



## Planning Commission

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

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#### **Title**

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

#### **Recommended Action**

Information only. No action requested.

#### **Report**

##### **Issue:**

Whether to receive the information and update on Phase 2 of the CAO, Locally Important Habitat and Species.

#### **Staff Contact:**

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

Linda Bentley, Senior Planner, Community Planning and Development

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

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).

In addition to the required update, the Land Use and Environment Committee directed staff to include a review of potential additional protections for locally important habitat and species. To ensure staff could complete the state-required BAS updates by the deadline and to allow more time for an in-depth look at the locally important habitat species issue, we divided the tasks into Phase 1 (BAS) and Phase 2 (habitat and species).

Finally, when the City amends its CAO, it must also amend its Shoreline Master Program (SMP) to adopt the new CAO by reference.

Phase 1 of the CAO was approved by City Council on July 19, 2016. The tentative future timeline for Phase 2 follows:

<b>Jan 9, 2017</b>	Planning Commission Briefing
<b>Jan 18, 2017</b>	Public Open House
<b>Feb-Mar 2017</b>	Planning Commission Public Hearing (Including SMP amendment)
<b>Mar-Apr 2017</b>	City Council Ordinance adoption (Including SMP Ordinance to adopt amended CAO)

After hearing concerns and getting suggestions from a technical working group, staff and consultant Environmental Science Associates (ESA) did additional research and consulted with other jurisdictions regarding their experiences with protecting locally important species. For example, we were interested in other cities' experiences with inviting the public to nominate additional locally important species. Bellevue, Redmond and Kenmore have such a process but, according to their staff, no nominations have been received and they may be considering abandoning that portion of their programs. We are, however, suggesting a process by which additional locally important species and/or habitat could be nominated in Olympia (see attached proposed new OMC 18.32.325).

As suggested in ESA's October 31 memo (attached), we propose relying on our existing CAO and Shoreline Master Program (SMP) regulations to protect most species, with the exception of great blue heron and their breeding habitat.

#### Great Blue Heron and Habitat

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

- Adopting a fixed-width buffer around mapped heron rookeries
- Restricting the timing on some types of activities (e.g., clearing, grading)
- Requiring consultation with the City and the Washington Department of Fish & Wildlife (WDFW) during project planning

WDFW recognizes that protections for heron rookeries have a different set of considerations in urban areas than in less developed areas. Our goal is to find the best balance between protecting species and respecting private property rights. After reviewing similar protections for heron rookeries in Seattle and Kenmore, we are proposing a smaller seasonal buffer than that recommended in WDFW's published management recommendations for nests in rural and less developed areas. As indicated on the attached draft maps, we suggest 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.
- Property under consideration by Parks Department for acquisition for passive type parks

should consider the quality and extent of habitat value in its decision-making.

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

#### Shoreline Master Program Amendments

The amendment to Olympia's SMP, which adopts the amended CAO by reference, ensures consistency with the CAO adopted July 19, 2016, and corrects errors, is attached. 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.

#### **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 this Phase 2 may require additional resources.

#### **Attachments:**

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