

**SAN JUAN COUNTY (SJC), WASHINGTON**  
**SPECIAL MEETING MINUTES**  
**COUNTY COUNCIL**  
**March 22, 2011**

Tuesday, March 22, 2011 - Council Hearing Room, Legislative Building, Friday Harbor

**EARLY START**

**9:02 AM                    CALL TO ORDER**

Council Chair Lovel Pratt called the meeting to order at 9:02 a.m. Council Members present: Howard (Howie) Rosenfeld, Rich Peterson, Richard Fralick, Jamie Stephens, and Patty Miller; County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public were present.

**Executive Session:** Evaluation of the Performance of a Public Employee pursuant to RCW 42.30.110(1)(g)

At 9:05 AM, Council Chair Pratt 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 30 minutes. Present: Full Council and County Administrator Pete Rose. The session ended at 9:48 AM for a total executive session time of 43 minutes. Mr. Rose stepped out of the hearing room and announced that the executive session had ended.

**No Action was taken and the regular meeting was called back into session.**

**9:43 AM                    DISCUSSION:** Acquisition and Condemnation of Road Right-of-Way – Karen Vedder, Deputy Prosecuting Attorney

Ms. Vedder advised the Council on the evolution of road improvement projects from acquisition to condemnation.

**10:00 AM                    BREAK**

**10:04 AM                    CALL TO ORDER (continued)**

**Flag Salute**

Ms. Pratt reminded the public that video recordings of Council meetings held in the Council Legislative Hearing Room are available for on-line viewing via live-streaming on the day of the meeting and can be viewed the following day on the Council website. The current video and three months of prior videos can be accessed by going to the San Juan County website [www.sanjuanco.com](http://www.sanjuanco.com) and selecting the County Council tab.

**New Employee Introductions:** John Van Lund introduced Rachel Deitzman, the new County Engineer beginning on April 29. Mr. Rose introduced Russ Harvey as interim Public Works Director beginning in April.

**Citizens Access:** The following citizens submitted comments: Michael Durland, Tim Blanchard

**Approval of Correspondence:** none

**10:20 AM PUBLIC HEARING:**

1. To Consider an Ordinance Referring Board of Health (BOH) Appeals to Hearing Examiner – Karen Vedder, Deputy Prosecuting Attorney  
**Present:** Full Council; County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

Ms. Vedder provided background information regarding the proposed Ordinance which would allow appeals of decisions made by the Health Officer to go to the Hearing Examiner. Ms. Vedder informed the Council that the Board of Health passed Ordinance 7-2011 on March 16 approving the matter.

Ms. Pratt opened for public testimony, and no comments were offered. Public testimony was closed with the right to reopen. After discussion, the following action took place:

**Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to approve an Ordinance Giving the Hearing Examiner the Authority to Hear Appeals from Health Office Decisions as Provided in San Juan County Code 8.22. ALL AYES, MOTION CARRIED**

2. To Consider an Ordinance Adopting an Agreement Revising the Municipal Boundary Between San Juan County and the Town of Friday Harbor – Karen Vedder, Deputy Prosecuting Attorney  
**Present:** Full Council, County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

Ms. Vedder explained the proposed Ordinance that would revise the municipal boundary between the Town of Friday Harbor and San Juan County. The Town approved the agreement on March 17, 2011.

Ms. Pratt opened for public testimony. No comments were offered. Public testimony was closed with the right to reopen. After discussion, the following action took place:

**Moved by Mr. Rosenfeld, seconded by Mr. Peterson, to approve an Ordinance adopting an Agreement Revising the Municipal Boundary between the Town of Friday Harbor and San Juan County. ALL AYES, MOTION CARRIED**

3. To Consider a Proposed Ordinance Regarding Essential Public Facilities Amending San Juan County Code Sections 18.20.050 and 18.30.050, and Amending Ordinance 2-2010 § 4 (uncodified) (**Continued from March 8**) – Shireene Hale, Planning Coordinator; Jon Cain, Deputy Prosecuting Attorney  
**Present:** Full Council, County Administrator Pete Rose, Clerk to the

Deputy

Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

Mr. Cain reiterated that the proposed changes were in response to an order from the Growth Management Board and establishes provisions that will allow for essential public facilities. The proposed Ordinance makes changes to the San Juan County Code.

Ms. Pratt reminded Council that public testimony was opened on March 8, and closed with the right to reopen. After discussion, the following action took place:

**Moved by Mr. Fralick, seconded by Ms. Miller, to reopen the tabled motion made on March 8, regarding the language on page 7 of 13, #3.c.ii, to remove the sentence “The priority for the protection of critical areas and resource lands and the principle of no net loss.” VOTE: 5:1 (Pratt opposed) MOTION CARRIED TO REOPEN THE TABLED MOTION**

**Moved by Ms. Miller, seconded by Mr. Fralick, to remove the sentence “The priority for the protection of critical areas and resource lands and the principle of no net loss” from potential sites on page 7 of 13, #3.c.ii of the Ordinance reviewed on March 8. VOTE: 3 AYES (Miller, Fralick, Peterson) 3 NAYS (Pratt, Rosenfeld, Stephens) MOTION NOT CARRIED**

**Moved by Ms. Miller, seconded by Mr. Peterson, to change section E.3.c.ii, page 6 of 14, to say “The priority for the protection of resource lands.” ALL AYES, MOTION CARRIED**

Mr. Rosenfeld left the room at 11:21 to receive a telephone call on ferry issues.

**Moved by Mr. Fralick, seconded by Mr. Stephens, to approve staff alternate page 1, under G. VOTE: 5-0 (Rosenfeld absent), MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Mr. Stephens, to approve staff alternate under E.1, page 5 of 14. VOTE: 5-0 (Rosenfeld absent), MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Mr. Stephens, to approve staff alternate for E.3, page 6 of 14. VOTE: 5-0 (Rosenfeld absent), MOTION CARRIED**

Mr. Rosenfeld rejoined the meeting at 11:25.

**Moved by Mr. Fralick, seconded by Mr. Stephens, to approve staff alternate for E.3.c, page 6 of 14. VOTE: 5-0 (Rosenfeld abstained), MOTION CARRIED**

**Moved by Ms. Pratt, seconded by Mr. Stephens, to consider a new #ix criteria on page 7 of 14 that says “Sites designated as resource lands shall not be considered.” VOTE: 2-4 (Fralick, Peterson, Miller, Rosenfeld opposed) MOTION NOT CARRIED**

**Moved by Mr. Fralick, seconded by Mr. Stephens, to approve staff alternate on page 7 of 14 correcting typo by replacing “rezoned” with “redesignated.” ALL AYES, MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Mr. Stephens, to approve staff alternate for E.3.d. on page 7 of 14. ALL AYES, MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to change “methodology” to “criteria” in 3.h, page 7 of 14. ALL AYES, MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Mr. Peterson, to approve staff alternate of deleting D.12 on page 9 of 14. VOTE: 5-1 (Pratt opposed), MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to adopt an Ordinance regarding Essential Public Facilities; Amending San Juan County Code Sections 18.20.050, 18.30.050 and 18.80.190, as amended. ALL AYES, MOTION CARRIED**

**11:30 AM DISCUSSION: Parking Lot Document – Council**

Council discussed next steps for various topics. Council agreed that any revisions needed would be submitted by March 29.

**12:00 PM LUNCH RECESS**

**1:01 PM COUNTY ADMINISTRATOR ITEMS:**

1. Consideration of an Ordinance Regarding Administrative Appeals of Land Use Decisions and SEPA Determinations; Amending San Juan County Code Sections 18.20.010, 18.70.050, 18.70.070, 18.70.080, 18.20.010, 18.80.100, 18.80.130, 18.80.140, 18.80.160, 18.80.170 and 18.90.060 (2<sup>nd</sup> Touch) – Colin Maycock, Senior Planner

Mr. Maycock explained the reasons for the amendments to the Chapter 18 updates. The amendments will allow the Council to hear appeals on the Hearing Examiner’s Land Use Decisions and SEPA determinations, and reflect the San Juan County Home Rule Charter.

2. FEMA Workshop Report – Rene Beliveau, Director Community Development and Planning; Jon Cain, Deputy Prosecuting Attorney

Mr. Beliveau recapped a meeting that he and Mr. Cain recently attended entitled “Demystifying National Flood Insurance Program with Endangered Species Act.” Mr. Cain provided a PowerPoint presentation on the FEMA response to Biological Opinion (BiOp).

3. To Consider Adopting a Resolution re: Interfund Loan for Odlin Park Renovation Project – Dona Wuthnow, Parks Recreation & Fair Director

Ms. Wuthnow explained a proposed resolution that would approve an inter-fund loan from the

ER&R Fund to the Parks & Fair fund to provide bridge funding for construction on the Odlin Park Renovation Project.

After discussion, the following action took place:

**Moved by Mr. Stephens, seconded by Mr. Rosenfeld, to adopt a Resolution Authorizing an Inter-fund loan from the ER&R to the Parks and Fair Fund in the amount of \$350,000. VOTE: 5-0 (Miller Abstained), MOTION CARRIED**

Ms. Miller requested future agenda time to discuss the ER&R Fund. Council agreed by consensus.

**2:00 PM                      DISCUSSION: Advisory Boards, Committees and Commissions**

Based on the discussion, Ms. Pratt volunteered to draft revisions to the policy regarding Council appointments to advisory boards, committees and commissions; Ms. Miller volunteered to draft the job responsibilities for the Chairs of advisory boards, committees and commissions.

**3:17 PM                      Additional Updates & Discussion Items:**

1. Retreat Outcome Documents (2<sup>nd</sup> Touch)

**Moved by Mr. Peterson, seconded by Mr. Stephens, to approve these documents as outcome documents from the retreat. ALL AYES MOTION CARRIED**

2. Rules of Procedure

This document will be kept in binders as a reference.

**3:30 PM                      CLERK UPDATE & ADMINISTRATIVE MATTERS**

Ms. Gabriel reminded Council there will be a workshop on March 28, and a regular meeting on Lopez Island on March 29. The next available date for a public hearing is April 12, 2011.

Ms. See will schedule an interview for a Solid Waste Advisory Committee applicant with Mr. Stephens, Ms. Miller, and Mr. Peterson.

**Review and Approve Minutes of March 8, 2011:**

**Moved by Mr. Fralick, seconded by Mr. Stephens, to approve the minutes of March 8, 2011. ALL AYES MOTION CARRIED**

**Review Agendas:** Ms. Pratt asked for early start on Tuesday, April 12 at 9:00 am for an Executive Session.

**Review and Approve Consent Agenda:**

**A. Resolutions:**

Resolution Calling for an Election for a Charter Review Commission and Setting the Number of Commissioners

Reimbursement Resolution for Local Option Capital Asset Lending Program

**Ordinances:**

**B. Contracts/Agreements:**

**C. Budget Items:**

The Auditor's office requests approval for the following warrants:

- Warrants #91721-91724 in the amount of \$2,783.45 for Veteran's Assistance
- Warrants #91881-91953 in the amount of \$50,122.47 for County Claims
- Warrants #91954-91994 in the amount of \$24,873.05 for Public Works
- Warrants #92217-92278 in the amount of \$100,105.65 for Public Works
- EFT #03092011 in the amount of \$386.68 for Parks EFT
- Warrants #92078-92216 in the amount of \$95,113.887 for County Claims
- Interfund Transfers for month of February 2011
- Payroll expenditures for the pay period ending 2/21/11

**D. Personnel:**

**E. Appointments**

**F. Correspondence:**

**G. Miscellaneous:**

**H. Bid Openings:**

**Moved by Mr. Fralick, seconded by Mr. Stephens, to approve the Consent Agenda of March 22, 2011. VOTE: 5-0 (Miller abstained), MOTION CARRIED**

**Review Council Calendar Items:**

Mr. Peterson reported he will be unable to attend the Ecosystem Coordination Board meeting on April 1 and 2. Mr. Rosenfeld volunteered to attend.

Mr. Peterson is having a community meeting on April 9 at Roche Harbor Pavilion.

**3:48 PM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:**

**Legislative Priorities:**

Ms. Miller requested a discussion of SB 5451 relating to shoreline structures. Some Council members requested further clarification of the bill. Mr. Stephens volunteered to follow up by contacting Senator Ranker.

**Ferries/FAC/Intermodal:** Mr. Rosenfeld reported that the draft summer schedule is posted, and approximately 100 comments were received, and Washington State Ferries is trying to accommodate requests. The House has come out with a Transportation budget which contains some of the cuts previously proposed by the Governor, including adding two additional months to the winter schedule. This will impact us as there will be no interisland service on the weekends, and no international service to Sydney for the additional eight weeks. The Senate Transportation budget will be in later this week, and will likely include a \$25 ferry increase.

**Budget Subcommittee:** Mr. Fralick reported that the committee is working on program based budgeting schemes, and they hope to have a work plan to the Council in April.

**General Government Subcommittee:** Mr. Peterson introduced the resolution Government to clarify the relationship and approval process between the Land Bank Commissioners and the County.

1. Land Bank Conveyance Process Resolution (2<sup>nd</sup> Touch) Public Comment accepted  
Lincoln Bormann, Land Bank Director

Opportunity for Public Comment was opened; none was offered. Mr. Bormann answered questions from the Council.

**Moved by Mr. Fralick, seconded by Mr. Peterson, to place the Resolution regarding the methods for Council Approval of San Juan County Land Bank Acquisitions on the Consent Agenda for March 29, 2011. ALL AYES, MOTION CARRIED**

2. General Government Subcommittee Annual Work Plan Review (2<sup>nd</sup> Touch)

**Moved by Mr. Fralick, seconded by Mr. Stephens to approve the workplan of the General Government Subcommittee. ALL AYES, MOTION CARRIED**

**Solid Waste Subcommittee:** Ms. Miller reported that there will be a Solid Waste Workshop next Monday, March 28.

Mr. Fralick reported on the Orcas Town Hall Meeting that he and Ms. Miller organized.

Mr. Peterson reported that the letter the Council sent to the Department of Corrections regarding the relocation of a Level II sex offender to San Juan Island helped achieve a positive outcome for our community. Ms. Pratt reported on the meeting the San Juan Island Council members, Sheriff Rob Nou and Randy Gaylord had with Assistant Secretary Anmarie Aylward from the Department of Corrections.

Discussion followed on a letter received from Jerome Moss re: renaming McNeil Island to Avalon.

**5:00 PM                    ADJOURN AND SIGN DOCUMENTATION**

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COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON

These Minutes were approved and signed on March 29, 2011. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.