

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
April 13, 2010**

Tuesday, April 13, 2010 - Council Hearing Room, Legislative Building, Friday Harbor

10:03 AM CALL TO ORDER

Council Chair Richard Fralick called the meeting to order at 10:03 a.m. Council Members present were: Vice Chair Lovel Pratt, 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 noted that Mr. Rosenfeld will join the meeting following the Ferry Advisory Committee (FAC) meeting at 10:30 am.

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.

Citizens Access: The following citizens submitted comments: Terry Whalen; Patty Miller

10:15 AM Clerk Update & Administrative Matters - Ingrid Gabriel, Clerk to the Council; Maureen See, Deputy Clerk

Ms. Gabriel reminded Council that there is no meeting the week of April 19.

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

Moved by Ms. Pratt, seconded by Mr. Knapp, to reappoint Mike Stolmeier as a Receiver on the Lodging Tax Advisory Committee. 5 Ayes, Mr. Rosenfeld excused, MOTION CARRIED

Approval of Minutes:

Moved by Mr. Peterson, seconded by Mr. Knapp, to approve the Minutes of April 5, 2010. 5 Ayes, Mr. Rosenfeld excused, MOTION CARRIED

Moved by Mr. Peterson, seconded by Mr. Myhr, to approve the Minutes of April 6, 2010 with an amendment as follows: Ms. Pratt was excused from the meeting at 3:57 pm. 5 Ayes, Mr. Rosenfeld excused, MOTION CARRIED

Review and Approve Consent Agenda:

Moved by Mr. Peterson, seconded by Ms. Pratt, to approve the Consent Agenda of April 13, 2010 as follows:

A. Resolutions and Ordinances:

Resolutions:

Resolution to Accept a Nonrefundable Road Vacation Petition Fee (\$300) and Cash Deposit (\$2,200) from the Petitioners and Direct the County Engineer to make a Report On the Vacation and Abandonment of a Portion of Opened County Road Right-Of-Way (Deer Harbor Road) in Government Lot 4, Section 17, Township 36 North, Range 2 West, W.M. Resolution Terminating San Juan County Contract No. 00SJ09 and Repealing Resolution No. 59-2000

Ordinances:

B. Contracts/Agreements:

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

- Warrants #772-50-77251 in the amount of \$2,557.82 for Veteran's Assistance
- Warrants #77287-77291 in the amount of \$1,393.39 for Medical Reimbursement
- Warrants #77303-77308 in the amount of \$3,850.57 for Veteran's Assistance
- EFT #04082010 in the amount of \$350,015 for Land Bank Claims
- Warrants #77396-77587 in the amount of \$328,483.08 for County Claims
- Warrants #76588-77687 in the amount of \$76,596.47 for Public Works
- Warrant #77644 in the amount of \$340 for Veteran's Assistance
- Warrants #77659-77660 in the amount of \$600 for Veteran's Assistance

D. Personnel

E. Appointments

F. Correspondence:

G. Miscellaneous:

H. Bid Openings:

5 Ayes, Mr. Rosenfeld excused, MOTION CARRIED

Calendar Items: Ms. Pratt asked that the San Juan Island Visitor's Bureau luncheon on April 28 be added to the calendar. Mr. Myhr requested two items be placed on the Council agenda: a petition from citizen's of Lopez regarding their Transfer Station, and the letter from Susan Dehlendorf, Chair of the Planning Commission.

10:25 AM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS

Budget Subcommittee: Mr. Fralick gave an update.

General Government Subcommittee: Mr. Knapp gave an update.

Ms. Pratt reminded Council that the Bureau of Land Management asked the Council for a primary staff contact to participate in the development of a resource management plan. The County Administrator will make a recommendation at a later date.

10:30 AM RECESS for ten minutes

10:40 AM Ferries/FAC/Interlocal: Mr. Rosenfeld gave an update.

10:46 AM PUBLIC HEARINGS

1. Comprehensive Plan **Water Element**

Present: Full Council, County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, Senior Planner Colin Maycock, Prosecuting Attorney Randall Gaylord, Deputy Prosecuting Attorney Jon Cain

Mr. Maycock introduced the Water Resources Element of the San Juan County Comprehensive Plan. After discussion, Mr. Fralick opened public testimony, and the following provided testimony: Paul Kamin, Mike Carlson, Peggy Bill, Dave Cable, Stephanie Buffum, Barbara Rosenkotter, Bill Wright, Doug Marshall, Patty Miller, Sharon Kivisto, Jack Cory. Mr. Fralick closed public testimony and reserved the right to re-open.

After discussion and deliberation, the following action took place:

Moved by Ms. Pratt, seconded by Mr. Myhr, to remove the current #4 of 4.2.E under Policies, and substitute with “Discourage the withdrawal of water from agricultural resource lands for the purpose of transferring water to other property, except where the water is put to beneficial use on other agricultural resource lands.”
MOTION WITHDRAWN

Moved by Ms. Pratt to change 4.2.C Stormwater Goals and Policies, 4.d. to “Incentivize the general use of low impact development strategies and consider requiring low impact development strategies in areas where they are feasible and likely to reduce infrastructure costs.”
NO SECOND, MOTION NOT CARRIED

Moved by Mr. Fralick, seconded by Mr. Peterson, to include in 4.2.C Stormwater Goals and Policies, as 4.f, the following: “Develop or adopt a stormwater management manual suitable for rural counties.”
ALL AYES, MOTION CARRIED

12:27 PM RECESS FOR LUNCH

1:16 PM San Juan County Parks and Recreation Commission Report – Gil Blinn, Chair

After discussion, the following action took place:

Moved by Ms. Pratt, seconded by Mr. Myhr, to approve the 2010 Parks and Recreation Department Work Plan. ALL AYES, MOTION CARRIED

1:32 PM Continued Public Hearings and Deliberations

1. Comprehensive Plan **Water Element**

Moved by Ms. Pratt, seconded by Mr. Myhr, to remove the current Policy #4 in 4.2.E #4 and replace it with a new policy #4: “Discourage the withdrawal of water from agricultural resource lands for the purpose of transferring water to other property,

except where the water is put to beneficial use on other agricultural resource lands or further excepting where the water has been put to beneficial use prior to June 1, 2010, and excepting where the water transfer is authorized by the Department of Ecology.” 3-3 VOTE (Pratt, Myhr, Knapp AYES) (Fralick, Peterson, Rosenfeld OPPOSED)
MOTION NOT CARRIED

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to remove the current Policy #4 in 4.2.E and replace it with a new policy #4 that says: “Discourage the transfer of water from agricultural resource lands.” ALL AYES, MOTION CARRIED

Moved by Mr. Peterson, seconded by Mr. Myhr, to amend Policy #1.a of 4.2.E. Agricultural Water Use Goals and Policies to say: “Exempt well users should be encouraged to meter and record the amount of water allocated for that use.” ALL AYES, MOTION CARRIED

Moved by Mr. Peterson, seconded by Mr. Rosenfeld to include as #21 of General Policies of 4.2.A. the following: “Exempt well users should be encouraged to meter and record the amount of water allocated for that use.” All AYES, MOTION CARRIED

Moved by Mr. Peterson, seconded by Mr. Knapp, to change the wording on 4.2.B. Public Water Supply Goals and Policies, under Water Supply Development Policies, #2, to read: “recognizing the following:” ALL AYES, MOTION CARRIED

Moved by Mr. Peterson, seconded by Mr. Knapp, to eliminate the word “existing” from 4.2.B. Public Water Supply Goals and Policies, under Conservation policies #7.
MOTION WITHDRAWN

Moved by Mr. Peterson to remove from 4.2.C Stormwater Goals and Policies, in #2 under Policies, the sentence: “Allow off site discharge only as a last resort with mitigation.” NO SECOND, MOTION NOT CARRIED

Moved by Ms. Pratt, seconded by Mr. Knapp, under 4.2.E Agricultural Water Use Goals and Policies, Policies, to add a new Policy #5 as follows: “Develop regulations and policies that prohibit the transfer of water along public right of ways and across county-owned lands when such water has been withdrawn from agricultural resource lands, except when such water is put to beneficial use on other agricultural resource lands or lands within an urban growth area or activity center.” 2-3 VOTE (Pratt and Knapp AYES), (Fralick, Peterson, Rosenfeld OPPOSED) (Myhr abstained) MOTION NOT CARRIED

Moved by Mr. Peterson, seconded by Mr. Rosenfeld to Close the Public Hearing and Close Deliberations and Schedule this Matter as amended for a Final Vote on April 27, 2010 at 10:45 AM. ALL AYES, MOTION CARRIED

2. Comprehensive Plan UDC **Wireless Amendments**

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 to amend Title 18 of the San Juan County Code to include development regulations for personal wireless communication service facilities. After discussion, Mr. Fralick opened public testimony. The following provided testimony: Steve Ludwig, Patty Miller, Jerry Gonce, Michael Peterson, Dave Cable, Laura Gibbons. Mr. Fralick closed public testimony and reserved the right to re-open.

After deliberations, the following action took place:

Moved by Mr. Myhr, seconded by Ms. Pratt, to change on page 2 of 25 under D., #6 the following: “The transfer of the personal wireless regulations will may facilitate subsequent amendments that are desired to improve cell phone and other wireless service in the County.” 5-1 VOTE, (Peterson OPPOSED) MOTION CARRIED

Moved by Mr. Myhr, seconded by Ms. Pratt, to reinstate the language from the existing Subarea Plan on page 3 of 25 under New Section. Section 2 that begins: “This chapter is to identify possible locations...” 4-2 VOTE (Fralick and Peterson OPPOSED) MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Myhr, to reinstate the language from the existing Subarea Plan in the strikeout version to the draft ordinance, Section 4.L to include the words: and referred to as the “official map.” 2-4 VOTE (Knapp, Peterson, Fralick, Rosenfeld OPPOSED) MOTION NOT CARRIED

Moved by Mr. Myhr, seconded by Ms. Pratt, to reinstate the language from the existing Subarea Plan on page 6 of 18 in the strikeout version, Section 6.General requirements. A, to read “In those areas mapped as...” 2-4 VOTE (Knapp, Peterson, Fralick, Rosenfeld OPPOSED) MOTION NOT CARRIED

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to close the Public Hearing and Deliberations and Schedule this Matter for a Final Vote on April 27, 2010 at 10:45 am. ALL AYES, MOTION CARRIED

Mr. Myhr noted that it is important for the public to understand that moving the wireless communications regulations from the Comp Plan to the UDC does nothing to improve cell phone service at the present time.

3:00 PM PUBLIC HEARINGS AND DELIBERATIONS CONTINUED

3. To Consider An Ordinance Amending the Comprehensive Plan Element 3 and San Juan County Title 18 Relating to **Shoreline Essential Public Facilities** – Planning Coordinator Shireene Hale, Prosecuting Attorney Randall Gaylord, Deputy Prosecuting Attorney Jon Cain

Ms. Hale opened the discussion by providing two variations of the ordinance for Council review. After discussion, Mr. Fralick opened public testimony. The following provided testimony: Kyle Loring, Patty Miller, Pat McKay, Chris Clarke, Peter Eglick. Mr. Fralick closed public testimony and reserved the right to re-open.

After discussion, the following action took place:

Moved by Ms. Pratt, seconded by Mr. Knapp. to identify the Council request version of the ordinance as the preferred version. ALL AYES, MOTION CARRIED

Moved by Mr. Myhr, seconded by Ms. Pratt, to bring this matter forward for final vote on April 27, 2010, at 10:45 am. ALL AYES, MOTION CARRIED

4:10 PM COUNTY ADMINISTRATOR ITEMS:

1. Approval of Award of **2060 Low Income Housing** Grant – Affordable Housing Coordinator Angie Lausch

This item will be re-scheduled for another date and time.

4:15 PM EXECUTIVE SESSION: Pending Litigation and Real Property Acquisition

Council Chair Fralick announced that the Council would be holding an **executive session** estimated to last approximately 45 minutes to discuss:

1. Potential litigation pursuant to RCW 42.30.110 (1)(i).

AND

2. Real property acquisition pursuant to RCW 42.30.110(1)(b).

Present: Full Council, County Administrator Pete Rose, Prosecuting Attorney Randall Gaylord, Council Clerk Ingrid Gabriel, Auditor Milene Henley, Deputy Prosecuting Attorney Jon Cain, Associate Planner Lee McEnery, and Public Works Director Jon Shannon

At 5:00 PM, Mr. Fralick announced that the session would take an additional 10 minutes; at 5:10 PM Mr. Fralick added 10 minutes. The session ended at 5: 20 PM for a total executive session time of 1 hour and 5 minutes.

5:20 PM ADJOURN AND SIGN DOCUMENTATION

4/20/2010 9:42 AM

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

Richard Fralick, Chair
District 4, Orcas West/Waldron

ATTEST: Clerk of the Council

By: _____
Maureen See, Deputy Clerk

Lovel Pratt, Vice-Chair
District 1, San Juan South

Rich Peterson, Member
District 2, San Juan North

Howie Rosenfeld, Member
District 3, Friday Harbor

Gene Knapp, Member
District 5, Orcas East

Bob Myhr, Member
District 6, Lopez/Shaw