

**SAN JUAN COUNTY (SJC), WASHINGTON  
SPECIAL MEETING MINUTES  
COUNTY COUNCIL  
September 20, 2012**

Thursday, September 20, 2012 – Legislative Hearing Room, Friday Harbor, WA

**8:50 AM** Council Chair Patty Miller called the regular meeting to order.

**8:50 AM** **CLOSED SESSION:** To discuss matters pertaining to collective bargaining pursuant to RCW 42.30.140(4)(b) – Pamela Morais, Human Resources Manager

At 8:50, Chair Miller announced that the Council would be holding a **closed session** to discuss matters pertaining to collective bargaining pursuant to RCW 42.30.140(4)(b) estimated to last approximately 15 minutes in total. Present: Council, County Administrator Pro Tem John Manning, Human Resources Manager Pamela Morais, Administrative Intern Brenton Clark and Council Clerk Ingrid Gabriel.

The session ended at 9:30 AM. for a total session time of 40 minutes.

At 9:30 AM, Ms. Gabriel stepped out of the hearing room and announced that the closed session had ended. Ms. Miller called the meeting back into regular session.

**No action was taken.**

**9:37 AM** **PUBLIC HEARINGS (continued from September 11, 2012):**

1. To adopt an Ordinance Regarding Critical Area Regulations for Wetlands, Amending San Juan County Code Sections 18.10.040, 18.20.010, 18.20.020, 18.20.040, 18.20.080, 18.20.090, 18.20.120, 18.20.130, 18.20.140, 18.20.170, 18.20.180, 18.20.190, 18.20.200, 18.20.230, 18.30.150, and 18.60.170; and repealing appendices A-C of SJCC 18.30.150 - Shireene Hale, Planning Coordinator; Jon Cain, Deputy Prosecuting Attorney

**Present:** Full Council, Administrator Pro Tem John Manning, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See

Ms. Miller opened the public hearing which was continued from September 11 and indicated that public testimony was closed with the right to reopen.

Ms. Hale and Mr. Cain answered questions from the Council

Dr. Adamus joined the meeting via telephone conferencing. Dr. Adamus responded to Mr. Fralick's suggestions regarding green development options, and answered questions from the Council.

**Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to have staff take the green concept and come up with set of recommendations that should be implemented in order to have green option. ALL AYES, MOTION CARRIED**

**Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to amend Table 3.6 as presented in Ms. Hale’s memo of September 14, 2012. VOTE: 4-2 (Peterson and Miller opposed), MOTION CARRIED**

Council reviewed the Memorandum by Ms. Hale regarding significant issues and potential options dated September 14, 2012.

**Moved by Ms. Pratt, Mr. Rosenfeld, to remove the discussion of risk from the ordinance except for those sections of the code that depart from science based recommendations per WAC 365-195-915; instead, clearly state that our intent is to establish a set of regulations that will protect wetland functions and values and meet the requirements of the Growth Management Act without establishing a monitoring and adaptive management program. VOTE: 5-1 (Peterson opposed), MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Ms. Pratt, in order to determine wetland size that we accept the recommendation made by Dr. Paul Adamus on page one of his September 19, 2012 comments that says “For purposes of determining wetland size, wetlands falling below a square footage threshold should be combined with separate wetlands falling below a square footage threshold if the two are less than 100 feet apart and not separated by a paved road or other impervious surface. However, where two small wetlands exist on opposite sides of a paved road that has a culvert or other opening that permits surface water to connect the wetlands at least once annually, and the two are less than 100 feet apart, the two wetlands should be combined for purposes of determining wetland size.” VOTE 4-2 (Peterson and Miller opposed), MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Mr. Stephens, to add the words “with mitigation” on Table 3.6 (as presented in Ms. Hale’s September 14, 2012 memo) to the column with Lopez Village and Eastsound UGA. ALL AYES, MOTION CARRIED**

**Moved by Ms. Pratt, seconded by Mr. Fralick, to provide two options for Habitat Buffers for Wetlands associated with ponds: 1) Alternative E in Ms. Hale’s memo of September 14 which is based on Ecology guidance in Appendix E of Wetlands in Washington State, Volume 2; or 2) Alternative A in Dr. Adamus’ September 4 memo augmented as described in Dr. Adamus’ memo of September 19, #6, page 3. VOTE: 2-1 (Pratt, Rosenfeld ayes) (Peterson opposed) (Fralick, Miller, Stephens abstained), MOTION NOT CARRIED**

**Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to amend Activity “f” in Table 3.8 of page 53 of 65, to include the words “the construction of new ditches, drains, canals or ponds in wetlands or wetland buffers in association with new or expanded agriculture is prohibited.” MOTION WITHDRAWN**

**Moved by Mr. Stephens, seconded by Ms. Pratt, to replace Activity “p” in Table 3.8 on page 54 of 65, with the following language, “If no practicable alternative exists, components of stormwater management facilities in conformance with local and state stormwater management requirements and, within Tree Protection Zones, the tree protection requirements of this section. Yes in Buffer column, No in wetland column. ALL AYES, MOTION CARRIED**

**Moved by Ms. Pratt, seconded by Mr. Stephens, to amend on Table 3.8, Activity “i” on page 53 of 65, by adding the words “...a requirement that fences must permit the movement of small wetland animals (e.g., turtles, frogs, salamanders). ALL AYES, MOTION CARRIED**

**Moved by Ms. Pratt, seconded by Mr. Stephens, on page 56 of 65, to remove # 7. Variances. ALL AYES, MOTION CARRIED**

**Moved by Ms. Pratt, seconded by Mr. Fralick, on page 30 of 65, under #1. Wetlands, in the fourth line after the words “...has obtained permits” to insert the words “...for wetland work or has worked for a qualified wetlands professional that has obtained permits for wetland work...” VOTE: 5-1 (Peterson opposed), MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to continue the public hearing on the Wetlands Section of the Critical Areas Ordinance to Tuesday, September 25, 2012, at 2:00 pm. ALL AYES, MOTION CARRIED**

**12:17 PM RECESS FOR LUNCH**

**1:03 PM RECONVENE**

Mr. Cain provided updates that included shoreline as critical areas, fire hazard reduction in Table 3.8, shoreline inventory (part of Shoreline Master Program update)

**Moved by Ms. Miller, seconded by Mr. Stephens, to request staff to remove reference to shoreline inventory as referenced in the Fish Wildlife Habitat Conservation Area Ordinance. ALL AYES, MOTION CARRIED**

**Moved by Ms. Pratt, seconded by Mr. Stephens, on page 11 of 65, number V., to add the National Oceanic and Atmospheric Administration (NOAA) Designated Critical Salmon Habitat map. ALL AYES, MOTION CARRIED**

The Council gave Ms. Hale and Mr. Cain additional questions for the consistency review.

2. Uplands Fish and Wildlife Habitat Conservation Areas Section and Marine Fish and Wildlife Habitat Conservation Areas, (FWHCA) amending San Juan County Code Sections 18.10.040, 18.20.101, 18.20.080, 18.20.110, 18.20.140, 18.20.170, 18.20.190, 18.20.230 and 18.30.160 – Shireene Hale, Planning Coordinator; Jon Cain, Deputy Prosecuting Attorney

**Present:** Full Council, Administrator Pro Tem John Manning, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See

Ms. Miller opened the public hearing which was continued from September 11 and indicated that public testimony was closed with the right to reopen.

**Moved by Mr. Fralick, seconded by Ms. Pratt, to continue the public hearing on the Fish and Wildlife Habitat Conservation Section of the Critical Areas Ordinance to Tuesday, October 9, 2012, at 8:45 am. ALL AYES, MOTION CARRIED**

**1:39 PM**                    **DISCUSSION:** 2012 San Juan County Fair Report – Rev Shannon,  
Fair and Events Manager

Mr. Shannon gave a report on the 2012 Fair event including attendance, revenue and expenses.

The Council recognized Rev Shannon for his two decades of service to the County Fair and fairgrounds. The Council thanked Rev for his dedication and wished him success as he moves to the East Coast.

**1:55 PM**                    **ADJOURNED**

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**COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON**

**These Minutes were approved and signed on September 25, 2012. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.**