

**SAN JUAN COUNTY (SJC), WASHINGTON
SPECIAL MEETING MINUTES – EARLY START
COUNTY COUNCIL
August 28, 2012**

Tuesday, August 28, 2012 – Legislative Hearing Room, Friday Harbor, WA

SPECIAL MEETING

9:01 AM PUBLIC HEARING (continued from August 7):

1. 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 – Lee McEnery, Planner III; Rene Beliveau, Director of Community Development and Planning

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, which is a Special Meeting continued from August 7 and stated that public testimony is closed with the right to reopen.

Ms. McEnery provided an updated version of the Ordinance.

The Council discussed the land uses and classification of uses on page 27 of 79.

Moved by Mr. Stephens, seconded by Mr. Fralick , to approve an Ordinance relating to land use designations and clarification of terms including provisions for Agricultural Sales and Recycling; amending San Juan County Code Sections 18.20.010, 18.20.030, 18.20.180, 18.30.010, 18.30.020, 18.30.030, 18.30.040, 18.30.050, 18.30.060, 18.30.070, 18.30.080, 18.30.090, 18.30.100, 18.30.170, 18.30.180, 18.30.190, 18.30.200, 18.30.210, 18.30.230, 18.30.290, 18.30.300, 18.30.310, 18.30.450, 18.30.020; and adding a new Section to SJCC Chapter 18.30 listing activity center plans; and repealing SJCC Sections 18.30.240 and 18.40.340, as amended. VOTE: 5-1 (Peterson opposed), MOTION CARRIED

Ms. Pratt stated that she will support the motion but objects to the allowance for “Recycling collection only” in Rural Residential and Rural Farm Forest land use designations as a Provisional/Conditional use given that it is inconsistent with the Comprehensive Plan.

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, that this Council go on record in support of Consignment Treasures to achieve Essential Public Facilities status. ALL AYES, MOTION CARRIED

9:52 AM Special Meeting Adjourned

10:03 AM CALL TO ORDER – REGULAR MEETING

Excused Absences: none

New Employee Introductions: none

Citizens Access: The following citizens offered comments: Francine Shaw, Janet Alderton, Marc Forlenza

10:13 AM Recess

10:18 AM PUBLIC HEARINGS CONTINUED (Council deliberations on Critical Area Ordinance):

2. To Adopt a San Juan County Solid and Hazardous Waste Management Plan - Public Works Director Frank Mulcahy, Elizabeth Anderson, Solid Waste Planner; Ed Hale, Utilities Manager; Jon Cain, 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

Mr. Hale and Ms. Anderson explained the updates to the Plan and answered questions from the Council. Mr. Cain answered questions from the Council.

Ms. Miller opened public testimony and no comments were offered. Public testimony was closed with the right to reopen.

Moved by Mr. Fralick, seconded by Mr. Stephens, to continue the public hearing to September 11, 2012 at 10:15 am, and to include the recommendations provided by staff. ALL AYES, MOTION CARRIED

3. To Adopt the Wetlands Section of the Critical Area Ordinance (CAO) (continued from August 21) – Shireene Hale, Planning Coordinator; Jon Cain, 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. Hale explained the most recent changes and comments on the Ordinance. She referred to her memorandum of August 27 indicating significant issues and potential options.

Moved Ms. Pratt, seconded by Mr. Fralick, to confirm Council's direction to update CAO Wetlands Section of the Critical Areas Ordinance (CAO) with a medium risk to wetlands. ALL AYES, MOTION CARRIED

Minimum Size Threshold for Regulated Wetlands:

Moved by Ms Pratt, seconded by Mr. Rosenfeld, on page 41 of 65, to amend B. Minimum Size Thresholds for Regulated Wetlands, by putting the recommended alternative language on page 5 of 65 under VI. c. VOTE 4-2 (Peterson, Miller opposed) MOTION CARRIED

Moved by Ms. Miller, seconded by Mr. Peterson, on page 41 of 65, under 18.30.150 Wetlands. Section B. Minimum Size Thresholds for Regulated Wetlands., to remove the last sentence beginning with (“Note:...”) and place it in the appropriate section determined by staff. ALL AYES, MOTION CARRIED

12:00 PM LUNCH RECESS

1:00 PM PUBLIC HEARINGS continued

Consultant Dr. Paul Adamus joined the meeting by telephone.

Green Development Option:

Moved by Ms. Pratt, on page 49 of 65, Step 5. Green Development Option., to include a new b. “Agreement to limit the use and amount of all fertilizers and other soil amendments.” NO SECOND

Moved by Ms. Pratt, on page 49 of 65, Table 3.5, Step 5. Green Development Option., to add at end of the second sentence: “...and the property owner is required to enroll in the green development current use taxation program if available.” NO SECOND

Habitat Component of Buffers:

Moved by Ms. Pratt, seconded by Mr. Stephens, to approve Dr. Adamus’ Habitat Buffer Alternative “A.” VOTE: 3-1 (Peterson opposed) (Fralick and Miller abstained) MOTION NOT CARRIED

Moved by Ms. Miller, seconded by Mr. Peterson, on page 39 of 65, to remove the words “but are not limited to” from the Wetlands functions and values definition. ALL AYES, MOTION CARRIED

Moved by Ms. Pratt, seconded by Ms. Miller, on page 53 of 65, f., to the sentence beginning with “BMPs must be described in a farm management plan or other comprehensive agriculture management document” add the following language “prepared and/or approved by Washington State University (WSU) Extension, the Conservation District or other appropriate agency.” ALL AYES, MOTION CARRIED

Moved by Ms. Pratt, seconded by Ms. Miller, on page 55 of 65, Table 3.8, 6. Road and Trail Crossings, b., to include “trails and walkways.” VOTE: 4-2 (Peterson, Fralick opposed) MOTION CARRIED

Moved by Ms. Miller, seconded by Ms. Pratt, on page 55 of 65, Table 3.8, to delete “u” from the activity list. ALL AYES, MOTION CARRIED

Moved by Ms. Miller, seconded by Mr. Rosenfeld, on page 55 of 65, Table 3.8, w., to add the following “Provided no practicable alternatives exist,” to beginning of sentence. ALL AYES, MOTION CARRIED

Moved by Mr. Fralick, seconded by Mr. Stephens, to continue the public hearing on the adoption of the Wetlands Section of the Critical Areas Ordinance (CAO) to September 11, 2012 at 9:00 am. ALL AYES, MOTION CARRIED

3:58 PM

4. To Adopt the Uplands Fish and Wildlife Habitat Conservation Areas (FWHCA) Section and Marine Fish and Wildlife Habitat Conservation Areas Section of the Critical Area Ordinance (CAO) (continued from August 21) – Shireene Hale, Planning Coordinator; Jon Cain, 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. Miller opened the public hearing which was continued from August 21.

Moved by Mr. Fralick, seconded by Mr. Stephens, to continue the public hearing on the Uplands Fish and Wildlife Habitat Conservation Areas Section and Marine Fish and Wildlife Habitat Conservation Areas Section of the Critical Areas Ordinance (CAO) to September 11, 2012 at 9:00 am. ALL AYES, MOTION CARRIED

4:01 PM

DISCUSSION and ACTION: Award Lodging Tax Facilities Grants (public comment accepted) – Jamie Stephens, LTAC Chair and Council Member

Mr. Stephens reviewed the process followed by the Lodging Tax Advisory Committee (LTAC) recommendations for 2013 Facilities grant funds.

Public comments were offered by: Ann Palmer, Johannes Krieger (written comment read), Rick Hughes

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to approve the recommendations from the Lodging Tax Advisory Committee for the following applicants the 2013 and add the 5% reduction back to the designated grantees:

Lopez Island Chamber	\$6,500
Orcas Island Ed. Foundation Cider Fest	1,500
San Juan County Fairgrounds	47,500
Orcas Island Farmer’s Market	3,000
San Juan County Arts Council	1,000
Lopez, Orcas & San Juan Historical Museums	63,000
Orcas, Lopez & San Juan Performing Arts Centers	82,200
Orcas Island Chamber – Trash Facilities	8,000
Orcas Island Chamber – Youth Film Makers	9,000
San Juan County Parks	133,000
San Juan Island Museum of Art & Sculpture	5,000
The Triple Ripple Trail Running Festival	1,000
Agricultural Resources Committee	<u>6,000</u>
Total	\$366,700

ALL AYES, MOTION CARRIED

Moved by Ms. Pratt to allocate \$3,500 to the San Juan County Parks to be credited to Orcas Island Farmer's Market rental fees, and \$4,500 to the San Juan Islands Agricultural Guild. NO SECOND

Moved by Ms. Miller, seconded by Mr. Stephens, to ask the Lodging Tax Advisory Committee (LTAC) to evaluate when and if additional fund allocations should be granted, and that LTAC give more specific analysis of their recommendations and alignment with their priorities. ALL AYES, MOTION CARRIED

Approval of Minutes (July 23, 2012 and July 24, 2012 and August 21, 2012):

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to approve the Minutes of July 23, 2012. ALL AYES, MOTION CARRIED

Moved by Mr. Peterson, seconded by Mr. Stephens, to approve the Minutes of July 24, 2012. ALL AYES, MOTION CARRIED

Moved by Mr. Stephens, seconded by Mr. Peterson, to approve the Minutes of August 21, 2012. ALL AYES, MOTION CARRIED

Approval of Consent Agenda for August 28, 2012:

- A. Resolutions:
- B. Ordinances
- C. Contracts/Agreements :
- D. Budget Items:
 - The Auditor's office requests approval of the following expenditures:
 - Warrants #114473-114515 in the amount of \$109,426.48 for Public Works
 - Warrants #114367-114472 in the amount of \$183,197.38 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 August 21, 2012. ALL AYES, MOTION CARRIED

Approval of Correspondence:

Moved by Mr. Rosenfeld, seconded by Ms. Pratt, to approve a letter of thanks to Dave Remagen upon his retirement for his service to Washington State Ferries. ALL AYES, MOTION CARRIED (copy to David Moseley)

4:00 PM

COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:

Legislative Priorities: Ms. Pratt reported on the revised draft Resolution Regarding Legislative Priorities for the 2013 Legislative Session’s Exhibit A. Ms. Pratt also reported on her August 24th meeting with Nicole Marie Teutschel, Senator Cantwell’s advisor on ocean issues. They reviewed the Council’s 2012 federal legislative priorities; discussed oil spills issues with Brendan Cowan, SJC Department of Emergency Management Director, and Julie Knight, Islands’ Oil Spill Association Director; and toured the UW Friday Harbor Labs with Director Ken Sebens.

Ferries/FAC/Intermodal: Mr. Rosenfeld reported that the Reservation Community Partnership Group has been selected by Washington State Ferries (WSF). Notifications to those selected will go out by WSF and notifications to those not selected will be done by the FAC. After that is done the list will be released. There will be a meeting on Wednesday with Dave Remagen regarding schedules and his retirement. FAC is trying to make sure the details on the schedules are not lost while having to do the schedules over 6 months in advance. The next FAC meeting is scheduled for September 19, at the Orcas Landing Meeting Room beginning at 9:30 am.

Budget Subcommittee: Mr. Fralick had nothing to report at this time.

General Government Subcommittee: Mr. Peterson had nothing to report at this time.

Solid Waste Subcommittee: Ms. Miller commented on the Resolution needed to pass the Solid and Hazardous Waste Management Plan.

Moved by Ms. Miller, seconded by Mr. Fralick, to appoint Rich Peterson to the San Juan Island Site Vendor Selection Committee. ALL AYES, MOTION CARRIED

Additional Updates and Discussion items:

Ms. Pratt and Mr. Peterson gave a report on the Accountability Oversight Committee (AOC). The new Puget Sound Partnership Director Anthony Wright was in attendance. Puget Sound Champion awards were presented at the meeting to three San Juan County employees: Brian Rader, SJC Pollution Prevention Specialist; Barbara Rosenkotter, SJC Lead Entity Coordinator, and the San Juan Technical Advisory Group; and Shann Weston, SJC Beach Watchers Program Coordinator.

Mr. Stephens reported that LTAC reviewed the promotional RFP last week.

Mr. Rosenfeld reported that there was a problem on the interisland ferry yesterday, and asked if more information would have helped.

Mr. Peterson reported on a conversation with Vince Dauciunas regarding OPALCO’s progress on broadband.

4:45 PM CLERK UPDATE & ADMINISTRATIVE MATTERS:

Ms. Gabriel reminded the Council that the next meeting is scheduled for September 11 and the Special Meeting will start at 9:00 am. There will be a Special Meeting on September 20.

Ms. See stated that there is no committee report this week.

Review Council Calendar Items:

Mr. Fralick will be at a Salmon Recovery Council Meeting on September 27.

4:54 PM ADJOURNED

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

These Minutes were approved and signed on September 11, 2012. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.