



April 20, 2017

Olympia City Council
PO Box 1967
Olympia, WA 98507

Dear Mayor Selby and City Councilmembers:

The Olympia Planning Commission (OPC) has conducted its review of the City of Olympia's proposed Shoreline Master Program and Critical Areas Ordinance amendments proposed as the Critical Areas Ordinance Phase 2 Amendments – Locally Important Habitats and Species. Each planning commissioner engaged in a thoughtful evaluation of the proposed amendments.

At its February 27, 2017 meeting, the Planning Commission voted to recommend approval of the amendments to the Olympia Municipal Code and Shoreline Master Program in Attachments 2-4 (attachment 2 – Proposed OMC 18.02 and 18.32.500 amendments; attachment 3 - Proposed OMC 18.20 amendments; and attachment 4 - Proposed Shoreline Master Program amendments). These amendments were unanimously supported by the voting members (Commissioner Ehlers recused herself).

The Commission continued deliberation of the amendments in Attachment 1 (proposed amendments to OMC 18.32.300 - .330). The Commission is forwarding the materials to the City Council without a recommendation on the proposed amendments covered in Attachment 1.

The draft amendments in Attachment 1 include the following:

- a process by which additional locally important species and/or habitat could be nominated in the future as conditions change
- designation of the great blue heron as a locally important species, with the following approaches to protect heron nesting colonies when development is proposed:
 - Adopt fixed-width buffers around heron nesting colonies
 - Require tree and vegetative screening
 - Restrict the timing on some types of activities (e.g., loud noise, clearing, grading)
 - Require mitigation sequencing where appropriate
 - Require consultation with the City and the Washington State Department of Fish & Wildlife (WDFW) during project planning

The Commission was unable to reach consensus to support the proposed amendments in OMC 18.32.300 - .330 and a motion to recommend approval of these proposed amendments failed.

The motion that did pass was for me to write a letter to City Council with a bulleted list of the reasons why the Commission could not come to a consensus. Those reasons are summarized as follows:

- Some Commissioners believe the proposed development restrictions would make it highly unlikely that a new home could be constructed in only one building season.
- Some Commissioners believe the protection of a nesting colony for a period of ten years after the most recent sighting seems too long without knowing whether or not the heron would return.
- It was troubling that the heron may move to a new site, and potentially several times, which could lead to a multitude of sites that would need to be protected for at least a period of ten years.
- Some Commissioners believe the proposed protection measures are not adequate to protect the herons.
- Some Commissioners believe the proposed protection measures are too prescriptive and would negatively impact private property rights.
- Some Commissioners believe that since it is not a specific requirement to protect the heron that a regulatory approach is not needed and that non-regulatory measures are more appropriate at this time.

We appreciate the opportunity to provide feedback and recommendations to the City of Olympia City Council.

Sincerely,



Brian Mark
Chair, City of Olympia Planning Commission