

SAN JUAN COUNTY PLANNING COMMISSION
MINUTES OF THE SEPTEMBER 28, 2011 MEETING

*Approved as corrected at
the 10/21/11 PC Mtg. See
underlined
correction
below.*

L.G.

The meeting of the San Juan County Planning Commission was called to order by Vice-Chair, Brian Ehrmantraut, at 8:40 a.m. in the downstairs meeting room, Islanders Bank Annex, 225 Blair Ave, Friday Harbor, San Juan Island.

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

Member Excused: Susan Dehlendorf

Community Development
And Planning Department

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

Prosecuting Attorney's Office

Staff Present: Jon Cain, Deputy Prosecuting Attorney.

Administrative Items

Update from Vice-Chair – Brian Ehrmantraut

1. Brian stated that there were Orcas Planning Commissioners, County Council members, staff, and a few members of the public in attendance at the Critical Areas Ordinance site visit on Orcas.

Update from Planning – Shireene Hale

Shireene did not have any updates at this time.

Update from Housing Bank Subcommittee – Colin Maycock

1. The Housing Bank subcommittee has not met since Angela Lausch, Affordable Housing Coordinator, left. The 2010 Planning Commission had asked the committee for a recommendation regarding Rural Clusters, and they have one they are about ready to present.

Update from the EPRC – Colin Maycock

1. Colin stated the Eastsound Planning Review Committee is still working on separating out the regulations from the Eastsound Subarea Plan.

Update on the Shoreline Master Program Update – Colin Maycock

1. The three visioning meetings held on San Juan Island, Orcas Island, and Lopez Island, were well attended. The results from the electronic polling done at those meetings should be on the web by the end of November. The characterization report is on the web and comments are due in regarding visions of the shoreline, by October 14, 2011. The final versions will be completed by the end of the year.

Minutes of September 16, 2011

Moved by Bob Gamble, seconded by Karin Agosta, to approve the minutes as submitted. Motion passed with seven yes votes and one abstention (Adams).

Continued hearing for deliberations only on an Ordinance regarding regulations for Wetland Critical Areas; Amending Sections 18.20, 18.10.040, and 18.30.150 of the San Juan County Code and Repealing Appendices A-C of SJCC 18.30.150

Shireene Hale, Planning Coordinator, addressed the comments and suggestions received from the public. She then acknowledged that this was a very difficult task for the Planning Commission to get through and appreciated how they were working together to get through it. Shireene stated that, if it was necessary, she might be able to get Dr. Adamus on his cell phone to answer questions, but that he may not be available. Shireene summarized the points listed on her handout of today, dated September 28, 2011, that addressed some of the comments received and some options to deal with them. She also responded to questions from the Planning Commission.

There was discussion of how to proceed through deliberations.

Moved by John Lackey, seconded by Mike Carlson, that staff redraft the August 30, 2011 wetlands ordinance draft to specifically identify the problems we are having with development under the current wetland regulations in regards to land use. Staff to specify geographic locations that have problems (soils, known wildlife issues, etc.) and take into consideration the programs that are in effect now, i.e. the Land Bank, State parks, and preserves, and our capacity to protect those areas currently. Staff will use all of the above to establish a baseline for San Juan County. Stephen Adams – no, Barbara Thomas – no, Karin Agosta – no, Mike Carlson – yes, Evelyn Fuchser – yes, Bob Gamble – no, John Lackey – yes, Brian Ehrmantraut – abstain. Motion failed with three yes votes, four no votes (Adams, Thomas, Agosta, and Gamble), and one abstention (Ehrmantraut).

Moved by Karin Agosta, seconded by Stephen Adams, in regards to deliberations, that the Planning Commission work through the August 30, 2011 draft wetlands ordinance and then ask staff to incorporate our suggestions and simplify the ordinance as much as possible. Also, the Planning Commission would like staff to incorporate, as side bars, references to the BAS (Best Available Science). After the ordinance has been re-drafted, the staff will resubmit to the Planning Commission at a duly advertised public hearing. Stephen Adams – yes, Barbara Thomas – yes, Karin Agosta – yes, Mike Carlson – yes, Evelyn Fuchser – yes, Bob Gamble – abstain, John Lackey – yes, Brian Ehrmantraut – yes. Motion passed with seven yes votes and one abstention (Gamble).

By consensus, the staff will supply a summary in the new draft pointing to what the review of the existing regulations discovered and giving Dr. Adamus's and the County Council's input.

By consensus, incorporate all suggestions by Scott Rosenbaum that were agreed with by Dr. Adamus, into the new draft.

By consensus, staff to put a paragraph in the new draft, explaining the staff's approach to the economic impacts.

Deliberations

The Planning Commission decided to start deliberations with the September 28, 2011 document, Options to address concerns and comments on draft wetland regulations, handed out by Shireene Hale today.

September 28, 2011- Options to Address Concerns and Comments on Draft Wetland Regulations

Item 1) – By consensus, accept this item to be incorporated into the redraft of the ordinance.

Item 2) - By consensus, to change the word “Simply” to “Simplify” in the title of this item.

Item 2)a. - By consensus, to accept this item to be incorporated into the redraft of the ordinance.

Item 2)b. - By consensus, to accept this item to be incorporated into the redraft of the ordinance.

Item 2)c. - By consensus, to accept this item to be incorporated into the redraft of the ordinance.

Item 2)d. - By consensus, to accept this item to be incorporated into the redraft of the ordinance.

Item 2)e. - By consensus, to accept this item to be incorporated into the redraft of the ordinance.

Item 3)a. - By consensus, to accept this item to be incorporated into the redraft of the ordinance with the conversion of meters to feet.

Item 3)b. - By consensus, to accept this item to be incorporated into the redraft of the ordinance.

Item 3)c. - By consensus, Shireene Hale to review information submitted and make changes as necessary.

September 14, 2011 – Department of Ecology’s Comments on Proposed Wetland CAO Amendments (8-30-11 Draft)

SJCC 18.20 Definitions, 1. - By consensus, to accept this item to be incorporated into the redraft of the ordinance.

SJCC 18.30.150 Wetlands, 2. - By consensus, to accept this item to be incorporated into the redraft of the ordinance.

SJCC 18.30.150 Wetlands, 3. - By consensus, Shireene Hale to review this item and simplify the agricultural wording.

SJCC 18.30.150 Wetlands, 3 – 6. By consensus, Shireene Hale to review items 3. – 6. And bring back in the new ordinance.

SJCC 18.30.150 Wetlands, 7. - By consensus, to accept this item to be incorporated into the redraft of the ordinance.

August 30, 2011 Draft - Amendments to SJCC 18.20 “Definitions”, 18.10.040 “Establishment of Land Use Districts and Official Maps”, SJCC 18.30.150 “Wetland Critical Areas”; and Repealing Appendices A-C of SJCC 18.30.150.

Section 1. Chapter 18.20 of the San Juan County Code (SJCC) (Definitions) - By consensus, pass on this section to wait for changes from staff in the new draft.

Section 2. SJCC 18.10.040 and Ord. 52-2008 § 16 - By consensus, accept this section to be incorporated into the redraft ordinance with changes shown and given.

Section 3. SJCC 18.30.150 and Ord. 2-1998, Exh. B § 3.6.8 A. – Moved by Bob Gamble, seconded by Barbara Thomas, to use the medium risk alternative in any place in the ordinance where a choice exists. Motion passed unanimously.

Section 3. SJCC 18.30.150 and Ord. 2-1998, Exh. B § 3.6.8 B. - Already discussed in Department of Ecology document of September 14, 2011.

Section 3. SJCC 18.30.150 and Ord. 2-1998, Exh. B § 3.6.8 C. – By consensus, staff to work on this section, and as part of that review, look to some of the deleted D. exempted items for adding back.

Section 3. SJCC 18.30.150 and Ord. 2-1998, Exh. B § 3.6.8 D. – By consensus, clarify the labeling of the High, Medium, and Low categories throughout the ordinance.

By consensus, clarify with Dr. Adamus, his difference of opinion with Scott Rozenbaum in this section.

By consensus, staff to come up with a site specific way of handling multiple category rated wetlands with discussion with Dr. Adamus.

Return to Administrative Items

1. Calendar work – Karin Agosta will not be available on November 3 and 4. Brian Ehrmantraut will not be available on November 2. It was decided that November 10, 2011 will be the date for the redrafted wetlands ordinance to come back to the Planning Commission with a duly advertised hearing.

Return to Deliberations on the Proposed Wetlands Ordinance

Section 3. SJCC 18.30.150 and Ord. 2-1998, Exh. B § 3.6.8 E. – By consensus, redefine “disturbance” and in the opening paragraph, in the underline sentence, delete “and their buffers”, and add a sentence to the end that will read: “Buffers are a means of protecting wetland functions and values.”

Section 3. SJCC 18.30.150 and Ord. 2-1998, Exh. B § 3.6.8 E.1.a.i. - By consensus, staff to check with Dr. Adamus for clarification of this item.

Section 3. SJCC 18.30.150 and Ord. 2-1998, Exh. B § 3.6.8 E.1.e.iii. – Moved by Stephen Adams, seconded by Bob Gamble, to delete the word “all” and replace with “75% of”. Stephen Adams – yes, Barbara Thomas – yes, Karin Agosta – abstain, Mike Carlson – no, Evelyn Fuchser – no, Bob Gamble – yes, John Lackey – no, Brian Ehrmantraut – no. Motion failed with four yes votes, four no votes (Carlson, Fuchser, Lackey, and Ehrmantraut), and one abstention (Agosta).

Section 3. SJCC 18.30.150 and Ord. 2-1998, Exh. B § 3.6.8 E.1.e.iii. – Moved by Stephen Adams, seconded by Bob Gamble, to delete the line. Stephen Adams – no, Barbara Thomas – no, Karin Agosta – yes, Mike Carlson – yes, Evelyn Fuchser – yes, Bob Gamble – no, John Lackey – yes, Brian Ehrmantraut – yes. Motion passed with five yes votes and three no votes (Adams, Thomas, and Gamble).

By consensus, to add a new condition under **E.1.** regarding stump removal.

Section 3. SJCC 18.30.150 and Ord. 2-1998, Exh. B § 3.6.8 E.1.f. – By consensus, add the words “fire reduction, and forest health,” between the words “view” and “with”.

Section 3. SJCC 18.30.150 and Ord. 2-1998, Exh. B § 3.6.8 E.1.g. – By consensus, add the words “within the outer 20% of the buffer,” between the words “installed” and “without”, and have staff research the Medium, High, Low, per DOE comment.

Section 3. SJCC 18.30.150 and Ord. 2-1998, Exh. B § 3.6.8 E.2. Table 3.3 Step 1. Determine the Development Intensity – By consensus, Shireene will get acreage change.

By consensus, staff to develop flow chart of decisions.

By consensus, add the word “Intensity” after each of the ratings (i.e., HIGH, MEDIUM, and LOW).

By consensus, staff to adjust percentages in the High and Low intensity acreage parcels.

Section 3. SJCC 18.30.150 and Ord. 2-1998, Exh. B § 3.6.8 E.2. Step 2. Potentially Regulated Area, Table 3.4 – By consensus, the Planning Commission already chose the Medium risk alternative.

By consensus, staff to clarify the paragraph per previous direction by the Planning Commission.

Section 3. SJCC 18.30.150 and Ord. 2-1998, Exh. B § 3.6.8 E.2. Step 3. Delineation and Wetland Importance – By consensus, staff to clarify titles, including “Delineation”, as previously directed.

Section 3. SJCC 18.30.150 and Ord. 2-1998, Exh. B § 3.6.8 E.2. Step 4. Pollution Transport/Wetland Sensitivity Rating, Table 3.5 – By consensus, delete (d) under High.

By consensus, delete the words “upper edge” and replace with “highest point”.

Section 3. SJCC 18.30.150 and Ord. 2-1998, Exh. B § 3.6.8 E.2. Step 7. – By consensus, rationalize numbering system.

Section 3. SJCC 18.30.150 and Ord. 2-1998, Exh. B § 3.6.8 E.3. Defensible Space for Fire Protection – By consensus, staff to reword to offer more choice.

Section 3. SJCC 18.30.150 and Ord. 2-1998, Exh. B § 3.6.8 E.5. Construction of Ponds – By consensus, staff to clarify language.

Section 3. SJCC 18.30.150 and Ord. 2-1998, Exh. B § 3.6.8 F. Noncompensatory Enhancement – By consensus, staff to look at simplification.

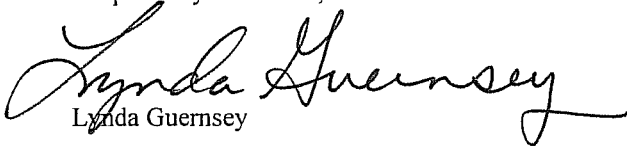
Section 3. SJCC 18.30.150 and Ord. 2-1998, Exh. B § 3.6.8 G. Determination of Regulatory Boundary – By consensus, staff to rework this section.

In addition - By consensus, staff to look at how to regulate hazardous substances.

Adjournment

The meeting was adjourned at 1:53 p.m. The next meeting of the Planning Commission will be held on October 21, 2011 for open space hearings. It will be held in the Islanders Bank Annex, 225 Blair Ave, Friday Harbor.

Respectfully submitted,


Lynda Guernsey

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