



## Planning Commission

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

**Agenda Date:** 1/23/2017  
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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