

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
TUESDAY, NOVEMBER 27, 2012**

Legislative Hearing Room, Legislative Building, Friday Harbor

09:34 AM

Chair Patty Miller opened the special meeting. Present: Council Members Howard (Howie) Rosenfeld, Rich Peterson, Patty Miller, Richard Fralick, Lovel Pratt and Jamie Stephens; County Administrator Pro Tem Bob Jean and Clerk to the Council Ingrid Gabriel.

09:35 CLOSED SESSION: To discuss matters pertaining to collective bargaining pursuant to RCW 42.30.140(4)(b) – Pamela Morais, Human Resources Manager

At 9:35 AM, Ms. Miller called for an **executive session** pursuant to RCW 42.30.140(4)(b) to last approximately 30 minutes. Present: Full Council; County Administrator Pro Tem Bob Jean, Human Resources Manager Pamela Morais, Clerk to the Council Ingrid Gabriel. The executive session ended at 10:04 for a total session time of 29 minutes.

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

No action was taken.

10:12 AM CALL TO ORDER

Council Chair Patty Miller called the regular meeting to order at 10:12 AM. Present: Full Council; County Administrator Pro Tem Bob Jean, Clerk to the Council Ingrid Gabriel and interested members of the public.

New Employee Introductions: none

Approval of Minutes: none

Review and Approve Consent Agenda:

Moved by Pratt, seconded by Fralick, to approve the Consent Agenda of November 27, 2012, as amended:

A. Resolutions:

Resolution on Governmental Accounting Standards Board (GASB) 54 Restricted Funds

Resolution for Land Bank to Accept 5 Acre Lane Property on Orcas

Resolution Defining Transition and Responsibilities from County Administrator to County Manager

Resolution Regarding Legislative Priorities for the 2013 Legislative Session

Ordinances: Ordinance Amending Ordinances 29-20122, 5-2012, 6-2012 and 7-2012 by Revising the San Juan County 2012 Budget for Emergency Appropriations

B. Budget Items:

Warrant #118057 – 118060 Veteran’s Assistance claims in the amount of \$987.50
EFT# 11142012 Parks EFT in the amount of \$1,022.68
EFT#11152012 Public Works EFT in the amount of \$4,474.01
EFT #111520122 Treasurer EFT in the amount of \$289.37
Warrant #118271 – 118366 County Claims in the amount of \$72,349.29
Warrant #118367 – 118417 Public Works claims in the amount of 99,560.61

C. Reappointment of Mark Madsen to the San Juan Island Library Board

ALL AYES; MOTION CARRIED.

Approval of Correspondence:

Moved by Pratt, seconded by Rosenfeld, to approve Proposed Gateway Pacific Terminal Environmental Impact Study (EIS) Scoping letter as modified. ALL AYES; MOTION CARRIED.

Citizens Access: The following citizen submitted comments: Frank Penwell.

10:15 AM DISCUSSION: Recycling Rate Increase (2nd touch) – Ed Hale, Utility Manager;
Frank Mulcahy, Public Works Director

Mr. Hale explained the rate increase and answered Council’s questions. After discussion, the Council took the following action:

Moved by Mr. Fralick, seconded by Mr. Rosenfeld to set an Ordinance for public hearing on December 18, 2012 at 8:45 AM. ALL AYES; MOTION CARRIED.

10:46 PM PUBLIC HEARINGS:

1. To Adopt an Ordinance Regarding Critical Area Regulations for Geologically Hazardous Areas and Frequently Flooded Areas; Amending San Juan County Code Sections 18.10.040, 18.30.120 and 18.30.130 – Shireene Hale, Planning Coordinator; Jon Cain, Deputy Prosecuting Attorney
Present: Full Council, County Administrator Pro Tem Bob Jean, Deputy Prosecuting Attorney Jon Cain, Planning Coordinator Shireene Hale, Clerk to the Council Ingrid Gabriel and interested members of the public.

At 10:50 AM, Ms. Miller opened the public hearing to adopt the Ordinance. Ms. Hale and Mr. Cain presented the Ordinance and answered Council’s questions. The following citizens provided public testimony: Marc Forlenza, David Dehlendorf, John Derra, Audra Edinburger, Bob Jarman, Kyle Loring, Shaun Hubbard, Steve Belluomini, Tim Blanchard, Jane Cable, Libby Halpin Nelson, Val Vyres, John Evans, Tina Whitman, Ed Kilduff, Beverley Zacalac, George Lawson.

Ms. Miller closed public testimony with the right to reopen. After discussion, the Council took the following action:

Moved by Mr. Fralick, seconded by Mr. Stephens to continue public hearing to 2:00 PM

this afternoon. ALL AYES; MOTION CARRIED.

12:00 PM RECESS FOR LUNCH

12:50 PM PUBLIC HEARINGS CONTINUED:

To Adopt an Ordinance Regarding General Regulations for Critical Areas; Amending San Juan County Code Sections 18.10.040, 18.20.010, 18.20.020, 18.20.030, 18.20.040, 18.20.060, 18.20.070, 18.20.080, 18.20.090, 18.20.110, 18.20.120, 18.20.130, 18.20.140, 18.20.160, 18.20.170, 18.20.180, 18.20.190, 18.20.200, 18.20.220, 18.20.230, 18.30.110, 18.80.010, 18.80.020, 18.80.070 AND 18.80.090 and Adding a New Section to San Juan County Code 18.80 - Shireene Hale, Planning Coordinator; Jon Cain, Deputy Prosecuting Attorney
Present: Full Council, County Administrator Pro Tem Bob Jean, Deputy Prosecuting Attorney Jon Cain, Planning Coordinator Shireene Hale, Clerk to the Council Ingrid Gabriel and interested members of the public.

At 12:50 PM, Ms. Miller opened the public hearing to adopt the Ordinance. Ms. Hale presented the Ordinance and answered Council's questions. The following citizens provided public testimony: Kyle Loring, Mike Carlson, Tim Blanchard, Steve Belluomini, Katie Fleming, Gordy Peterson, Rick Hughes, Stephanie Buffum-Field, Ed Kilduff,

Ms. Miller closed public testimony with the right to reopen. After discussion, the Council took the following action:

Moved by Mr. Fralick, seconded by Mr. Stephens to continue public hearing to 2:00 PM this afternoon. ALL AYES; MOTION CARRIED.

01:25 PM 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, 18.20.070, 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 8.60.170; and Repealing Appendices A-C of SJCC 18.30.150 - Shireene Hale, Planning Coordinator; Jon Cain, Deputy Prosecuting Attorney
Present: Full Council, County Administrator Pro Tem Bob Jean, Deputy Prosecuting Attorney Jon Cain, Planning Coordinator Shireene Hale, Clerk to the Council Ingrid Gabriel and interested members of the public.

At 1:25 PM, Ms. Miller opened the public hearing to adopt the Ordinance. Ms. Hale presented the Ordinance and answered Council's questions. The following citizens provided public testimony: Ed Kilduff, Stephanie Buffum-Field, Kyle Loring, Steve Belluomini, Gordy Peterson, Tim Blanchard, Rick Hughes.

Ms. Miller closed public testimony with the right to reopen. After discussion, the Council took the following action:

Moved by Mr. Fralick, seconded by Mr. Stephens to continue public hearing to 2:00 PM this afternoon. ALL AYES; MOTION CARRIED.

01:47 PM To Adopt an Ordinance Regarding the Critical Area Regulations for Fish and Wildlife Habitat Conservation Areas, Amending San Juan County Code Sections 18.10.040, 18.20, and 18.30.160 – Shireene Hale, Planning Coordinator; Jon Cain, Deputy Prosecuting Attorney
Present: Full Council, County Administrator Pro Tem Bob Jean, Deputy Prosecuting Attorney Jon Cain, Planning Coordinator Shireene Hale, Clerk to the Council Ingrid Gabriel and interested members of the public.

At 01:47 PM, Ms. Miller opened the public hearing to adopt the Ordinance. Ms. Hale presented the Ordinance and answered Council’s questions. The following citizens provided public testimony: Jim Slocomb, Tim Blanchard, Barbara Rosenkotter, San Olsen, Kyle Loring, Alex Gavora,

Ms. Miller closed public testimony with the right to reopen. After discussion, the Council took the following action:

Moved by Mr. Fralick, seconded by Mr. Stephens to continue public hearing to 2:15 PM this afternoon. ALL AYES; MOTION CARRIED.

02:00 PM BREAK

02:17 PM PUBLIC HEARINGS CONTINUED

Ms. Miller reopened the public hearings on the Geologically Hazardous Areas/Frequently Flooded Areas, General Regulations, Regulations for Wetlands, and Fish and Wildlife Habitat Conservation Areas sections of the Critical Area Ordinance. Council discussed consistency and completion of the Ordinances.

03:00 PM

The Council deliberated on the Ordinance Regarding Critical Area Regulations for Geologically Hazardous Areas and Frequently Flooded Areas, and took the following actions:

- a. **Moved by Mr. Peterson, seconded by Ms. Miller to direct staff to include the language under category 2C to add similar language to create a new 1C on page 5. ALL AYES; MOTION CARRIED.**
- b. **Moved by Ms. Pratt, seconded by Mr. Fralick to direct staff to include in the background sections under “Efforts to Involve and Inform the Public”: Critical Area Ordinance update information was enclosed with the tax statements that were mailed to all property owners in 2012.” ALL AYES; MOTION CARRIED.**

03:19 PM

The Council deliberated on the Ordinance Regarding General Regulations for Critical Areas, and took the following actions:

- a. **Moved by Ms. Miller, seconded by Mr. Fralick to direct staff to modify page 7 E4 to read “San Juan County NEW possible Wetlands map” and give staff clear direction that it includes only the new wetlands and not the combined wetlands. ALL AYES; MOTION CARRIED.**
- b. **Moved by Ms. Miller, seconded by Mr. Peterson to direct staff to eliminate the words “but not limited to” in the critical areas functions and values definition on page 16. Vote 4:2 (Pratt, Fralick opposed); MOTION CARRIED.**
- c. **Moved by Ms. Pratt, seconded by Mr. Fralick to direct staff to remove the definition for “critical areas function and values” from page 16. VOTE 1:5 (Fralick, Peterson, Rosenfeld, Stephens, Miller opposed); MOTION FAILED.**
- d. **Moved by Ms. Miller, seconded by Ms. Pratt to direct staff to add the additional functions and values in the Friends of the San Juans letter dated November 27 to page 6, C1. VOTE: 5:0:0 (Peterson abstained); MOTION CARRIED.**
- e. **Moved by Ms. Miller, seconded by Ms. Pratt to direct staff to remove the “critical habitat” definition on page 17. ALL AYES; MOTION CARRIED.**
- f. **Moved by Ms. Pratt, seconded by Mr. Peterson to direct staff to add additional information under the definition of “vested” on page 38. ALL AYES; MOTION CARRIED.**
- g. **Moved by Ms. Miller, seconded by Mr. Peterson to direct staff to reinsert the existing definition of “wetlands functions and values” to page 40. ALL AYES. MOTION CARRIED.**
- h. **Moved by Ms. Miller, seconded by Mr. Peterson to direct staff to add a definition of “wetlands reconnaissance” to page 40. ALL AYES; MOTION CARRIED.**
- i. **Moved by Ms. Miller, seconded by Mr. Peterson to direct staff to add “when developed” after “banks” on page 46, F5. ALL AYES; MOTION CARRIED.**
- j. **Moved by Ms. Miller, seconded by Ms. Pratt to direct staff to revise the non-conforming section of the General Section to consolidate all of the non-conforming provisions into that section. ALL AYES; MOTION CARRIED.**
- k. **Moved by Ms. Miller, seconded by Mr. Peterson to direct staff to delete C2.iii on page 57. ALL AYES; MOTION CARRIED.**
- l. **Moved by Ms. Pratt, seconded by Ms. Miller to direct staff to change references to “County Administrator” to “County Manager” in all sections of the code. ALL AYES; MOTION CARRIED.**

- m. **Moved by Mr. Fralick, seconded by Ms. Pratt to continue hearings to on the Geologically Hazardous Areas and Frequently Flooded Areas, General Regulations for Critical Areas, Critical Area Regulations for Wetlands, Critical Area Regulations for Fish and Wildlife Habitat Conservation Areas to December 3, 2012 at 8:45 AM. ALL AYES; MOTION CARRIED.**

05:08 PM ADJOURN AND SIGN DOCUMENTATION

Ms. Miller adjourned the meeting.

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

These Minutes were approved and signed on December 18, 2012. The original document is retained in the Council’s permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.