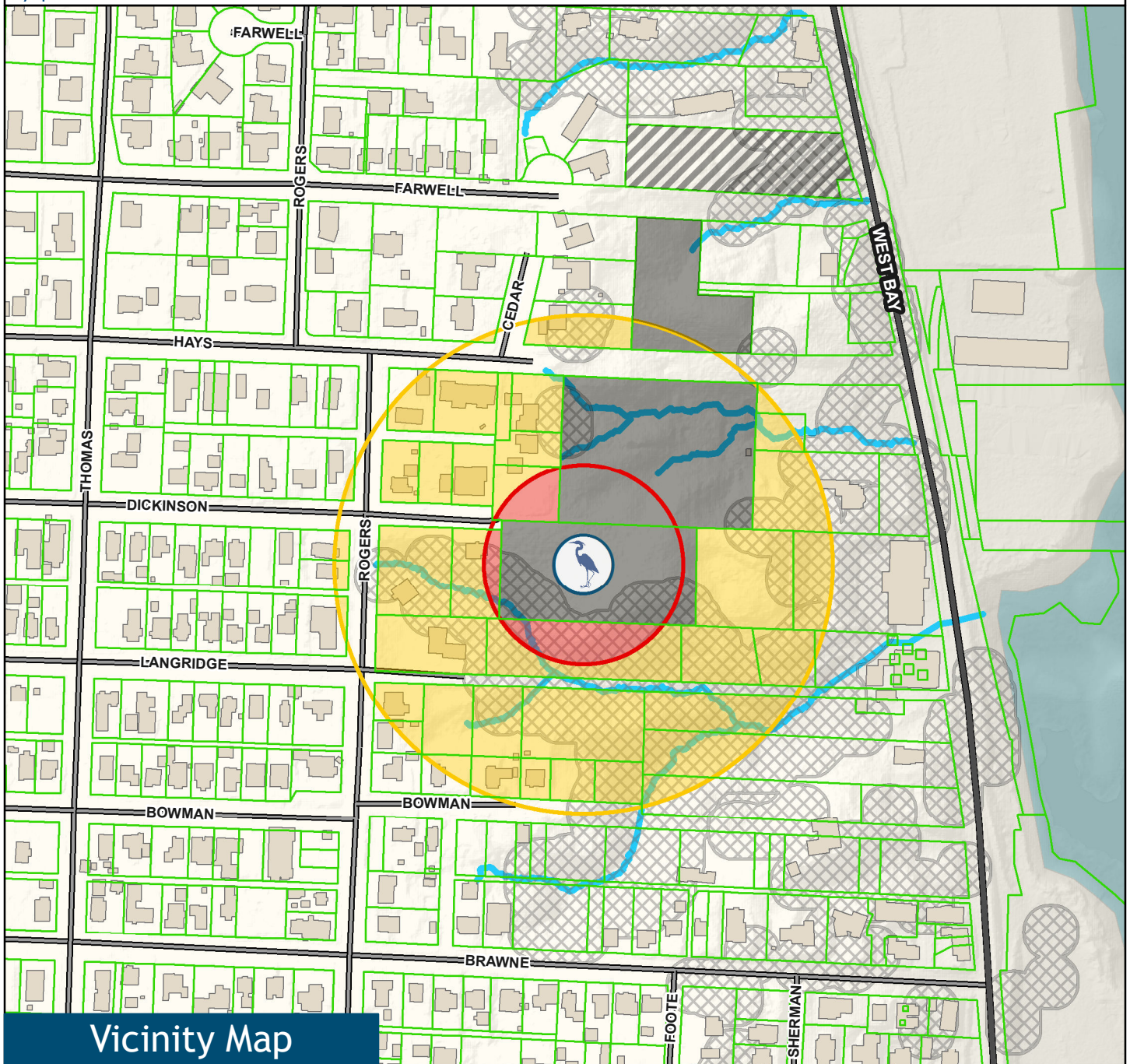
## References

- Azerrad, J. M. 2012. Management recommendations for Washington's priority species: Great Blue Heron. Washington Department of Fish and Wildlife, Olympia, Washington. <http://wdfw.wa.gov/publications/01371/>
- City of Olympia. 2016. Locally Important Species and Habitats Working Group Meeting notes. July 26, 2016. Olympia City Hall. Olympia, Washington.
- City of Seattle. 2016. Director's Rule X-2016: Great Blue Heron Management Plan. Draft. Available at: [http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web\\_informational/p2345109.pdf](http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web_informational/p2345109.pdf)
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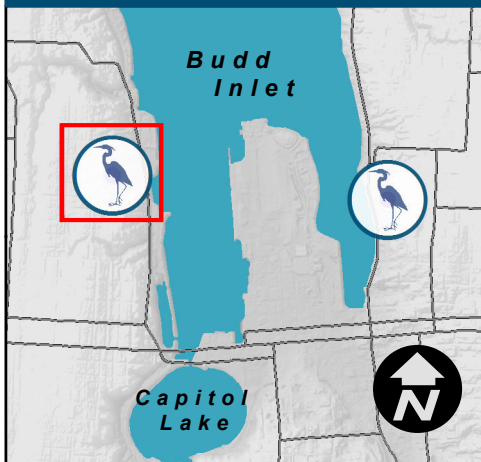


# Community Planning and Development

## Westside Heron Rookery



### Vicinity Map



**Heron Rookeries**



200' Annual Buffer



Additional 300' Seasonal Buffer



City Parcels



Under Option by City



Government or  
NGO Owned



Steep Slopes



Existing Buildings

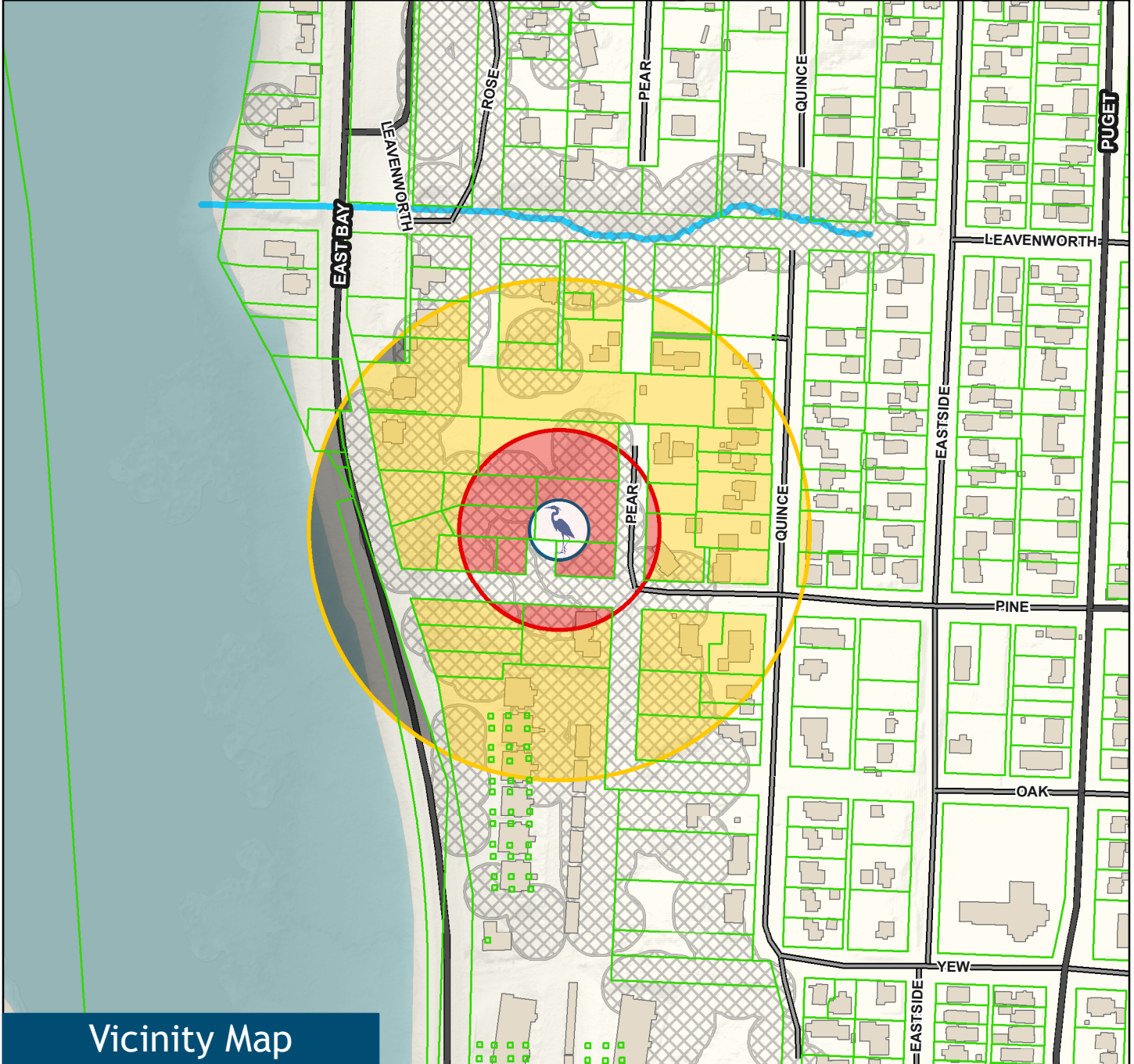
1 inch = 300 feet  
0 0.03 0.06 Miles

The City of Olympia and its personnel cannot assure the accuracy, completeness, reliability, or suitability of this information for any particular purpose. The parcels, right-of-ways, utilities and structures depicted hereon are based on record information and aerial photos only. It is recommended the recipient and/or user field verify all information prior to use. The use of this data for purposes other than those for which they were created may yield inaccurate or misleading results. The recipient may not assert any proprietary rights to this information. The City of Olympia and its personnel neither accept or assume liability or responsibility, whatsoever, for any activity involving this information with respect to lost profits, lost savings or any other consequential damages.

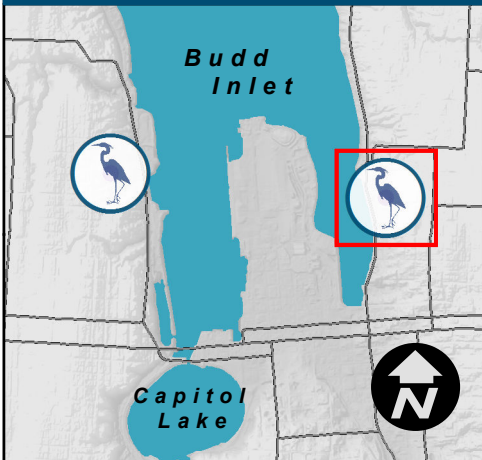


# Community Planning and Development

## Eastside Heron Rookery



### Vicinity Map



#### Heron Rookeries



200' Annual Buffer



Additional 300' Seasonal Buffer



City Parcels



Government or NGO Owned

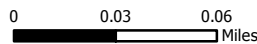


Steep Slopes



Existing Buildings

1 inch = 300 feet



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**GREAT BLUE HERON DEVELOPMENT CONDITIONS:****Within the Great Blue Heron Management Area:**

- Any clearing, grading, outside construction or other activity that causes loud noise above ambient noise levels shall be done from September 1 through January 31, outside of the nesting season. Ambient noise is specific to the location of the nesting colony site and can include noises such as sirens and leaf blowers. Noise that is not considered ambient noise includes but is not limited to outdoor construction and the use of dump trucks, front end loaders, pile drivers and blasting equipment.
- All 6 inch diameter breast height (dbh) or larger trees shall be retained if the removal of those trees decreases the effectiveness of the trees' screening of new and existing development from the colony and if replacing the removed trees with other trees does not screen the nesting colony to the same extent as the existing trees.

**Within the Great Blue Heron Core Zone:**

- No development shall occur in the great blue heron nesting colony.
- Any development within the year-round buffer shall use mitigation sequencing as set out in OMC 18.32.135 to:
- maintain baseline development conditions and ambient noise levels;
  - maintain great blue heron habitat features and processes and provide mitigation for any loss of heron habitat features and processes; and shall
  - Include an implementation plan for both the development and any required mitigation with maps, as-built drawings, vegetation removal and planting, timing, and an operation and maintenance plan for businesses that include outside operations.
- If a nesting colony has been abandoned by a great blue heron colony, the great blue heron core zone for this colony shall be protected for a period of 10 years from the last known active nesting season.
- If the parcel where the development will occur abuts a parcel containing a great blue heron nesting colony, there shall be a minimum 30 foot building setback from the property line(s) closest to the nesting colony. The setback shall be vegetated using native vegetation that screens activities on the parcel from the nesting colony.

If the standard conditions set forth above in the Conditions section are acceptable, please sign below and this will serve as your Great Blue Heron Management Plan. Activities will be periodically monitored and failure to comply with the Plan constitutes a violation as set forth in OMC 18.32.175.

I have read and understand the above conditions placed on parcel

# \_\_\_\_\_ located at

Signature \_\_\_\_\_ Date \_\_\_\_\_

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ATTACHMENT 7

## GREAT BLUE HERON MANAGEMENT GUIDELINES

### Background & Purpose:

Great blue herons can be vulnerable because of their tendency to aggregate during the breeding season. They are colonial breeders that nest in a variety of deciduous and evergreen tree species. Nests are usually constructed in the tallest trees available, presumably to reduce the risk of predation by mammals. The availability of suitable great blue heron breeding habitat is declining as human population increases. Great blue heron nesting colonies are listed as a Washington State Department of Fish and Wildlife (WDFW) Priority Species.

#### Statewide Recommendations

Statewide, WDFW recommends a permanent, year-round buffer of 60 meters (197 feet) from the perimeter of the great blue heron nesting colony for urban areas as defined by WDFW. Additional management recommendations include a seasonal buffer of 200 meters (656 feet) for loud noises and 400 meters (1,320 feet) for extremely loud noises such as blasting. The seasonal buffers are measured from the outside edge of the year-round buffer. These management recommendations can be found in the 2012 Washington's Priority Species, Great Blue Heron, prepared by WDFW. This can be viewed by going to <http://wdfw.wa.gov/publications/01371/> or by contacting WDFW.

#### Local Recommendations

The WDFW recommends that local land use planning should, when possible, protect existing great blue heron colonies using colony site-specific management plans that consider the colony size, location, relative isolation and the degree of habituation to human disturbance. Typically in Olympia it is difficult to restrict development within larger buffer areas due to existing development and buildable lots in close proximity to colonies. Therefore, and because heron colonies within the City of Olympia are in part habituated to urban conditions and WDFW did not establish smaller seasonal buffers for urban areas, the City has established a 200 foot year-round buffer and an additional 300 foot seasonal buffer for great blue heron nesting colonies in both the West Bay and East Bay areas. Development conditions for proposed development within or near a Great Blue Heron Management Area are contained in OMC 18.32.327.

### Definitions

Great Blue Heron Nesting Season means February 1 through August 31

Great Blue Heron Nesting Colony means the area inside the line created when the outermost nesting trees are connected. This line is the nesting colony boundary of two or more nests.

Great Blue Heron Core Zone means the area consisting of a great blue heron nesting colony and its 200 foot year-round buffer.

Great Blue Heron Management Area means the area consisting of a great blue heron nesting colony, the 200 foot year-round buffer, and the 300 foot seasonal buffer.

Screening Tree means a tree that is within the direct line of sight between the structure(s) or development and the nesting area, and/or a tree that blocks the visibility of the nesting colony from the structure(s) or development during any part of the year, and within the great blue heron management area.

Great Blue Heron Pre-nesting Area means an area less than 1 kilometer (.62 miles) from a great blue heron nesting colony where male birds congregate prior to occupying the nests.

### **Measurements**

Year-round buffer: The 200 foot year-round buffer is measured from the nesting colony boundary.

Seasonal buffer: The additional 300 foot seasonal buffer is measured from the great blue heron core zone.





## Planning Commission

### Preliminary Planning Commission Work Plan for April 1, 2017 through March 31, 2018

Agenda Date: 1/23/2017  
Agenda Item Number: 6.B  
File Number: 17-0053

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Type: discussion Version: 1 Status: In Committee

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#### Title

Preliminary Planning Commission Work Plan for April 1, 2017 through March 31, 2018

#### Recommended Action

Information only. No action requested.

#### Report

##### Issue:

Discussion and development of the preliminary work plan for the Planning Commission. Annual work plans for the Planning Commission and other Council advisory committees are approved by the City Council in March of each year. This agenda item is an opportunity for the Commission to prepare a recommended work plan for April 1, 2017, through March 31, 2018.

#### Staff Contact:

Joyce Phillips, Senior Planner, Community Planning and Development, 360.570.3722

#### Presenter(s):

Brian Mark, Planning Commission Chair  
Mike Auderer, Planning Commission Vice-Chair

#### Background and Analysis:

At the request of City Council, each city advisory committee forwards a recommended Work Plan to the Council early in the calendar year. The General Government Committee of Council meets with advisory committee chairs to discuss the proposed work plans and forwards a recommendation to the full Council for approval. Advisory committee annual work plans are effective April 1 through March 31.

The ultimately approved work plan establishes a set of tasks for the Planning Commission during the twelve-month period. The Chair, and sometimes other officers, then coordinates with the Commission's staff liaison to establish a general calendar and agendas for each meeting. Note that during the course of a year it is possible for the Council to add new items to the work plan.

#### Schedule for Recommendation of 2017 Work Plan:

- January 23: Commission's preliminary discussions of 2017 Work Plan -- including work items

- proposals
- February 6: Commission's deliberation to select work items - may lead to a recommended work plan or tentative priorities
- February 27: Refinement and additional deliberation as needed to make a final recommendation
- March: General Government review of and recommendation to Council regarding Commission's proposed work plan
- March/April (date tbd): City Council approves final work plan
- April 1: 2017 Work Plan in effect (if approved)

#### Annual Work Plan Assumptions

- Work plan will be in effect from April 1, 2017 to March 31, 2018
- Planning Commission will hold 22 regular meetings, plus one 'retreat.'
- Regular meetings will be about 3 hours with up to one hour for administrative matters (general public comment, minutes review, reports, etc.)
- Commission will utilize a "Finance" subcommittee to review the annual Capital Facilities Plan (CFP) update
- Commission's work plan will align with City Department work programs for the 2017 calendar year
- Commission's work plan will be consistent with Commission's role as outlined in state law and in Olympia Municipal Code 2.100.350 through 2.100.410
- Time should be reserved for two or more major work items to be added during the year

#### Sources of work plan items

- City department work plans established by City Manager and Council
- Commission duties established by local and state laws
- Proposals initiated by private parties, such as code amendments
- Commission-initiated work items

#### Commission work capacity

The Commission's regular meeting schedule provides about 50 hours per year of meeting time for business items. The work plan is usually built with a more conservative estimate of 44 hour (2 hours per meeting). The Commission's work plan is also limited by the resources provided in the city budget, such as staff and consultant time. However, please note that there is no specific 'Commission budget,' instead city staff seeks to allocate a reasonable amount of time and other resources to Commission activities.

#### Draft 2017 Work Plan

The draft work plan for 2017, which will be emailed to Commissioners prior to the meeting and made available to the public at the meeting, includes work items from the Commission's 2016 work plan that may or will not be completed by April 1, various Department work plan items that are scheduled to be presented to the Commission in 2017, and other items that the Commission has preliminarily expressed an interest in addressing in 2017. The number of work items the Commission can address within this work plan are limited by both City resources and Commission meeting time.

The list of potential work items in the attached draft exceeds those limits. This draft is intended to be a starting point for the Commission's development of its proposal. Because the Council may not concur in the Commission's determination of priorities, the Commission may choose to propose a few

work items beyond the annual capacity to provide the Council with alternatives to the set of items proposed by the Commission.

In addition to the customary review of annual proposed amendments to the Comprehensive Plan, and the related annual update of Capital Facilities Plan update, this draft includes some major work items, including:

- Review, deliberation, recommendation to Council, and implementation issues related to a new 'Downtown Strategy'
- Various development code amendments intended to better implement the City's Comprehensive Plan
- Participation, review, deliberation, and recommendation to Council on the new Sign Code and Missing Middle/Infill Housing code amendments

Proposed deliberation process for developing the 2017 work plan

1. Briefing regarding the attached draft
2. Prioritize each item as 'high,' 'medium' or low'
3. Sort by priority to identify those within range of annual work plan limits
4. Identify additional items to present to Council as alternatives
5. Recommend resulting work plan or provide direction to staff for preparing final draft for action at next meeting

Neighborhood/Community Interests (if known):

General public interest is anticipated.

Options:

1. At close of discussion, recommend specific work program.
2. Table the issue for further development, deliberation and action at regulars meeting on February 6 or 27, 2017.

Financial Impact:

Development of work program is included in base budget; however specific work items could have financial impacts.

Attachments:

None

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