

**SAN JUAN COUNTY (SJC), WASHINGTON**  
**MEETING MINUTES**  
**COUNTY COUNCIL**  
**September 13, 2011**

Tuesday, September 13, 2011 - Council Hearing Room, Legislative Building, Friday Harbor

**SPECIAL MEETING – EARLY START**

**8:45 AM**                    **DISCUSSION:** Frequently Flooded and GeoHazard Areas Sections of the Critical Areas Ordinance (1<sup>st</sup> Touch) – Janice Biletnikoff, Planner III; Jon Cain, Deputy Prosecuting Attorney

Ms. Biletnikoff and Mr. Cain answered questions from the Council.

**Moved by Ms. Miller, seconded by Mr. Fralick, to direct staff to remove three sections that reference essential public facilities, 18.30.120.B.1.b and 18.30.120.B.2a and 18.30.130.B.2. All AYES. MOTION CARRIED.**

**Moved by Ms. Miller, seconded by Mr. Fralick, to direct staff to add “for purposes of this section” to the beginning of 18.30.120.D. ALL AYES. MOTION CARRIED.**

**9:19 AM**                    **RECESS**

**9:29 AM**                    **COUNTY ADMINISTRATOR ITEMS:**

1. San Juan Island Visitors Bureau 2012 Marketing Plan and Budget – Deborah Hopkins, Executive Director

Mr. Rose introduced the discussion as an annual event that fulfills contractual requirements. Ms. Hopkins presented the Destination Marketing & Visitor Services Plan and Budget. After discussion, the following action took place:

**Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to approve the San Juan Island Visitors Bureau 2012 Destination Marketing & Visitor Services Plan & Budget. ALL AYES, MOTION CARRIED**

2. Review of Shaw Island Park Playfield Development Proposal (2<sup>nd</sup> Touch) – Dona Wuthnow, Director Parks & Recreation Department

Mr. Rose introduced the history of the Shaw Park proposal. Ms. Wuthnow gave background information on the proposal for a ball field development at Shaw County Park, which would require modification by the Council on the approved Shaw Park Master Plan. No decision is requested at this time. There was consensus by the Council to place this matter on the September 27 Agenda for the meeting on Orcas Island.

**10:14 AM**                    **REGULAR MEETING - CALL TO ORDER**

Council Chair Lovel Pratt called the meeting to order at 10:14 pm. Council Members present: Howard (Howie) Rosenfeld, Richard Fralick, Patty Miller, Rich Peterson, 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. Ms. Pratt asked the audience to please turn off the bell tone on cell phones.

**Approval of Minutes:**

**Moved by Mr. Peterson, seconded by Mr. Stephens, to approve the Minutes of August 30, 2011. ALL AYES, MOTION CARRIED**

**Approval of Consent Agenda:**

**A. Resolutions:**

- A Resolution Granting Knapp Timber Current Use Classification Application No. PTOSOP-11-0001 Farm and Agriculture Conservation Land on Orcas Island
- A Resolution Granting the Knapp Family Limited Trust Open Space Classification, File No. POPNSP-0002, Orcas Island

**Ordinances:**

**B. Contracts/Agreements :**

**C. Budget Items:**

- Warrant #99881 - 99918 County claims in the amount of \$159,053.18
- Warrant #99919 - 99944 Public Works claims in the amount of \$95,517.71
- Warrant #99945 Public Works claim in the amount of \$3,099.74
- Payroll expenditures for pay period ending 8/24/2011

**D. Personnel:**

**E. Appointments**

**F. Correspondence:**

**G. Miscellaneous:**

**H. Bid Openings:**

**Moved by Ms. Miller, seconded by Mr. Stephens, to approve the Consent Agenda of September 13, 2011. ALL AYES, MOTION CARRIED**

**Approval of Correspondence: none**

Ms. Pratt announced that there will be video conferencing for the September 20 meeting with Orcas and Lopez Islands (the Libraries) to allow citizens to give public comment.

**Citizens Access:** The following citizens submitted comment: Janet Alderton, Kyle Loring, Bill Wright

**10:29 PM**

**PUBLIC HEARINGS:**

1. To Consider an Ordinance Amending Ordinance 29-2010, Ordinance 12-2011, Ordinance 13-2011, Ordinance 14-2011, and Ordinance 17-2011 by Revising the San Juan County 2011 Budget for Supplemental Appropriations – Pete Rose, County Administrator, David Kelly, Deputy Director

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

Mr. Rose reviewed the proposed Ordinance to amend the 2011 Budget, and answered questions from the Council. 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 Ms. Miller, seconded by Mr. Stephens, to adopt an Ordinance amending Ordinance 29-2010, Ordinance 12-2011, Ordinance 13-2011, Ordinance 14-2011, and Ordinance 17-2011 by Revising the San Juan County 2011 Budget for Supplemental Appropriations. ALL AYES, MOTION CARRIED (PLEASE REFER TO LINES 370-378)**

2. To Consider an Ordinance Amending Ordinance 29-2010, Ordinance 12-2011, Ordinance 12-2011, Ordinance 14-2011 and Ordinance 17-2011 by Revising the San Juan County 2011 Budget for Emergency Appropriations – Pete Rose, County Administrator, David Kelly, Deputy Director

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

Mr. Rose reviewed the proposed Ordinance amending the 2011 Budget for Emergency Appropriations, and answered questions from the Council. 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. Peterson, to continue this Hearing until 11:00 this morning. ALL AYES, MOTION CARRIED**

3. Farm and Agricultural Conservation Land Current Use Application No. POPNSP-10-0001 (Desermeaux) – Julie Thompson, 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 Desermeaux current use application and the recommendations from the Planning Commission. 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. Stephens, seconded by Mr. Fralick, to approve the Farm and Agricultural Conservation Land Current Use Application POPNSP-10-0001 (Desermeaux). ALL AYES, MOTION CARRIED**

4. To Consider an Open Space Farm and Agricultural Conservation Land Current Use Application No. POPNSP-11-0003 (Young) – Julie Thompson, 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 Young Open Space Farm and Agricultural Conservation Land Current Use Application, and the recommendations from the Planning Commission. 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. Stephens, seconded by Mr. Rosenfeld, to approve the Open Space Farm and Agricultural Conservation Land Current Use Application No. POPNSP-11-0003 (Young). ALL AYES, MOTION CARRIED**

5. To Consider a Farm and Agricultural Conservation Land Current Use Application POPNSP-11-0004 (Ericksen) – Julie Thompson, 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 Open Space Farm and Agricultural Land Current Use application, and recommendations from the Planning Commission. Ms. Pratt opened for public testimony, and no comments were offered by. Public testimony was closed with the right to reopen. After discussion, the following action took place:

**Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to approve and Open Space Farm and Agricultural Conservation Land Use application No. POPNSP-11-0004 (Ericksen). ALL AYES, MOTION CARRIED**

6. To Consider an Open Space Farm and Agricultural Conservation Land Current Use Application No. POPNSP-11-0005 (Quetin) – Julie Thompson, 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 Open Space Farm and Agricultural Conservation Land Current Use application, and the recommendations from the Planning Commission. 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. Stephens, seconded by Mr. Rosenfeld, to approve an Open Space Farm and Agricultural Conservation Land Current Use Application No. POPNSP-11-0005 (Quetin). ALL AYES, MOTION CARRIED**

7. To Consider an Open Space Farm and Agricultural Conservation Land Current Use Application No. POPNSP-11-0006 (Hein) – Julie Thompson, 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 Open Space Farm and Agricultural Conservation Land Current Use application, and the recommendations from the Planning Commission. 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 move this hearing till 11:25 am.  
ALL AYES, MOTION CARRIED**

Ms. Pratt reopened the second public hearing to consider an Ordinance Amending Ordinance 29-2010, Ordinance 12-2011, Ordinance 13-2011, Ordinance 14-2011, and Ordinance 17-2011 by Revising the San Juan County 2011 Budget for Emergency Appropriations.

Mr. Rose offered clarification of the amendment of numbers on Exhibit A and Exhibit B.

**Moved by Mr. Fralick, seconded by Mr. Peterson, to adopt an Ordinance Amending Ordinance 29-2010, Ordinance 12-2011, Ordinance 13-2011, Ordinance 14-2011, and Ordinance 17-2011 by Revising the San Juan County 2011 Budget for Emergency Appropriations as changed. ALL AYES, MOTION CARRIED**

**11:26 AM**

Ms. Pratt reopened the public hearing on the Open Space Farm and Agricultural Conservation Land Current use Application No. POPNSP-11-0006 (Hein). After discussion, the following action took place:

**Moved by Mr. Stephens, seconded by Mr. Rosenfeld, to approve an Open Space Farm and Agricultural Conservation Land Current Use Application No. POPNSP-11-0006 (Hein). ALL AYES, MOTION CARRIED**

Mr. Rose opened discussion on the Council's questions regarding current use applications.

**11:40 PM EXECUTIVE SESSION:** To evaluate the qualifications of an applicant for public employment, pursuant to RCW 42.30.110(1)(g)

At 11:40, Council Chair Pratt announced that the Council would be holding an **executive session** to evaluate qualifications of applicants for public employment, pursuant to RCW

42.30.140(1)(g), estimated to last approximately 10 minutes. Ms. Pratt states that the Council is expected to take action following the Executive Session but would do so later during the afternoon portion of the agenda. Present: Full Council, County Administrator Pete Rose, Human Resources Manager Pamela Morais and Clerk to the Council Ingrid Gabriel. At 11:50, it was announced that the session would take an additional 5 minutes. The session ended at 11:58 for a total executive session time of 18 minutes.

Mr. Gabriel stepped out of the hearing room and announced that the executive session had ended.

**11:58 PM RECESS FOR LUNCH**

**1:00 PM COUNTY ADMINISTRATOR ITEMS (Continued):**

3. Preliminary Consideration of Lopez Village Subarea Plan – Rene Beliveau, CDPD Director; Colin Maycock, Planner IV

Mr. Rose gave an introductory explanation of the process involving the Lopez Village Subarea Plan. Mr. Maycock reported to the Council on the details required to produce a Lopez Village Subarea Plan as proposed by the Lopez Village Planning Review Committee (LVPRC). Mr. Stephens introduced Nancy Greene, Chair of the LVPRC, and Dan Drahn, Vice Chair of the LVPRC.

Mr. Beliveau gave clarification of the process involved with the LVPRC's proposal, and answered Council's questions. Comments were offered by: Nancy Greene, Dan Drahn. After discussion, the following action took place:

**Moved by Mr. Stephens, seconded by Mr. Rosenfeld, to accept the Lopez Village Plan Review Committee to plan for Lopez Village; to authorize the Lopez Village Plan Review Committee to proceed with collecting all information pertinent to the planning process for a subarea plan, and direct staff to return with a 2012 planning priorities at a later date, with a recommendation for the priority and relative timing of the Lopez Village planning process for a subarea plan. ALL AYES, MOTION CARRIED**

4. Odlin Campground LOCAL Loan Approval – Dona Wuthnow, Parks and Recreation Director

Ms. Wuthnow explained the Resolution authorizing execution of a Local Agency Financing Lease for a portion of Odlin Park renovation expenses as well as the authority to execute and deliver the Local Agency Financing Agreement. After discussion, the following action took place:

**Moved by Ms. Miller, seconded by Mr. Peterson, to Adopt a Resolution Authorizing Execution of Local Agency Financing Lease for Odlin County Park Renovation. ALL AYES, MOTION CARRIED**

**Moved by Ms. Miller, seconded by Mr. Stephens, to Approve a Certificate Designating Authorized Agency Representatives to Execute and Deliver the Local Agency Financing**

**Agreement and All Documentation in Connection therewith. ALL AYES, MOTION CARRIED**

5. Waldron Gravel – Pete Rose, County Administrator

Mr. Rose updated the Council on the Waldron Gravel situation. A clarified draft bid document has been sent, after which Russ Harvey, Interim Public Works Director, will go to Waldron and discuss with the representatives.

6. Scenic Byways Shuttle Pilot Project: Issue with Six-Year Transportation Improvement Plan (TIP) – Rachel Dietzman, County Engineer

Ms. Dietzman gave background on the San Juan Island Scenic Byway Shuttle Pilot Project that was awarded on August 17, 2011 and explained a process for updating the administrative Six Year TIP. After discussion, the following action took place:

**Moved by Ms. Miller, seconded by Mr. Fralick, to authorize the County Administrator to correct Project #18 San Juan Islands Scenic Byway Program to include the subject Shuttle Pilot Project in the Six Year Tip (2011-2016). ALL AYES, MOTION CARRIED**

**2:00 PM PRESENTATION:** Annual Risk Pool Briefing – Vyrle Hill, Executive Director; David Goldsmith, Member Services Director

Mr. Hill and Mr. Goldsmith gave a PowerPoint presentation on the Washington Counties Risk Pool.

Discussion continued on a public hearing document. Chair Pratt stated that the Ordinance that was unanimously approved during the first public hearing this morning had an incorrect title. The title should have read “Ordinance Amending Ordinance 29-2010, Ordinance 12-2010, Ordinance 12-2011, Ordinance 13-2011, Ordinance 14-2011, and Ordinance 17-2011 by Revising the San Juan County 2011 Budget for Emergency Appropriations.” The Section A in the body of the Ordinance needs to be changed to read “Emergency Appropriation” where it states “Supplemental Appropriation” as well. Ms. Pratt further stated that unless there is an objection, staff will correct the title and the version that is signed will have the corrected title. The Council agreed by consensus.

**2:50 PM EXECUTIVE SESSION ACTION (CONTINUED)**

**Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to confirm the appointment of Frank Mulcahy as San Juan County Director of Public Works commencing October 17, 2011. ALL AYES, MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Ms. Miller, to express the sincere appreciation of the San Juan County Council for the service provided by interim Director Russ Harvey to date and up to October 17, 2011, and to direct the staff to prepare a letter of appreciation for the Consent Calendar. ALL AYES, MOTION CARRIED**

**2:53 PM**                    **DISCUSSION (continued from September 12):** Scientist Consultants and Staff Recommendations re: Critical Areas Ordinance (CAO) Regulations (Marine Fish and Wildlife Section) – Shireene Hale, Planning Coordinator of Community Development & Planning; Janice Biletnikoff, Planner III

Council discussed several additions/amendments to its working document and authorized it to be transmitted to the Planning Commission.

Public Comments were offered by: Janet Alderton, Steve Revella, Barbara Rosenkotter

**4:00 PM**                    **COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:**

**Ferries/FAC/Intermodal:** Mr. Rosenfeld reported that next Ferry Advisory Committee (FAC) meeting (September 14) will be held on Shaw Island, and the October meeting will be held on October 19 (instead of October 12).

**3:53 PM**                    **Additional Updates & Discussion Items:**

1. Accountability Oversight Committee (AOC) September 16 Agenda Review-Pratt, Peterson

Discussion followed on the upcoming September 16 Agenda Review. Council suggested changes to the priority strategies and draft near term actions.

2. Hovee Report Update: Mr. Rosenfeld reported that the funding would be for an updated report, and there is a deadline for San Juan County to participate in the funding. The total cost is approximately \$30,000; they are asking San Juan County groups to put in \$2,500 collectively. Since the first report was not held in high regard, Mr. Rosenfeld will be asking for a commitment of a better quality report. He suggested the possibility of taking the money from the lodging tax funds. It was suggested that Mr. Rosenfeld approach the Visitor's Bureau for the money. The deadline is September 27.

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

Ms. Gabriel reminded the Council that the next meeting will be held on September 20 and that video conferencing with Lopez and Orcas is planned. There will be a trial run of video conferencing from Orcas and Lopez Libraries, and the Hearing Room. The next possible date for public hearing is October 11.

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

**Moved by Ms. Miller, seconded by Mr. Rosenfeld, to reappoint Ken Katz to the Eastsound Design Review Committee. ALL AYES, MOTION CARRIED**

**Moved by Mr. Peterson, seconded by Mr. Stephens, to reappoint Brad Fincher to the Fair Board. ALL AYES, MOTION CARRIED**

Mr. Stephens reminded the Council that the ferry schedule changes on September 25.

**5:02 PM**

**ADJOURN AND SIGN DOCUMENTATON**

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**COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON**

**These Minutes were approved and signed on September 20, 2011. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.**