

RECEIVED

DEC 08 2009

Memorandum

SAN JUAN COUNTY COUNCIL

To: San Juan County Council
CC:
From: Patty Miller
Date: 12/8/2009
Re: Land Use Element of Comprehensive Plan

San Juan County Council,

On Friday December 11th, the SJ County Planning Commission is holding a public hearing regarding the planned update of the Comprehensive Plan Section B, Element 2 Land Use.

As a reminder, the County Council, in response to "the unanimous support from the county emergency response community for correcting the deficiencies in our current systems", placed the issue of cell phone coverage as a priority in your retreat of 2007 and 2008. You also added it to the annual docket list for 2008 "with the collective expectation that you would deal with it this year" as quoted by Councilman Rich Peterson in his update to you in September 2008. The Council agreed on August 19, 2008 to form a cell phone task force that would make recommendations at the end of September, 2008.

While I respect that there were some issues with the process of appointing the Cell Phone Task Force, the entire Council was aware of that the committee was in place and was developing recommendations to improve cell phone coverage in San Juan County.

As further reminder an excerpt from the September 30th, 2008 County Council minutes states:

253 Moved by Knapp, seconded by Peterson to approve the recommendations set forth by the Cell Phone
254 Task Force to approve the process necessary to rescind the existing cell phone regulation [Personal
255 Wireless Communication Service Ordinance 8-1997] during the annual docket and approve the process
256 necessary to move the draft document forward for necessary review. Council discussion took place. Mr.
257 Ranker offered a friendly amendment to approve the process necessary to remove the Ordinance from the
258 Comprehensive Plan Subarea Plan, the existing cell tower regulation [Personal Wireless Communication
259 Service Ordinance 8-1997], during the annual docket and move it to the SJC Code. The friendly
260 amendment was accepted by Mr. Knapp and Mr. Peterson. Motion carried with Myhr opposed.
261
262 Moved by Ranker, seconded by Knapp to approve the request that the Cell Phone Task Force continue

December 8, 2009

2 63 moving forward on development of a new cell phone [Personal Wireless Communication Service]
2 64 Ordinance. Council discussion took place. Motion carried with Lichter and Myhr abstained.

October 20 and 21, 2008

68 Cell Phone Task Force: Mr. Peterson reported on removing the cell tower regulations from the subarea plan and
69 making them more accessible by not subject to the annual docket, indicating that it was unrealistic that this could
70 take place prior to this year's annual docket action. Mr. Gaylord concurred and also cautioned against instituting
71 an emergency status to handle it outside docket review. Council discussion took place and Mr. Gaylord answered
72 several questions regarding the replacement process of the ordinance.

Due to the confusion with the appointment of the task force, it is my understanding that the Council redirected the work on the cell ordinance to the Community Development and Planning. CD&P has failed to begin any work on the ordinance due to resource limitations.

It is clear to me that the transition to Community Development and Planning, combined with the loss of the staff member who had been dedicated to this work, is the cause for some confusion. Based on recent communication from Colin Maycock, it appears that the CD&P staff was under the impression that this was "a proposal put forward to take the development regulations regarding cell towers out of the current wireless communications subarea plan and to incorporate them into the UDC" and that this "idea" was presented to the Planning Commission and after an informal review and public testimony at 3 public meetings, the PC determined that this change was premature and decided not to advance its discussion.

I am not aware of any motion passed by the Council that rescinded the previous motion passed, which was supported by the prosecuting attorney, to remove the regulations from the Comprehensive Plan Land Use Element. Further, a review of the minutes of the 3 public meetings held by the Planning Commission indicate almost exclusively supportive comments from Orcas and San Juan residents with all opposition coming from Lopez Island.

Despite this clear direction provided by the County Council and mixed feedback from the limited public involvement they have solicited to date, the Planning Commission has preliminarily decided not to include the removal of the cell tower regulations from the comprehensive plan changes it is advancing.

I encourage you to remind the CD&P department as well as the Planning Commission of your previous vote and direct them to not usurp your decision to advance this element of the Comprehensive Plan Land Use Element update. This is a necessary first step in the process which will require significant additional public process to determine what changes are appropriate for our county to balance the desire to improve cell coverage and the concerns stated by members of the community.

Sincerely,

Patty Miller