



# Meeting Minutes

## Planning Commission

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Contact: Joyce Phillips  
360.570.3722

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**Monday, September 25, 2017**

**6:30 PM**

**Room 207**

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**1. CALL TO ORDER**

Chair Mark called the meeting to order at 6:30 p.m.

**1.A ROLL CALL**

Commissioner Burns arrived after the roll call was taken.

**Present:** 8 - Chair Brian Mark, Vice Chair Mike Auderer, Commissioner Tammy Adams, Commissioner Travis Burns, Commissioner Rad Cunningham, Commissioner Paula Ehlers, Commissioner Darrell Hoppe and Commissioner Carole Richmond

**OTHERS PRESENT**

Community Planning and Development staff:

Deputy Director Leonard Bauer

Senior Planner Joyce Phillips

Minutes Recorder Stacey Rodell

Public Works staff:

Engineering and Planning Supervisor Eric Christensen

Water Resources Engineer Diane Utter

**2. APPROVAL OF AGENDA**

**The agenda was approved.**

**3. APPROVAL OF MINUTES**

**3.A** [17-0888](#) Approval of the August 21, 2017 Olympia Planning Commission Meeting Minutes

**The minutes were approved.**

**4. PUBLIC COMMENT**

The following members of the public provided comment on Business Item 6.B: Daniel Einstein, Elizabeth Roderick and Joel Baxter.

**5. STAFF ANNOUNCEMENTS**

Ms. Phillips reminded the Commission of upcoming meeting dates and provided a brief update on building projects.

## 6. BUSINESS ITEMS

### 6.A [17-0975](#) Revisions to the Septic Tank Effluent Pumping (S.T.E.P.) System Regulations - Public Hearing

Ms. Utter reviewed the proposed revisions to the Septic Tank Effluent Pumping (S.T.E.P.) System regulations via a PowerPoint presentation. A copy of the presentation can be found in the meeting details on the City's website.

Chair Mark opened the public hearing.

The following members of the public provided testimony: Jerald Sanberg and Jim Zahn.

The Commission will begin deliberations at its October 2, 2017 meeting.

Chair Mark closed the public hearing.

**The public hearing was held and closed. Written public comment will be accepted until 5:00 p.m. on Friday - September 29, 2017.**

### 6.B [17-0856](#) Critical Areas Ordinance - Habitat and Species Protections for Great Blue Heron

Mr. Bauer reviewed the proposed Critical Area Ordinance - Habitat and Species Protections for Great Blue Heron via a PowerPoint presentation. A copy of the presentation can be found in the meeting details on the City's website.

The Commission requested additional information from staff. Mr. Bauer indicated he will provide that information at the Commission's next meeting.

**The recommendation was discussed and continued to the October 2, 2017 Planning Commission meeting.**

### 6.C [17-0968](#) Recommendation to Council regarding the Preliminary 2018-2023 Capital Facilities Plan

The Commission reviewed and discussed a preliminary draft letter of recommendation to Council regarding the 2018-2023 Capital Facilities Plan. Commissioner Richmond and Ms. Phillips will continue working on the draft letter and will present it to the Commission at its next meeting for review.

**The recommendation was discussed and continued to the October 2, 2017 Planning Commission meeting.**

## 7. REPORTS

Commissioner Hoppe reported on a meeting he attended regarding the Downtown Sanitation Plan. He also informed the Commission of an upcoming emergency preparedness workshop.

Chair Mark reported on the North East Neighborhood Association (NENA) potluck. He also reported on the Olympia Northeast Neighborhoods Alliance (ONNA) visioning meeting it had regarding its neighborhood center.

**8. OTHER TOPICS - None**

**9. ADJOURNMENT**

The meeting adjourned at 8:52 p.m.



# Meeting Minutes

## Planning Commission

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**Monday, October 2, 2017**

**6:30 PM**

**Room 207**

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**1. CALL TO ORDER**

Chair Mark called the meeting to order at 6:30 p.m.

**1.A ROLL CALL**

**Present:** 6 - Chair Brian Mark, Vice Chair Mike Auderer, Commissioner Tammy Adams, Commissioner Travis Burns, Commissioner Darrell Hoppe and Commissioner Carole Richmond

**Excused:** 1 - Commissioner Paula Ehlers

**Absent:** 1 - Commissioner Rad Cunningham

**OTHERS PRESENT**

Community Planning and Development staff:

Deputy Director Leonard Bauer

Senior Planner Joyce Phillips

Minutes Recorder Stacey Rodell

Public Works staff:

Engineering and Planning Supervisor Eric Christensen

Project Engineer II Diane Utter

**2. APPROVAL OF AGENDA**

**The agenda was approved.**

**3. APPROVAL OF MINUTES**

- 3.A** [17-0995](#) Approval of the September 11, 2017 Olympia Planning Commission Meeting Minutes

**The minutes were approved.**

- 3.B** [17-0994](#) Approval of the September 22, 2017 Finance Subcommittee of the Olympia Planning Commission Meeting Minutes

**The minutes were approved.**

**4. PUBLIC COMMENT - None**

## 5. STAFF ANNOUNCEMENTS

Ms. Phillips informed the Commission of upcoming meeting dates and provided a brief update on building projects.

## 6. BUSINESS ITEMS

- 6.A [17-0975](#) Revisions to the Septic Tank Effluent Pumping (S.T.E.P.) System Regulations - Deliberations

**Chair Mark moved, seconded by Commissioner Hoppe, to recommend City Council approve proposed revisions to the Septic Tank Effluent Pumping (S.T.E.P.) System regulations. The motion passed unanimously.**

- 6.B [17-0856](#) Critical Areas Ordinance - Habitat and Species Protections for Great Blue Heron

Mr. Bauer provided additional information to the Commission that was requested at a previous meeting.

**Commissioner Richmond moved, seconded by Commissioner Hoppe, to approve the measures to protect the Great Blue Heron as proposed by staff, with the modification of the ten-year protection of nesting sites be changed to six years. The motion carried by the following vote:**

**Aye:** 4 - Chair Mark, Commissioner Burns, Commissioner Hoppe and Commissioner Richmond

**Nay:** 2 - Vice Chair Auderer and Commissioner Adams

**Excused:** 1 - Commissioner Ehlers

**Absent:** 1 - Commissioner Cunningham

- 6.C [17-0991](#) Briefing on Downtown Urban Infill Area State Environmental Policy Act (SEPA) Ordinance

Mr. Bauer presented a briefing on Downtown Urban Infill Area State Environmental Policy Act (SEPA) proposed ordinance via PowerPoint presentation. A copy of the presentation can be found in the meeting details on the City's website.

**The information was received.**

- 6.D [17-0968](#) Recommendation to Council regarding the Preliminary 2018-2023 Capital Facilities Plan

Commissioner Richmond reviewed the draft recommendation letter to Council regarding the Preliminary 2018-2023 Capital Facilities Plan. The letter will be finalized by Commissioner Richmond and Ms. Phillips and will be reviewed by the Commission prior

to being submitted to City Council.

**The discussion was completed.**

**7. REPORTS**

Chair Mark reported the Arts Commission open house on the draft Public Art Master Plan Olympia Crossings: An Art Plan for City Gateways is on Wednesday - October 4, 2017 at 6:30 p.m. at City Hall.

**8. OTHER TOPICS - None**

**9. ADJOURNMENT**

The meeting adjourned at 8:47 p.m.

**Joyce Phillips**

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**From:** Tom Schrader <schraderfour@gmail.com>  
**Sent:** Friday, September 15, 2017 1:23 PM  
**To:** Nancy Lenzi  
**Cc:** Leonard Bauer; Joyce Phillips  
**Subject:** Re: Olympia Critical Areas Ordinance

Hello.

- 1) Since the nesting site off West Bay has not had blue herons now for the second year, since Mr. "Einstein" and his crew removed all the ivy off the trees... Why is this area still considered a nesting site? Without the ivy to protect the nests, there won't be any nests for YEARS!
- 2) Is the city going to go after Einstein and his group to prosecute them for the total decimation of this sensitive habit in a Critical Area?
- 3) If the blue herons aren't nesting at West Bay, then where are they nesting? Perhaps Einstein (oxymoron) and his group might put positive productive energy into finding this out IF they really wanted to protect the species!
- 4) What is the city doing to preserve any REAL NESTING SITES, and finding our where the herons are now nesting (if they are) in this area?

**Is the city really trying to protect these birds, or just hammer out unsupported new regulations?!?!?**

Thank you.

Tom Schrader

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On Fri, Sep 15, 2017 at 9:05 AM, Nancy Lenzi <nlenzi@ci.olympia.wa.us> wrote:



September 15, 2017

The Olympia Planning Commission will reconsider optional ordinances to amend the Olympia Critical Areas Ordinance at its September 25, 2017 meeting. The meeting will begin at 6:30 p.m., in Room 207 of Olympia City Hall, located at 601 4<sup>th</sup> Avenue East, Olympia, Washington. This notice is provided to you, as an interested party of record, should you want to attend and listen to the Planning Commission deliberate and develop a recommendation for City Council.

The development regulations that will be considered are for additional provisions to protect nesting colonies of the great blue heron as a locally-important species. In addition, the provisions include a process to allow for future nominations of additional species to be designated as locally important. The Planning Commission made no recommendation on these provisions when it considered the proposal earlier this year. The City Council is sending it back to the Planning Commission for a recommendation.

The staff report and additional information will be available on the City of Olympia web site (<https://olympia.legistar.com/Calendar.aspx>) five days prior to the September 25 Planning Commission meeting.

For more information, please see the City of Olympia's Critical Areas Ordinance webpage, <http://olympiawa.gov/city-government/codes-plans-and-standards/critical-areas-ordinance.aspx>.

**Leonard Bauer, FAICP/Deputy Director**

601 4th Avenue East

PO Box 1967

Olympia WA 98507-1967

360.753.8206



## Joyce Phillips

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**From:** hwbranch@aol.com  
**Sent:** Friday, September 15, 2017 10:06 AM  
**To:** Joyce Phillips; Nancy Lenzi  
**Cc:** Leonard Bauer  
**Subject:** Re: Olympia Critical Areas Ordinance

Dear Joyce Phillips,

As you point out, the reason the Great Blue Heron is not afforded special protection is because it is not endangered. They range throughout the state. The City is singling out a species for protection *because* it is not endangered.

In the year 2000 there were still plenty of grebes, scoters and murre in Budd Inlet. Something we are doing has stressed these birds to the brink of local extinction. Apparently adequate protection measures are not in place through the critical areas ordinance and shoreline master program.

Harry Branch

-----Original Message-----

**From:** Joyce Phillips <jphillip@ci.olympia.wa.us>  
**To:** hwbranch <hwbranch@aol.com>; Nancy Lenzi <nlenzi@ci.olympia.wa.us>  
**Cc:** Leonard Bauer <lbauer@ci.olympia.wa.us>  
**Sent:** Fri, Sep 15, 2017 9:49 am  
**Subject:** RE: Olympia Critical Areas Ordinance

Hello, Mr. Branch.

I wanted to let you know we did receive your email and question. Leonard Bauer is the primary staff person working on this. He is out of the office until Tuesday, September 19<sup>th</sup> and will respond to your email when he returns.

It is my understanding that when this planning effort began, several species that weren't otherwise specifically protected because they were not listed as either "threatened" or "endangered" by the state or federal government were considered. It was determined those species, other than the Great Blue Heron, had adequate protection measures in place through the critical ordinance and shoreline master program. So specific provisions to help protect the Great Blue Heron, and to create a process for other Locally Important Habitat and Species to be proposed for protection, were developed and proposed.

I hope that helps answer your question. Leonard may be able to provide more detail when he returns.

Thank you.

Joyce

Joyce Phillips, AICP, Senior Planner  
City of Olympia | Community Planning and Development  
601 4th Avenue East | PO Box 1967, Olympia WA 98507-1967  
360.570.3722 | olympiawa.gov

**Note: Emails are public records, and are potentially eligible for release.**



**From:** [hwbranch@aol.com](mailto:hwbranch@aol.com) [mailto:[hwbranch@aol.com](mailto:hwbranch@aol.com)]

**Sent:** Friday, September 15, 2017 9:23 AM

**To:** Nancy Lenzi <[nlenzi@ci.olympia.wa.us](mailto:nlenzi@ci.olympia.wa.us)>

**Cc:** Leonard Bauer <[lbauer@ci.olympia.wa.us](mailto:lbauer@ci.olympia.wa.us)>; Joyce Phillips <[jphillip@ci.olympia.wa.us](mailto:jphillip@ci.olympia.wa.us)>

**Subject:** Re: Olympia Critical Areas Ordinance

By what criteria the Great Blue Heron is a "locally-important species"?

The word "important" is a comparative term. If something is important, it's important compared to other things that are less or non important. What species are non-important? Since we're referring to birds, how about grebes, murre and scoters? By what criteria?

Harry Branch

-----Original Message-----

From: Nancy Lenzi <[nlenzi@ci.olympia.wa.us](mailto:nlenzi@ci.olympia.wa.us)>

Cc: Leonard Bauer <[lbauer@ci.olympia.wa.us](mailto:lbauer@ci.olympia.wa.us)>; Joyce Phillips <[jphillip@ci.olympia.wa.us](mailto:jphillip@ci.olympia.wa.us)>

Sent: Fri, Sep 15, 2017 9:05 am

Subject: Olympia Critical Areas Ordinance



September 15, 2017

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The staff report and additional information will be available on the City of Olympia web site (<https://olympia.legistar.com/Calendar.aspx>) five days prior to the September 25 Planning Commission meeting.

For more information, please see the City of Olympia's Critical Areas Ordinance webpage, <http://olympiawa.gov/city-government/codes-plans-and-standards/critical-areas-ordinance.aspx>.

**Leonard Bauer, FAICP/Deputy Director**

601 4th Avenue East

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Olympia WA 98507-1967

360.753.8206



Community Planning & Development

Olympia

9/15/2017 9:03 AM



A Washington State Chapter of the National Audubon Society  
P.O. Box 2524, Olympia, WA 98507  
(360) 352-7299 [www.blackhills-audubon.org](http://www.blackhills-audubon.org)

*Black Hills Audubon Society is a volunteer, non-profit organization of more than 1,300 members in Thurston, Mason, and Lewis Counties whose goals are to promote environmental education and protect our ecosystems for future generations.*

September 27, 2017

Dear Planning Commission:

My name is Elizabeth Rodrick. I am a retired wildlife biologist representing Black Hills Audubon Society. After reading the list of concerns of Planning Commission members in your April 20 letter regarding the proposed performance standards for Great Blue Herons, I reviewed the biological literature once again. I would like to address some of the concerns that were raised and suggest one revision to the proposed performance standards for Olympia's urban herons.

**Status of great blue heron** – The WDFW statewide status classification of this heron is “monitor” which means the species status and distribution is monitored and the population is managed to prevent it from becoming Sensitive, Threatened, or Endangered. However, the population status has not been reviewed in 13 years, since 2004. At that time, the regional Salish Sea population was estimated at 4700 nesting pairs, with 76% of the population occurring from Georgia Strait to the north. Twenty-four percent, or 1100 pairs, occupied colonies in Puget Sound with only a handful of small colonies in southern Puget Sound.<sup>4</sup> In 1976 in Thurston County, there were 10 small colonies and in 2009, there were 5 small colonies.<sup>5</sup> Based on this downward trend, it is unlikely that heron colonies will “proliferate”. The citizens of Olympia have already expressed their desire to retain this iconic bird in our nearshore habitat, so we should enact protective measures.

**Regarding the nesting season** - I agree with Mr. Einstein's testimony that the nesting period should not be shortened. The heron breeding season of Feb. 1 – Aug. 31 is a statewide recommendation. There is evidence that Pacific subspecies (*Ardea herodias fannini*), that occurs in Olympia, commences breeding earlier<sup>1</sup> and that colonies south of Seattle fledge earlier than inland herons<sup>2</sup>. However, in south Puget Sound bald eagle predation is a significant source of nest and colony failure and/or relocation. This results in some herons laying a second clutch of eggs and in extending the breeding and fledging period. To ensure recruitment of young herons into our population, we need to protect them through fledging. A trained person can determine when the colony is no longer occupied, thus allowing activity to resume.

**Regarding protection of former nesting sites** – Heron colonies move for various reasons and protection of alternate nesting habitat (including potentially abandoned sites) is based on sound science, the conservation principle of redundancy. It is important to protect alternate nesting habitat in case of colony destruction by natural or human-caused disturbance.

However, I suggest shortening the protection period for former colonies in urban areas from 10 years to 6 years. While herons have been documented to re-nest at a site more than 10 years after being abandoned<sup>3</sup>, it is reasonable to assume that an urbanizing area may have increased development and disturbance during unoccupied years and that it is less likely that a site will be re-colonized after many years.

**Regarding private property rights** – Washington state laws already protect landowners from “takings” of property rights. If a landowner has a hardship that prevents her/him from complying with performance standards, I assume that the City of Olympia has an appeal process or variance provision to accommodate this.

**Regarding the cost of colony occupancy determination** – Volunteer “citizen scientists” can be trained to survey heron colonies to determine the beginning and the end of the nesting period. This would relieve landowners from having to hire a biologist.

Sincerely,

Elizabeth Rodrick

Citations 1-3 from Azerrad, J. M. 2012. Management recommendations for Washington’s priority species: Great Blue Heron. Washington Department of Fish and Wildlife, Olympia, Washington.

<sup>1</sup> Page 1. Citation #54.

<sup>2</sup> Page 5. Citation #38 and personal communication from Kate Stenberg, biologist.

<sup>3</sup> Page 11. Citation personal communication from Chris Anderson, biologist.

<sup>4</sup> Page 12. Eissinger, A.M. 2007. Great Blue Herons in Puget Sound. Puget Sound Nearshore Partnership Report No. 2007-06. Published by Seattle District, U.S. Army Corps of Engineers, Seattle, WA.

<sup>5</sup> Washington Department of Fish and Wildlife. Wildlife Data System.