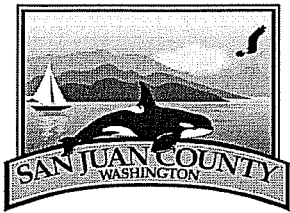


*Approved as submitted at the 7/16/11  
PC mtg. Lef.*



SAN JUAN COUNTY PLANNING COMMISSION

MINUTES OF THE AUGUST 19, 2011 MEETING

The meeting of the San Juan County Planning Commission was called to order by Chair, Susan Dehlendorf, at 8:50 a.m. (late start due to fog), in the Legislative Building, County Council hearing room, 55 Second 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, and Lynda Guernsey, DAI.

Prosecuting Attorney's Office

Staff Present: Jon Cain, Deputy Prosecuting Attorney.

**Administrative Items**

Update from Chair – Susan Dehlendorf

1. Susan asked the Planning Commission to please review their rules of procedure in general and also so a discussion can be held at the September 23<sup>rd</sup> meeting to clarify public comment.

Update from Planning – Shireene Hale – Nothing to report

**Continued to Close Public Testimony on SEPA and for Deliberations Only, 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**

Susan Dehlendorf, Chair, officially closed the public testimony in regards to the SEPA.

Deliberations

Shireene Hale, Planning Coordinator, updated the Planning Commission on the discussion items from the last meeting and handed out a document regarding non-conforming uses. Jon Cain, Deputy Prosecuting Attorney, responded to questions and a discussion was held regarding Reasonable Use Exceptions. Karin Agosta handed out the draft Findings that she had volunteered to write to support the Planning Commission's decision at the last meeting in regards to Reasonable Use Exceptions. The Reasonable Use Exceptions issue continued to be discussed.

By consensus, the Planning Commission decided to revisit Reasonable Use Exceptions.

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

Moved by Karin Agosta, seconded by Brian Ehrmantraut, under **18.30.110 Critical Areas D. Reasonable Use Exception**, to modify the first sentence and reinstate as item 1. the following: "If the application of Critical Area regulations will result in denial of all economically beneficial or productive uses of a parcel, development may be allowed which is consistent with the land use designation, general purposes of this code, this section, and the public interest." The remainder of the paragraph would stay as written. Evelyn Fuchser – yes, Brian Ehrmantraut – yes, Bob Gamble – yes, Barbara Thomas – yes, Stephen Adams – yes, Karin Agosta – yes, Mike Carlson – yes, John Lackey – yes. Motion passed unanimously.

Moved Barbara Thomas, seconded by Bob Gamble, to accept the wording in the minority report submitted today, under D. Reasonable Use, item 2. (item 1. previously approved), items 3., and 4. as written. Item 5. modified by deleting all but the first sentence, changing the title of Option One to Option One– No Mitigation, changing the title

of Option Two to Option Two – With Mitigation, Item 6. add a new a. that will read: For Low Importance Wetlands, a generic mitigation plan, developed by the County will be available as an option for development. In the amendment document, in Item 6. a new b. that will read: Site specific mitigation plans shall include:, and then list the current b. through h. as numbers 1. through 7. as a sub list to the new b. Items to be renumbered as necessary in the amendments. Evelyn Fuchser – abstain, Brian Ehrmantraut – yes, Bob Gamble – yes, Barbara Thomas – yes, Stephen Adams – yes, Karin Agosta – yes, Mike Carlson – abstain, John Lackey – no. Motion passed six yes votes, one no vote (Lackey), and two abstentions (Fuchser and Carlson).

Moved by Brian Ehrmantraut, seconded by Barbara Thomas, under **18.30.110 Critical Areas C. General Exemptions**, accept the underlined wording as a new number 1. Evelyn Fuchser – abstain, Brian Ehrmantraut – yes, Bob Gamble – yes, Barbara Thomas – yes, Stephen Adams – yes, Karin Agosta – yes, Mike Carlson – yes, John Lackey – yes. Motion passed eight yes votes and one abstention (Fuchser).

By consensus, in regards to the definition of “permanent”, the time frame should be 24 months with options for extensions with cause.

Moved by Bob Gamble, seconded by Brian Ehrmantraut, to accept the language as submitted. Evelyn Fuchser – yes, Brian Ehrmantraut – yes, Bob Gamble – yes, Barbara Thomas – yes, Stephen Adams – abstain, Karin Agosta – yes, Mike Carlson – yes, John Lackey – yes. Motion passed eight yes votes and one abstention (Adams).

### **Findings and Recommendations**

Moved by Stephen Adams, seconded by Karin Agosta, to use the Findings submitted by Karin in regards to Reasonable Use Exception with the following changes: The introductory paragraph, with the addition of “The Planning Commission finds, will become Finding 1.; the original numbers 1. through 4. will be deleted; the original number 5. will become number 2. and the words “is needed” will be added after the word “efforts”, and the sentence will end there. A new Recommendation will be created and read: The Planning Commission recommends that the County Council establish an effective date at least three months after adoption of the Critical Areas Ordinance in order to allow the Community Development and Planning Department to prepare the generic mitigation plan for Low Importance Wetlands, and to conduct enhanced public information, outreach, and education. Evelyn Fuchser – yes, Brian Ehrmantraut – yes, Bob Gamble – yes, Barbara Thomas – yes, Stephen Adams – yes, Karin Agosta – yes, Mike Carlson – yes, John Lackey – yes. Motion passed unanimously.

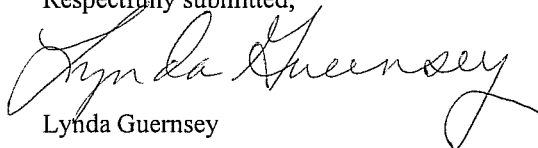
Moved by Barbara Thomas, seconded by Karin Agosta, to create a Finding in regards to Mitigation that will read: The rationale for “no mitigation” option, is based upon a memo from Shireene Hale dated August 9, 2011, identifying 122 properties, development of which could result in up to 7 acres of unmitigated impact to Critical Areas county wide. Evelyn Fuchser – yes, Brian Ehrmantraut – yes, Bob Gamble – yes, Barbara Thomas – yes, Stephen Adams – yes, Karin Agosta – yes, Mike Carlson – abstain, John Lackey – no. Motion passed with seven yes votes, one no vote (Lackey), and one abstention (Carlson).

Moved by Mike Carlson, seconded by Brian Ehrmantraut, to create a Finding that will read: The Planning Commission finds that a workable, reasonable use exception is essential to retaining the County’s good faith relationship with property owners. Evelyn Fuchser – yes, Brian Ehrmantraut – yes, Bob Gamble – yes, Barbara Thomas – yes, Stephen Adams – yes, Karin Agosta – yes, Mike Carlson – yes, John Lackey – yes. Motion passed unanimously.

### **Adjournment**

The meeting was adjourned at 12:10 p.m. The next meeting of the Planning Commission will be held on September 16, 2011 for CAO Wetlands. It will be held at the San Juan Island Grange, 152 First Street, Friday Harbor.

Respectfully submitted,



Lynda Guernsey