



Planning Commission

Deliberations, Amendments to Critical Areas Ordinance (CAO) and Shoreline Master Program

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Title

Deliberations, Amendments to Critical Areas Ordinance (CAO) and Shoreline Master Program

Recommended Action

Recommend to City Council adoption of proposed amendments to the Critical Areas Ordinance (CAO) and related code sections and to the Shoreline Master Program.

Report

Issue:

Whether to recommend to City Council adoption of proposed amendments to the Critical Areas Ordinance (CAO) and related code sections and to the Shoreline Master Program.

Staff Contact:

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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. Staff hosted a public open house to discuss the proposed amendments on January 18, 2017 and the Planning Commission held a public hearing on January 23, 2017. All written comments received by noon, January 27, 2017, and the additional information requested of staff were presented to the Planning Commission at its February 6, 2017, meeting.

The City issued a SEPA Determination of Non-Significance (DNS) for the recommended changes on January 10, 2017, and sent the 60-day notice of intent to adopt, as required by state statute, to the Department of Commerce on January 11, 2017.

Proposed Protections

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 (attached) to give added protection to the great blue heron and its habitat, while continuing to respect private property rights.

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 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

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 by WDFW for nests in rural and less developed areas: a 200 foot year-round buffer and an additional 300 foot seasonal buffer for nesting colonies.

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
- help 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, OMC 18.32.500 and 515, and OMC 18.20 are required to bring Title 18 OMC 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 18.32.300-330, 18.32.500, 18.32.515, 18.02 and 18.20; 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 18.32.300-330, 18.32.500, 18.32.515, 18.02 and 18.20; adoption of amendments to the SMP; and approval of the non-regulatory suggestions, **with modifications.**
3. Recommend to City Council adoption of amendments to OMC 18.32.500, 18.32.515, 18.02 and 18.20; adoption of amendments to the SMP; and approval of the non-regulatory suggestions
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 18.32.300 amendments
- Proposed OMC 18.02 and 18.32.500 amendments
- Proposed OMC 18.20 amendments
- Proposed Shoreline Master Program amendments