



San Juan County CAO Citizen Review Committee

Critical Areas Ordinance Citizen Review Committee Meeting

May 5, 2009

Downstairs meeting room, 8386 Orcas Road (former Russell's Landing in Orcas Village), Orcas Island

DRAFT MEETING MINUTES

Committee Members in Attendance: Ryan Drum, John Evans, Patty Miller, Stephanie Buffum-Field, Todd Goldsmith (in 10:05 a.m.), Barbara Thomas (in 10:05 a.m.), Barbara Rosenkotter, Amy Windrope (in 9:36 a.m.), Teri Williams, and Stephanie O'Day

County Staff in Attendance: Shireene Hale (Senior Planner), Lynda Guernsey (Dept. Assistant II)

Public in Attendance: Bob Fritzen, DOE

Facilitator: Tom Cowan

Topic	Key Discussion Points and Agreements	Actions and Next Steps
Call To Order	The meeting was called to order at 9:30 a.m.	
Approval of Agenda 9:32 a.m.		Agenda approved.
Citizen Input 9:32 a.m.	No one wished to speak at this time.	
Approval of Meeting Notes 9:33 a.m.	April 16, 2009 CAO Meeting notes	Minutes approved.
April 29, 2009 - Draft Shoreline Section – Critical Areas Regulation	<p>Discussion on legality of continuing forward with the shoreline section in regards to shoreline in the CAO vs. the Shoreline Management Act update. Reference was made to the Anacortes court case.</p> <p>Shireene explained that she had discussed this with county legal counsel and Community Development and Planning and that they felt it was okay to continue with the shoreline section.</p> <p>Bob Fritzen, DOE, explained that they are still waiting for superior court to give their decision. Unofficially, there may be “implied validity” used in addressing the counties that have gone ahead with their regulations.</p>	

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	<p>The discussion continued with disagreement on the issue as to whether the CAO shoreline regulations go forward with the shoreline section vs. the shoreline section “parked” until the Shoreline Management Act update.</p> <p>Discussion was also held regarding the May 21, 2009 final meeting date. Shireene informed the committee that there was a grant to pay for taking the CAO regulations out to the public and that the grant work would need to be completed by June 30, 2009. To do this with the entire CAO ordinance, work would need to be completed on the document by the May 21, 2009. She suggested that they could separate out the shoreline section, she would present that with a staff recommendation, and the remainder of the ordinance would go forward as the CAO Committee’s recommendation. There was disagreement on that suggestion which then led to discussion on whether to take the issue to the County Council for direction as to proceeding with the shoreline section and with CAO Committee meetings.</p>	<p>Some CAO Committee members may set up a date and time to speak to the County Council regarding continuing the committee meetings past the original final meeting of May 21, 2009.</p> <p>Agreement to proceed with the process of reviewing the shoreline section today.</p>
<p>18.50.085 Shoreline Wetlands and Fish and Wildlife Habitat Conservation Areas (a new section to be added to the shoreline regulations), F. Fish and Wildlife Habitat Conservation Areas Requirements, 5. Additional Requirements for Specific Marine Habitats, a. Requirements for Specific Marine Habitats</p> <p>5.a.i. Existing Boating Facilities, B.</p> <p>5.a.i. C.</p> <p>5.a.i.D.</p>	<p>Delete “habitats harmed by” and “habitat used by salmon”. Add “to protect” between “structures” and “and”. Add “drift cells” after “and”. Add an additional sentence that would read: These standards only apply to areas with these habitats. Shireene will add an explanation of 5. a.</p> <p>Delete B.</p> <p>Add “the” between “and” and “number”.</p> <p>Delete “such as creosote. and replace with “and materials must comply with State and Federal regulation requirements.”</p> <p>Discussion was held regarding kelp and eelgrass and the effects of docks on them.</p>	<p>Agreement.</p> <p>Agreement.</p> <p>Agreement.</p> <p>Agreement that there should be different sets of regulations, one for kelp and one for eelgrass.</p>

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		<p>Shireene will contact experts regarding what, if any, concerns they may have regarding kelp and what those concerns may be.</p> <p>Agreement to find out what type of regulations are appropriate for eelgrass. Ask Dr. Sandy Wyllie-Echeverria to attend the next meeting to address the questions regarding eelgrass</p> <p>Moved by John Evans, seconded by Ryan Drum, to recognize that docks are essential, we are made up of a series of islands. Docks should be allowed over eelgrass in the most protected manner. Motion passed with five yes votes, four no votes and one abstention.</p>
<p>Citizen Input 11:45 a.m.</p>	<p>John Lackey: Docks are essential. Thought and care should be given to the environment but can't just outlaw them. There are health and safety issues for their use on outer islands.</p>	
<p>Return to: 18.50.085 Shoreline Wetlands and Fish and Wildlife Habitat Conservation Areas (a new section to be added to the shoreline regulations), F. Fish and Wildlife Habitat Conservation Areas Requirements, 5. Additional Requirements for Specific Marine Habitats, a. Requirements for Specific Marine Habitats</p>	<p>Discussion of eelgrass and the 5.a.ii items.</p>	
<p>Lunch 11:55 a.m. – 12:45 p.m.</p>		
<p>Mitigation</p>	<p>Barbara Rosenkotter presented a summary of the MRC Science Subcommittee's recommendations on mitigation in the nearshore. BAS does not support mitigation of impacts to marine habitats therefore the MRC recommends:</p> <ol style="list-style-type: none"> 1. Mitigation should not be allowed but in the real world it is something that will have to be done. 2. Mitigation should be allowed for projects that have a public benefit. The impacts should be minimized. 3. Mitigation banking – it shouldn't be done in a piecemeal fashion. The whole picture should be looked at. 	

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	<p>4. If mitigation is allowed, mitigate as close to the site as possible.</p> <p>5. Monitoring</p> <p>Discussion regarding State and Federal regulations vs. County regulations.</p> <p>Easel work was started with the title: What are protective measures that could be considered in a dock application over eelgrass:</p> <ul style="list-style-type: none"> * Rock Shoreline <ul style="list-style-type: none"> - leave with current regulations * Beach Side (having checked for mooring buoy, marina use, or joint use dock options) <ul style="list-style-type: none"> - Outer island or ferry served - Design standards - Health and safety - No other alternative for access - Mitigation and monitoring - Public benefit - Type of beach and how that relates to drift cell 	<p>John Evans made a request to get the existing regulations for docks for the next meeting so that they could be modified to be more protective.</p> <p>Moved by Barbara Thomas, seconded by Barbara Rosenkotter, that on an outer island there are no docks allowed in drift cell areas, in context with docks allowed over eelgrass. Motion failed with four yes votes, four no votes, and two abstentions.</p> <p>Moved by Amy Windrope, seconded by Patty Miller, that on an outer island there are no docks allowed in drift cell areas, in context with docks allowed over eelgrass, unless there are no other dock options. Motion failed with three yes votes, three no votes, and four abstentions.</p> <p>Shireene will send out the existing regulations for boating facilities incorporating draft ordinance language based on CAO Committee guidance.</p>
May 21, 2009 Meeting	<p>Discussion was held regarding extending the meetings past the May 21, 2009 date vs. getting the document out to the public. There are items still to be reviewed and can that all be done within the next meeting time. Discussion also reverted back to the one held at the beginning of the meeting regarding the County Council, grant money, etc.</p>	<p>John Evans mentioned the resiliency of the fish population should be referenced in the document.</p>

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		<p>For the next meeting:</p> <p>Shireene will incorporate into the draft ordinance, the existing regulations regarding boating facilities. She will do this with strikeout/<u>underline</u>/highlight.</p> <p>Shireene will put out a clean copy of all the section that have gone before.</p> <p>Shireene will take out all scientific references.</p>
<p>Citizen Input 2:30 p.m.</p>	<p>Karrie Cooper Hats off to the Committee! Not an easy process</p>	
<p>General Discussion</p>	<p>Ryan Drum shared what he had found out about finding Eagle parts on your property, keeping them illegal, gifting them to First Nations is okay.</p> <p>Buffer language needs further review.</p>	
<p>Meeting Adjourned, 2:50 p.m.</p>		