

**SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
December 5, 2011
SPECIAL MEETING**

Monday, December 5, 2011 – Legislative Hearing Room, Friday Harbor, WA

8:52 AM SPECIAL MEETING

Council Chair Lovel Pratt called the special meeting to order at 8:52 am. Council Members present: Vice-Chair Patty Miller, Howard (Howie) Rosenfeld, Richard Fralick, Jamie Stephens and Rich Peterson; County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public.

Chair Pratt announced that portions of today's meeting will be available through videoconferencing from the Orcas and Lopez Libraries and the Council Chambers.

Chair Pratt welcomed everyone who is live-streaming the Council Meeting and reminded the public that live-streaming and three months of prior Council meeting videos can be accessed by going to the San Juan County website www.sanjuanco.com and selecting the County Council tab.

PUBLIC HEARING: To Consider Adopting an Ordinance Regarding General Regulations for Critical Areas; Amending San Juan County Code Sections 18.20.020, 18.20.030, 18.20.040, 18.20.140, 18.20.170, 18.30.110, 18.80.020 and 18.80.090, and Adding a New Section to SJCC 18.80 – Shireene Hale, Planning Director; Janice Biletnikoff, Planner III; Randall Gaylord, Prosecuting Attorney; Jon Cain, Deputy Prosecuting Attorney

Present: Full Council, County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

Chair Pratt informed those present that the Ordinance Adopting Rules of Procedure for Public Hearings could be found on the table near the entrance.

Ms. Hale provided a summary of the differences between the Planning Commission draft of the General critical area amendments and the Council's draft. Mr. Cain reminded the Council that there are five areas of critical areas the County must protect, and this hearing is specifically about the General area amendment. Mr. Cain answered questions from the Council.

Chair Pratt opened for public testimony, and comments were offered by: from Lopez Island – San Olson, Dixie Adair Budke, George Lawson, Hank Landau; from Orcas island – John Evans, Sadie Bailey; from San Juan island – Janet Alderton, Peter Kilpatrick, Stephanie Buffum, Liza Michaelson, Tina Whitman, Kyle Loring, Vivian Burnett, David Dehlendorf, Bob Levinson, Jane Cable, Alex Gavora, Gordy Peterson, Mike Carlson, Dave Cable, Shaun Hubbard, Charlie Carver, Kim Secunda, Sam Buck, Pat Miller, Frank Penwell, Jack Cory

Public testimony was closed with the right to reopen. After discussion, the following action took place:

Chair Pratt asked that the public hearing be continued to 1:00 pm.

Videoconferencing concludes.

11:25 AM EXECUTIVE SESSION: To discuss current and pending litigation pursuant to RCW 42.30.110.(1)(i) – Randall Gaylord, Prosecuting Attorney

Present: Full Council, Risk Pool Attorney Pat Buchanan, Prosecuting Attorney Randall Gaylord, Deputy Prosecuting Attorney Jon Cain, County Administrator Pete Rose, Deputy Director David Kelly, Human Resources Manager Pamela Morais and Council Clerk Ingrid Gabriel.

At 11:20 am, Chair Pratt announced that the Council would be holding an **executive session** pursuant to RCW 42.30.110(1)(i) to last approximately 45 minutes. The executive session began at 11:25 am; it was announced at 12:05 pm that 10 minutes were added to the session; 10 minutes were added at 12:15 pm; 10 minutes were added at 12:25 pm. The session ended at 12:36 pm for a total session time of 1 hour and 16 minutes. All times were posted on the hearing room door.

Ms. Gabriel stepped out of the hearing room and announced that the executive session had ended.

No action was taken.

Ms. Pratt called the regular meeting back into order and recessed for lunch.

12:00 PM LUNCH RECESS

1:02 PM PUBLIC HEARING CONTINUED

Ms. Hale answered questions from the Council regarding reasonable use process. Mr. Peterson asked the Council to deliberate whether to re-send the Ordinance to the Planning Commission.

Moved by Mr. Peterson to work through this process, make comments as appropriate, and then send to the Planning Commission for review. No Second

The Council agreed by consensus to direct staff to add Section 18.80.070 to the Ordinance title.

Council agreed by consensus to add a new F. under Background on page 1 to say “A purpose of this Ordinance is to update the language regarding discretionary uses.”

Council agreed by consensus to add the words “functions and values” after the words “critical areas” on page 4, Section 1, and let staff pick best qualifier words.

Council agreed by consensus to add “negatively” impacted critical areas under the definition of “No net loss” page 12.

The Council agreed by consensus to put in the definition of no net loss on page 13 the “requirement that development not result in net harm in the aggregate to the existing functions & values of the ecosystem that includes harm to impacted or lost critical areas...” page 13

Council agreed by consensus on page 12 to add “an existing” structure...” to last four nonconforming definitions.

Moved by Mr. Peterson to make the changes recommended by Common Sense Alliance (CSA) in Section 6., 18.30.110 Critical Areas, page 14. No Second

Council agreed by consensus to change “...provided they are not expanded...” to “provided there is no further intrusion into a critical area or its buffer” on page 15, #2

Council agreed by consensus to change “...promptly revegetated” to “...stabilized or revegetated as appropriate” on page 15, #3.

Ms. Pratt stated that she would vote against the following motion given the expectation that the definition for “development area” would not include the area negatively impacted only during the construction/development of the property.

Moved by Mr. Stephens, seconded by Mr. Peterson, to leave Option One - No Mitigation, and direct staff to develop some language that has non regulatory provisions such as tracking reasonable use permit applications, and documentation of cumulative effects of negative impacts on critical areas. VOTE: 5-1 (Pratt opposed)

Moved by Mr. Fralick, seconded by Ms. Miller, to continue the public hearing till December 6, 2011, at 8:45 am. ALL AYES, MOTION CARRIED

3:58 PM ADJOURN

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

These Minutes were approved and signed on December 13, 2011. The original document is retained in the Council’s permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.