

San Juan County CAO Committee

May 15, 2008

Islanders Bank Annex, Friday Harbor

Meeting called to order @ 8:30. No moderator in attendance.

In attendance for San Juan County; Shireene Hale, Ron Henrickson, Jonathan Cain, Committee Members; Amy Windrope, Patty Miller, Jim Slocumb, John Evans, Ryan Drum, Stephanie O'Day, Stephanie Buffum Field

Agenda changed slightly from what had been originally proposed. Ron Henrickson & Jonathan Cain were only available for short time at beginning of meeting, so their portion was first. Agreement on agenda to follow.

Focusing on Minimum requirements - Ron advised that he had been involved in the CAO process in Mason County. His thoughts were to build a framework that is agreed upon & then focus on the details after the main outline is done. There have been 5 cases of litigation with regards to the ruling in other counties and that does give us some definable parameters to work into SJ Code. Discussion followed as to what lines have been established by prior cases and if an interpretation of the cases would be available from legal counsel. Agreement was reached to move ahead with main outline. More discussion followed.

9:00am **Update from Legal Counsel**- Jonathan supplied a handout done by his office re: Minimum Requirements for a Critical Areas Ordinance. This was an overview of what the minimum standards required by Washington law, with an emphasis on the requirements regarding Fish and Wildlife Habitat Conservation Areas. There seems to be no certainty of minimum standards, but it is best to refer to the WAC Chapter 365-190. The memo had copies of the referenced WAC code attached.

Discussion followed whether CAO updated would harmonize with early work on the SMP. Additional discussion as well on previous litigation in other counties with requests from committee to legal to supply breakdown of what the courts were directing from rulings.

9:20 Introductions & Agreement on Agenda

9:25 **Citizen Input** - Update from Eastsound Sewer & Water District. Their Capital Plan is done and will be provided to Community Development & Planning this next week. The septic density study is proceeding and they project to be finished by the Fall.

A request was made for more outreach to the public with more printed materials for meetings and more information posted to Newspapers and online sources.

10:00 **Introduction of Speakers**

Eliza Habegger(Land Steward, SJ County Land Bank) , Thor Hansen, Barb Jensen (SJ Audubon Society), Richard Weisbrod

Eliza - Eliza noted that the vast # of protected species from the list have not been studied in depth and that the implementation of the CAO is a big undertaking. She expanded on the problem of Habitat Fragmentation and described how fragmentation works to alter habitats and effect those species living there. She explained how fragmentation created barriers to species movement and overall safety. She further explained how Edge Effect is changing habitats. Discussion followed regarding fragmentation & edge effect. Eliza explained how there is currently evidence starting to show that low density residential is impacting the environment. Popular thinking has been that there is no effect. Discussion followed on specific species and how to balance between the extremes of protection, including what % of land is public and the impacts of mitigation on public & private lands.

Thor – Thor’s first comment was, as a citizen, a thank you for all the work done by the committee & county to implement the CAO. He noted that not only do we need to protect the species currently on the protected list but to be proactive so as to preclude other species from being added to the list. He had three suggestions to help keep this from happening. 1) Green Building Codes – limit roads & share driveways, cluster homes, natural landscaping, etc... 2) Incentive Program for Stewardship – increase emphasis of priority species and increase valuation of habitat to encourage stewardship of individual parcels. 3) Increase county staffing to include biologist to assist with technical aspects.

Barb - Barbara discussed NeoTropical song birds and how their numbers are diminishing due to loss of habitat and food sources. She explained how the balance of predator and prey is shifting. Predator numbers are going up for

some birds with the introduction of domesticated pets too. She mentioned mitigation points of building a pond that is biologically positive, stewardship programs, and the need to build for native plants and wildlife that is up and down the food chain. Discussion followed regarding specific species and buffers. Eliza stated that science does not always fit regulations.

Dick - Dick suggested that we compare original habitats with what we have now using US Geodesic Survey and or USDA Surveys with photographs and survey notes. He discussed a two hour class for newcomers required for permitting explaining ordinances and codes. He also noted that as we disturb the balance of areas it becomes easy for adaptable species to become invasive species such as feral cats, crows, rats and dandelions. Discussion follow as to what time of origins to follow and about a class to instruct newcomers.

11:12 the speakers were thanked and a 5 minute break followed.

11:24 Citizen Input – none offered.

Shireene advised she was winnowing down the list of protected species to those of local importance. Discussion followed re: if list is extensive enough & buffers.

Agreement to parking lot the definitions for setback/buffer/marine protected areas.

11:37 **Speaker** Russell Barsh for Kwaiht - How land development and human activities affect freshwater aquatic ecosystems - Russell provided a handout of Aquatic animals recorded, or suspected, in San Juan county: Amphibians and turtles. He provided a Power Point presentation the significance of wet systems, including streams, lakes, ponds, vernal pools & wet woodlands. He used Lopez Island as an example to show the disappearance of the wetland habitats and explained that it happened slowly over time due to human intervention. The consequences of the above were explained to be;

Diminished biodiversity in terrestrial & nearshore ecosystems

Diminished water quality & quantity

Diminished soil fertility – nutrients lost due to runoff

Discussion followed regarding the presentation.

His **recommendations were** to:

- Disfavor residential ponds
- Prioritize bogs, fens & wet woodlands
- Adopt instream slow (natural flow) rules

Russell was thanked for presentation & Lunch was called

- **Lunch** 12:30 to 1:15 pm
- 1:15 **Review of existing County Regulations** for protecting terrestrial habitats and species – identification of deficiencies and discussion on potential options – discussion on short list of protected species, pre-application for permit process and/or predevelopment.

Review of current code – 18.30.160 Fish and wildlife habitat conservation areas

A. Classification

#1. Upland Category I. Priority habitat areas as listed below:

a).

Cross off all of a) and replaced with Areas having primary association with State and Federal listed endangered threatened or sensitive listed in WAC-232-12-011 & 014 .

Discussion followed if we should add list of endangered instead of referencing code.

#2 Upland Category II – discussion of category II

- Motion to remove Category II – Stephanie O’Day
- 2nd – Ryan Drum
- Unanimous vote

Discussion followed if and environmental Impact Survey would have to be done if this portion of code was deleted. Also discussed was Gary Oak Woodlands.

- Motion to add Gary Oaks to parking lot for future discussion - Patti Miller
2nd John

Discussion followed.

- Motion to work from current Ordinances as a base – John
2nd Stephanie O’Day

Discussion followed & all voted in favor.

#3 Upland Category III

- Motion to remove category III - Jim Slocumb
2nd Patty Miller

Discussion followed & all voted in favor

Per discussion, Shireene deleted & added in real time to #3 Federal, State and Local natural area preserves and natural resource conservation areas.

#4 Freshwater habitat Areas

- a) Changed to “Streams classified as Waters of the State”
- b) No change to current verbiage

#5 Marine Habitat Areas. These areas include the following:

- Motion to remove category II 5a to 5biii. Patti Miller and replace with WAC 365-190-080 Lists of Habitats .
2nd John

Discussion followed & agreement to leave in 5bii. Voted with all in favor.

- 3:05 **Housekeeping Items:** discussion followed. All in agreement that better progress made today, better meeting space, need to replace old copies of paperwork with updated new (code revised as we go) and to keep speakers to one hour total.

Agreement to parking lot discussion of permit process/ class.

Discussion on committee alternates, Terry Williams for Realtors and possible alternate for Todd Goldsmith.

Next meeting to be June 3rd on SJI @ the Senior Center.

- 3:21 **Citizen Input** – None noted
- 3:24 **Meeting Adjourned.**

Meeting Notes – Francene Jones 5/15/08