

**SAN JUAN COUNTY (SJC), WASHINGTON**  
**MEETING MINUTES**  
**COUNTY COUNCIL**  
**July 26, 2011**

Tuesday, July 26, 2011 - Council Hearing Room, Legislative Building, Friday Harbor

**8:46 AM            SPECIAL MEETING**

Council Chair Lovel Pratt opened the special meeting.

**Critical Area Ordinance (CAO) Calendar Update:**

Shireene Hale, Planning Coordinator, Jon Cain, Deputy Prosecuting Attorney

**9:00 AM            ACTION:** Watmough Head Road Chip Seal – Russ Harvey, Public Works Director

Mr. Harvey gave background information on the use of products to help lessen road dust. Mr. Stephens summarized the Council discussion from June 14, 2011.

Public comments were offered by: John Sangster, Renee Van Deputte

Mr. Harvey answered questions from the Council. After discussion, the following action took place:

**Moved by Mr. Stephens, seconded by Mr. Rosenfeld, to defer the chip sealing of Watmough Head Road. VOTE: 3-3 (Stephens, Rosenfeld, Pratt ayes) (Miller, Fralick, Peterson opposed), MOTION NOT CARRIED**

**9:49 AM            2011 COMMITTEE REPORT AND WORKPLAN:**

1. Storm Water Advisory Board Report – Gulliver Rankin, Chair

Mr. Rankin introduced committee members Bob Levinson and Susan Key. Ed Hale, Utilities Manager, was also present. Mr. Rankin offered background information on particular patterns of storm water development on the islands. The Committee emphasis is on better monitoring and compilation of information. Mr. Rankin described the recommendations from the committee to the Council. Mr. Hale answered questions from the Council. After discussion, the following action took place:

**Moved by Ms. Miller, seconded by Mr. Stephens, that the #1 priority of Storm Water Utility is to implement a monitoring plan, and to put all projects not already underway on hold until the monitoring is implemented. ALL AYES, MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Mr. Rosenfeld, that the Council recommends that Puget Sound Partnership's Local Integrating Organization (LIO) coordinator position be expanded to include grant writing to secure funding for county stormwater goals with an emphasis on monitoring. ALL AYES, MOTION CARRIED**

**10:25 AM            REGULAR MEETING**

Council Chair Lovel Pratt called the meeting to order at 10:25 a.m. Council Members present: Howard (Howie) Rosenfeld, Rich Peterson, Patty Miller, Richard Fralick, and Jamie Stephens; County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public were present.

Ms. Pratt reminded the public that video recordings of Council meetings held in the Council Legislative Hearing Room are available for on-line viewing via live-streaming on the day of the meeting and can be viewed the following day on the Council website. The current video and three months of prior videos can be accessed by going to the San Juan County website [www.sanjuanco.com](http://www.sanjuanco.com) and selecting the County Council tab.

**Citizens Access:** Public comments were offered by: Sharon Kivisto, Tim Blanchard

Mr. Rosenfeld responded to public comments on the recent Washington State Transportation Commission meeting.

**Approval of Correspondence:**

1. A letter to Colonel Anthony Wright of the US Army Corps of Engineers urging the release of the Vessel Traffic Risk Assessment (VTRA) associated with the BP/Cherry Point refinery dock expansion.

**Moved by Mr. Rosenfeld, seconded by Ms. Miller, to approve a letter as amended to Colonel Anthony Wright of the US Army Corps of Engineers regarding the release of the Vessel Traffic Risk Assessment associated with the BP/Cherry Point refinery dock expansion. ALL AYES, MOTION CARRIED**

**10:37 AM DISCUSSION:** Solid Waste User Charge for Management of Solid Waste Ordinance – Randall Gaylord, Prosecuting Attorney

Mr. Gaylord reviewed the changes to the Ordinance made by Council during the last discussion. After discussion, the following action took place:

**Moved by Mr. Peterson, seconded by Mr. Stephens, to change the multiplier for Bed & Breakfast to 1.0 % per parcel. VOTE: 5 Ayes, 1 Abstention (Pratt) MOTION CARRIED**

Ms. Pratt stated that she will vote in support of the Ordinance as currently drafted. She appreciates all the hard work of the Solid Waste Subcommittee, the Administrator, the Prosecuting Attorney, and staff. Ms. Pratt stated that she regrets that voters will not have an opportunity to consider all the revenue needs on one ballot and also regrets that the Council has not moved forward with a more conventional source of revenue such as a voter approved levy lid lift or voter approved sales tax. Given that the user charge proposed will be the first in the State and given the uncertainty of the lawfulness of the user charge, Ms. Pratt urged the Council to be fiscally responsible and proactive in securing a judicial ruling to confirm the lawfulness of the user charge.

**Moved by Ms. Miller, seconded by Mr. Peterson, to move the Solid Waste Ordinance forward as revised to public hearing on August 9, 2011 at 10:15 am. ALL AYES, MOTION CARRIED**

**11:55 AM PRESENTATION:** Proposed Partnership between the County and Orcas Power and Light Cooperative (OPALCO) – Anne Bertino, OPALCO Assistant Manager of Energy Services; Suzanne Olson, OPALCO Communication Specialist; Kerry Geiser, San Juan County Building and Grounds Manager

Mr. Geiser reported on the Energy Efficiency Audit of county facilities conducted by the Bonneville Power Administration and answered questions from the Council.

Ms. Olson explained the concept of partnering between San Juan County and OPALCO to promote energy efficiency and conservation in County buildings. They will work with the County to create a plan for better behavior based conservation strategies.

The Council agreed by consensus to endorse a partnership between San Juan County and OPALCO that will promote energy efficiency and maximize savings in County buildings.

**12:21 PM LUNCH RECESS**

**1:01 PM COUNTY ADMINISTRATOR ITEMS:**

1. Continued discussion on Affordable Housing Solutions – Lisa Byers, OPAL Director; Angela Lausch, Affordable Housing Coordinator

Ms. Byers gave an update on the work of the Affordable Housing Solutions Work Group and reported on the 14 outreach meetings with community groups and the three Town Hall meetings on Orcas, Lopez, and San Juan Islands.

2. 2012 Lodging Tax Facilities Grants Program Recommendations (2<sup>nd</sup> Touch) (public comment accepted) – Rich Peterson, Chair

Public comments were offered by: Sara Jones, Jennifer Pietsche, Sandy Strehlou, Hawkins Pingree, Elaine Kendall, Bruce Gregory, Peggy Bill, Sandy Playa, Rev Shannon,

Council continued discussion of the Lodging Tax Advisory Committee's (LTAC) recommendations for 2012 facilities funding.

3. Wireless Ordinance (1<sup>st</sup> Touch) – Shireene Hale, Planning Coordinator

Mr. Rose introduced the discussion of the wireless ordinance. Ms. Hale explained the Planning Commission's recommendations on the Ordinance, and asked for Council direction. After discussion, the following action took place:

**Moved Ms. Miller, seconded by Mr. Peterson, to form a temporary telecommunications**

**subcommittee (Fralick, Peterson, Stephens) to meet with Orcas Power & Light Cooperative (OPALCO) and the Wireless Infrastructure Association (PCIA) to evaluate any potential changes to the existing draft ordinance. ALL AYES, MOTION CARRIED**

The telecommunications subcommittee will come back to the Council with recommendations.

**2:27 PM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:**

**Legislative Priorities:** Ms. Pratt and Mr. Stephens reported on the National Conservation Area (NCA) meeting held in the Legislative Hearing Room on Saturday, July 23, with Senator Maria Cantwell, Representative Rick Larsen, State Senator Kevin Ranker, Bureau of Land Management (BLM) State Director Ed Shepard, and BLM Field Manager Karen Kelleher who Secretary Salazar tasked with working on the NCA. Members of the NCA citizen's group, the San Juan County Land Bank Commission, the San Juan Preservation Trust, Friday Harbor Labs, and interested citizens attended and provided input. Senator Cantwell and Representative Larsen plan to put forward legislation very soon.

**Ferries/FAC/Intermodal:** Mr. Rosenfeld reported on legislative priorities, and referring to a previous conference with Senator Cantwell, he noted that the activities of the border patrol have not been brought under control.

Washington State Transportation Commission presented the fare proposal going forward that includes a 2.5% increase in October, and another 3% in May, 2012. He discussed the plan to create fare rates by the size of vehicle, and the inherent difficulty in implementing such a plan. Additionally, there will be a fuel surcharge and a 25 cent charge per fare dedicated for funding WSF vessel replacement.

**Budget Subcommittee:** Mr. Fralick reported that the committee will be giving a recommendation for a budget adjustment for the 2011 Budget.

**General Government Subcommittee:** Mr. Peterson had nothing to report at this time.

**Solid Waste Subcommittee:** Ms. Miller stated she will give a more in depth report on August 8, and raised questions regarding outer island solid waste services, and changing tipping fees. Ms. Miller also stated that the Department of Ecology (DOE) has delayed compliance on the San Juan Island transfer station to September 30, 2012. The DOE has also signed off on the Orcas transfer station compliance.

**Additional Updates & Discussion Items:**

1. Continued discussion on Accountability Oversight Committee (AOC)  
July 29 Agenda Review – Pratt, Peterson

Barbara Rosenkotter, Lead Entity Coordinator, and Scott Williamson, Ecosystem Recovery Coordinator of the Puget Sound Partnership, explained the brief sheets (Major Oil Spills, Runoff from the Built Environment including septic systems, and Shoreline Development) identified by the Implementation Committee via their process to update and prioritize the San Juan Action Agenda. After discussion, the following action took place:

**Moved by Ms. Miller, seconded by Mr. Fralick, to move forward the document as proposed for the San Juan Action Agenda to the Accountability Oversight Committee for discussion, and to initiate the public process with the following amendments: modify (on all pages) “local strategies” to read “possible local strategies for consideration”; remove the New Development bullet “Retain the current percentage of native vegetation, trees, and ground cover through the Unified Development Code”; add a bullet under Outreach, Education, and Stewardship that says “Educate landowners about the importance of retaining the current percentage of native vegetation, trees, and ground cover.” ALL AYES, MOTION CARRIED**

A discussion of the Coordinator position was held. After discussion, the following action took place:

**Moved by Mr. Peterson, seconded by Mr. Stephens, to recommend Option B to the Accountability Oversight Committee for the Coordinator position. ALL AYES, MOTION CARRIED**

**Moved by Ms. Miller, seconded by Mr. Fralick, that Rich Peterson be appointed as the Ecosystem Coordinating Board representative and that he attend the August 4 meeting. ALL AYES, MOTION CARRIED**

**3:45 PM CLERK UPDATE & ADMINISTRATIVE MATTERS:**

Ms. Gabriel reminded the Council that there will be no meeting the week of August 1. There will be a workshop on August 8. The next public hearing is scheduled for August 9.

Ms. See reported to the Council that she is waiting to hear from several committee members regarding reappointments, and is expecting two new applications this week.

**Review and Approve Minutes of July 12, 2011 , July 19, 2011:**

**Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to approve the Minutes of July 12, 2011. ALL AYES, MOTION CARRIED**

**Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to approve the Minutes of July 19, 2011. VOTE: 5 Ayes, 1 Abstention (Fralick), MOTION CARRIED**

**Review Agendas:**

Discussion of public hearings on August 9.

**Review and Approve Consent Agenda:**

**A. Resolutions:**

A Resolution increasing the Change Fund for the San Juan County Park Office.

**Ordinances:**

**B. Contracts/Agreements:**

**C. Budget Items:**

The Auditor's office requests approval for the following warrants:

- Warrants #97344-97408 in the amount of \$130,368.31 for County Claims
- Warrants #97409-97448 in the amount of \$209,913.98 for Public Works Claims
- EFT #07142011 in the amount of \$3,650.13 for Parks EFT
- Warrants #97877-97909 in the amount of \$305,152.45 for Public Works
- Warrants #97642-97667 in the amount of \$9,793.77 for Medical Reimbursement
- Warrants #97732-97876 in the amount of \$130,528.18 for County Claims

**D. Personnel:**

**E. Appointments**

**F. Correspondence:**

Letter Awarding 2011 Historic Preservation Grant Funds to Parks & Fair Department (\$7396)

**G. Miscellaneous:**

Notice of Approval to Hear Property Tax Appeals San Juan County Legislative Authority

**H. Bid Openings:**

**Moved by Ms. Miller, seconded by Mr. Stephens, to approve the Consent Agenda of July 26, 2011. ALL AYES, MOTION CARRIED**

**Council Calendar Items:** none

**4:18 PM Continued Discussion of the Critical Area Ordinance (CAO) Calendar Update and Adoption Process** – Shireene Hale, Planning Coordinator and Jon Cain, Deputy Prosecuting Attorney

Discussion was held on the public participation plan meetings, dates and times.

**Moved by Mr. Stephens, seconded by Mr. Peterson, to complete the review of each section of the Critical Area Ordinance (CAO) update individually and then have a final review for consistency with simultaneous adoption. VOTE: 5-1 (Pratt opposed), MOTION CARRIED**

Mr. Peterson asked for a field trip (September or October) to look at some properties that would be affected by the CAO requirements.

**Moved by Mr. Fralick, seconded by Mr. Stephens, to move the San Juan County Critical Area Regulations Update & Public Participation Plan as modified to the Consent Agenda for August 9, 2011. VOTE: 5-0 (Mr. Rosenfeld left the meeting at 4:59 pm), MOTION CARRIED**

**5:02 PM ADJOURN AND SIGN DOCUMENTATON**

COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON

These Minutes were approved and signed on August 9, 2011. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.