

**SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
December 12, 2011
SPECIAL MEETING**

Monday, December 12, 2011 – Legislative Hearing Room, Friday Harbor, WA

8:45 AM SPECIAL MEETING

Council Chair Lovel Pratt called the special meeting to order at 8:45 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 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 (by telephone); Janice Biletnikoff, Planner III; 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.

Mr. Cain and Ms. Biletnikoff provided an updated Ordinance indicating the recent revisions to the General critical area amendments.

Moved by Mr. Stephens, seconded by Mr. Rosenfeld, on page 16 under D. Reasonable Use Exception, insert Jon Cain’s suggested language: if the application of this section would deprive landowners of all economic or beneficial use of a property, an application for a Reasonable Use Exception may be made. VOTE: 5-1 (Peterson opposed) MOTION CARRIED

The Council agreed by consensus, on page 25, C.10, to remove the word “digital” in reference to photos.

The Council agreed by consensus to change, on page 24, C.8.I, the word “sensitive” to “critical” areas, and wherever else it appears.

The Council agreed by consensus to add, on page 26, C.17 “because of the complexity of the plans or apparent errors.”

The Council agreed by consensus on page 29, to highlight Section 9.A. “driveway plan review” to address in a future section of the ordinance.

The Council agreed by consensus to direct staff to add back a reference to discretionary uses on page 30, 18.80.090 Permit procedures for provisional/conditional uses.

The Council agreed by consensus to direct staff to add “adverse” or other appropriate qualifier to the word “impact” where ever used.

The Council agreed by consensus to direct staff to remove the words “but are not limited to” on page 36, Section 11. I.

The Council agreed by consensus, on page 37, #14, to direct staff to add the words “demonstrated to function” and that the “property owner may ask for more time for monitoring.”

The Council agreed by consensus that 1) staff will clarify across the Ordinance that mitigation has to function before the financial guarantee will be released; 2) staff will draft language that gives some teeth to the requirement that the mitigation plan be implemented.

The Council agreed by consensus to mimic the language in the reasonable use exemption on page 18, #8 and insert it in the mitigation section as determined by staff.

The Council agreed by consensus to direct staff to clarify the comment on page 20, #5.n.

The Council agreed by consensus to direct staff to provide language on Section 11 that deals with the unlikely possibility that a financial guarantee is unclaimed.

The Council agreed by consensus to put a comment on Section 14 regarding the effective date and will come back to this in future consistency discussion.

Moved by Mr. Stephens, seconded by Mr. Peterson, that the effective date (Section 14) will be the 30th working day after adoption unless extended for consistency with other sections. VOTE: 5-1 (Pratt opposed), MOTION CARRIED

The Council agreed by consensus to direct staff to include qualifier for the word “impact” as appropriate, and to add “functions and values” when discussing critical areas.

The Council agreed by consensus to align the language on page 2, K.V.b with page 15, Item #2.

The Council agreed by consensus, on page 22, to leave the wording in G.1 regarding types of functions and values as is.

The Council agreed by consensus, on page 22, to reinstate the word “replaced” in G.1, and remove the word “replaced” in G.2.

Moved by Mr. Fralick, seconded by Mr. Peterson, to continue this hearing to January 24, 2012 at 8:45 am. ALL AYES, MOTION CARRIED

11:48 M

ADJOURN

**COUNTY COUNCIL
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These Minutes were approved and signed on January 10, 2012. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.