

**SAN JUAN COUNTY (SJC), WASHINGTON
MEETING MINUTES
COUNTY COUNCIL
December 6, 2011**

Tuesday, December 6, 2011 - Council Hearing Room, Legislative Building, Friday Harbor

8:46 AM PUBLIC HEARING (continued): 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; 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.

Chair Pratt introduced the continued public hearing on the General Regulations for Critical Areas.

The Council agreed by consensus to direct staff to amend the wording on page 19, F.4.

The Council agreed by consensus to direct staff to make a new #5, on page 19, F.5. to include mitigation options.

Council agreed by consensus to direct staff to insert new language on mitigation sequences in Section F. Critical Area Mitigation Requirements, pages 19-20.

Moved by Ms. Miller, seconded by Mr. Rosenfeld, to amend the language of Section F.5.o. to add “county or qualified professional” will inspect. VOTE 5-1 (Peterson opposed), MOTION CARRIED

The Council agreed by consensus to direct staff to add language to #7, on page 21.

Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to continue this public hearing to 3:00 pm. ALL AYES, MOTION CARRIED

10:06 AM CALL TO ORDER REGULAR MEETING

Council Chair Lovel Pratt called the meeting to order at 10:06 a.m. Council Members present: Howard (Howie) Rosenfeld, Rich Peterson, 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.

Chair Pratt announced that portions of today’s meeting will be available through videoconferencing from the Orcas Island Library, Lopez Island Library 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.

No Excused Absences or New Employee Introductions

Approval of Minutes (November 28 & 29, and December 1, 2011):

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to approve the Minutes of November 28, 2011 as amended. ALL AYES, MOTION CARRIED

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to approve the Minutes of November 29, 2011 as amended. ALL AYES, MOTION CARRIED

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to approve the Minutes of December 1, 2011.

Approval of Consent Agenda for December 6, 2011:

A. Resolutions:

Ordinances:

B. Contracts/Agreements:

C. Budget Items:

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

- EFT #11222011 in the amount of \$4,681.72
- Warrants #103447-103449 in the amount of \$507.81 for Veteran's Assistance
- Warrants #103452-103480 in the amount of \$10,757.11 for Public Works
- Warrants #103592-103662 in the amount of \$59,992.61 for County Claims
- Payroll expenditures for pay period ending 11/23/2011
- Warrants #103698-103771 in the amount of \$62,847.83 for County Claims

D. Personnel:

E. Appointments

F. Correspondence:

G. Miscellaneous:

H. Bid Openings:

Moved by Mr. Peterson, seconded by Mr. Stephens, to approve the Consent Agenda of December 6, 2011. ALL AYES, MOTION CARRIED

Approval of Correspondence:

Moved by Mr. Rosenfeld, seconded by Ms. Miller, to approve a letter of thanks to Ed Sutton for his service to the Ferry Advisory Committee. ALL AYES, MOTION CARRIED

Citizens Access: The following citizens offered comments: from Orcas Island - Walt Corbin; from Lopez Island – no comment; from San Juan Island – San Olson, Janet Alderton, Stephanie Buffum

10:23 AM PUBLIC HEARINGS:

1. To Consider Adopting an Ordinance to Amend Ordinances 29-2010, 12-2011, 13-2011, 14-2011, 17-2011 and 22-2011 and to Revise the

San Juan County 2011 Budget for Emergency Appropriations – Pete Rose, County Administrator; Milene Henley, Auditor

Present: Full Council, 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 Procedures for Public Hearings could be found on the table near the entrance.

Ms. Henley gave the Council information on budget changes that result in a need for emergency appropriations and answered questions from the Council. Ms. Pratt opened for public testimony, and no comments were offered. Public testimony was closed with the right to reopen. After discussion, the following action took place:

Moved by Mr. Fralick, seconded by Ms. Miller, to approve an Ordinance Amending Ordinance 29-2010, Ordinance 12-2011, Ordinance 13-2011, Ordinance 14-2011, Ordinance 17-2011, Ordinance 21-2011, and Ordinance 22-2011 and to Revise the San Juan County 2011 Budget for Emergency Appropriations. ALL AYES, MOTION CARRIED

Videoconferencing concludes.

10:30 AM DISCUSSION: Auditor's Document Preservation Fund – Milene Henley, Auditor

Ms. Henley referred Council to her report on the origin, purpose and management history of the Auditor's Document Preservation Fund.

10:38 AM COUNTY ADMINISTRATOR'S ITEMS:

1. Brann Cabin Restoration Update – Dona Wuthnow, Director Parks and Fair

Ms. Wuthnow gave an update on the Brann Cabin Restoration Project which started in 2001.

2. 2012 Pay and Benefit Classification Resolution (2nd Touch) – David Kelly, Deputy Director; Pamela Morais, Human Resources Manager

Ms. Morais gave a PowerPoint presentation on the revised 2012 staffing, pay and benefits plan.

3. Deed to Buffum Conservation Easement, Lopez Island (2nd Touch)

Lincoln Bormann, Director Land Bank

Mr. Bormann gave a PowerPoint presentation on the Buffum Conservation Easement and answered Council's questions.

11:23 PM CLERK UPDATE & ADMINISTRATIVE MATTERS:

Ms. Gabriel reminded the Council that the next meeting would be on December 13 (with videoconferencing).

Ms. See gave a committee report. After discussion, the following action took place:

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to appoint Shannon Plummer to the Veterans' Advisory Board. ALL AYES, MOTION CARRIED

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to reappoint Michael Baker to the Veterans' Advisory Board. ALL AYES, MOTION CARRIED

Review Agendas:

Ms. Pratt asked Council's availability on Monday, December 12 for a possible meeting.

Review Council Calendar Items:

Ms. Miller will soon provide an updated 2012 Council Calendar.

11:30 AM EMPLOYEE RECOGNITION FOLLOWED BY RECEPTION

The following employees were honored for their service to the County:

Steven Vierthaler (35 Years), Russ Harvey (30 Years), Vicki Heater (25 Years), Tom Kearney (25 Years), Tim Arnold (20 Years), Russ Bruland (20 Years), Dianne Dyer (20 Years), Neil Hanson (20 Years), Guard Sundstrom (20 Years), Terri Clark (15 Years), Gary Covington (15 Years), Eric Gardiner (15 Years), Joyce Stimpson (15 Years), Dona Wuthnow (15 Years), Christopher Cooper (10 Years), Robin DeLaZerda (10 Years), Kerry Geiser (10 Years), Michael Rennick (10 Years), Jean Schmidt (10 Years), Dan Seaton (10 Years), Jon Shannon (10 Years), Julie Thompson (10 Years), Jennifer Allen (5 Years), Rene Beliveau (5 Years), Jon Cain (5 Years), Bruce Distler (5 Years), Ed Hale (5 Years), Shireene Hale (5 Years), Joy Lord (5 Years), Deborah Mason (5 Years), Colin Maycock (5 Years), Christina McDonald (5 Years), Pamela Morais (5 Years), Richard Peterson (5 Years), James Pruitt (5 Years), Cynthia Rose (5 Years), Pete Rose (5 Years), Howie Rosenfeld (5 Years) Cynthia Stark-Wickman (5 Years), Wayne Totten (5 Years), Curt Van Hyning (5 Years), Norman Varsovia (5 Years)

1:30 PM PRESENTATION: Law and Justice Council – Judge Donald Eaton, Superior Court

Judge Eaton provided background on the Law and Justice Council. Rob Diekman-Adult Parole Officer, and Charlie Silverman-Senior Deputy Prosecutor (Criminal), Brad

Fincher-Adult Probation Officer for SJC District Court, Sheriff Rob Nou, Dan Seaton-Field Corrections Officer, Katie Loring (Local Bar Association President), and Judge Eaton offered information about the different functions of the law and justice system.

2:55 PM **PRESENTATION:** Annual Report San Juan County Law Library Board of Trustees (written report submitted 9/1/2011) – Judge Donald Eaton, Superior Court

3:03 PM **PUBLIC HEARING (continued):** 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; 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

The Council agreed by consensus to add, from page 19 F.3., the wording of "...Director or Hearing Examiner depending on type of permit/approval", to page 21, #7.

The Council agreed by consensus on page 19, to add a new #5, to include a statement saying you cannot use removal of illegal structures for mitigation impacts.

The Council agreed to let staff amend on page 20, 5.m or 5.n (and where else it applies) to clarify the mitigation timeline.

The Council directed staff to prepare wording, on page 21 G.1., that clarifies: 1. cap the cost of mitigation to the developer during the mitigation at 215% of the total plan cost; 2. provide for developer to ask for more time in monitoring the plan.

The Council agreed by consensus on page 21, G., to add after "grandfathered", that the policy of nonconforming structure, uses and activities may continue in perpetuity.

The Council agreed by consensus, on page 21, G.1., to reword the first sentence to remove, "maintained" "repaired" "replaced" and create a new #2 nonconforming structures with "maintained" "repaired" "replaced" within the existing footprint "on the effective date of these regulations, provided A)the degree of nonconformity is not increased; b)any required building, project or development permits are obtained."

The Council agreed by consensus to add on page 21, #1, at the end of the paragraph "...or by letter of intent by owner renewable every 48 months.

The Council agreed by consensus to add on page 21, #4, at the end of the sentence "...unless the owner files a letter of intent indicating the plan is to rebuild."

The Council agreed by consensus to direct staff to find appropriate language to add structure to nonconforming use and activities on page 21, #4.

The Council agreed by consensus to use “letter of intent by owner” process where it fits and is appropriate in the ordinance.

Moved by Mr. Fralick, seconded by Mr. Peterson, to continue the public hearing to Monday, December 12 at 8:45 AM. ALL AYES, MOTION CARRIED

4:59 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.
