

**SAN JUAN COUNTY (SJC), WASHINGTON
SPECIAL MEETING MINUTES – EARLY START
COUNTY COUNCIL
October 9, 2012**

Tuesday, October 9, 2012 – Legislative Hearing Room, Friday Harbor, WA

8:46 AM SPECIAL MEETING AGENDA

Ms. Miller opened the special meeting.

Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to excuse Bob Jean from today's proceedings. ALL AYES, MOTION CARRIED

PUBLIC HEARINGS (continued from September 25, 2012)

1. To adopt an Ordinance Regarding Critical Area Regulations for Wetlands, Amending San Juan County Code Sections 18.10.040, 18.20.010, 18.20.020, 18.20.040, 18.20.080, 18.20.090, 18.20.120, 18.20.130, 18.20.140, 18.20.170, 18.20.180, 18.20.190, 18.20.200, 18.20.230, 18.30.150, and 18.60.170; and repealing appendices A-C of SJCC 18.30.150 - Shireene Hale, Planning Coordinator; Jon Cain, Deputy Prosecuting Attorney

Present: Full Council, County Administrator Pro Tem Stan Matthews, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See

Ms. Miller opened the public hearing which was continued from September 25, 2012.

Ms. Miller suggested discussion begin with the definitions section on page 18 of 70.

Moved by Mr. Stephens, seconded by Mr. Rosenfeld, on page 24, to change the definition of bog to the new language as listed and remove the words "within which any portion has." ALL AYES, MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to include a new definition of pond as recommended by Dr. Adamus in the Wetland Section 18.30.150. ALL AYES, MOTION CARRIED

Moved by Mr. Peterson, seconded by Mr. Stephens, to change, on page 29 of 70, the words "non woody vegetation" to "predominately grass that is regularly maintained at a height of 6" or less." VOTE: 5-0 (Pratt Abstained), MOTION CARRIED

Moved by Mr. Stephens, seconded by Mr. Rosenfeld, on page 30 of 70, to accept changes made by staff on "Mature forested wetland" and to remove the words "...of another tree" and substitute "other similar sized trees." ALL AYES, MOTION CARRIED

Moved by Mr. Rosenfeld, seconded by Mr. Stephens, to accept recommendation from Staff on page 33 and to remove Big Head Sedge and the Northwestern Salamander from "Rare species wetland." ALL AYES, MOTION CARRIED

The Council agreed by consensus to language previously changed on page 33 of 70 under 1. Wetlands, “... has obtained wetlands permits or worked for a qualified wetlands professional who has obtained wetland permits...”

Moved by Mr. Fralick, seconded by Mr. Rosenfeld, on page 33 of 70, under 1. Wetlands, to read as follows, “...to delineate a wetland, and has obtained wetland permits, or worked for a qualified wetlands professional who has obtained wetland permits...”
VOTE: 4-1 (Peterson opposed) (Miller abstained), MOTION CARRIED

Moved by Ms. Miller, seconded by Mr. Peterson, on page 36 or 70, to add under Section 12., “Salmonid watershed wetland” with the words “...and in the same watershed as the portion of the marine...” and replace 300 ft with the top end of the medium water sensitivity wetland buffers. VOTE: 5-0 (Pratt abstained) MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Stephens, on page 36 of 70, to accept the staff recommendations on “Scrub shrub wetland,” and “Shorelands” on page 37 of 70.
VOTE: 4-0 (Peterson, Miller abstained) MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Stephens, on page 39 of 70, to accept staff recommendations on the definition of “Stream.” ALL AYES, MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Stephens, on page 42 of 70, to accept staff recommendations for “Wetland Mosaic.” ALL AYES, MOTION CARRIED

Council agreed by consensus that on page 42 of 70 the definition of “Wetland functions and values” was previously edited.

Moved Ms. Miller, seconded by Mr. Peterson, on page 42 of 70, to remove “See definition of “no net loss” from the functions and values definition. ALL AYES, MOTION CARRIED

Moved by Ms. Miller, seconded by Mr. Peterson, on page 44 of 70, to remove the first paragraph beginning with the words “Various sections of these regulations...” ALL AYES, MOTION CARRIED

Moved by Mr. Stephens, seconded by Ms. Miller, page 45 of 70, to remove “rare species wetland” from Water Quality-Sensitivity Rating and Habitat Importance-Sensitivity Rating, and on page 33 of 70, remove the definition of “Rare species wetland” under 18.20.180 “R” definitions and move them to the Fish and Wildlife Habitat Conservation Areas Section, and direct staff to develop a finding explaining how we have protected the rare species associated with these wetlands. ALL AYES, MOTION CARRIED

Moved by Mr. Fralick, seconded by Ms. Miller, on page 7 of 70 in letter s., not to accept the staff recommendations to remove the word “Sensitivity.” WITHDRAWN

Moved by Ms. Pratt, seconded by Mr. Fralick, on page 7 of 70, on letter s., to accept staff recommendation on removal of the word “Sensitivity” in all areas of the Wetlands

Section with the exception of the Water Quality-Sensitivity Rating Section and Habitat Importance-Sensitivity Rating Section. ALL AYES, MOTION CARRIED

Moved by Ms. Miller, seconded by Ms. Pratt, on page 51 of 70, Step 3. Wetland Type and Water Quality-Sensitivity Rating, to add the wetland types in this section. WITHDRAWN

Moved by Ms. Miller, seconded by Ms. Pratt, on page 45 of 70, modify section B. Wetland Type., by listing the types of wetlands and their associated definitions, and add a new C. Wetlands Rating. VOTE: 5-0 (Fralick abstained), MOTION CARRIED

Moved by Ms. Miller, seconded by Ms. Pratt, to direct staff to modify Step 3 on page 51 to incorporate the changes in the previous motion. ALL AYES, MOTION CARRIED

Moved by Ms. Miller, seconded by Mr. Peterson, on page 51 of 70, Step 4. first paragraph, to remove all of the wording after "...Factor." VOTE: 5-0 (Stephens abstained) MOTION CARRIED

Moved by Ms. Miller, seconded by Mr. Peterson, on page 51 of 70, in Step 4, to add the words "Identify the flow path" at the beginning of the letter "i." ALL AYES, MOTION CARRIED

Moved by Ms. Miller, seconded by Mr. Rosenfeld, on page 52 of 70, to add a sentence under Base Stormwater Discharge Factors, "Applicants should submit proposals for base storm water discharge factor reductions to the Department for approval." ALL AYES, MOTION CARRIED

Moved by Ms. Miller, seconded by Mr. Rosenfeld, on page 53 of 70, on Table 3.3 to change "Undisturbed, naturally rocky areas" to Undisturbed natural bedrock areas. ALL AYES, MOTION CARRIED

Moved by Mr. Rosenfeld, seconded by Ms. Miller, on page 53 of 70, Table 3.3, to not accept staff recommendation to change the Stormwater Discharge Factor for roofs to .85 and leave it at .75 ALL AYES, MOTION CARRIED

Moved by Ms. Miller, seconded by Mr. Peterson, on page 53 of 70, to remove ponds from the list on Stormwater Discharge Factor by Surface Type. VOTE 5-0 (Pratt abstained), MOTION CARRIED

Moved by Ms. Miller, seconded by Mr. Fralick, on page 54 of 70, Step 5. Green Development Option., to remove everything beginning with "At a minimum required practices..." ALL AYES, MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to add items A through D on the Green Development Option proposed in Ms. Hale's Memorandum of September 28, 2012. MOTION WITHDRAWN

Moved by Ms. Miller, seconded by Mr. Fralick, from Ms. Hale's Memorandum of September 28, 2012, to adopt letter A as stated, modify letter B to read "To use the

Green Development Option, the property owner agrees that a Notice to Title will be recorded as part of the permit approval,” letter C as presented with the following amendments: add the word “and” at end of C#2, in C#3 add the words “and built” after “...designed...”, in C#4 modify the sentence to say “The portions of the driveway draining to the wetland must be covered with gravel, permeable pavement or permeable concrete to minimize erosion, rutting and tracking of mud.” Also, direct staff to propose modified language to C#1 relating to the release of chemicals. VOTE: 5-1 (Peterson opposed) MOTION CARRIED

11:30 AM RECESS FOR LUNCH

12:36 PM RESUME PUBLIC HEARINGS

Moved by Ms. Miller, seconded by Ms. Pratt, on 54 of 70, Step 7., modify the language to say “For all wetland types, apply the Composite Stormwater Discharge Factor from Table 3.5, to the Water Quality-Sensitivity Buffer Table 3.6 to determine the required size of buffer. If the wetland type is a bog, use the greater of 200 feet or the value from Table 3.6 to obtain the required buffer size.” ALL AYES, MOTION CARRIED

Moved by Ms. Miller, seconded by Mr. Rosenfeld, on page 55 of 70, [to request staff to prepare a modified](#) Table 3.6 to have the Composite Stormwater Discharge Factor for flow path for Low Water Quality Sensitivity Rating for normal at 60% removal, remove the Green Development Option under Low Water Quality Sensitivity Rating, for Medium Water Quality Sensitivity Rating normal at 65% removal and Green Development Option at 60%, under High Water Quality Sensitivity Rating for normal at 70%, and 65% for Green Development Option, and provide any comments and concerns regarding the modified table. ALL AYES, MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, on page 56 of 70, Tree Protection Zone, to approve staff’s recommendation for the dictionary definition of tree, and direct staff to come back with a re-wording of the definition. ALL AYES, MOTION CARRIED

Moved Mr. Fralick, seconded by Ms. Pratt, to continue this public hearing on the Wetlands Section of the Critical Areas Ordinance to October 16, 2012 at 8:45 am. ALL AYES, MOTION CARRIED

1:21 PM 2. Uplands Fish and Wildlife Habitat Conservation Areas Section and Marine Fish and Wildlife Habitat Conservation Areas, (FWHCA) amending San Juan County Code Sections 18.10.040, 18.20.101, 18.20.080, 18.20.110, 18.20.140, 18.20.170, 18.20.190, 18.20.230 and 18.30.160 – Shireene Hale, Planning Coordinator; Jon Cain, Deputy Prosecuting Attorney
Present: Full Council, Administrator Pro Tem Bob Jean, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See

Ms. Miller opened the public hearing which was continued from September 25.

Moved Mr. Fralick, seconded by Mr. Rosenfeld, to continue this public hearing on the Fish and Wildlife Section of the Critical Areas Ordinance to October 16, 2012 at 8:45 am. ALL AYES, MOTION CARRIED

1:23 PM **DISCUSSION:** Status of Ordinances Regarding Critical Area Regulations for Geologically Hazardous Areas and Frequently Flooded Areas and General Section of the Critical Area Ordinance (CAO) – Shireene Hale, Planning Coordinator; Jon Cain, Deputy Prosecuting Attorney

Ms. Hale asked the Council for approval to prepare the final drafts of the two Ordinances for the Consistency Hearing.

Moved by Ms. Miller, seconded by Ms. Pratt, to direct staff to prepare final versions for the consistency hearings for the Geological Hazardous Areas and Frequently Flooded Areas and the General Section of the Critical Areas Ordinance. ALL AYES, MOTION CARRIED

1:33 PM **REGULAR MEETING AGENDA – CALL TO ORDER**

Approval of Minutes (September 25, 2012)

Moved by Ms. Pratt, seconded by Mr. Stephens, to approve the Minutes of September 25, 2012. ALL AYES, MOTION CARRIED

Approval of Consent Agenda:

- A. Resolutions:
- B. Ordinances
- C. Contracts/Agreements :
- D. Budget Items:
 - The Auditor's office requests approval of the following expenditures:
 - Warrants 116373-116403 in the amount of \$42,580.77 for Public Works Claims
 - Warrants #116311-116372 in the amount of \$72,778.89 for County Claims
- D. Personnel
- E. Appointments
- F. Correspondence:
- G. Miscellaneous:
- H. Bid Openings:

Moved by Mr. Fralick, seconded by Mr. Stephens, to approve the Consent Agenda for October 9, 2012. ALL AYES, MOTION CARRIED

Approval of Correspondence: none

Citizen's Access: Public comments were offered by: Jane Cable, Sam Buck, Marc Florenza, Bill Wright, Sharon Kivisto, Boyd Pratt, Maddie Schroeder, Fiona Sutherland, Norm Wietting, Cynthia Start-Wickman

1:53 PM **ACTION:** Review Lodging Tax Advisory Committee (LTAC) Recommendation and Select Vendor for Promotion Contract Negotiations
- Jamie Stephens, LTAC Chair

Mr. Stephens reviewed the recommendations made by LTAC regarding the Lodging Tax Promotions Fund.

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to ask staff to begin negotiations with San Juan Islands Visitors Bureau (SJIVB) as the destination marketing organization for the lodging tax promotional funds with the following inclusions as part of the contract: 1. the contract draft should be similar to the existing contract, 2. add a requirement for a semi-annual activity and budget report to the Lodging Tax Advisory Committee (LTAC) and the Council and provide that these reports will be considered in deciding whether to exercise the contract “off-ramp.”, 3. the contract should include language that outlines how the SJIVB will work with the recipients of the facilities 2%, 4. that it be a five year contract. ALL AYES, MOTION CARRIED

2:15 PM DISCUSSION: Reconsideration of 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 – Council

The Council asked Mr. Gaylord for instructions regarding reconsideration of an adopted ordinance. The Council opened discussion on the scope of what is being reconsidered.

Moved by Ms. Pratt, seconded by Mr. Peterson, to amend Table 3.2 Allowable and Prohibited Uses in Rural, Resource, and Special Land Use Designations, under Industrial Uses: Change “Recycling collection only under RR and RFF from “P/C” to “N”; Add a footnote to the “N” in the RFF category for Recycling Collection/Processing which states “Except properties with existing legal CUPs for recycling centers may apply for a new CUP to expand the allowable uses to include a recycling drop off point.” VOTE: 5-1 (Miller opposed) MOTION CARRIED

Moved by Mr. Stephens, seconded by Mr. Rosenfeld, to leave reconsideration of code amendments open until a public hearing can be held on October 30 at 8:45 am. ALL AYES, MOTION CARRIED

2:45 PM DISCUSSION: Bond Sale Ordinance (2nd Touch) – Jan Sears, Treasurer; Milene Henley, Auditor

Ms. Henley explained the multi-purpose general bond obligation issue. Ms. Henley and Ms. Sears answered questions from the Council. After discussion, the following action took place:

Moved by Mr. Fralick, seconded by Mr. Peterson, to schedule a public hearing on Monday, October 15, 2012, at 8:45 am, to consider adoption of an Ordinance authorizing the issuance and sale of limited tax general obligation and refunding bonds of the County in an aggregate principal amount not to exceed \$5,800,000, for the purposes of financing capital improvements and the acquisition of land; providing for the refunding of certain outstanding bonds of the county; providing for the annual levy of taxes to pay the principal of and interest on the bonds; and delegating certain authority to the County Administrator Pro Tem in connection with the sale; this motion includes an 8

year repayment plan for Odlin Park; the amount of this bond is to fund the five projects listed in the Auditor’s report at the recommended amounts. ALL AYES, MOTION CARRIED

3:09 PM **DISCUSSION:** Update on Contract Negotiations for Orcas Transfer Site Operator – Frank Mulcahy, Director Public Works; Ed Hale, Utilities Manager

Mr. Hale provided an update on the contract negotiations. Mr. Hale and Mr. Mulcahy answered questions from the Council.

3:55 PM **EXECUTIVE SESSION:** Pursuant to RCW 42.30.110(1)(d) To review negotiations on the Performance of Publicly Bid Contracts – Frank Mulcahy, Director of Public Works

At 3:55 PM, Ms. Miller announced that the Council would be holding an **executive session** pursuant to RCW 42.30.110(1)(d) to review negotiations on the Performance of Publicly Bid Contracts estimated to last approximately 20 minutes. Present: Council, Prosecuting Attorney Randall Gaylord, Acting Deputy County Administrator Pro Tem Stan Matthews, Public Works Director Frank Mulcahy, Utility Manager Ed Hale and Council Clerk Ingrid Gabriel.

The session ended at 4:40 for a total executive session time of 45 minutes. Sm Gabriel stepped out of the hearing room and announced to the public that the executive hearing had ended.

No action was taken.

Ms. Miller called the regular session back to order.

4:45 PM **EXECUTIVE SESSION:** To discuss Evaluation of the Performance of a Public Employee pursuant to RCW 42.30.110 (1)(g) – Pamela Morais, Human Resource Manager

At 4:40 PM, Council Chair Miller announced that the Council would be holding an **executive session** to evaluate the performance of a public employee, pursuant to RCW 42.30.110 (1)(g) estimated to last approximately 20 minutes. Present: Full Council, Acting Deputy County Administrator Pro Tem Stan Matthews, Human Resources Manager Pamela Morais, Prosecuting Attorney Randall Gaylord and Council Clerk Ingrid Gabriel.

The session ended at 5:30 PM for a total executive session time of 45 minutes.

Ms. Gabriel stepped out of the hearing room and announced to the public that the executive session had ended.

No Action was taken.

Ms. Miller called the regular Council meeting back into regular session and adjourned the meeting at 5:30 PM.

5:30 PM ADJOURNED

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

These Minutes were approved and signed on October 30, 2012. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.