

**SAN JUAN COUNTY (SJC), WASHINGTON**  
**MEETING MINUTES**  
**COUNTY COUNCIL**  
**August 16, 2011**

Tuesday, August 16, 2011 - Council Hearing Room, Legislative Building, Friday Harbor

**SPECIAL MEETING – EARLY START**

**8:45 AM                    CRITICAL AREAS ORDINANCE (CAO) WORKSHOP**  
**Scientist Consultations and Staff Recommendations re: CAO**  
**Regulations** – Shireene Hale, CD&P Planning Coordinator, Dan Nickel,  
Principal/Environmental Engineer, The Watershed Company  
(via telephone conference)

**Marine Fish and Wildlife Section**  
**Public Comment Accepted**  
**Council Discussion and Policy Direction to Staff and Consultants**

Public comment was offered by: Jack Cory, Steve Revella, Barbara Marrett, Stephanie Buffum-Field, Barbara Bentley, Tina Whitman, Barbara Rosenkotter, Scott Webster, Tim Blanchard, Kyle Loring

Council began discussion of the Analysis of Existing San Juan County Regulations regarding Marine Fish and Wildlife Habitat Conservation Areas (FWHCAs).

**12:00 PM                    LUNCH RECESS**

**1:00 AM                    REGULAR MEETING - CALL TO ORDER**

Council Chair Lovel Pratt called the meeting to order at 1:00 pm. Council Members present: Howard (Howie) Rosenfeld, Richard Fralick, Patty Miller 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.

Mr. Peterson joined the meeting at 1:02 pm.

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.

Ms. Pratt asked Mr. Rose to introduce a Resolution requesting approval by the Health Care authority to participate in the Washington State Insurance Plan.

**Moved by Mr. Fralick, seconded by Mr. Stephens, to approve a Resolution of the County Council of San Juan County requesting approval by the Health Care Authority to participate in the Washington State Insurance Plans pending approval by the Deputy Prosecuting Attorney. ALL AYES, MOTION CARRIED**

**Approval of Correspondence:**

**Moved by Mr. Rosenfeld, seconded by Mr. Stephens, to approve a letter in support of the Opportunity Council's application for a Housing Preservation Grant from the US Department of Agriculture & Rural Development to provide funding for home repairs. ALL AYES, MOTION CARRIED**

**Citizens Access:** The following citizen submitted comment: Dan Post

**1:11 PM                      Continued Council Discussion of the Policy Direction Regarding the Critical Areas Ordinance Regulations**

The Council continued their discussion from the morning session.

**1:45 AM                      PUBLIC HEARINGS:**

1. To Consider a Current Use Open Space Application #POPNSP-10-0003 (Derevensky) – Lee McEnery, Community Development & Planning, Planner III

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

Ms. Pratt stated that the Council would conduct a quasi-judicial hearing to which the Appearance of Fairness Doctrine applies. She asked if any Council Member knew of any reason that would require such Member to be excused pursuant to the Appearance of Fairness Doctrine. Chair Pratt then asked if any member of the public knew of any reason that would require any Council Member to be excused pursuant to the Appearance of Fairness Doctrine. She then asked that citizens present intending to testify stand and raise their right hands, and after doing so, she asked if all who intend to testify affirm or swear to tell the truth.

Chair Pratt stated that the Council's rules of procedure for public hearings are available on the entrance table.

Ms. McEnery reviewed the recommendations from the Planning Commission on the application. Ms. Pratt opened for public testimony, and comments were offered by Jeff Otis, Laura Derevensky, Bill Weissinger, Sharon Kivisto. Public testimony was closed with the right to reopen. After discussion, the following action took place:

**Moved by Mr. Stephens, seconded by Mr. Rosenfeld, to approve a Current Use Open Space Application #POPNSP-11-0003 (Derevensky) with the Planning Commission's recommendation of 42.8 points. VOTE: 4-2 (Stephens, Rosenfeld, Fralick, Pratt AYES) (Miller and Peterson OPPOSED), MOTION CARRIED**

2. To Consider a Current Use Open Space Application POPNSP-10-0004 (Kilsburrow) – Lee McEnery, Community Development & Planning, Planner III

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

Ms. Pratt stated that the Council would conduct a quasi-judicial hearing to which the Appearance of Fairness Doctrine applies. She asked if any Council Member knew of any reason which would require such Member to be excused pursuant to the Appearance of Fairness Doctrine. Chair Pratt then asked if any member of the public knew of any reason that would require any Council Member to be excused pursuant to the Appearance of Fairness Doctrine. She then asked that citizens present intending to testify stand and raise their right hands, and after doing so, she asked if all who intend to testify affirm or swear to tell the truth.

Ms. Pratt stated that the Council's rules of procedure for public hearings are available on the entrance table.

Ms. McEnery reviewed the recommendations of the Planning Commission on the application. Ms. Pratt opened for public testimony, and comments were offered by Walter MacGinitie, Jeff Otis, Sharon Kivisto, Walter McGinitie. Ms. Pratt closed public testimony with the right to reopen. After discussion, the following action took place:

**Moved by Mr. Peterson, seconded by Ms. Miller, to send the application back to staff for analysis to determine what the points would be if it were made into two separate applications. VOTE: 2-4 (Peterson, Miller AYES), 4 (Stephens, Rosenfeld, Fralick, Pratt OPPOSED), MOTION NOT CARRIED**

**Moved by Mr. Rosenfeld, seconded by Mr. Fralick, to approve a Current Use Open Space Application #POPNSP-10-0004 (Kilsburrow LLC) with the Planning Commission's recommendation of 46.98 points. VOTE: 4-2 (Stephens, Rosenfeld, Fralick, Pratt AYES) (Miller and Peterson OPPOSED), MOTION CARRIED**

3. To Consider a Current Use Open Space Application #POPNSP-10-0005 (Ferm) – Lee McEnery, Community Development & Planning, Planner III

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

Ms. Pratt stated that the Council would conduct a quasi-judicial hearing to which the Appearance of Fairness Doctrine applies. She asked if any Council Member knew of any reason which would require such Member to be excused pursuant to the Appearance of Fairness Doctrine. Chair Pratt then asked if any member of the public knew of any reason that would require any Council Member to be excused pursuant to the Appearance of Fairness Doctrine. She then asked that citizens present intending to testify stand and raise their right hands, and after doing so, she asked if all who intend to testify affirm or swear to tell the truth.

Ms. Pratt stated that the Council's rules of procedure for public hearings are available on the entrance table.

Ms. McEnery reviewed the recommendations of the Planning Commission on the application. Ms. Pratt opened for public testimony, and comments were offered by: Mary Ferm, Jeff Otis, Sharon Kivisto. Public testimony was closed with the right to reopen. After discussion, the following action took place:

**Moved by Mr. Stephens, seconded by Mr. Rosenfeld, to approve the Current Use Open Space application #POPNSP-10-0005 (Ferm) as presented. VOTE: 4-2 (Stephens, Rosenfeld, Fralick, Pratt AYES) (Miller, Peterson OPPOSED), MOTION CARRIED**

By consensus, the Council agreed to direct the County Administrator to obtain answers to three legal questions: 1) Can a single application combine parcels? 2) Is it appropriate to apply the same score to all parcels in a multi-parcel application? 3) Is there a provision in the associated property tax code that allows for a moratorium on new applications while the Council finds time to deal with concerns about the existing current use program code?

**3:46 PM RECESS**

**3:50 PM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:**

**Ferries/FAC/Intermodal:** Mr. Rosenfeld reported that Ed Sutton (Orcas) resigned from the FAC, and the Committee is seeking a replacement. He asked the Orcas Council Members (Miller and Fralick) for their help in recruitment. The Connecting Washington Task Force, established by Governor Gregoire to recommend transportation funding solutions, will be working on a 10 year revenue recommendation. David Moseley expressed concern that there is no ferry person on this committee.

**3:54 PM Review and Approve Consent Agenda:**

**A. Resolutions:**

**Ordinances:**

An Ordinance Regarding Solid Waste User Charge for Management of Solid Waste

**B. Contracts/Agreements:**

**C. Budget Items:**

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

- Warrants #98678-98714 in the amount of \$72,729.19 for Public Works
- Warrants #98594-98677 in the amount of \$89,212.10 for County Claims
- Payroll expenditures for pay period ending 7/22/2011
- Warrant #98592 in the amount of \$177 for Veteran's Assistance
- EFT# 08092011 Parks EFT in the amount of \$1,987.03
- Warrant #98816 – 98932 County claims in the amount of \$86,059.37
- Warrant #98933 – 98983 Public Works claims in the amount of \$85,785.68

**D. Personnel:**

**E. Appointments**

**F. Correspondence:**

**G. Miscellaneous:**

**H. Bid Openings:**

**Moved by Mr. Stephens, seconded by Ms. Miller, to approve the Consent Agenda of August 16, 2011. ALL AYES, MOTION CARRIED;**

**3:55 PM                    Review and Approve Minutes of August 8 and August 9, 2011:**

**Moved by Ms. Miller, seconded by Mr. Rosenfeld, to approve the Minutes of August 8, 2011 as amended. ALL AYES, MOTION CARRIED**

**Moved by Ms. Miller, seconded by Mr. Rosenfeld, to approve the Minutes of August 9, 2011. ALL AYES, MOTION CARRIED**

**3:57 PM                    COUNTY ADMINISTRATOR ITEMS:**

1. Second Quarter Budget Report – County Administrator Pete Rose

Mr. Rose provided a detailed analysis of the Second Quarter 2011 Budget Year.

**Solid Waste Subcommittee:** Ms. Miller said she is not ready to give an update on Plan B for Solid Waste. She is working on draft document for the County Fair showing a comparison of Plan A and Plan B.

**Mr. Stephens** stated that the current use hearings were too long and frustrating, given that the correct material was distributed the day before the hearing.

Ms. Pratt said that she and the Council Staff believed that we had received all the documents for the quasi-judicial hearing, but the applicant's agent recently reported that the documents posted online were incomplete, thus the short review period for some of the hearing documents.

**4:39 PM                    EXECUTIVE SESSION:** Evaluation of the Performance of a Public Employee pursuant to RCW 42.30.110 (1)(g)

**5:16 PM                    ADJOURN AND SIGN DOCUMENTATON**

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COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON

These Minutes were approved and signed on August 30, 2011. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.