

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
April 6, 2010**

Tuesday, April 6, 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 9:17 a.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.

Consultant introduction: Paul R. Adamus, PhD., Assistant Professor, Oregon State University, College of Oceanographic and Atmospheric Sciences

Citizens Access: The following citizens submitted comments: Richard Durhack commented on a recent court decision regarding the 60% parcel set aside for open space in rural land use zones; Patty Miller commented on the recent amendment to establish regulations prohibiting water transfer from agricultural resource lands.

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

Committee Update: Next committee report is scheduled for April 13, 2010

Review and Approve Minutes:

Moved by Mr. Peterson, seconded by Mr. Knapp, to approve the Minutes of March 30, 2010. All Ayes

There is no Consent Agenda this week.

9:31 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 reported that the State Legislature is expected to adjourn next Saturday. A report will follow.

General Government Subcommittee: Mr. Knapp gave an update.

Islands Trust Meeting will be held on Saturna Island, June 15-17, 2010. Discussion followed on which Council members will attend, the budget cuts to Council travel, and the suggestion that land use be on the agenda.

Mr. Fralick reported on the Local Integrating Organization (LIO). The Puget Sound Partnership is requesting a proposal from the LIO, which would generate a Memo of Understanding.

Mr. Fralick gave an update on funding sources for Dr. Adamus' consultation services on critical areas.

Mr. Peterson gave an update on the Lodging Tax Advisory Committee and grantees.

9:53 AM RECESS

10:02 AM PUBLIC HEARINGS:

1. To Consider a Resolution to Extend **Rosario Resort's** First Planned Unit Development Application Until June 11, 2013

Present: Full Council; County Administrator Pete Rose; Clerk to the Council Ingrid Gabriel; Deputy Clerk Maureen See

Mr. Rose introduced the proposed Resolution to grant a three year extension on the time limit for submission of the Planned Unit Development of the Rosario Resort Master Plan. Mr. Fralick opened public testimony, and the following citizens offered comment: Christopher Peacock, General Manager of Rosario Resort, gave an update on the Resort's accommodation status; Jerry Barto, owner of Rosario Resort, thanked the Council for their consideration of the application extension. Mr. Fralick closed public testimony with the right to reopen. After discussion, the following action took place:

Moved by Mr. Knapp, seconded by Mr. Rosenfeld, to approve a Resolution finding that good cause exists to extend Rosario Resort's first Planned Unit Development Application until June 11, 2013. All Ayes

10:12 AM 2. To Consider an Ordinance Amending and Updating the **Land Use Element** of the San Juan County Comprehensive Plan

Present: Full Council; County Administrator Pete Rose; Clerk to the Council Ingrid Gabriel; Deputy Clerk Maureen See; Planning Coordinator Shireene Hale; Deputy Prosecuting Attorney Jon Cain

Ms. Hale introduced the proposed Ordinance, and answered questions, along with Mr. Cain, from the Council.

Mr. Fralick opened public testimony, and the following citizens offered comments: Ralph Gutschmidt asked for clearer definitions on parcels vs. lots; Laurie Gutschmidt commented on stopping urban sprawl; Bill Wright commented on land use elements in the Comprehensive Plan; Patty Miller asked about the forest resource section on the Planning Commission 1/15/2010 draft Land Use Element; Mike Carlson commented on Council remarks at the

February 16, 2010 meeting; Tim Blanchard commented specifically on the Hearing Draft of the Land Use Element. 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 remove the words “and when necessary” from Section 2.2.A.2 – General Goal and Policies. All Ayes

Mr. Myhr moved to remove the language “in conformance with...” from Section 2.2.A.11; Motion withdrawn

Moved by Ms. Pratt, seconded by Mr. Myhr, to remove “and guidance for corrective actions” from Section 2.2.A.11 – General Goal and Policies. Motion passed 4-2 (Rosenfeld and Fralick opposed)

Moved by Ms. Pratt, seconded by Mr. Fralick, to remove the language “and residential neighborhoods” from Section 2.2.D.e – Essential Public Facilities. All Ayes

Moved by Mr. Fralick, seconded by Mr. Myhr, to amend Section 2.5.B.4 – Critical Areas as follows: “The impacts of land use and development preferably will be managed and mitigated on site.” All Ayes

Moved by Mr. Myhr, seconded by Mr. Knapp, to eliminate the words from Section 2.5.B.11- Critical Areas “mitigate impacts resulting from authorized exemptions.” Passes 5-1 (Rosenfeld opposed)

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to amend Section 2.5.B, Policy #3, by adding the following sentence: “One purpose of these programs is to mitigate impacts resulting from authorized exemptions.” All Ayes

Moved by Ms. Pratt, seconded by Mr. Myhr, to reinstate the word “pastoral” to Section 2.3.C – Rural Lands, under “Goals.” All Ayes

Mr. Peterson led a discussion of recommendations by the Common Sense Alliance on the Land Use Element Draft. Mr. Myhr pointed out that moving the wireless subarea plan out of the land use element will not improve cell phone service.

12:15 PM RECESS

1:34 pm Moved by Mr. Fralick, seconded by Mr. Myhr, to add the words “or comparable criteria” to Section 2.5.B – Critical Areas, d. Wetlands #v, end of sentence. All Ayes

Moved by Ms. Pratt, seconded by Mr. Myhr, to reinstate on Section 2.2.F Natural Resource Conservation, Policy #5, the following: “a) wetlands, b) marine and terrestrial wildlife habitat, and c) vegetated areas necessary to maintain site stability and ground water recharge.” All Ayes

Moved by Ms. Pratt, seconded by Mr. Myhr, to reinstate the first sentence on Section 2.5.B Critical Areas, as follows: “Critical Areas are areas within San Juan County

that are important to the healthy function of natural ecosystems, as well as areas that can be hazardous to people and their property.” All Ayes

Moved by Mr. Myhr, seconded by Mr. Peterson, to close the Public Hearing and/or deliberations to April 27, 2010, 10:45 am, and direct staff to make the changes presented here prior to the final vote. All Ayes

3. To Consider a **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**)

Present: Full Council; County Administrator Pete Rose; Clerk to the Council Ingrid Gabriel; Deputy Clerk Maureen See; Associate Planner Julie Thompson

Ms. Thompson introduced the ordinance which redesignates 28 cres from Forest Resource with a density of 20 acres to Rural Farm Forest with a density of 10 acres. Mr. Fralick opened public testimony, and the following citizen comments were given: Paul Eisenhardt commented on his application for redesignation. Mr. Fralick closed public testimony reserving the right to reopen. After discussion, the following action took place:

Moved by Ms. Pratt, seconded by Mr. Peterson, to close the public hearing and close deliberations, and schedule this matter for a final vote on April 27, 2010 at 10:45 am. All Ayes

4. To Consider An Ordinance Amending The Comprehensive Plan Element 3 and San Juan County Code Title 18 Relating to **Shoreline Essential Public Facilities**

Present: Full Council; County Administrator Pete Rose; Clerk to the Council Ingrid Gabriel; Deputy Clerk Maureen See; Planning Coordinator Shireene Hale; Deputy Prosecuting Attorney Jon Cain

Ms. Hale and Mr. Cain introduced the amendments to regulations and policies associated with shoreline essential public facilities, and answered questions from the Council. Mr. Fralick opened public testimony, and the following citizens provided comments: Kyle Loring, staff attorney for the Friends of the San Juans, on the proposed amendment to the Shoreline Master Program; Peter Eglick, representing the Griffin Bay Preservation Committee, on the proposed Shoreline Essential Public Facility Ordinance; Chris Clarke on proposed amendments to the Shoreline Master Program; Claudia Mills asked why the County would delay an Environmental Impact Study. Mr. Fralick closed public testimony reserving the right to reopen. Discussion followed.

Mr. Fralick reopened public testimony to receive further comment from Mr. Eglick. Public testimony was closed again reserving the right to reopen.

Moved by Mr. Peterson, seconded by Mr. Knapp, not to move this ordinance forward to April 27, 2010 for further Public Hearing. Motion withdrawn

Moved by Mr. Myhr, seconded by Ms. Pratt, to continue this Public Hearing and public testimony to April 13, 2010, at 1:30 pm, and instruct staff to incorporate the changes

referenced in Ms. Hale’s memo of April 1, 2010, and to insert at the appropriate places a requirement for an Environmental Impact Study for expansion of those named facilities. All Ayes

3:36 PM 5. To Consider an Ordinance Setting the **Fees for Solid Waste** Handling Services Provided by San Juan County
Present: Full Council; County Administrator Pete Rose; Clerk to the Council Ingrid Gabriel; Deputy Clerk Maureen See; Utility Manager Ed Hale; Prosecuting Attorney Randall Gaylord

Mr. Rose introduced the Solid Waste Fee Ordinance, explaining changes to Attachment A. The staff recommendation is to proceed with the rate adjustment.

Ms. Pratt was excused from the meeting at 3:57 pm.

Mr. Fralick opened public testimony, and the following citizens offered comments: Ed Kilduff requested that Council not sign the ordinance until they met with the Town of Friday Harbor and discuss options; Allen Rosenberg commented that the ordinance gives increases to haulers and contains an incorrect rate structure; Calvin Hartog, San Juan Sanitation, reported that rates to haulers will increase by 2012. Mr. Fralick closed public testimony reserving the right to reopen. After discussion, the following action took place:

Moved by Mr. Myhr, seconded by Mr. Peterson to adopt an Ordinance Setting the Fees for Solid Waste Handling Services provided by San Juan County and Repealing Ordinance 60-2008. 5-0 passed

4:01 PM COUNTY ADMINISTRATOR ITEMS:

1. Revision to County’s Leasing Ordinance – Karen Vedder, Deputy Deputy Prosecuting Attorney

Ms. Vedder explained the revisions to the County Lease Ordinance allowing rental agreements for two years or less.

4:08 PM ADJOURN AND SIGN DOCUMENTATION

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

These Minutes were approved and signed on April 13, 2010. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.