

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
March 30, 2010**

Tuesday, March 30, 2010 - Council Hearing Room, Legislative Building, Friday Harbor

SPECIAL MEETING - EARLY START

9:17 AM CALL TO ORDER

Council Chair Richard Fralick called the meeting to order at 9:17a.m. Council members Lovel Pratt, Vice Chair, Howard (Howie) Rosenfeld, Gene Knapp, Bob Myhr, and Rich Peterson; County Administrator, Pete Rose; Clerk to the Council, Ingrid Gabriel; Deputy Clerk, Maureen See; and interested members of the public were present.

Mr. Fralick reminded the public that video records of Council meetings held in the Council Legislative Hearing Room are available for on-line viewing the day after the meeting. The videos will be archived for the three previous months and can be accessed by going to the San Juan County website www.sanjuanco.com and selecting the County Council tab. DVD recordings are also available by request for a modest fee.

New employee introductions: Rene Beliveau introduced Lisa Brown, Office Manager for Community Development and Planning.

Citizens Access: The following citizens submitted comments: Bill Wright discussed the Antiquities Act; Tim Blanchard discussed Senate Bill 6346 and the San Juan County Charter.

9:30 AM Clerk Update & Administrative Matters - Ingrid Gabriel, Clerk to the Council; Maureen See, Deputy Clerk

Ms. Gabriel informed the Council that today's session was being streamed live today. She also reminded the Council that Monday, April 12, at 8:45 am is a potentially special meeting day.

Committee Update: Ms. See gave a brief committee update. The following action was taken:

Moved by Mr. Myhr, seconded by Ms. Pratt, to appoint Carol Steckler to the Housing Bank Commission, Position #3, Lopez Island. All Ayes

Approval of Minutes:

Moved by Mr. Peterson, seconded by Mr. Knapp, to approve the Minutes of March 16, 2010. All Ayes

Review and Approve Consent Agenda:

Moved by Mr. Peterson, seconded by Mr. Myhr, to approve the Consent Agenda of March 30, 2010 as follows:

A. Resolutions and Ordinances:

A Resolution to Repeal Resolution 33-1975 and to Adopt the New San Juan County Public Works Department Policy regarding Approval of Work for Other Public Agencies and County Departments

Ordinances:

B. Contracts/Agreements:

C. Budget Items: The Auditor's office requests approval for the following warrants:

- Warrants #76449 in the amount of \$3,000 for Veteran's Assistance
- Warrants #76525-76543 in the amount of \$7,515.16 for Medical Reimbursements
- Warrants #76544-76560 in the amount of \$3,152.78 for Medical Reimbursements
- EFT #03162010 for the amount of \$650,000 for Land Bank Claim
- EFT #13162010 for the amount of \$4,232.73 for Public Works Excise Claim
- Warrants #76561-76666 in the amount of \$78,659.69 for County Claims
- Warrant #76667-76713 in the amount of \$99,229.21 for Public Works
- Warrant #76882 in the amount of \$400 for Veteran's Assistance
- Warrants #76908-76992 in the amount of \$77,203.79 for County Claims
- Warrants #76993-77032 in the amount of \$42,911.71 for Public Works
- Warrant #77099 in the amount of \$245.30 for County Claim

D. Personnel:

E. Appointments

F. Correspondence:

G. Miscellaneous:

2010 Revised Memorandum of Understanding Regarding Voluntary Furloughs between Local 1849 of AFSCME and San Juan County.

H. Bid Openings:

All Ayes

Calendar: Remove the SJICF CNT Steering Committee from Mr. Myhr's Calendar.

9:40 AM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS

Ferries/FAC/Interlocal: Mr. Rosenfeld gave an update.

Budget Subcommittee: Mr. Fralick gave an update.

Legislative Priorities & Lobbying Efforts: Ms. Pratt and Mr. Myhr gave updates.

General Government Subcommittee: Mr. Knapp gave an update.

Ms. Pratt reported that Islands Trust has scheduled June 15-17 for a joint meeting on Saturna Island.

Mr. Myhr reported that a petition has been brought forth from the citizens of Lopez regarding San Juan County Solid Waste and requested that the matter be placed on a future Council agenda. Mr. Myhr also asked for Council agenda time for discussion on the letter from Susan Dehlendorf, Chair of the Planning Commission. He also gave an update on the Salmon Recovery Council.

FEMA Comment Letter on Model Ordinance: A letter drafted by Mr. Peterson and Mr. Fralick was reviewed by the Prosecuting Attorney, Randall Gaylord and Rene Beliveau, Director of Community Development & Planning. Further discussion was postponed until later in the day.

10:00 AM COUNTY ADMINISTRATOR ITEMS:

Mr. Rose provided information on HB 1653 regarding the Growth Management Act and the Shoreline Management Act which was signed by Governor Gregoire.

Mr. Gaylord discussed docket day with the Council answering questions and providing suggestions for the process. Mr. Fralick asked Mr. Gaylord for a list indicating what the last motion on each docket item was, with suggestions on how to proceed.

1. Site Specific Amendment to San Juan County's Comprehensive Plan Official Maps for Property on San Juan Island located to the North of West Valley Road and between and on both sides of Capron Road and Raven Ridge Road (Eisenhardt/Lampe) (1st Touch) - Julie Thompson, Associate Planner

Ms. Thompson provided background information on the split zoning issue.

2. Comprehensive Plan Land Use Element (2nd Touch) - Shireene Hale, Planning Coordinator

Ms. Hale led discussion on the draft ordinances and changes made by the Council. The matter will be continued to April 6, 2010 at 10:00 am.

3. Comprehensive Plan Shoreline Essential Public Facilities (2nd Touch) Shireene Hale, Planning Coordinator

The matter will be continued to April 6, 2010 at 10:00 am.

10:48 AM PUBLIC HEARINGS:

1. To Consider an Ordinance Prohibiting Use of Streets and Sidewalks for Stationery Vending and Repealing Ordinance 21-2009
Present: Full Council; County Administrator Pete Rose; Clerk to the Council Ingrid Gabriel; Deputy Clerk Maureen See; Deputy Prosecuting Attorney Karen Vedder

Ms. Vedder provided background information and proposed changes to the ordinance.

Mr. Fralick opened for public testimony. The following citizens provided comment:

Michael Bindas, Staff Attorney for the Institute for Justice Washington Chapter; Randy Schnee of Lopez Island, hot dog vendor. Mr. Fralick closed public testimony, and reserved the right to reopen. After discussion, the following action took place:

Moved by Mr. Peterson to remove "D" from Section 5 from the proposed Ordinance, seconded by Mr. Rosenfeld. 5 Ayes, 1 Opposed (Myhr)

Ms. Vedder recommended adding "commercial" vending on page 1 Part B, changing Section

5-B on exemptions, and removing 5-D.

Moved by Mr. Myhr, seconded by Mr. Peterson, to approve An Ordinance Prohibiting Use of Streets and Sidewalks for Stationary Vending and Repealing Ordinance 21,-2009. All Ayes

2. To Consider Three Proposed Ordinances to Amend the 2010 San Juan County Budget for Emergency Appropriations, For Supplemental Appropriations, and To Set the 2010 Beginning Cash Balances

Present: Full Council; County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel; Deputy Clerk Maureen See; Deputy Auditor Jose Domenech; Auditor Milene Henley

1) Emergency Appropriations - Mr. Fralick opened public testimony, none was offered, and closed public testimony with the right to reopen. The following action was taken:

Moved by Mr. Peterson, seconded by Ms. Pratt, to adopt an Ordinance Amending Ordinance 39-2009 By Revising the San Juan County 2010 Budget for Emergency Appropriations. All Ayes

2) Transfers and Supplemental Appropriations - Mr. Fralick opened public testimony, none was offered, and closed public testimony with the right to reopen. The following action was taken:

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to adopt an Ordinance Amending Ordinance 39-2009 by Revising the San Juan County 2010 Budget for Transfers and Supplemental Appropriations. All Ayes

3) Cash Balances - Mr. Fralick opened public testimony. The following citizen gave comment: Randall Gaylord. Public testimony was closed with the right to reopen. The following action was taken:

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to adopt an Ordinance Amending Ordinance 39-2009, Revising the San Juan County 2010 Budget for Beginning Cash Balances. All Ayes

3. To Consider an Ordinance re: Site-Specific Amendment to San Juan County's Comprehensive Plan Official Maps for Property on San Juan Island Located on the North Side of Roche Harbor Road, West of the Town of Friday Harbor Landfill Site, and Adjacent to Sutton Road

Present: Full Council; County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel; Deputy Clerk Maureen See; Senior Planner Colin Maycock

Mr. Maycock introduced the matter as a site specific redesignation of TPN 350232004 from agricultural resource 10 to rural industrial.

Mr. Fralick opened for public testimony. The following citizens offered comment: Chris

Clarke, Barbara Marrett, Richard Strathmann, Lee Brooks, Claudia Mills, Kyle Loring, Court Bell, and Mitzi Johnson. Mr. Fralick closed public testimony with the right to reopen. After discussion, the following action took place:

Moved by Mr. Peterson, seconded by Mr. Rosenfeld to schedule this matter for vote on the April 27, 2010 Council Agenda at 10:45 am, and the nine criteria be specifically submitted as included on the draft Ordinance O. Findings XIII through XXI, and add to XI the following concluding sentence: "For these reasons, the parcel should be identified as an error on the maps and should be corrected." All Ayes

12:34 AM RECESS FOR LUNCH

1:05pm DISCUSSION: Washington State Ferry Reservation Update - Ed Sutton, Chair, Ferry Advisory Committee

Mr. Sutton provided an update on the Ferry Advisory Committee's efforts on reservation planning with the Washington State Ferries.

1:23 AM PRESENTATION: Solid Waste Advisory Committee (SWAC) 2010 Work Plan - Sam Jacobson, Chair, SWAC

Mr. Jacobson reviewed SWAC's 2010 Work Plan. After discussion, the following action took place:

Moved by Mr. Peterson, seconded by Mr. Knapp, to approve the 2010 Solid Waste Advisory Committee's 2010 Work Plan. All Ayes

1:40 PM 4. To Consider a Resolution Denying an Application for Site-Specific Amendments to San Juan County's Comprehensive Plan Official Maps for a Portion of Orcas Island Airport Overlay District Zone (5) (Gerard Property)
Present: Full Council; County Administrator Pete Rose; Clerk to the Council Ingrid Gabriel; Deputy Clerk Maureen See; Associate Planner Julie Thompson

Ms. Thompson provided background information on the denied request for an ordinance to remove the Orcas Island Airport Overlay District Zone 5.

Mr. Fralick opened public testimony. Testimony was submitted by Francine Shaw, Land Use Planner in support of the Gerard's application. Public Testimony was closed with the right to reopen. After discussion, the following action took place:

Moved by Mr. Myhr to move forward the resolution denying the request to remove Zone 5 of the Orcas Island Airport overlay district from the Gerard's parcel to April 27, 2010 at 10:45 am. 4 Ayes, 2 Opposed (Fralick and Peterson)

2:36 PM RECESS FIVE MINUTES

2:44 PM COUNTY ADMINISTRATOR ITEMS (continued):

5. Comprehensive Plan UDC Wireless Amendments (2nd Touch) - Colin Maycock, Senior Planner; Randall Gaylord, Prosecuting Attorney; Jon Cain, Deputy Prosecuting Attorney

Mr. Maycock introduced the proposed amendments amending Title 18 of San Juan County Code to include development regulations for personal wireless communication service facilities. After discussion, the following action took place:

Moved by Mr. Peterson, seconded by Mr. Knapp, to send the matter forward with the Planning Commission's version Exhibit A for public hearing on April 13, 2010, at 10:45 am. Not passed

Moved by Mr. Myhr, seconded by Mr. Knapp, to send the matter forward with the draft amendments on Exhibit B, for public hearing on on April 13, 2010, at 10:45 am. Not passed

**Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to send the Planning Commission's version Exhibit A for discussion on April 13, 2010, at 10:45 am.
4 Ayes, 2 Opposed (Pratt and Myhr)**

- 3:10 PM** 4. Comprehensive Plan Water Element (2nd Touch) - Shireene Hale, Planning Coordinator; Colin Maycock, Senior Planner; Randall Gaylord, Prosecuting Attorney

Mr. Maycock provided background on the issue of whether or not to adopt the amended Water Resource Element. After discussion, the following action took place:

Moved by Mr. Myhr, seconded by Mr. Knapp, to add an amendment to establish regulations that prohibit the transfer or export of withdrawn water from agricultural resource lands except when water is put to beneficial use in other agricultural resource lands. 5 Ayes, 1 Opposed (Fralick)

3:44 PM Discussion of FEMA Comment letter

3:51 PM DISCUSSION: Solid Waste Discussion (2nd Touch) - Jon Shannon, Director of Public Works

After discussion, the following action took place:

Moved by Mr. Myhr, seconded by Mr. Rosenfeld, to carry forward the draft ordinance for Setting Fees for Solid Waste Handling Services provided by San Juan County and repealing Ordinance 60-2008, with a footnote/example on Attachment A clarifying the cost of a second can. 5 Ayes, 1 Opposed (Pratt)

Mr. Fralick suggested that SWAC may wish to help advise the Council on cost differentials, user classes, tipping fees and he addressed the issues to Sam Jacobson. Discussion followed on a potential joint meeting between Council and SWAC.

Mr. Myhr asked Mr. Shannon to help establish a process at the Lopez Transfer Station by which aluminum cans and liner board could be separated from commingled recyclables by Citizens.

4:36 PM ADJOURN AND SIGN DOCUMENTATION

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

These Minutes were approved and signed on April 6, 2010. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.