

**SAN JUAN COUNTY (SJC), WASHINGTON  
SPECIAL MEETING MINUTES  
COUNTY COUNCIL  
June 11, 2012**

**Monday, June 11, 2012 – Legislative Hearing Room, 55 Second St, Friday Harbor**

**8:48 AM**

Chair Miller called the special meeting to order.

**PUBLIC HEARINGS:**

1. To Consider County Code 18.30 Updates Relating to Agricultural Sales, Recycling and Clarification of Terms, Regarding Amendment of San Juan County Code Sections 18.20, 18.30 and 18.40, and adding New Section to SJCC 18.30 (continued from May 22) – Lee McEnery, Planner II

**Present:** Full Council, County Administrator Pro Tem Bob Jean, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

**Moved by Mr. Fralick, seconded by Mr. Rosenfeld to continue the hearing until 11:15 AM. ALL AYES, MOTION CARRIED**

**8:50 AM**

2. To Consider a Broadband/Emergency Services/Wireless Ordinance – Randall Gaylord, Prosecuting Attorney

**Present:** Full Council, County Administrator Pro Tem Bob Jean, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

**Moved by Mr. Stephens, seconded by Mr. Rosenfeld, to add an X under Building Mounted for letter h. on page 72 of 91. ALL AYES, MOTION CARRIED**

**Moved by Mr. Stephens, seconded by Mr. Fralick, to add an X under co-locations for letter o. on page 72 of 91. ALL AYES, MOTION CARRIED**

**Moved by Ms. Pratt, seconded by Mr. Rosenfeld, on page 73 of 91, D.1.a., to change 1000 feet to 1500 feet.**

**Moved by Ms. Pratt, seconded by Mr. Rosenfeld to table the motion. ALL AYES, MOTION CARRIED**

**Moved by Ms. Pratt, seconded by Mr. Rosenfeld, on page 78 of 91, to amend New Section 24, 5. as follows: p. Property values. The location of PWSF on a parcel will minimize any reduction in value to other properties within 1500 feet from which the PWSF can be seen. Evidence regarding impacts in property values must be shown with expert testimony. When there is conflicting expert testimony, the Decision Maker has the authority, if found necessary, to require an independent appraisal at the expense of the Applicant. VOTE: 3-3 (Pratt, Rosenfeld, Stephens ayes) (Peterson, Miller, Fralick opposed) MOTION NOT CARRIED**

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to include in New Section 24. 5., a new h., on page 77 of 91, Setbacks for Rural Farm Forest and Forest Resource land use designations, PWSF structures must be setback from property lines at 500 feet, to allow for greater separation for aesthetic purposes. Accessory facilities must meet the minimum setback requirements for the land use designations in which they are located. A lesser setback may be allowed if an easement allowing a reduced setback is granted and recorded with the auditor. VOTE: 2-4 (Pratt, Rosenfeld ayes) (Peterson, Stephens, Miller, Fralick opposed) MOTION NOT CARRIED

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to approve a new paragraph in the Background section: “The County Council recognizes the value of agricultural resource lands, which comprise only 13,884.2 acres out of the total 111,813 acres in San Juan County. In lands designated AG RESOURCE, Personal Wireless Service Facilities shall not be allowed unless required by federal law.” 2-4 (Rosenfeld, Pratt ayes) (Peterson, Stephens, Miller, Fralick opposed) MOTION NOT CARRIED

Moved by Mr. Peterson, seconded by Ms. Pratt, to leave 5.g. as written, on page 77 of 91 . Mr. Rosenfeld offered a friendly amendment to incorporate the words “...PWSF must be set back from property lines the height of the structure and antenna (the fall zone) plus 100 feet a minimum of 300 feet...” ALL AYES, MOTION CARRIED

Moved by Ms. Miller, seconded by Mr. Rosenfeld, to remove “or forest resource” from 5. g. on page 77 OF 91. ALL AYES, MOTION CARRIED

Moved by Mr. Fralick, seconded by Mr. Peterson, on page 77 of 91, 5.g., to remove the words “...other than Rural Farm Forest, Ag Resource or Forest Resource...” and on page 77 of 91, 5.h., to modify the words to say “For all land use designations, ground mounted facilities shall be located on parcels of land more than 5 acres in size.” MOTION WITHDRAWN

Moved by Ms. Miller, seconded by Mr. Stephens, on page 77 of 91, 5.h., to modify the sentence to say “For Rural Farm Forest, Ag Resource and Forest Resource land use designations, ground mounted facilities shall be located on parcels of land 5 acres or more in size.” ALL AYES, MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, Section 24, D.1.e., page 74 of 91, to amend with additional language: “PWSF should be camouflaged or disguised to assure to the extent practicable that the support structure and antenna have little or no impact on aesthetics, historical sites, or important views from public places. Facilities are encouraged to be located in sculptures, signs, church steeples, water tanks, disguised as trees or located on utility poles in right of ways and at the Mount Constitution tower sites.” VOTE: 2-4 (Pratt, Rosenfeld ayes) (Peterson, Stephens, Miller, Fralick opposed) MOTION NOT CARRIED

Moved by Ms. Miller, seconded by Mr. Peterson, on page 77, g. Setbacks – other land use designations. to remove the words “other than Rural Farm Forest, Ag Resource...” VOTE: 4-2 (Peterson, Stephens, Miller, Fralick ayes) (Pratt, Rosenfeld opposed) MOTION CARRIED

**Moved by Mr. Peterson, seconded by Mr. Stephens, on page 78 of 91, p. Property values., to amend the words to say “The location of PWSF on a parcel will minimize any reduction in value to or impairment of views from other properties from which the PWSF can be seen. In the event a property owner raises issues of property values or views, evidence regarding impacts in property values must be shown with expert testimony.” VOTE: 5-1 (Fralick opposed) MOTION CARRIED**

**Moved by Ms. Pratt, seconded by Mr. Rosenfeld, on page 73 of 91, D.1.a., to change 1000 feet to 1500 feet. Moved by Ms. Pratt, seconded by Mr. Rosenfeld to table the motion. ALL AYES, MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Mr. Rosenfeld, on page 79 of 91, 9. Property values, to add “... minimize negative changes to property values.” ALL AYES, MOTION CARRIED**

**Moved by Ms. Miller, on page 79 of 91, #9. Property values., to amend the words to say “The location of a joint use wireless facilities on a parcel will minimize any reduction in value to or impairment of view from other properties from which the joint use wireless facilities can be seen.” WITHDRAWN**

**12:04 AM** To Consider County Code 18.30 Updates Relating to Agricultural Sales, Recycling and Clarification of Terms, Regarding Amendment of San Juan County Code Sections 18.20, 18.30, and 18.40, and adding New Section to SJCC 18.30 – Lee McEnery, Planner III  
**Present:** Full Council, County Administrator Pro Tem Bob Jean, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See

Ms. Miller reopened the hearing and continued it to June 26 at 3:00 pm.

**12:06 PM RECESS FOR LUNCH**

**12:51 AM Reconvene**

**Moved Ms. Miller, seconded by Mr. Rosenfeld, to modify #9 on page 79 of 91 to read “A joint use wireless facilities installed on a utility easement {requiring a new structure or mount} {requires new structure} will be located to minimize any reduction in value to or additional impairment of views of other properties from which the joint use wireless facilities can be seen.” Moved by Mr. Peterson, seconded by Ms. Miller, to table this motion. ALL AYES, MOTION CARRIED**

**Moved by Mr. Stephens, seconded by Ms. Pratt, to modify, on pages 76-77 of 91, 5.f. by replacing the “15” to “45” days in both instances, and changing “1500 feet” to “1000 feet.” VOTE: 3-3 (Stephens, Rosenfeld, Pratt ayes) (Peterson, Miller, Fralick opposed) MOTION NOT CARRIED**

**Moved by Ms. Pratt, seconded by Mr. Stephens, to modify, on pages 76-77 of 91, 5.f., by changing “15 days” to “45 days” and “21 day” to “45 days,” and changing “1500 feet” to “500 feet” and in addition, on page 73, D.1.a. change “1000 feet” to “500 feet.”**

**VOTE: 5-1 (Miller opposed) MOTION CARRIED**

**Moved by Ms. Miller, seconded by Mr. Peterson, to delete 1.f. on page 74 of 91.**

**VOTE: 4-1 (Rosenfeld opposed, Pratt abstained) MOTION CARRIED**

**Moved by Ms. Pratt, seconded by Mr. Rosenfeld, on page 74 of 91, D.1.e., Visual impact minimized, adding “A PWSF may only be located on a ridgeline if existing trees, or other appropriate camouflage alternatives, allow the facility to blend with the surroundings.**

**VOTE: 5-1 (Stephens opposed)**

**Moved by Mr. Fralick, seconded by Ms. Pratt, to leave the certification as written, on page 78 of 91, Section 25, B.5. ALL AYES, MOTION CARRIED**

**Moved by Ms. Miller, seconded by Mr. Peterson, on page 74 of 91, g., to change the title from Landscaping to Maintenance, and change the wording to “...painting, maintaining structural integrity, as well as and topping of trees if necessary.” ALL AYES, MOTION CARRIED**

**Moved by Ms. Miller, seconded by Ms. Pratt, on page 75 of 91, l. to remove the word “existing.” ALL AYES, MOTION CARRIED**

**Moved by Mr. Peterson, seconded by Mr. Fralick, on page 75 of 91, 3.a., to delete the words “...may be placed on commercial, industrial and institutional buildings...” ALL AYES, MOTION CARRIED**

**Moved by Ms. Miller, seconded by Mr. Peterson, on page 76 of 91, 5. delete vi and combine b and c. ALL AYES, MOTION CARRIED**

**Moved by Ms. Miller, seconded by Mr. Peterson, to delete 5.m. on page 77 of 91. VOTE: 5-0 (Pratt abstained) MOTION CARRIED**

**Moved by Ms. Miller, seconded by Mr. Peterson, on page 73 of 91, on the table t., change the wording to “Documentation showing compliance of Section 24.D.” ALL AYES, MOTION CARRIED**

**Moved by Ms. Pratt, seconded by Ms. Miller, to amend, on page 83 of 91 the high definition to include the words “not disguised or camouflaged as allowable exemption to height standard.” ALL AYES, MOTION CARRIED**

**Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to amend Background Section R on page 4 of 91, to remove the words “while minimizing” to “and prevent” and change “little or no” to “no.” VOTE: 2-4 (Rosenfeld, Pratt ayes) (Peterson, Stephens, Miller, Fralick opposed) MOTION NOT CARRIED**

**Moved by Mr. Fralick, seconded by Peterson, to delete #8, on page 5 of 91. VOTE: 4-1 (Pratt opposed, Rosenfeld abstained) MOTION CARRIED**

**Moved by Ms. Miller, seconded by Mr. Peterson, on page 23 of 91 to remove the words “...that is constructed...” on the definition of Joint Use Wireless Facility. ALL AYES, MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Ms. Miller, regarding the wording for biennial certification, to use the same language in Section 24 (k) that is in Section 25 #5. VOTE: 3-3 (Peterson, Fralick, Miller ayes) (Rosenfeld, Stephens, Pratt opposed) MOTION NOT CARRIED**

**Moved by Ms. Pratt, seconded by Mr. Peterson, on page 75 of 91, 2.a., to replace the word “overall” with the word “approved.” ALL AYES, MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Ms. Pratt, to modify k on page 77 of 91 to add the words “while allowing for co-location.” ALL AYES, MOTION CARRIED**

**Moved by Ms. Miller, seconded Mr. Rosenfeld, to replace the word “existing” with the word “approved” on page 12 in the definition of Co-location. ALL AYES, MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Mr. Peterson, on page 68 of 91, J. to modify the sentence to say “Commercial television and radio broadcast antennas and associated facilities shall be allowed only on sites established for this purpose.” 5-0 (Rosenfeld abstained) MOTION CARRIED**

**Moved by Ms. Miller, seconded by Mr. Peterson, to untable the motion made earlier in the day. ALL AYES, MOTION CARRIED**

**Moved by Ms. Miller, seconded by Mr. Peterson, to amend on page 79 of 91, 9. Property values. to say, “A joint use wireless facility installed on a utility easement will be located to minimize any reduction of value to or impairment of view from other properties from which the joint use wireless facility can be seen. This restriction applies only to new joint use wireless facilities that are not replacements for modifications to existing utility poles.” ALL AYES, MOTION CARRIED**

**Moved Ms. Pratt, seconded by Mr. Stephens, on page 21 of 91 to change the definition of Height to say “Height means the vertical distance measured from the average existing grade beneath a structure of object along a plumb line to the highest point of a structure or object.” ALL AYES, MOTION CARRIED**

**Moved by Ms. Pratt, seconded by Mr. Peterson, to delete q. on page 78 of 91. ALL AYES, MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Mr. Peterson, on page 78 of 91, B.2., to say “When installed on ridgelines, new joint use wireless facilities other than those replacing or co-located on existing utility facilities may only be located on a ridgeline if existing trees or other appropriate camouflage alternative allow the facility to blend with the surroundings.” VOTE: 5-1 (Stephens opposed) MOTION CARRIED**

**Moved by Ms. Pratt, seconded by Mr. Stephens, to request that the Prosecuting Attorney improve the severability clause as needed and amend the background section as needed for consistency. ALL AYES, MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Mr. Peterson, to continue this hearing to June 26, 8:45 am.**

**4:20 PM                      ADJOURN**

**COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON**

**These Minutes were approved and signed on June 26, 2012. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.**