

**SAN JUAN COUNTY (SJC), WASHINGTON**  
**MEETING MINUTES**  
**COUNTY COUNCIL**  
**August 9, 2011**

Tuesday, August 9, 2011 - Council Hearing Room, Legislative Building, Friday Harbor

**10:00 AM CALL TO ORDER**

Council Chair Lovel Pratt called the meeting to order at 10:00 a.m. Council Members present: Howard (Howie) Rosenfeld, Rich Peterson, Richard Fralick, Patty Miller and Jamie Stephens; County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public were present.

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.

**Citizens Access:** The following citizen submitted comment: Tim Blanchard

**Approval of Correspondence:**

**Moved by Mr. Fralick, seconded by Ms. Miller, to approve a letter in support for Eastsound Water Users Association's (EWUA) 2011 USDA Rural Development Funding Application. ALL AYES, MOTION CARRIED**

Ms. Pratt announced that the order of the public hearings would be changed to accommodate ferry riders.

Ms. Pratt requested that the Council review Ordinance 21-2001 and discuss the Council's rules of procedure for public hearings. Randall Gaylord, Prosecuting Attorney, provided advice. The Council agreed by consensus to have the Chair announce at the start of all hearings that copies of the Council's rules of procedure for public hearings are available on the entrance table. The Council also agreed by consensus on a script for opening quasi-judicial hearings. The Council referred the Council's rules of procedure for public hearings to the General Government Subcommittee for further review and recommendations.

**10:15 AM PUBLIC HEARINGS:**

1. To Consider a Current Use Farm and Ag Conservation Land Application #POPNSP-11-0002 (Knapp) – Julie Thompson, Community Development & Planning, Planner III

**Present:** Full Council, County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

Ms. Pratt stated that the Council would conduct a quasi-judicial hearing to which the Appearance of Fairness Doctrine applies. She asked if any Council Member knew of any reason that would require such Member to be excused pursuant to the Appearance of Fairness Doctrine. Chair Pratt then asked if any member of the public knew of any reason that would

require any Council Member to be excused pursuant to the Appearance of Fairness Doctrine. She then asked that citizens present intending to testify stand and raise their right hands, and after doing so, she asked if all who intend to testify affirm or swear to tell the truth.

Chair Pratt stated that the Council's rules of procedure for public hearings are available on the entrance table.

Ms. Thompson reviewed the recommendations from the Planning Commission on the application. Ms. Pratt opened for public testimony, and comments were offered by Jeff Otis. 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 a Current Use Farm and Agriculture Conservation Land Application #POPNSP-11-0002 (Knapp). ALL AYES, MOTION CARRIED**

2. To Consider a Current Use Timber Application PTOSOP-11-0001 (Knapp) – Julie Thompson, Community Development & Planning, Planner III

**Present:** Full Council, County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

Ms. Pratt stated that the Council would conduct a quasi-judicial hearing to which the Appearance of Fairness Doctrine applies. She asked if any Council Member knew of any reason which would require such Member to be excused pursuant to the Appearance of Fairness Doctrine. Chair Pratt then asked if any member of the public knew of any reason that would require any Council Member to be excused pursuant to the Appearance of Fairness Doctrine. She then asked that citizens present intending to testify stand and raise their right hands, and after doing so, she asked if all who intend to testify affirm or swear to tell the truth.

Ms. Pratt stated that the Council's rules of procedure for public hearings are available on the entrance table.

Ms. Thompson reviewed the recommendations of the Planning Commission on the application. Ms. Pratt opened for public testimony, and comments were offered by Jeff Otis.

Ms. Pratt closed public testimony with the right to reopen. After discussion, the following action took place:

**Moved by Mr. Fralick, seconded by Ms. Miller, to approve a Current Use Timber Application #PTOSOP-11-0001 (Knapp). ALL AYES, MOTION CARRIED,**

3. Current Use Application #POPNSP-11-0001 (Clark) – Julie Thompson, Community Development & Planning, Planner III

**Present:** Full Council, County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

Ms. Pratt stated that the Council would conduct a quasi-judicial hearing to which the Appearance of Fairness Doctrine applies. She asked if any Council Member knew of any reason which would require such Member to be excused pursuant to the Appearance of Fairness Doctrine. Chair Pratt then asked if any member of the public knew of any reason that would require any Council Member to be excused pursuant to the Appearance of Fairness Doctrine. She then asked that citizens present intending to testify stand and raise their right hands, and after doing so, she asked if all who intend to testify affirm or swear to tell the truth.

Ms. Pratt stated that the Council's rules of procedure for public hearings are available on the entrance table.

Ms. Thompson reviewed the recommendations of the Planning Commission on the application. 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. Stephens, to approve the Current use application #POPNSP-11-0001 (Clark). ALL AYES, MOTION CARRIED**

4. Solid Waste User Charge Ordinance – Randall Gaylord, 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

Mr. Gaylord reviewed the changes to the Solid Waste User Charge Ordinance. Ms. Pratt opened for public testimony, and comments were offered by: Brent Snow. Public testimony was closed with the right to reopen. After discussion, the following action took place:

**Moved by Ms. Miller, seconded by Mr. Rosenfeld, to continue this hearing until 1:00 today. ALL AYES, MOTION CARRIED**

5. To Consider Adoption of the 2011-2016 Amended Six-Year Transportation Improvement Plan (TIP) – Rachel Dietzman, County Engineer

**Present:** Full Council, County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

Ms. Pratt stated that the Council's rules of procedure for public hearings are available on the entrance table.

Ms. Dietzman reviewed the amendments to the TIP. 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. Stephens, to adopt a Resolution approving the Second Revision to the Six-Year Transportation Improvement Program for 2011 to 2016. ALL AYES, MOTION CARRIED**

6. To Consider Adoption of the 2012 to 2017 Six-Year Transportation Plan (TIP) – Rachel Dietzman, County Engineer  
**Present:** Full Council, County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

Ms. Pratt stated that the Council's rules of procedures for public hearings are available on the entrance table.

Ms. Dietzman reviewed the changes to the 2012 to 2017 Six-Year Transportation Plan (TIP). Ms. Pratt opened for public testimony, and comments were offered by: Larry Soll, Nancy DeVaux, Tim Blanchard, Dave Zeretske, Sharon Kivisto. Public testimony was closed with the right to reopen. After discussion, the following action took place:

**Moved by Mr. Fralick, seconded by Mr. Peterson, to adopt the Resolution approving the Six-Year Transportation Improvement Program for 2012 to 2017. ALL AYES, MOTION CARRIED**

7. Community Development Block Grant for Development of an Affordable Housing Action Plan – John Manning, Director Health & Community Services  
**Present:** Full Council, County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

Ms. Pratt stated that the Council's rules of procedure for public hearings are available on the entrance table.

Mr. Manning explained that San Juan County was awarded a Community Development Block Grant (CDBG) Planning-Only Grant with the Town of Friday Harbor to develop an Affordable Housing Action Plan. This public hearing was a requirement to close out this grant. Ms. Pratt opened for public testimony, and comments were offered by Nancy DeVaux. Public testimony was closed with the right to reopen.

Ms. Pratt expressed thanks and appreciation to the Housing Solutions Group for their ongoing work.

Ms. Miller said she hoped that the Housing Coordinator position will be continued because it is an important resource.

**12:34 PM RECESS FOR LUNCH**

**1:02 PM COUNTY ADMINISTRATOR ITEMS & POSSIBLE CONTINUED PUBLIC HEARINGS:**

**Continued Public Hearing on the Ordinance Regarding Solid Waste Charge for Management of Solid Waste:**

Mr. Gaylord continued reviewing changes made to the Ordinance. After discussion, the following action took place:

**Moved by Ms. Miller, seconded by Mr. Stephens, to approve the Solid Waste User Charge Ordinance for Management of Solid Waste as amended. ALL AYES, MOTION CARRIED**

1. 2012 Lodging Tax Facilities Program Awards – Rich Peterson

**Moved by Mr. Stephens, seconded by Mr. Rosenfeld, to alter the LTAC recommendations for the 2012 Lodging Tax Facilities Grant Proposals as follows: San Juan Islands Performing Arts Centers \$82,200, Islands Historic Museums \$63,000, San Juan County Fair Division \$47,500, San Juan County Parks Department \$133,000, Agricultural Resources Committee \$6,000, Lopez Chamber of Commerce \$6,500, San Juan Islands Agricultural Guild \$5,300, Orcas Island Farmer’s Market \$6,500. VOTE: 5-1 (Miller opposed), MOTION CARRIED**

2. 2011 Budget amendment (1<sup>st</sup> Touch) – Pete Rose, County Administrator

Mr. Rose provided an overview of the 2011 Budget status including revenue changes and expenditure changes.

By consensus, the Council agreed to remove a \$17,936 reduction from the Community Development & Planning budget to allow staff to continue working on the Critical Areas Ordinance.

**2:37 PM** Critical Area Ordinance (CAO) Regulations Update and Public Participation Plan – Shireene Hale, Planning Coordinator

After discussion, the following action took place:

**Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to accept public comment at final review and modification for consistency followed by simultaneous adoption on January 10, 2012. VOTE: 3-3 (Pratt, Miller, Fralick opposed) MOTION NOT CARRIED**

**Moved Mr. Fralick, seconded by Ms. Miller, to accept public comment on modifications for consistency of the entire Critical Areas Ordinance on January 10, 2012 or at final review. ALL AYES, MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Ms. Miller, to adopt a Resolution Updating the Critical Areas Review Schedule and Public Participation Plan and Repealing Resolution 26-2010 as modified. ALL AYES, MOTION CARRIED**

**3:27 PM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:**

**Ferries/FAC/Intermodal:** Mr. Rosenfeld asked the Council if they would be interested in joining the FAC comments to the Washington State Transportation Commission on the proposed fare increases. Council agreed to defer comment to the FAC.

**Additional Updates & Discussion Items:**

1. Review Council Retreat Notes and Draft 2012 Priorities – Pratt

Council discussed the draft 2012 San Juan County Council Priorities (Notes from 7-25-2011 Council Retreat) and the draft 2012 Workplan.

2. Accountability Oversight Committee (AOC) July 29 Meeting Report – Pratt, Peterson

Ms. Pratt and Mr. Peterson reported on three actions taken at the AOC meeting that did not receive specific pre-approval from the Council:

1. The signing of a letter of support for the San Juan County Health & Community Services Pathogen Prevention, Reduction and Control grant application to EPA,
2. The AOC thanked the Tulalip Tribe for the \$15,000 that will be provided to San Juan County towards the work of the Local Integrating Organization (LIO),
3. Given the additional \$15,000, the AOC approved the LIO Coordinator position at 30 hrs. per week.

By consensus, the Council agreed with these AOC actions.

Ms. Pratt reported on the AOC discussion about treaty rights as property rights. Ms. Pratt noted that property rights are a major topic of discussion with regard to SJC's update of the CAO and SMP and the Code Enforcement Ordinance, but that the community's discussion about property rights has, so far, not included treaty rights.

3. Salmon Recovery Council July 28 Meeting Report – Fralick

Mr. Fralick reported on the July 28 meeting, and described the white paper information shared at the meeting. The emphasis of information is on habitat, hatchery and harvest. There has been some success since the 23 Chinook salmon species was listed, but not much success in sparing habitat degradation. The next meeting is in September.

**4:30 PM CLERK UPDATE & ADMINISTRATIVE MATTERS:**

Ms. Miller asked about the progress of video conferencing and suggested September 20<sup>th</sup> as a potential date for a trial run.

Ms. Gabriel reminded Council that the next meeting would be August 16 with Special Meeting early start at 8:45 am.

Ms. See gave a committee report. After discussion, the following action took place:

**Moved by Ms. Pratt, seconded by Mr. Stephens, to appoint Roger Ellison to the Agricultural Resources Committee. ALL AYES, MOTION CARRIED**

**Moved by Mr. Stephens, seconded by Mr. Rosenfeld , to reappoint Sara Jones to the Agricultural Resources Committee. ALL AYES, MOTION CARRIED**

**Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to appoint Steve Marler to the Building Advisory Council. ALL AYES, MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Ms. Miller, to reappoint Gulliver Rankin to the Eastsound Planning Review Committee. ALL AYES, MOTION CARRIED**

**Moved by Ms. Miller, seconded by Mr. Fralick, to reappoint Teri Williams to the Eastsound Planning Review Committee. ALL AYES, MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Ms. Miller, to reappoint Fred Klein to the Eastsound Planning Review Committee. ALL AYES, MOTION CARRIED**

**Moved by Ms. Miller, seconded by Mr. Fralick, to appoint Ted Grossman to the Eastsound Planning Review Committee. ALL AYES, MOTION CARRIED**

**Review and Approve Minutes of July 25 and July 26, 2011:**

**Moved by Mr. Rosenfeld, seconded by Mr. Stephens, to approve the Minutes of July 25, 2011. ALL AYES, MOTION CARRIED**

**Moved by Mr. Rosenfeld, seconded by Mr. Stephens, to approve the Minutes of July 26, 2011. ALL AYES, MOTION CARRIED**

**Review Agendas:**

Mr. Peterson would like to give a report on the Ecosystem Coordinating Board August 16 under Additional Discussion Items.

Video conferencing will be a feature on the Redistricting Committee Report on September 20.

All elected and administrative department heads as identified by the County administrator will be invited to the September 12 Workshop which is to be renamed "Introduction of 2012 General Fund Budget and Setting Strategies & Priorities."

**3:33 PM      Review and Approve Consent Agenda:**

**A. Resolutions:**

A Resolution Directing Partial Refund of Property Taxes for Henry Island Enclave

A Resolution granting Buffum Current Use Timber Classification Application No. 09TOS001 on Lopez Island

**Ordinances:**

**B. Contracts/Agreements:**

**C. Budget Items:**

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

- Warrants #98215-98318 in the amount of \$185,163.81 for County Claims
- Warrants #98319-98354 in the amount of \$255,955.70 for Public Works
- Warrant #98362 in the amount of \$56.59 for Elections
- Warrant #98356 in the amount of \$100 for Veteran's Assistance
- EFT #07252011 in the amount of \$5,291.55 for Public Works Excise
- Warrants #98553-98589 in the amount of \$127,101.27 for Public Works
- Warrant #98452 in the amount of \$250 for Veteran's Assistance
- Warrants #98482-98552 in the amount \$172,976.29 for County Claims

**D. Personnel:**

**E. Appointments**

**F. Correspondence:**

**G. Miscellaneous:**

**H. Bid Openings:**

**Moved by Mr. Stephens, seconded by Mr. Rosenfeld, to approve the Consent Agenda of August 9, 2011. ALL AYES, MOTION CARRIED; VOTE 5 AYES, (Miller abstained from the Buffum Timber Current Use), MOTION CARRIED**

**Council Calendar Items: none**

**4:57 PM**

**ADJOURN AND SIGN DOCUMENTATON**

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**COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON**

**These Minutes were approved and signed on August 16, 2011. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.**