

**CAO Regulatory Reform Task Force
August 8, 2019 (first meeting) 5:30 PM
Tri-Area Community Center Dining Room
Action-Only Minutes**

Participants: Kevin Coker, Craig Durgan, Robin Fitch, Jean Ball, Teresa Michelsen, Al Cairns, John Bellow. Steve Mader participated on speaker phone. Donna Frostholm was out of town. A quorum (5 of 9 members) was present.

Support personnel: Patty Charnas, Greg Brotherton, Linda Herzog, Cass Brotherton.

Audience: Diane Jones

Meeting Schedule and Location: Meetings will be every other Thursday and the remainder will be held in the library (room to north of the “dining room”) at the Tri-Area Community Center. Next meeting will be Thursday August 22 at 5:30 PM.

General Information:

- If Task Force members are approached by the press: Meeting is open, they can attend. Individual TF members may not speak for group. Public comments should be made at BoCC or Planning Commission meeting. Commissioner Brotherton will be at all TF meetings and can receive public comments with the necessary background.
- TF members are encouraged to avoid “meeting after the meeting”. If you have additional thoughts or questions, send them to Linda who can disseminate info to the group as a whole as needed.
- TF members agreed tentatively that their email addresses may be published on the website, but not phone numbers. Facilitator wishes to revisit this decision at the next meeting, before personal contact information is made public.
- All materials for and about Task Force meetings, will be posted on the web at this address: <https://co.jefferson.wa.us/1383/Critical-Areas-Ordinance-Regulatory-Refo>

APPLICABILITY DISCUSSION:

“Navigational graphic” at the opening of the CAO: It was suggested that an overview table or other graphic should appear at the beginning of Chapter 18.22, identifying the types of areas subject to the code and assisting with “navigation” through the CAO. It was further suggested that it would be helpful for a visible notation to appear on each page, showing where the reader is in relation to the overview graphic.

EXEMPTIONS DISCUSSION:

TF members agreed that the terms **“allowed”** and **“exempt”** should be clarified. The use of the terms “allowed” (under the CAO) and “exempt” (from these regulations or from the County’s jurisdiction) is confusing when they appear in proximity, and they must be more clearly defined.

“Allowed” should be used when the development falls within the County’s jurisdiction and the CAO regulations apply to it, but the specific named activity is “allowed” as long as it meets specified conditions or criteria.

“Exempt” activities either don’t require a permit at all or are deemed to have no impact or an acceptably low impact on the functions and values of critical areas.

SUPPORT FOR PERFORMANCE-BASED OVER PRESCRIPTIVE REGULATION

The Task Force agreed that performance-based requirements should replace prescriptive mandates where possible. The County should clearly describe the beneficial functions and values of areas designated as “critical areas” and should describe the outcomes that need to be achieved for these areas to retain and/or improve their values and functions. At a minimum the CAO needs to require and assure no net loss. But further, the Code should provide incentives for applicants to voluntarily design their projects and plan their uses so that critical areas are not only protected but enhanced, and function is not degraded.

It was suggested that county staff should provide consultation and identify independent resources to help applicants in designing their projects, and farmers in preparing Farm Management Plans, to protect important environmental features. The Jefferson County Conservation District, the WA State Conservation Commission, the Ruckelshaus Center, and Washington State University's Low Impact Development Research Program were named as specific examples of these resources.

The group agreed that describing the boundaries of a critical area, placing a buffer of a specified number of feet around its perimeter, and then declaring what cannot be done within the buffer (or naming things that are "allowed" within the buffer) misses the point. The more useful approach is educating developers / farmers / applicants what a critical area is, why it's important, what it needs to do to remain a valuable component of the ecosystem, and helping them to find ways to protect the critical area and its functions.

The TF agreed that moving from prescriptive to performance-based regulation requires a significant culture change, but offers substantial benefit in

- on-the-ground results,
- clarification of what should be protected and why
- using data gathered locally over 25 years
- actions that *increase* public value over the status quo,
- changed relationships between County staff and the landowning / development / business communities,
- greater job enjoyment and professional gains for regulatory staff,
- new ideas, increased creativity and intentionality, and
- tested best practices that can be applied to other like projects and land uses.

The Task Force suggested and described **incentives** for landowners who are willing to approach their projects and activities in this new way, incorporating critical area protections based on scientific evidence that no degradation will

result. E.g. their applications might be “fast tracked” or offered more timely review, consultative assistance, or opportunities to pilot new methods.

Voluntary Stewardship: The Task Force acknowledged that this approach, while not new, sounds very much like Critical Area Stewardship Plans and the County’s opportunity to establish a State-supported Voluntary Stewardship Program has passed. The opportunity to take advantage of Ruckelshaus Center VSP resources and experts, however, still exists. A hybridized model of side-by-side voluntary stewardship methods and prescriptive CAO regulations would be the best of both worlds and could be made to work in Jefferson County.

NEXT MEETING

(AUG. 22 AT 5:30PM / LIBRARY ROOM AT TRI-AREA COMMUNITY CENTER)

At its next meeting the Task Force will continue discussion of the Administration Article, and add all the draft material on Article XIII / Agriculture with these ideas/approaches in mind.

Submitted by Cass Brotherton (volunteer minute taker)