



Planning Commission

Recommendation on Draft Amendments to Critical Areas Ordinance (CAO)

Agenda Date: 4/3/2017
Agenda Item Number: 6.A
File Number: 17-0226

Type: recommendation **Version:** 1 **Status:** Filed

Title

Recommendation on Draft Amendments to Critical Areas Ordinance (CAO)

Recommended Action

Recommend to City Council adoption of draft amendments to the Critical Areas Ordinance (CAO)

Report

Issue:

Whether to recommend to City Council adoption of draft amendments to the Critical Areas Ordinance (CAO)

Staff Contact:

Leonard Bauer, Deputy Director, Community Planning and Development, 360.753.8206

Presenter(s):

Leonard Bauer, Deputy Director, 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 and 27, 2017, meetings.

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.

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. The Commission continued deliberation of the amendments 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

WDFW recognizes that protections for heron rookeries have a different set of considerations in urban areas than in less developed areas. Consequently, this draft includes 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.

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, 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, and approval of the non-regulatory suggestions, **with modifications**.
3. Recommend City Council **not adopt** locally important species regulations at this time.
4. Forward the draft amendments to OMC 18.32.300-.330 to City Council with **no recommendation**.

Under any of these options, the Planning Commission may direct staff to present the recommendation to the City Council, designate one or more Commissioners to present the recommendation to City Council along with staff, or create a written letter to describe the recommendation to be forwarded to City Council.

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 - .330 amendments

Proposed OMC 18.02 and 18.32.500 amendments

Proposed OMC 18.20 amendments

Proposed Shoreline Master Program amendments