

*Approved as submitted at the
9/16/11 PC Mtg. L.J.*



SAN JUAN COUNTY PLANNING COMMISSION

MINUTES OF THE AUGUST 10, 2011 MEETING

The meeting of the San Juan County Planning Commission was called to order by Chair, Susan Dehlendorf, at 8:37 a.m. in the San Juan Island Grange, 152 First Street, Friday Harbor, San Juan Island.

Members Present: Barbara Thomas, Karin Agosta, Mike Carlson, Bob Gamble, Brian Ehrmantraut, Susan Dehlendorf, Stephen Adams, Evelyn Fuchser, and John Lackey.

Community Development
And Planning Department

Staff Present: Shireene Hale, Planning Coordinator, Janice Biletnikoff, Planner; and Lynda Guernsey, DAII.

Prosecuting Attorney's Office

Staff Present: Jon Cain, Deputy Prosecuting Attorney.

Administrative Items

Update from Chair – Susan Dehlendorf

1. Susan, Karin Agosta, and Mike Carlson, attended the County Council Town Hall meeting August 5, 2011, related to the Critical Areas Ordinance (CAO).
2. There are site visits being done in regard to Critical Areas on San Juan Island and Orcas Island. The Orcas Island visits are to be done on September 27, 2011, which at this point, was to be a continued Planning Commission hearing on the Wetlands portion of the CAO. It was the consensus of the Planning Commission members to hold the continued hearing on another date (October 4th) and attend the site visits on Orcas. The San Juan Island visits will be held October 10, 2011.
3. The County Council wished to express their thanks to the Planning Commissioners for all of their hard work and commitment to the CAO process.

Update from Planning – Shireene Hale

1. The latest revised San Juan County Critical Area Regulations Update was handed out to the Planning Commission.
2. The Planning Commission discussed upcoming and future dates to meet.

Update from the Housing Bank and Update from the EPRC – Colin Maycock was not in attendance.

Minutes of July 15, 2011 –

Moved by Barbara Thomas, seconded by Bob Gamble, to approve the minutes as corrected. The correction is as marked on page 1 of the minutes. Motion passed with eight yes votes and one abstention (Adams)

Minutes of July 22, 2011 –

Moved by Stephen Adams, seconded by John Lackey, to approve the minutes as corrected. The correction is shown on page 2. Motion passed unanimously.

Public hearing and deliberations on an Ordinance Amending Regulations for Critical Areas and Adopting Associated Provisions for Financial Guarantees. Amending Chapter 18.20 (Definitions), Section 18.30.110 (Critical Area Regulations – General Provisions) and Adding a New Section on Financial Guarantees to Chapter 18.80. of the San Juan County Code

Shireene Hale, Planning Coordinator, gave a power point presentation regarding this topic and responded to questions from the Planning Commission.

Public testimony was opened and the following spoke (a number by their name denotes the number of times they spoke):

John Evans (2), San Juan County Builder's Association
Wanda Evans (letter presented by John Evans), Orcas Island
Bob Levinson, San Juan Island, on behalf of himself and the CSA (Common Sense Alliance)
Francine Shaw, San Juan Island
Tim Blanchard (2), Orcas Island, on behalf of himself and the CSA
Shireene Hale (2), CD&P (Community Development and Planning)
Bill Waxman, San Juan Island
Jeff Hanson, Orcas Island
Dave Cable, San Juan Island, on behalf of himself and the CSA
Jane Cable, San Juan Island, on behalf of herself and the CSA
Jon Cain, San Juan County Deputy Prosecuting Attorney
Stephanie Buffum (2), Executive Director of for Friends of the San Juans, Shaw Island
Sharon Kivisto, San Juan Island

Public testimony was closed except for SEPA comments, until close of business this day, and the Planning Commission returned to Shireene Hale and Jon Cain for further questions and information.

By consensus, Shireene and Jon Cain, to bring to the next meeting, clarification on non-conforming uses.

Deliberations

The base document is the July 26, 2011 Draft Amendments to SJCC 18.30.110, General Provision for Critical Areas; Adding a Related Section to SJCC 18.80 Establishing Provisions for Financial Guarantees; and Amending Associated Definitions.

Section 2. Definitions "C" SJCC Chapter 18.20.030, Critical Area Functions and Values

Moved by Stephen Adams, seconded by Bob Gamble to use a modified version of the definition presented by the Friends of the San Juans. The new supplemental language to the definition would now read: "the beneficial roles served by a Critical Areas and the values people derive from these roles including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, wave attenuation, and protection from hazards." Stephen Adams – yes, Barbara Thomas – yes, Bob Gamble – yes, Brian Ehrmantraut – yes, Karin Agosta – yes, John Lackey – no, Mike Carlson – no, Evelyn Fuchser – abstain, Susan Dehlendorf – yes. Motion passed with seven yes votes, two no votes (Carlson and Lackey) and one abstention (Fuchser).

Section 1. Definitions "B" SJCC Chapter 18.20.020, Best Available Science

Moved by Brian Ehrmantraut, seconded by Karin Agosta, replace the wording in this section with the wording supplied by the Common Sense Alliance (CSA). Stephen Adams – no, Barbara Thomas – no, Bob Gamble – no, Brian Ehrmantraut – no, Karin Agosta – no, John Lackey – yes, Mike Carlson – abstain, Evelyn Fuchser – abstain, Susan Dehlendorf – no. Motion failed with one yes vote, five no votes (Adams, Thomas, Gamble, Ehrmantraut, Agosta and Dehlendorf), and two abstentions (Carlson and Fuchser).

Moved by Bob Gamble, seconded by Stephen Adams, to approve the definition for Best Available Science as submitted by staff. Stephen Adams – yes, Barbara Thomas – yes, Bob Gamble – yes, Brian Ehrmantraut – yes, Karin Agosta – yes, John Lackey – abstain, Mike Carlson – yes, Evelyn Fuchser – yes, Susan Dehlendorf – yes. Motion passed with eight yes votes, zero no votes, and one abstention (Lackey).

Section 3. Definitions "D" SJCC Chapter 18.20.040, Development Area

Moved by Bob Gamble, seconded by Evelyn Fuchser, to delete the word "directly" and replace with "permanently" in the first sentence. With the new wording modifications, the second sentence will now read: This includes but is not limited to the area containing structures, driveways, landscaped areas, waste treatment facilities, and any grading excavation, fill, or removal of vegetation. Stephen Adams – yes, Barbara Thomas – yes, Bob Gamble – yes, Brian Ehrmantraut – yes, Karin Agosta – yes, John Lackey – yes, Mike Carlson – yes, Evelyn Fuchser – abstain, Susan Dehlendorf – yes. Motion passed with eight yes votes, zero no votes, and one abstention (Fuchser).

Moved by Mike Carlson, seconded by Brian Ehrmantraut, under **“Development”** in the first sentence, insert the word “permanent” between the words “a” and “man”, and delete the words “the division of a parcel into two or more parcels”. Add a second sentence that would read: Division of a parcel into two or more saleable parcels I also considered development. Stephen Adams – yes, Barbara Thomas – yes, Bob Gamble – yes, Brian Ehrmantraut – yes, Karin Agosta – yes, John Lackey – yes, Mike Carlson – yes, Evelyn Fuchser – yes, Susan Dehlendorf – yes. Motion passed unanimously.

Section 4. Definitions “Q” SJCC Chapter 18.20.170, Qualified Professional

Moved by Bob Gamble, seconded by Barbara Thomas, under **Qualified Professional, Item 1.**, to delete the last sentence, also to label items 1. through 4. with headings as suggested in the Friends of the San Juans comment letter. The headings would be as follows: Item 1. **Wetlands**, Item 2. **Fish and Wildlife Habitat Conservation Areas**, Item 3. **Geologically Hazardous Areas**, and Item 4. **Critical Aquifer Recharge Areas**. Stephen Adams – yes, Barbara Thomas – yes, Bob Gamble – yes, Brian Ehrmantraut – yes, Karin Agosta – no, John Lackey – no, Mike Carlson – no, Evelyn Fuchser – no, Susan Dehlendorf – yes. Motion passed with five yes votes and four no votes (Agosta, Lackey, Carlson, and Fuchser).

Moved by Barbara Thomas, seconded by Bob Gamble, to leave the lead in paragraph under **Qualified Professional** as submitted. Stephen Adams – yes, Barbara Thomas – yes, Bob Gamble – yes, Brian Ehrmantraut – yes, Karin Agosta – yes, John Lackey – no, Mike Carlson – no, Evelyn Fuchser – yes, Susan Dehlendorf – yes. Motion passed with seven yes votes and two no votes (Carlson and Lackey).

Section 5. SJCC Section 18.30.110 and Ord. 15-2005, Exh. B § 2a

Moved by Brian Ehrmantraut, seconded by Bob Gamble, under **18.30.110 Critical Areas B. Applicability**, to insert the words “and Critical Areas buffers ” between the words “Critical Areas” and “as”, and delete the words “and” and “near”. Stephen Adams – yes, Barbara Thomas – yes, Bob Gamble – yes, Brian Ehrmantraut – yes, Karin Agosta – yes, John Lackey – yes, Mike Carlson – yes, Evelyn Fuchser – yes, Susan Dehlendorf – yes. Motion passed unanimously.

Moved by Brian Ehrmantraut, seconded by Bob Gamble, under **18.30.110 Critical Areas C. General Exemptions**, to accept items 1. and 2., as submitted and item 3 as modified by deleting the word “distribution”. Stephen Adams – no, Barbara Thomas – yes, Bob Gamble – yes, Brian Ehrmantraut – yes, Karin Agosta – yes, John Lackey – yes, Mike Carlson – yes, Evelyn Fuchser – yes, Susan Dehlendorf – yes. Motion passed with eight yes votes and one no vote (Adams).

Moved by Brian Ehrmantraut, seconded by Karin Agosta, under **18.30.110 Critical Areas C. General Exemptions**, to accept item 4. as submitted. Stephen Adams – yes, Barbara Thomas – yes, Bob Gamble – yes, Brian Ehrmantraut – yes, Karin Agosta – yes, John Lackey – yes, Mike Carlson – yes, Evelyn Fuchser – yes, Susan Dehlendorf – yes. Motion passed unanimously.

Moved by Brian Ehrmantraut, seconded by Bob Gamble, under **18.30.110 Critical Areas C. General Exemptions**, to accept item 5. as submitted. Stephen Adams – yes, Barbara Thomas – yes, Bob Gamble – yes, Brian Ehrmantraut – yes, Karin Agosta – yes, John Lackey – yes, Mike Carlson – yes, Evelyn Fuchser – yes, Susan Dehlendorf – yes. Motion passed unanimously.

Moved by Barbara Thomas, seconded by Stephen Adams, under **18.30.110 Critical Areas C. General Exemptions**, to accept items 6. and 7. as submitted. Stephen Adams – yes, Barbara Thomas – yes, Bob Gamble – yes, Brian Ehrmantraut – yes, Karin Agosta – yes, John Lackey – yes, Mike Carlson – yes, Evelyn Fuchser – yes, Susan Dehlendorf – yes. Motion passed unanimously.

Moved by John Lackey, seconded by Mike Carlson, under **18.30.110 Critical Areas D. Reasonable Use Exception**, to retain the existing Reasonable Use regulations, not what is being presented in these amendments. Stephen Adams – no, Barbara Thomas – no, Bob Gamble – no, Brian Ehrmantraut – yes, Karin Agosta – yes, John Lackey – yes, Mike Carlson – yes, Evelyn Fuchser – yes, Susan Dehlendorf – abstain. Motion passed with five yes votes, three no votes (Adams, Thomas, and Gamble) and one abstention (Dehlendorf).

Moved by Bob Gamble, seconded by Mike Carlson, under **18.30.110 Critical Areas E. Public Agency and Utility Exceptions**, to approve this section as submitted. Stephen Adams – yes, Barbara Thomas – yes, Bob Gamble – yes, Brian Ehrmantraut – no, Karin Agosta – yes, John Lackey – yes, Mike Carlson – yes, Evelyn Fuchser – yes, Susan Dehlendorf – abstain. Motion passed with seven yes votes, one no votes (Ehrmantraut) and one abstention (Dehlendorf).

Moved by Bob Gamble, seconded by Brian Ehrmantraut, under **18.30.110 Critical Areas F. Critical Area Mitigation Requirements**, to approve items 1., 2., and 3. as submitted. Stephen Adams – yes, Barbara Thomas – yes, Bob Gamble – yes, Brian Ehrmantraut – yes, Karin Agosta – yes, John Lackey – yes, Mike Carlson – yes, Evelyn Fuchser – no, Susan Dehlendorf – yes. Motion passed with eight yes votes, and one no vote (Fuchser).

Moved by Barbara Thomas, seconded by Bob Gamble, under **18.30.110 Critical Areas F. Critical Area Mitigation Requirements**, to approve items 4. as submitted, and item 5. as modified. The modification to item 5. was in letter **n.**, to insert the words “as established in the monitoring plans” between “inspections” and “to”. Stephen Adams – yes, Barbara Thomas – yes, Bob Gamble – yes, Brian Ehrmantraut – yes, Karin Agosta – yes, John Lackey – yes, Mike Carlson – yes, Evelyn Fuchser – abstain, Susan Dehlendorf – yes. Motion passed with eight yes votes, and one abstention (Fuchser).

Moved by Barbara Thomas, seconded by Susan Dehlendorf, under **18.30.110 Critical Areas F. Critical Area Mitigation Requirements**, to approve items 6. and 7. as submitted. Stephen Adams – yes, Barbara Thomas – yes, Bob Gamble – yes, Brian Ehrmantraut – yes, Karin Agosta – yes, John Lackey – yes, Mike Carlson – yes, Evelyn Fuchser – yes, Susan Dehlendorf – yes. Motion passed unanimously.

Moved by Barbara Thomas, seconded by Bob Gamble, under **18.30.110 Critical Areas G. Conditions of Approval**, to approve as submitted. Stephen Adams – yes, Barbara Thomas – yes, Bob Gamble – yes, Brian Ehrmantraut – yes, Karin Agosta – yes, John Lackey – yes, Mike Carlson – yes, Evelyn Fuchser – yes, Susan Dehlendorf – abstain. Motion passed with eight yes votes and one abstention (Dehlendorf).

Moved by Stephen Adams, seconded by Mike Carlson, under **18.30.110 Critical Areas H. Critical Area Stewardship Plans (CASPs)**, to delete section H. Stephen Adams – yes, Barbara Thomas – yes, Bob Gamble – yes, Brian Ehrmantraut – yes, Karin Agosta – yes, John Lackey – yes, Mike Carlson – yes, Evelyn Fuchser – yes, Susan Dehlendorf – yes. Motion passed unanimously.

Section 6. A new section, added to SJCC Chapter 18.80, Financial Guarantees

Moved by Barbara Thomas, seconded by Susan Dehlendorf, to approve the Financial Guarantees section as submitted. Stephen Adams – yes, Barbara Thomas – yes, Bob Gamble – yes, Brian Ehrmantraut – yes, Karin Agosta – yes, John Lackey – yes, Mike Carlson – yes, Evelyn Fuchser – yes, Susan Dehlendorf – yes. Motion passed unanimously.

Findings and Recommendations

Moved by Susan Dehlendorf, seconded by Mike Carlson, to add a recommendation that would read: The Planning Commission recommends that, in response to many public comments, the County undertake enhanced public information activities related to the Critical Areas Ordinance. These could include, but are not limited to:

- A mailing to all property owners with a concise, clear statement of CAO implications and an avenue to seek site specific information.
- Development of visual “scenarios” showing various Critical Areas and what is proposed for them.
- Clear explanation of non-conforming uses and what risks, if any, they face through the Critical Areas Ordinance.

Stephen Adams – yes, Barbara Thomas – yes, Bob Gamble – yes, Brian Ehrmantraut – yes, Karin Agosta – yes, John Lackey – yes, Mike Carlson – yes, Evelyn Fuchser – yes, Susan Dehlendorf – yes. Motion passed unanimously.

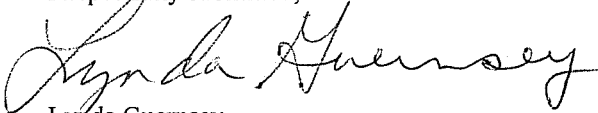
By consensus, Karin Agosta will take the concepts presented by the Planning Commission members regarding the retention of the existing Reasonable Use regulations, and put them into Findings to explain the Planning Commission’s decision.

The hearing was continued to the County Council hearing room on August 19, 2011, 8:30 a.m., to discuss Findings, to receive Barbara Thomas's minority report, to receive Shireene Hale's provisions for non-conforming use and draft definition of "permanent", and to officially close public comment on SEPA.

Adjournment

The meeting was adjourned at 3:10 p.m. The next meeting of the Planning Commission will be held on August 19, 2011 to continue the CAO General Provisions for deliberations only. It will be held at the County Council hearing room, Legislative Building, 55 Second Street, Friday Harbor.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lynda Guernsey". The signature is written in black ink and is positioned above the printed name.

Lynda Guernsey

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