

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
April 27, 2010**

Tuesday, April 27, 2010 - Council Hearing Room, Legislative Building, Friday Harbor

10:03 AM CALL TO ORDER

Council Chair Richard Fralick called the meeting to order at 10:03 a.m. Present were Council members: Vice Chair Lovel Pratt, Howard (Howie) Rosenfeld, Gene Knapp, Bob Myhr, and Rich Peterson, County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public were present.

Mr. Fralick reminded the public that video recordings of Council meetings held in the Council Legislative Hearing Room are available for on-line viewing the day after the meeting. The videos will be archived for the three previous months and can be accessed by going to the San Juan County website www.sanjuanco.com and selecting the County Council tab. DVD recordings are also available by request for a modest fee.

Citizens Access: The following citizens submitted comments: Joe Cussen, Ralph Gutschmidt, Tim Blanchard.

10:15 AM Clerk Update & Administrative Matters - Ingrid Gabriel, Clerk to the Council, Maureen See, Deputy Clerk

Ms. Gabriel asked Council to form an ad hoc committee to review the Historic Preservation Grants. Mr. Myhr, Mr. Peterson and Ms. Pratt volunteered to serve.

Committee Update: The following action took place:

Moved by Mr. Myhr, seconded by Mr. Peterson, to reappoint John Erly to the Civil Service Commission. ALL AYES, MOTION CARRIED

Moved by Mr. Myhr, seconded by Mr. Knapp, to appoint Sarah Eppenbach to the Lopez Island Library Board of Trustees. ALL AYES, MOTION CARRIED

Moved by Mr. Myhr, seconded by Mr. Knapp, to appoint Dennis Ryan to the Lopez Village Planning Review Committee. ALL AYES, MOTION CARRIED

Moved by Mr. Myhr, seconded by Mr. Knapp, to appoint Liz Scranton to the Noxious Weed Board. ALL AYES, MOTION CARRIED

Review and Approve Minutes:

Moved by Mr. Myhr, seconded by Ms. Pratt, to approve the Minutes of April 13, 2010. ALL AYES, MOTION CARRIED

Consent Agenda:

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to approve the Consent Agenda for April 27, 2010 as follows:

A. Resolutions:

Ordinances:

B. Contracts/Agreements :

C. Budget Items:

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

- Warrants #77736-77841 in the amount of \$112,098.77 for County Claims
- Warrants #77842-77892 in the amount of \$167,360.45 for Public Works
- EFT #04142020 in the amount of \$2,376.16 for Parks Claim
- Warrants #78032-78048 in the amount of \$5,767.28 for Medical Reimbursement
- Warrants #78139-782.38 in the amount of \$114,312.54 for County Claims
- Warrants #78239-78271 in the amount of \$89,522.62 for Public Works
- EFT #4212010 in the amount of \$4,225.56 for Public Works Excise

D. Personnel:

E. Appointments

F. Correspondence:

G. Miscellaneous:

Proclamation designating May 2010 "Community Action Month."

H. Bid Openings:

ALL AYES, MOTION CARRIED

Council Calendar Items:

Mr. Rosenfeld added May 6 as a Special Meeting for a Washington State Ferry/Ferry Advisory Committee public meeting on the interisland ferry, 11:00 am to 3:30 pm (time approximate).

Mr. Myhr noted a scoping meeting will be held on June 5, 12:00-4:00 pm, at the Mullis Center by the Bureau of Land Management.

Mr. Peterson added an additional meeting for the Lodging Tax Advisory Committee on May 13, 10:00-11:30 am.

Mr. Rosenfeld reminded Council that the Ferry Advisory Committee will meet on the second Wednesday of each month.

10:25 AM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS

Ferries/FAC/Interlocal: Mr. Rosenfeld gave an update.

Budget Subcommittee: Mr. Fralick gave an update.

General Government Subcommittee: Mr. Knapp gave an update.

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to send a letter of support to Machel Clarey of the State Department of Natural Resources regarding the transfer of Mitchell Hill to Land Bank. ALL AYES, MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Knapp, to send a letter of support for the Northwest Agriculture Business Center's grant request for a Speciality Crop Block Grant that would provide funding for the Agricultural Resources Committee's Islands Certified Local program. MOTION WITHDRAWN

**Moved by Ms. Pratt, seconded by Mr. Myhr, to send a letter of support of the Friday Harbor Laboratories to Dr. Phyllis Wise, Provost, of the University of Washington.
ALL AYES, MOTION CARRIED**

10:57 AM PUBLIC HEARINGS:

1. To Consider an Ordinance Establishing a **Fairgrounds Overlay** District and Amending the San Juan County Comprehensive Plan Land Use Element and Official Maps, Amending San Juan County Code Section 18.30.080, and Adding a New Section to San Juan County Code Chapter 18.30 (CONTINUED)

Present: Full Council, County Administrator Pete Rose; Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, Associate Planner Julie Thompson

Ms. Thompson asked if the Council had any questions. Mr. Fralick opened public testimony, none was offered, public testimony was closed reserving the right to reopen. After deliberations, the following action took place:

**Mr. Peterson moved, Mr. Myhr seconded, to approve an Ordinance Establishing a Fairgrounds Overlay District and Amending the San Juan County Comprehensive Plan Land Use Element and Official Maps, Amending San Juan County Code Section 18.30.080, and Adding a New Section to San Juan County Code Chapter 18.30.
ALL AYES, MOTION CARRIED**

2. To Consider a Site-Specific Amendment to San Juan County's Comprehensive Plan Official Maps for Property on San Juan Island located to the North of West Valley Road and Between and on Both Sides of Capron Road and Raven Ridge Road (**Eisenhardt/Lampe**) (**Continued**)

Present: Full Council, County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, Associate Planner Julie Thompson; Prosecuting Attorney Randall Gaylord

The following action took place:

**Moved by Mr. Peterson, seconded by Mr. Knapp , to adopt an Ordinance for a Site-Specific Amendment to San Juan County's Comprehensive Plan Official Maps for Property on San Juan Island located to the North of West Valley Road and Between and on Both Sides of Capron Road and Raven Ridge Road.
ALL AYES, MOTION CARRIED**

3. To Consider a Resolution Denying an Application for Site-Specific Amendments to San Juan County's Comprehensive Plan Official Maps for a Portion of Orcas Island Airport Overlay District Zone (5) (Gerard) (CONTINUED)

Present: Full Council, County Administrator Pete Rose, Clerk to the Council

Ingrid Gabriel, Deputy Clerk Maureen See, Associate Planner Julie Thompson

After deliberations, the following action took place:

Moved by Mr. Myhr, seconded by Mr. Knapp, to approve a Resolution Denying an Application for Site-Specific Amendments to San Juan County’s Comprehensive Plan Official Maps for a Portion of Orcas Island Airport Overlay District Zone (5) (Gerard). VOTE 4-2 (Peterson and Fralick opposed) MOTION CARRIED

4. To Consider an Ordinance re: Site-Specific Amendment to San Juan County’s Comprehensive Plan Official Maps for Property on San Juan Island Located on the North Side of Roche Harbor Road, West of the Town of Friday Harbor Landfill Site, and Adjacent to **Sutton Road** (CONTINUED)
Present: Full Council, County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, Senior Planner Colin Maycock

Moved by Mr. Myhr, seconded by Mr. Rosenfeld, to adopt an Ordinance re: Site-Specific Amendment to San Juan County’s Comprehensive Plan Official Maps for Property on San Juan Island Located on the North Side of Roche Harbor Road, West of the Town of Friday Harbor Landfill Site, and Adjacent to Sutton Road. ALL AYES, MOTION CARRIED

5. To Consider an Ordinance Establishing Country Corner as a **Limited Area of More Intense Rural Development** and Amending the Comprehensive Plan Land Use Element and Official Maps, Amending the Eastsound Subarea Plan and Official Maps, Adding a New Subsection to San Juan County Code Chapter 18.30, and Repealing Ordinance 5-2010
Present: Full Council, County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, Senior Planner Colin Maycock

After deliberations, the following action took place:

Moved by Mr. Peterson, seconded by Mr. Myhr, to amend the table on page 14 of 19 on the Ordinance under Agricultural & Forestry Land Uses, the line indicating Agricultural Uses and Activities from “C” to “D.” ALL AYES, MOTION CARRIED

Moved by Mr. Myhr, seconded by Mr. Knapp, to adopt, an Ordinance Establishing Country Corner Limited Area of More Intense Development and Amending the Comprehensive Plan Land Use Element and Official Maps, Amending the Eastsound Subarea Plan and Official Maps, Adding a New Subsection to San Juan County Code Chapter 18.30, and Repealing Ordinance 5-2010, as amended. ALL AYES, MOTION CARRIED

6. To Consider an Ordinance Regarding **Personal Wireless Communications Service Facilities**; Repealing San Juan County Code Chapter 16.80 and

Adding New Sections to San Juan County Code Title 18

Present: Full Council, County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, Senior Planner Colin Maycock

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to adopt an Ordinance regarding Personal Wireless Communications Service Facilities, Repealing San Juan County Code Chapter 16.80 and Adding New Sections to San Juan County Code Title 18. ALL AYES, MOTION CARRIED

Mr. Myhr noted that moving the wireless communications regulations from the Comprehensive Plan to the UDC does nothing to improve cell phone service.

7. To Consider an Ordinance amending the San Juan County Comprehensive Plan **Water Resources Element** (Section B Element 4)

Present: Full Council, County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, Planning Coordinator Shireene Hale

After deliberations, the following action took place:

Moved by Mr. Myhr, seconded by Mr. Rosenfeld, to adopt an Ordinance amending the San Juan Comprehensive Plan Water Resources Element (Section B Element 4). ALL AYES, MOTION CARRIED

8. To Consider an Ordinance Amending the **Land Use Element** of the San Juan County Comprehensive Plan

Present: Full Council, County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, Planning Coordinator Shireene Hale; Deputy Prosecuting Attorney Jon Cain

After deliberations, the following action took place:

Moved by Ms. Pratt, seconded by Mr. Myhr, to reinstate the language on the Comprehensive Plan, Section b Element 2, Land Use, Planning Commission Draft 1/15/2010, page 21, under 2.3.D Resource Lands #5a Agricultural Resource Lands, Goal: “To ensure the conservation of agricultural resource lands of long-term commercial significance for existing and future generations, and protect these lands from interference by adjacent uses which may affect the continued use of these lands for production of food and agricultural products. ALL AYES, MOTION CARRIED

Moved by Mr. Myhr, seconded by Ms. Pratt, to add to page 6 under Policies, a new “ #7: “To help offset potential impacts from essential public facilities, develop voluntary and incentive based programs to protect the overall functions and values of Critical Areas and to support resource land uses, particularly commercial agricultural uses.” ALL AYES, MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to modify on page 25 under 2.5.B,

under Policies, #3 as follows: “In addition to regulations, develop voluntary and incentive based programs to protect the overall functions and values of Critical Areas and other natural resources. Voluntary actions may include education, technical assistance, water conservation, stewardship programs, implementation of best management practices, and restoration activities. One purpose of these programs is to mitigate impacts resulting from authorized exemptions and exceptions.”

ALL AYES, MOTION CARRIED

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to change on page 27, under d. Wetlands, goal as follows: “To protect wetlands from a net loss in functions and values, and acreage.”

**VOTE 3-3 (Peterson, Rosenfeld, Fralick Ayes) (Pratt, Myhr, Knapp Opposed)
MOTION NOT CARRIED**

Moved by Mr. Myhr, seconded by Mr. Rosenfeld, to adopt an Ordinance Amending the Land Use Element of the San Juan County Comprehensive Plan as amended today. ALL AYES, MOTION CARRIED

11:50 am RECESS FOR LUNCH

1:30 PM PUBLIC HEARINGS CONTINUED

9. To Consider an Ordinance Regarding **Shoreline Essential Public Facilities**; Amending the San Juan County Shoreline Master Program at Comprehensive Plan Section B Element 3 by Adding to Subsection 3.4 and Amending Subsection 3.5, and at San Juan County Code Sections 18.50.160, 18.50.190, and 18.50.340; adding a New Section to the Shoreline Master Program at San Juan County Code Chapter 18.50; and Amending San Juan County Code 18.20.020 and 18.80.110

Present: Full Council; County Administrator Pete Rose; Clerk to the Council Ingrid Gabriel; Deputy Clerk Maureen See; Planning Coordinator Shireene Hale; Deputy Prosecuting Attorney Jon Cain

Mr. Fralick opened public testimony. The following people gave testimony: Chris Clarke, Kyle Loring, Peter Eglick, Tim Blanchard, Patty Miller. Mr. Fralick closed public testimony and reserved the right to reopen.

Mr. Fralick reopened public testimony. After testimony was given by Peter Eglick, Mr. Fralick closed public testimony.

After deliberations, the following action took place:

Moved by Mr. Myhr, seconded by Mr. Knapp, to remove the last sentence, under Background, F. Findings, second paragraph #2, as follows: “~~No comments were received within the time specified in the notice.~~”

ALL AYES, MOTION CARRIED

Moved by Mr. Myhr, seconded by Mr. Peterson, to amend the sentence on page 9,

Section 5, paragraph B., as follows: “These facilities are hereby identified as Shoreline EPFs.” ALL AYES, MOTION CARRIED

Moved by Mr. Myhr, seconded by Mr. Knapp, to amend the sentence on page 17, under I. Regulations by Environment, #4, as follows: “ An Environmental Impact Statement is required before the County approves an essential public facility conditional use permit or substantial development permit for the expansion and/or intensification of the North Bay site.” VOTE 4-2 (Pratt and Rosenfeld Opposed) MOTION CARRIED

Moved by Mr. Myhr, seconded by Mr. Peterson, to amend the sentence on page 16-17, under I. Regulations by Environment, #4, as follows: “ Rural Farm-Forest. Same as conservancy except that the existing County barge landing site and associated facilities at North Bay on San Juan Island (parcel no. 352412001) be considered a shoreline essential public facility and with an approved Essential Public Facility Conditional Use Permit and a Shoreline Substantial Development Permit a use that may be expanded or intensified.” VOTE 4-1 (Pratt opposed, Rosenfeld abstained) MOTION CARRIED

Moved by Mr. Myhr, seconded by Mr. Peterson, to amend the sentence on page 17, under I. Regulations by Environment, #4, as follows: “An Environmental Impact Statement, including consideration of alternative sites, is required...” VOTE 2-4 (Knapp, Rosenfeld, Pratt and Fralick opposed) MOTION NOT CARRIED

Moved by Ms. Pratt, seconded by Mr. Myhr, to add on page 4. under Essential Public Facility Policies, a new #6 as follows: “To help offset any impacts that cannot be mitigated, and meet no net loss requirements, develop voluntary, incentive based programs to protect the overall ecological functions necessary to sustain shoreline natural resources.” ALL AYES, MOTION CARRIED

Moved by Mr. Fralick, seconded Mr. Rosenfeld, to add a sentence to page 9, Section 5, #5, as follows: “...Additional review and permitting in conformance with this SMP may however be required prior to expansion of uses or facilities.” VOTE 5-1 (Peterson opposed) MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Myhr, to amend page 9, Section 5, under C., as follows: “Where a facility is located or proposed in an appropriate land use or shoreline district, but cannot meet one or more development standards included in SJCC Title 16 or 18, the proposal may be approved in conjunction with an Essential Public Facility Conditional Use Permit and, if required by this SMP, a shoreline substantial development permit.” VOTE 4-2 (Knapp and Peterson opposed) MOTION CARRIED

Moved by Mr. Myhr, seconded by Mr. Rosenfeld, to amend as follows: on page 14, under K. Regulations by Environment. #4 Conservancy “...The existing public dock, float and ramp...with an approved Essential Public Facility Conditional Use Permit and if required by this SMP, a Shoreline Substantial Development Permit.”

On page 16, under I. Regulations by Environment. #2, add: “...Expansion of the barge landing site...requires approval of an Essential Public Facility Conditional Use Permit and if required by this SMP, a Shoreline Substantial Development Permit.”

On page 16-17, under I. Regulations by Environment. #4, add: “...Same as conservancy ...with an approved Essential Public Facility Conditional Use Permit and if required by this SMP, a Shoreline Substantial Development Permit...”

On page 17, under Regulations by Environment., #5, add: “...The existing public dock, float and barge landing site...with an approved Essential Public Facility Conditional Use Permit and if required by this SMP a Shoreline Substantial Development Permit...”

VOTE 5-1 (Peterson opposed) MOTION CARRIED

Moved by Mr. Myhr, seconded by Mr. Rosenfeld, to add a sentence to Section 7, page 14, under K. Regulations by Environment #2, as follows: “...shall be considered a shoreline essential public facility and an allowed use that may be expanded in conformance with policies and regulations of this SMP. ALL AYES, MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to amend on page 16, I.Regulations by Environment, #2, as follows: “Same as urban; provided, that barge landing sites and facilities shall be allowed only if the site will serve multiple users on the island affected subject to the policies and regulations of this SMP...”

ALL AYES, MOTION CARRIED

Moved by Mr. Myhr, seconded by Mr. Rosenfeld, to Adopt an Ordinance regarding Shoreline Essential Public Facilities; Amending the San Juan County Shoreline Master Program at Comprehensive Plan Section B Element 3 by adding to Subsection 3.4 and Amending Subsection 3.5, and at San Juan County Code Sections 18.50.160, 18.50.190, and 18.50.340; adding a new Section to the Shoreline Master Program at San Juan County Code Chapter 18.50; and Amending San Juan County Code 18.20.020 and 18.80.110, as amended today. VOTE 5-1 (Peterson opposed) MOTION CARRIED

3:51 PM Council Member Updates Continued

Moved by Ms. Pratt, seconded by Mr. Myhr, to approve a letter to Rianne Perry with the Washington State Department of Agriculture in support of the Northwest Agriculture Business Center’s (NABC) request for a Specialty Crop Block Grant that could provide funding for the Agricultural Resources Committee’s Islands Certified Local program.

ALL AYES, MOTION CARRIED

Ms. Pratt asked for Council’s approval to include proclamations designating May as both Bicycle Safety Month and Arts Education Month on the May 11, 2010 Consent agenda. Approved.

Ms. Pratt informed the Council that she and Mr. Peterson had suggested three topics for consideration by the Islands Trust Executive Committee for inclusion at the Islands Trust June meeting:

1. Shoreline land use regulations as related to private property rights vs environmental protection
2. The MRC's Greenshores for Homes EPA grant and identifying a Greenshores for Homes pilot community in the Gulf Islands.
3. A possible Transborder Conference hosted by the Marine Resources Committee (MRC) at the Friday Harbor Labs.

3:56 PM COUNTY ADMINISTRATOR ITEMS:

Moved by Mr. Myhr, seconded by Mr. Knapp, to appoint Lincoln Bormann as a liaison between San Juan County and U. S. Bureau of Land Management for participation in the development of a resource management plan. ALL AYES, MOTION CARRIED

1. Critical Area Ordinance (CAO) Completion Work Plan 7 Public Participation Plan – Planning Coordinator Shireene Hale

Introduction by Mr. Rose, Dr. Paul Adamus has been hired and is under contract.

4:50 PM EXECUTIVE SESSION: Real Property Acquisition

At 4:50 Council Chair Fralick announced that the Council would be holding an executive session to discuss real property acquisition, pursuant to RCW 42.30.110 (1)(b); estimated to last approximately 30 minutes. Present: Full Council, Pete Rose, County Administrator; Randall Gaylord, Prosecuting Attorney; Ingrid Gabriel, Council Clerk, Jon Shannon Public Works Director; Steve Alexander, Solid Waste Manager; and Ed Hale, Utility Manager Present: Jon Shannon, Public Works Director. The session ended at 5:16 for a total executive session time of 26 minutes. No action was taken.

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

5:20 PM ADJOURN AND SIGN DOCUMENTATION

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

These Minutes were approved and signed on May 11, 2010. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.