

**CAO Review Committee
Meeting Notes – August 9, 2007**

Attendees:

Committee Members: Ryan Drum, John Evans, Steve Hussey, Fred Munder, Stephanie O'Day, Barbara Thomas, Todd Goldsmith, Jim Slocomb, Amy Windrope

Public: Mike Kaill, Tina Whitman, Barbara Rosenkotter, Mary Knackstedt, Bob Fritzen, Patty Miller, Richard Cville, Roger Sandwith, Madrona Murphy

Time and Location: Islanders Bank Annex, 8:45 – 11:00 a.m.

Next Meetings: September 20 and 27, 2007

This was the first meeting of the County Council appointed Critical Areas Ordinance (CAO) Citizen Review Committee. This group was appointed to work with staff on developing a Critical Areas Ordinance that will effectively protect critical areas and bring the San Juan County Code into conformance with the requirements of the Growth Management Act.

Committee members introduced themselves and explained what they hoped to achieve through the evaluation and update of critical area regulations. This was followed by audience introductions.

Committee organization and operating procedures were then discussed, with the following decisions:

- The committee will have longer, less frequent meetings.
- Rather than electing a chair and co-chair, Shireene will facilitate meetings to allow all members to participate in the discussion. The Department needs to provide someone to take minutes or meeting notes.
- Meetings will generally occur on the 3rd and 4th Thursdays of the month, beginning with September 20 and 27 in Friday Harbor. Beginning in October one meeting each month will be held in Friday Harbor and one will be held on one of the other islands. Meeting dates for the next few months are as follows:

September 20	Friday Harbor
September 27	Friday Harbor
October 18	Friday Harbor
October 25	Orcas or Lopez
November 15	Friday Harbor
November 29	Orcas or Lopez
December 6	Orcas or Lopez
December 20	Friday Harbor

Note: After the meeting Lynda Guernsey was assigned the task of taking meeting notes. To coordinate with the Planning Commission's monthly meeting, CAO meetings the third Thursday of the month will be held in Friday Harbor.

- At least 50% of the committee members must be present to make decisions on issues. With the concurrence of the committee, smaller groups of committee members may meet to gather information or develop options to present to the full committee. Committee members may communicate with one another outside of meetings, but will not form voting blocs.
- The committee will strive to reach consensus on issues. When voting is necessary decisions will be made with a simple majority of those present. Votes will be recorded.

- If consensus cannot be reached the minority may write a “minority opinion” or alternative option to be included in the documents submitted to the Planning Commission and County Council. Minority opinions will be signed by their author(s).
- A 2/3 majority of those present will be needed to reopen a decided issue. A decided issue can be reopened at any time.
- To keep the public informed, meeting notes and documents should be promptly posted on the County web page.
- Up to 15 minutes of citizen input will be accepted at the start, middle and conclusion of each meeting.
- Public comments can be submitted to Shireene who will forward them to the committee.
- Steve Hussey presented two example procedures for determining the level of consensus, and some suggested ground rules. The committee declined to adopt the consensus protocol, but did agree to follow the proposed ground rules which are:
 - Agreement on agenda before the start of the meeting.
 - Be on time.
 - Come prepared to contribute, not hinder.
 - No hidden agendas.
 - Listen to what is being said, not what you think is being said.
 - Be respectful and considerate to all attendees.
 - Focus on issues not people.
 - Stay focused on topic/ issue.
 - No personal attacks.
 - Don't interrupt - raise your hand if you need to speak and wait for the moderator/ facilitator to give permission.
 - No side discussions.
 - Be concise - keep comments on the subject.
 - Be part of the solution, not the problem.
 - Make and record decisions.
 - Follow ground rules.
- The Committee began discussing the draft “Guiding Principles” being developed to aid future decision making. The proposed principles have evolved over the last few months based on citizen and agency input. The first section deals with legal requirements based on the Growth Management Act (GMA) and associated growth board and court decisions. The second section includes community choices on how to approach the regulation of critical areas.

Shireene provided copies of a handout listing the pertinent laws, rules and court and growth board decisions, as well as copies of RCW 36.70A.050-.060, 36.70A.172 and WAC 365-190 (State laws and regulations governing the management of critical areas).

A glossary of terms was requested.

- Shireene gave a brief over view of critical areas requirements. The GMA requires cities and counties to periodically review and update comprehensive plans and development regulations to meet minimum State requirements. Our first update was due December 2005. An extension was granted for the sections on critical areas, with a new deadline of December 2006. Since we are not in compliance with the GMA we are not eligible for State public works and water quality assistance money.

There are five types of critical areas: Critical Aquifer Recharge Areas (CARAs), Geologically Hazardous Areas, Frequently Flooded Areas, Wetlands, and Fish and Wildlife Habitat Conservation Areas. We are required to consider the best available science (BAS), review the existing regulations and develop programs that will protect critical areas. Regulations are one, but not the only component of an effective program. Others include education and conservation programs, such as the acquisition of land by the land bank. We will begin with the CARA section, followed by the Fish and Wildlife section.

- Discussion resumed on the guiding principles. Ryan objected to the principle "Focus on actions needed to gain compliance with the GMA".
- To allow time for citizen input the Committee agreed to continue the discussion on the Guiding Principles at the next meeting. Tim Gates with CTED (the State Department of Community, Trade and Economic Development) will be invited to discuss the legal parameters for critical area regulations, and the science and management options related to groundwater resources will be reviewed with Mark Tompkins and Vicki Heater from the Health Department. The Committee was provided with State guidance documents on the classification of CARAs and the development of CARA regulations, and a handbook produced by the State Dept. of Health entitled *Nitrogen Reducing Technologies for On-site Wastewater Treatment Systems*.
- Committee members and citizens provided the following comments and suggestions:
 - Each regulation that is adopted has a cost. It is important to pay attention to the effects of regulations on people.
 - As part of the groundwater discussion we need to consider that a portion of the population is served by surface water.
 - We need to use the tools available to protect critical areas. Our rules need to be consistent with State requirements.
 - Madrona Murphy and Russel Barsch can provide technical information.
 - Documents that are provided to the Committee should be provided to the public. Correspondence from the public should be provided to the Committee. The County web page is out of date - meeting notes and other documents should be posted on the web page. Articles and/or letters to the editor should be provided to the papers to help keep people informed. The public should have an opportunity to provide input prior to Committee decisions. The Committee should try to vote with the public interest in mind rather than the interests of the various organizations. We should be working toward responsible long range planning rather than just compliance with the GMA. The differences between this effort and the work of the Marine Resources Committee and San Juan Initiative need to be clarified. Refine the Guiding Principles and use them. Make sure we understand the human impact of decisions.
 - GMA is the law - focus on compliance.
 - If the County has an FTP site it could be used for downloading large documents.