



## Planning Commission

### CAO Phase 2 - Locally Important Species and Habitat

**Agenda Date:** 8/15/2016  
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#### **Title**

CAO Phase 2 - Locally Important Species and Habitat

#### **Recommended Action**

Information only. No action requested.

#### **Report**

##### **Issue:**

Briefing on CAO Phase 2 - Locally Important Species and Habitat

#### **Staff Contact:**

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#### **Presenter(s):**

Linda Bentley, Senior Planner, Community Planning & Development

#### **Background and Analysis:**

During the update to the City's Comprehensive Plan in 2014, citizens and elected officials expressed a desire to protect "locally important species and habitat." The City included relevant goals and policies in the adopted Comprehensive Plan and included further work on that task as part of the Critical Areas Ordinance (CAO) update. The original CAO update deadline of June 30, 2016, did not leave enough time to thoroughly consider possible changes to protections in the Important Habitat and Species section of Olympia Municipal Code (OMC) 18.32.300 and to also complete the updates required by the Growth Management Act (GMA). Consequently, the City divided the tasks into the following phases:

- Phase 1: The update required in the GMA, which was adopted by City Council July 19 (2<sup>nd</sup> Reading August 16)
- Phase 2: Investigation of options available to protect "locally important habitat and species"
- Phase 3: Shoreline Master Program amendment

#### Phase 2 Process

City and consultant ESA will look at ways to protect our locally important species and their habitats. ESA prepared a technical memo, attached, outlining:

- gaps in current federal, state and local regulatory protections
- legal bases for protecting species and habitats
- current best practices in comparable cities
- recommendations for best ways to protect our species and habitat

Some species and habitats are known; others may be identified and considered during technical working group meetings, public workshops and other meetings or hearings.

### Phase 3 - Shoreline Master Program Update

Under provisions of the Washington State Shoreline Management Act, all amendments to the City's CAO must also be adopted by reference into the City's Shoreline Master Program (SMP) and approved by the Department of Ecology (DOE) before the amended CAO is effective within designated shoreline areas (generally the land area within 200 feet of the water).

Because DOE approval may take months and we did not want the confusion of having two critical area regulations - one for shorelines and one for uplands during that gap -we are delaying the effective date of adopted CAO amendments until we receive DOE approval of our amended SMP. We will continue to use the current CAO and SMP until the amended CAO and SMP become effective.

### Options for Protecting Locally Important Species and Habitat

The City needs to determine the most effective way to provide species and habitat protections. As detailed on pages 13-14 of the technical memo, the following are the three options we are considering:

- Programmatic
  - Designate land as open space, native growth protection, habitat preservation
  - State tax levy and other programs
- Incentive-based
  - City acquires land to protect
  - Encourage private donations
- Regulatory
  - Include protections for specific species and/or habitats into OMC 18.32 (Note: many of the aquatic species are already protected in the streams and wetlands sections and in the Shoreline Master Program.)
  - Some jurisdictions allow groups and individuals to "nominate" species and habitats for protection (with the burden of proof on the nominator)

The decision on best options may be informed by which species and habitats we determine need protection.

### Tentative (Best Case) Schedule - Phases 2 and 3

Consultant draft technical memo	July 2016
Working group meeting	July 2016
Public information meeting	September 2016
Planning Commission/LUEC briefings	August-October 2016

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Final Phase 2 recommendations	November 2016
SMP amendment	December 2016-January 2017
DOE approval	January-March 2017

**Neighborhood/Community Interests (if known):**

Many community groups and individuals have expressed support for protecting Olympia's locally important species and habitats.

**Options:**

Briefing only.

**Financial Impact:**

Updating the CAO and SMP to meet the statutory requirements is already a budgeted work item for Community Planning and Development in 2016. Initial review of locally important species and habitats is also included; however, some approaches to this task may require additional resources.

**Attachments:**

Technical Memo