

**CAO REVIEW COMMITTEE  
MEETING NOTES – MAY 1, 2008**

**Attendees:**

Committee Members: Ryan Drum, John Evans, Patty Miller, Jim Slocomb, Barbara Thomas, Stephanie Buffum, Stephanie O’Day, and Amy Windrope.

Public: Jack Cory, Island Guardian, and Ed Bailey, Contractor.

**Staff and Consultant Present:**

Joel Peterson, Jefferson County Planner.

Tom Cowan, Facilitator.

Shireene Hale, Senior Planner, Community Development and Planning Dept.

Ron Henrickson, Director of Community Development and Planning, arrived at 12:45 p.m.

**Time and Location:**

8:33 a.m. – 3:45 p.m., County Council Chambers, Legislative Building, 55 Second Street, Friday Harbor

**Next Meeting(s):**

8:30 a.m. – 3:45 p.m., Islanders Bank Annex, 225 Blair, Friday Harbor.

**Meeting:**

- Introductions
- Agreement on agenda with the addition of Resource Support discussion.
- Notes of March 27, 2008 – Moved by John Evans, seconded by Jim Slocomb, to approve the notes as written. Motion passed unanimously.  
  
Notes of April 24, 2008 – Moved by John Evans, seconded by Jim Slocomb, to approve the notes as written. Motion passed unanimously.
- Public Input: No one spoke.
- Jefferson County’s experience developing a Critical Areas protection program – Joel Peterson, Jefferson County Planner, presentation.
  - a. History of the Jefferson County CAO process.
  - b. Geo Hazards areas are where Channel Mitigation Zones come in. Channel Mitigation Zones comparable to buffers.

- c. Comparison of Jefferson County and Dept of Ecology's recommendations.
- d. Waiver system for distance of buffers.
- e. Using BAS from Dept. of Ecology.
- f. Inform public before information out there got too far out from reality.
- g. Benefits of Non-Regulatory and Voluntary Measures
- h. Rural Stewardship Plan. Developed through facilitated meetings with the Dept. of Ecology.
- i. Draft Purpose Statement.
- j. Model of how Rural Stewardship Plan works through permitting process.
- k. Process chart – Team approach to help property owners develop management plan.
- l. Jefferson County current code.
- m. Issue still out there is funding. Another question still out there, is how many permits they will get that are affected by their code.
- n. Review of recent Skagit County court case.
- o. Joel will supply copies of his slide show presentation to the committee.

- Discussion issues:

- Measurement of buffers.
- Exemptions for Forest Practices.
- Importance should be given to a CASP (Critical Areas Stewardship Plan).
- Social and economic impacts.
- Enforcement.
- Education of public.
- Appeal process involving CASP.
- Shoreline Master Program buffers vs. CAO buffers.
- Need updated wetlands information.
- Buffer averaging.
- Adoption by Jefferson County of entire species list for protection.
- Nearshore habitats and buffers.

- Reference of documents in ordinance rather than put whole lists in document.
  - Wetlands mitigation bank.
  - No funding for staff resources.
  - No net loss.
  - Functions and values. Mitigation measures.
  - Degradation then enhancement.
  - Limited Impact Development.
  - Prescriptive standards.
  - “Planner of the Day” – Dedicated employee to assist public with site plans, what they want to do vs. what they can do, maps, documentation, etc.
  - No net loss. Case by case vs. County wide. Administration.
  - Reasonable use.
  - Terminology, labels, etc. very important to make sure they are clear.
  - Trade offs for balance with property owners
  - “Project” level review as opposed to “Parcel” level review.
  - Less micro-management.
  - Update on about DNR lists.
  - Discussion of Stewardship Plans. What sections they can be used in, implementation, concise and precise.
  - Variances.
  - Have to be able to say no at some point to property owners.
  - Threshold standards.
  - If the CASP can’t be met then monitoring site by site.
  - Discussion of monitoring processes.
  - Multiple departments involved in monitoring.
  - Escape clause from erroneous science.
  - In RCW, BAS must be replicable and peer reviewed. (Paul Anderson).
- Public Input:
    - Paul Anderson, Dept. of Ecology
      - a. Error on side of resource until you have good science to support something different.
    - Jack Coy, Island Guardian
      - a. May need to use basic guidelines and then use common sense or other extenuating circumstances, when it comes to buffers.
      - b. Need to go back to beginning. State what mitigations are in your Stewardship Plan and you don’t need to go through variance. You can still do that, and when you do, the public will understand why and you can still protect what you need to.
      - c. Maps? Where did state get boundaries? Shireene answered that surveys are done then the maps are made, the surveys aren’t done

very often. Jack asked if they ask the County if they are correct. Shireene answered no. The County was asked in regards to the Flood Plain maps but County didn't respond, now the County has to go back and fix them.

- Tom Cowan, Facilitator

Shireene has enough input from the committee to work on No Net Loss and CASP.

Discussion issues:

- Buffers.
  - Changes with CAO will proceed changes done to the Comprehensive Plan and the Unified Development Code.
- Lunch – 12:07-12:50 pm
- Discussion regarding the schedule for action handed out by Shireene.
  - From Planning Commission standpoint, would like to see all CAO sections at one time.
  - The timeline that goes out to the public would show specific items to be discussed on specific dates.
- Discussion of public meetings to be held.
  - Committee to see what goes out to public. Specific items out to public is okay as long as they are also given the “big” picture.
  - Public needs to be aware of how the regs will effect them personally.
- Discussion of Comp Plan and U.D.C. adoption.
  - Conflict between what Comp Plan says vs. what U.D.C. says, with different adoption dates.
  - Timing is downside, looking at December of 2009.
  - Whole package at one time is easier to explain.
  - Schedule is County Council decision. Hoping to get this done by end of year. Have requested resources to complete the project, that will also be decision of County Council. (Ron Henrickson).
  - Builder's Association will be there saying they do not want a hurry up process. Maybe we finish this year, maybe its next year.

- Discussion of meeting schedule.
  - Meeting dates changed to the first and third Tuesdays of the month.
  
- Discussion of Reasonable Use Exception (RUE).
  - No variance section, no reasonable use exception, all held within the Stewardship Plan.
  - RUE drives everything else. What level is reasonable use? What is reasonable?
  - Need the legal definition of Reasonable Use before we get into that.
  
- Discussion of Best Available Science (BAS).
  - Buffers.
  - Disagreement on Science.
  - What do we protect in San Juan County?
  - What's required?
  - Consideration vs. Adoption.
  - Protection of Critical Areas - No Net Loss, consider State and local science, they have to be protected and the protection has to be supported by science. (Shireene)
  
- Discussion of State Best Available Science.
  - Wetlands clearly defined, Fish and Wildlife not as clearly.
  - How nearshore works is still not clear. Science is just now coming out. This document is the best science available now. (Barbara Rosenkotter).
  
- Discussion of buffers and protection of species.
  - Need a demonstration as to why we need a particular buffer size.
  - Due to limited resources, individual site visits are not possible.
  - Need an escape clause and a reasonable right to appeal.
  - Have to read through all the buffers listed and try to understand them. We have to justify what we do to the public and the State.
  - County has to step up with resources to find out where the species are specifically.

- If the County and BAS can show how a house being constructed affects forage fish, then it shouldn't be allowed.
- Some species not mapped.
- We could take whole list from State out of document and add back in what we need. (Shireene).
- Fish and Wildlife Tech ad went out yesterday.
- Should find out what the actual species here are on the islands, and where they are, for best protection.
- Perhaps current County regulations are sufficient to protect some of those species.
- Streamline the document by getting rid of the lists and saying that those have been identified by State and Federal regulations.
- There should be some mechanism in place to add new information as it comes along.

Moved by Patty Miller, seconded by John Evans, to prioritize the species in 3.1, pages 3 – 5 in the March 2008 Best Available Science document. Motion passed unanimously.

Organizational discussion was held in regards to this motion but work was not completed due to indecision on too many topics.

- Public Input:

Ed Bailey, Contractor

- a. The new Stormwater regulations seem to cover a lot of this.
- b. Site plans for excavation or tree removal is required now ahead of work to be done, a site plan for adequate habitat can be done ahead of time also.
- c. Enforcement inadequate for this.

- Discussion of Forage Fish.

- Armoring.
- Bulkhead or armoring need to be done correctly.
- Need Pentilla study.
- Ranges of marine riparian area buffers, no agreement.
- Definition of inconvenience vs. loss of use.
- Everyone needs to read the BAS.

- Public Input:

Jack Cory, Island Guardian

- a. Were the BAS studies done in areas similar to San Juan County? Shireene answered yes. Should consider averaging numbers when looking at buffers.

Tom Cowan, Facilitator

- a. Committee is to come up with a CAO that will be able to stand up legally with the State.

Jack Cory, Island Guardian

- a. Make sure regulations are relevant to our area.

Paul Anderson, DOE

- a. Large buffers or riparian alternative with a stormwater fee per square foot. That pays for the City's fee to manage Critical Areas. Fee is based on impervious surface or clearing of native vegetation.

Barbara Rosenkotter, Lead Entity, Salmon Recovery Program

- a. All the buffer ranges need to be reviewed.
- b. The science and research does cover the San Juan Islands also. Some of the researchers were from this area also.