

**SAN JUAN COUNTY (SJC), WASHINGTON
SPECIAL MEETING MINUTES – EARLY START
COUNTY COUNCIL
June 26, 2012**

Tuesday, June 26, 2012 – Legislative Hearing Room, Friday Harbor, WA

SPECIAL MEETING

9:00 AM PUBLIC HEARINGS:

1. To adopt a Broadband/Emergency Services/Wireless Ordinance (continued from June 11) – Randall Gaylord, Prosecuting Attorney
Present: Full Council, Interim County Administrator Pro Tem Bob Jean, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

Ms. Miller opened the Public Hearing on Broadband/Emergency Services/Wireless Ordinance and turned the hearing over to Randall Gaylord, Prosecuting Attorney. Ms. Miller noted that public testimony was closed with the right to reopen. Mr. Gaylord reviewed suggested changes made by Shireene Hale, Planning Coordinator.

Moved by Mr. Peterson, seconded by Mr. Stephens, on page 50 of 89, in Table 3.2, under Personal Wireless Service Facilities (PWSF), change Yes or P to Yes. ALL AYES, MOTION CARRIED

Moved by Ms. Miller, seconded by Mr. Stephens, on page 71 of 89, letter “d” in the Table, change “conference” to “public meeting.” ALL AYES, MOTION CARRIED

Moved by Mr. Stephens, seconded by Ms. Pratt, on page 71 of 89 letter i. in the Table, to add an “x” under “Ground mounted.” ALL AYES, MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Peterson, on page 74 of 89, Section 24, D.2.a., to approve the language as drafted by the Prosecuting Attorney. VOTE: 5-0 (Miller abstained) MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, on page 76 of 89, under Section 24. D., a new I. Lighting, to read “To minimize visual impacts from lighted towers, towers may only be lighted when required by the Federal Aviation Administration.” MOTION WITHDRAWN

Moved by Ms. Pratt, seconded by Mr. Stephens, on page 4 of 89, under Background and Findings, under R., to add words “resource lands,” before “rural areas.” VOTE: 3-3 (Pratt, Rosenfeld, Stephens ayes) (Miller, Peterson, Fralick opposed) MOTION NOT CARRIED

Moved by Ms. Pratt, seconded by Mr. Stephens, on page 4 of 89, under R., to add the words “and private property” in the next to last sentence after “...views from public places.” Ms. Miller offered a friendly amendment to add the words “to minimize” instead of “little or no impact.” VOTE: 3-3 (Pratt, Rosenfeld, Stephens ayes) (Miller, Peterson, Fralick opposed) MOTION NOT CARRIED

Moved by Ms. Miller, seconded by Mr. Peterson, on page 4 of 89, under R., add words “have minimal impact” and add “and private property” to next to last sentence.
VOTE: 5-0 (Rosenfeld abstained) MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, on page 12 of 89, to amend definition of “Co-location” to say “...(1) increase the approved height of the wireless tower by more than the minimal amount required by Section 6409 of the Middle Class Tax Relief Act (2012).” ALL AYES, MOTION CARRIED

Moved by Ms. Miller, seconded by Mr. Peterson, on 42 of 89, under Commercial Uses to delete “Commercial communication facilities.” ALL AYES, MOTION CARRIED

Moved by Mr. Fralick, seconded by Mr. Peterson, to modify letter e. on page 75-76 of 89 to say “...on parcels of land 5 or more acres in size.” MOTION WITHDRAWN

Moved by Ms. Miller, seconded by Ms. Pratt, on page 72 of 89, under Required Submissions, to add a new t., “For co-location on existing facilities, a plan must show height of existing facility, proposed location on existing facility, and compliance with co-location requirements” and add an “x” in the Co-locations box. ALL AYES, MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, on page 73 of 89, D.1.e., to modify the second sentence and third sentence to read: “In rural areas, including lands designated Rural Farm Forest, the design must be in keeping with traditional rural construction and the facilities shall be camouflaged and/or disguised to blend with the surroundings. In lands designated Agricultural Resource, facilities shall minimize interference with agricultural uses and the open, uninterrupted viewsapes and shall be camouflaged and/or disguised to blend with the surroundings.” VOTE: 2-3 (Pratt, Rosenfeld ayes) (Peterson, Milller, Fralick opposed) (Stephens abstained) MOTION NOT CARRIED

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, on page 73 of 89, D.1.e., to amend the previous motion to add “when practicable” to the third sentence after “facilities” and before “shall” and in the fourth sentence after “shall” and before “be.” ALL AYES, MOTION CARRIED

Moved by Ms. Pratt, seconded by seconded by Mr. Rosenfeld, on page 75 of 89, D.4.d., Setbacks. include a new sentence “For Rural Industrial, Rural Commercial, Village Industrial, Village Commercial, Hamlet Industrial and Hamlet Commercial land use designations PWSF structures must be set back from property lines the height of the structure and antenna (the fall zone) plus 100 feet to allow for greater separation for aesthetic purposes. For all other land use designations...” ALL AYES, MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, on page 75 of 89, D.4.e., to include, “For all land use designations with the exception of Rural Industrial, Rural Commerical, Village Industrial, Village Commerical, Hamlet Industrial and Hamlet Commercial...”
VOTE: 5-1 (Stephens opposed) MOTION CARRIED

**Moved by Ms. Pratt, seconded by Mr. Rosenfeld, on page 75 of 89, D. 4.a.iii., to amend the language to say to remove "... or exceed the FCC emission standards."
ALL AYES, MOTION CARRIED**

Moved by Ms. Miller, on page 76 of 89, D.4.g., to replace words "co-location" with "...while allowing for at least three facilities" NO SECOND

Moved by Ms. Miller, seconded by Mr. Rosenfeld, on page 76 of 89, D.4.g. Height. to remove the words "...while allowing for co-location..." ALL AYES, MOTION CARRIED

Moved by Mr. Fralick, seconded by Mr. Peterson, to adopt an Ordinance regarding Wireless Facilities, and Commerical Communication Facilities amending San Juan County Code Chapter 18.20 and Sections 18.30.030; 18.30.040; 18.30.190; 18.30.310; 18.30.430; 18.40.100; 18.40.110; adding new Sections to SJCC 18.40 for Personal Wireless Service Facilities and Jont Use Wireless Facilities; Adopting the Personal Wire less Communications Facilities Location Preference Map and repealing portions of Ordinance 15-2010. ALL AYES,, MOTION CARRIED

~~9:30 AM DISCUSSION: Lodging Tax Promotions Request for Proposals (RFP)
Process and Timing Council~~

10:37 AM CALL TO ORDER – REGULAR MEETING

Excused Absences:

New Employee Introductions: Bob Jean introduced new intern Brenton Clark.
Auditor Milene Henley, introduced Brenda Thompson as the new Customer Specialist.

Approval of Minutes (June 11 and 12, 2012):

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to approve the Minutes of June 11, 2012. ALL AYES, MOTION CARRIED

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to approve the Minutes of June 12, 2012. ALL AYES, MOTION CARRIED

Approval of Consent Agenda for June 26, 2012:

A. Resolutions:

Ordinances:

B. Contracts/Agreements :

C. Budget Items:

The Auditor's office requests approval of the following expenditures:

- Warrants #111575-111598 in the amount of \$23,798.18 for Public Works
- Warrant #111599 in the amount of \$479.78 for Veteran's Assistance
- Warrants #111448-111574 in the amount of \$108,868.57 for County Claims
- Warrants #111634-111738 in the amount of \$121,310.05 for County Claims
- Warrants #111740-111790 in the amount of \$54,792.70 for Public Works
- Warrant #111739 in the amount of \$18,810.20 for Public Works

- Warrant #111629 in the amount of \$245,787.34 for Land Bank Jolley Closing
- EFT #06132012 in the amount of \$5,370.43 for Parks EFT
- Warrants #111630-111632 in the amount of \$1,890 for Veteran's Assistance
- EFT #06142012 in the amount of \$5,129.96 for Public Works Excise EFT

D. Personnel:

The appointment of Stan Matthews as Interim Temporary Deputy Director of County Administration with the proposed acting Administrator Pro Tem Chain of Command as follows: John Manning, Frank Mulcahy, Stan Matthews, Pamela Morais, and the Sheriff.

E. Appointments

F. Correspondence:

Historic Preservation Grant Award letter to Lopez Island Historical Society
Historic Preservation Grant Award letter to San Juan County Parks and Fair Department
Historic Preservation Grant Award letter to San Jun Historical Society and Museum
Historic Preservation Grant Award letter to Orcas Island Historical Society and Museum
Historic Preservation Grant Award regrets letter to San Juan County Auditor

G. Miscellaneous:

H. Bid Openings:

Moved by Mr. Rosenfeld, seconded by Mr. Peterson, to approve the Consent Agenda of June 26, 2012. ALL AYES, MOTION CARRIED

Approval of Correspondence:

Moved by Mr. Rosenfeld, seconded by Mr. Stephens, to approve a letter to the U.S Army Corps of Engineers requesting an Area-wide Environmental Impact Statement (AEIS) to address cumulative impacts of New Coal Terminals in the Pacific Northwest including the proposed Gateway Pacific Terminal. ALL AYES, MOTION CARRIED

PRESENTATION OF LETTER OF APPRECIATION: A letter was presented to King Fitch, upon his retirement as the Town of Friday Harbor Administrator, thanking him for his years of service.

Moved by Mr. Rosenfeld, seconded by Mr. Peterson, to approve a letter of appreciation to King Fitch. ALL AYES, MOTION CARRIED

Citizens Access: The following citizens offered comments: NONE

10:45 AM PUBLIC HEARINGS (continued):

2. To Approve 2012 Public Facilities Financing Assistance Grant Program (PFFAP) Recommendations - Bob Jean, Interim County Administrator Pro Tem

Present: Full Council, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

Mr. Jean reviewed the applications for the 2012 Public Facilities Financing Assistance Program and answered questions from the Council. Ms. Miller opened for public testimony and none was offered. Public Testimony was closed with the right to reopen. After discussion, the following action took place:

Moved by Mr. Fralick, seconded by Mr. Stephens , to award the 2012 Public Facilities Financing Assistance Program funds to: San Juan County Parks & Fair Department for the Marie Boe Building, \$6,000; San Juan County Parks & Fair Department to the fairgrounds division, \$15,900; San Juan County Parks & Fair Department to the Fairgrounds division, \$24,000; Port of Friday Harbor, \$84,288. ALL AYES, MOTION CARRIED

3. To Adopt an Ordinance for Approval of the Lopez Solid Waste Disposal District (LSWDD) Formation – Randall Gaylord, Prosecuting Attorney; Frank Mulcahy, Public Works Director
Present: Full Council, Interim County Administrator Pro Tem Bob Jean; Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

Mr. Gaylord reviewed the Ordinance and answered questions from the Council. Ms. Miller reopened for public testimony, and comments were offered by Neil Hanson, Sharon Kivisto. Public testimony was closed with the right to reopen. After discussion, the following action took place:

Moved by Mr. Stephens, seconded by Ms. Pratt, to adopt an Ordinance modifying the boundaries of the existing San Juan County Solid Waste Disposal District, establishing the Lopez Solid Waste Disposal District and amending Chapter 8.12 of the San Juan County Code. ALL AYES, MOTION CARRIED

11:18 AM 5. To adopt Parking Code Amendments – Rachel Dietzman, County Engineer; Jon Cain, Civil Deputy Prosecuting Attorney
Present: Full Council, Interim County Administrator Pro Tem Bob Jean; Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

Ms. Dietzman explained the ordinance regarding code amendments. Ms. Miller opened for public testimony, and none was offered. Public testimony was closed with the right to reopen. After discussion, the following action took place:

Moved by Mr. Stephens, seconded by Mr. Peterson, on page 3 of 5 in the Ordinance, under 10.28.015 Restricted Mooring Zone – Roche Harbor Resort, under A., to add language that says “Restricted to residents of the outer islands of Henry, Pearl, Stuart, Satellite, Johns, and Spieden.” VOTE: 4- 2 (Peterson, Stephens, Fralick, Rosenfeld ayes) (Miller, Pratt opposed) MOTION CARRIED

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, on page 2 of 5 under 10.16.040 Restricted parking zones, b., at the end of the first sentence “...and is limited to residents of the outer islands of Henry, Pearl, Stuart, Satellite, Johns, and Spieden.” ALL AYES, MOTION CARRIED

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to adopt the Ordinance regarding parking, amending San Juan County Code Sections 10.16.030, 10.16.040, 10.16.050,

10.16.060, 10.16.070 and 10.28.015 and repealing Sections 10.16.010 and 10.16.041. ALL AYES, MOTION CARRIED

11:51 AM Mr. Peterson left the meeting

11:51 AM **COUNTY ADMINISTRATOR ITEMS:**

1. Motion for Appointment of Lopez Solid Waste Disposal District (LSWDD) Members – Sandy Bishop, Lopez Island

Ms. Bishop named the six Candidates for the Lopez Solid Waste Disposal District as Dan Post, Bruce Creps, Neil Hanson, Larry Eppenbach, Page Read and Sandy Bishop and answered questions from the Council. After discussion, the following action took place:

Moved by Mr. Stephens, seconded by Mr. Rosenfeld, to appoint Sandy Bishop, Dan Post, Bruce Creps, Neil Hanson, Larry Eppenbach, Page Read as the Lopez Solid Waste Disposal District Managing Board Members. VOTE: 5-0 (Peterson excused), MOTION CARRIED

2. Motion to Appoint Orcas Site Selection Committee Member Alternate - Council

Moved by Ms. Miller, seconded by Mr. Rosenfeld, to appoint Lisa Byers as a alternate member to the Orcas Site Selection Committee to serve in the event that any primary member is unable to fulfill their obligations. VOTE: 5-0 (Peterson excused), MOTION CARRIED

11:55 AM 3. Motion to extend deadline on Orcas Request for Proposal (RFP) – Frank Mulcahy, Public Works Director

Mr. Mulcahy explained the extension for the Orcas RFP. After discussion, the following action took place:

Moved by Mr. Fralick, seconded by Mr. Stephens, to extend the required deadline for proposal submission under the Orcas RFP from July 9, 2012 to July 13, 2012 at 4:00 pm. ALL AYES, MOTION CARRIED

11:58 AM 4. Motion for Approval of a San Juan Island Site Request for Proposal (RFP) – Frank Mulcahy, Public Works Director; Steve Alexander, Solid Waste Manager

Mr. Mulcahy reviewed the criteria for the RFP and amendments made to the proposal. Mr. Mulcahy and Mr. Alexander answered questions from the Council.

12:06 PM 5. Consider an Ordinance to approve Lopez Solid Waste Disposal District (LSWDD) Budget (2nd Touch) – LSWDD Managing Board

This matter is scheduled for public hearing on July 24, at 10:15 am.

6. Consider a Resolution Calling for the Election of Property Tax for Lopez Solid Waste Disposal District (LSWDD) (1st Touch) – Randall Gaylord, Prosecuting Attorney

This matter is scheduled for public hearing on July 24, at 10:15 am.

Discussion followed on the handling of legacy costs by all three islands. Council agreed by consensus to allow staff to determine the formula for legacy costs.

12:50 PM RECESS FOR LUNCH

1:44 PM DISCUSSION: 2013 Program Budget Introduction – Bob Jean, Interim County Administrator Pro Tem

Mr. Jean gave a PowerPoint presentation on the 2013 Program Budget projections.

Moved by Ms. Pratt, seconded by Ms. Miller, to excuse Interim Administrator Pro Tem Bob Jean from the rest of today’s meeting. ALL AYES, MOTION CARRIED

2:58 PM PUBLIC HEARINGS CONTINUED:

6. To Adopt County Code 18.30 Updates Relating to Agricultural Sales, Recycling and Clarification of Terms, Regarding Amendment of San Juan County Code Sections 18.20, 18.30 and 18.40, and adding New

Section

to SJCC 18.30 (hearing continued from June 11 – Lee McEnergy, Planner II

Present: Full Council, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

Ms. McEnergy reviewed the areas on the amendments to Chapter 18.30 under consideration.

Moved by Ms. Pratt, seconded by Ms. Miller, to amend the definition of “Agricultural sales” to add a sentence that says “Agricultural sales can include the sale of agricultural promotional materials which shall be accessory to the sale of primary agricultural products.” ALL AYES, MOTION CARRIED

Moved by Ms. Pratt, seconded Ms. Miller, to remove the definition of farm stand and references to the term farm stands. ALL AYES, MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, on page 4 of 81, to change a word in the definition of “Agritourism” from “operations” to “activities.” ALL AYES, MOTION CARRIED

Moved by Mr. Stephens, seconded by Ms. Miller, on page 28 of 81, to add the words “of non compostable materials” after “Recycling collection/processing.” VOTE: 4-1 (Pratt opposed) (Fralick abstained) MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Peterson, on page 28 of 81, to delete the word “only” from the line “Recycling collection only.” MOTION WITHDRAWN

Moved by Ms. Pratt, seconded by Mr. Stephens, to continue this hearing to Tuesday, July 10 at 8:30 am. ALL AYES, MOTION CARRIED

5:20 PM Moved by Ms. Miller, seconded by Mr. Fralick, to appoint Tom Fiscus to the Orcas Island Library Board of Trustees. ALL AYES, MOTION CARRIED

5:21 PM ADJOURNED

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

These Minutes were approved and signed on July 10, 2012. The original document is retained in the Council’s permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.