

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
April 13 and 14, 2009**

Monday, April 13, 2009 - Council Hearing Room, Legislative Building, Friday Harbor

10:00 AM CALL TO ORDER

Council Chair Peterson called the Staff Meeting/Work Session to order at 10:00 a.m. Council members Howard (Howie) Rosenfeld, Gene Knapp, Lovel Pratt, and Richard Fralick; County Administrator, Pete Rose; Clerk to the Council, Ann Larson; Deputy Clerks Lisa Brown and Maureen See; and interested members of the public were present.

EXCUSED ABSENCES

Moved by Rosenfeld, seconded by Knapp, to **excuse the absence of Bob Myhr**, away on a planned vacation. Motion carried unanimously.

CITIZENS' ACCESS TIME

Fred Munder, a SJC Technical Advisory Committee volunteer, addressed the Council regarding UDC regulations that he helped create through this Committee and thought to be "bulletproof" against interpretation. He provided background information and spoke against creating new regulations under the guise of interpretation. He added that, were there interpretations to be made, he thought they would have been informed, and invited to provide input. He offered the assistance of the committee members in this regard.

Mike Carlson, a long-time SJI resident, felt compelled to speak regarding accessory dwelling permit denials, noting that he was one of the citizens on the committee involved in helping to draft the legislation. He stated that he felt strongly that citizens would be able to protect their rights and use of their property as participants in the process, rather than leaving decisions up to interpretation of the policy. He noted that this type of decision-making is counterproductive when families trying to survive are laid off due to lack of work. He added that if changes are going to be made, that the basis be identified.

Mr. Sutton, FAC Chair, made an announcement regarding Ferry Advisory Committee (FAC) meetings, now taking place on the second Tuesday of each month.

10:15 AM CLERK UPDATE & ADMINISTRATIVE MATTERS: Ann Larson, Clerk to the Council

Ms. Brown provided an update in Ms. Larson's absence, and reported on a thank you letter to Representative Larson for submitting a \$6 million appropriation request for the Mitchell Hill acquisition project. She noted that Mr. Bormann, Land Bank Director, suggested the Council also send a letter to Senators Cantwell and Murray, requesting that an appropriation request be put in from the Senate side as well. The Council requested that these documents be finalized and placed on Consent for their review. Additionally, Mr. Rosenfeld asked that Norm Dicks be copied on Representative Larson's letter.

Ms. See provided Committee updates.

Minutes and Agendas were reviewed. Mr. Fralick expressed a desire to address conflicting direction from two state agencies – the Growth Management Act (GMA) and Puget Sound Partnership (PSP) – regarding sewer hook-ups. Council discussion regarding a workshop took place. Ms. Pratt suggested the San Juan Initiative facilitate this and put forth the request to the appropriate PSP and GMA representatives. The Council concurred. The Consent Agenda and Council Calendar items were also reviewed.

10:25 AM COUNCIL MEMBER UPDATES AND DISCUSSION ITEMS:

Ferries/FAC/Intermodal: Mr. Rosenfeld reported on the success of holding the fare increase to 2.5% and moving up the construction of the 144 car ferries. He did comment, however, that it is uncertain how the funding will be

appropriated for these measures. Mr. Rosenfeld also reported on ferry scheduling and over-height overflow challenges.

Naval Air Station DEIS: Mr. Rosenfeld reported that this was the final day to submit comments to the Navy regarding the Naval Air Station DEIS and suggested sending a letter requesting they not use high intensity sonar signals in critical habitat areas.

Budget Subcommittee: Mr. Fralick stated that the committee would continue their work this afternoon.

Legislative Priorities/Lobbying Efforts: Mr. Fralick stated that their bi-weekly conference call would take place next Monday.

General Government Subcommittee: Mr. Knapp reported on their meeting last week, noting that they would be reviewing more ordinances with the Prosecuting Attorney this afternoon.

Art Fair: Mr. Peterson reported on a request from the SJI Chamber of Commerce (COC) to hold their 9th Annual Art Fair on Court Street. The Council approved of this activity.

Orcas Island Farmers' Market (OIFM): Mr. Fralick reported that Charley Robinson, OIFM Chair, and Lance Evans, OI COC, had agreed to hold the Farmers' Market in Prune Alley for three weeks to allow the grass to grow in the Village Green.

Guard Rail Projects: Mr. Fralick commented on the regrettable fatality on Orcas Island and suggested consideration of a modification to the 6-Year Road Plan so that savings from the Fisherman Bay Road Project, due to be funded now through Federal stimulus money, could be considered towards installing guard rails in areas where this safety measure is deemed appropriate. Council discussion took place and Mr. Rose suggested holding a study session. John VanLund, County Engineer, said he would review stimulus funding for the Fisherman Bay Road project and come back in June with a proposal to amend the Annual Road Plan for discussion and consideration.

11:00 AM COUNTY ADMINISTRATOR ITEMS: Pete Rose, County Administrator; Rachel Dietzman, Public Works Sr. Project Engineer; and interested members of the public were present.

Ms. Dietzman reported on upcoming chip-seal projects. She provided maps and explained the chip-seal process and costs, and stressed the need for reduced speed while the emulsion and fog seal cure. Ms. Dietzman answered questions from the Council and was thanked for the improved results her work has yielded.

11:30 AM DISCUSSION: Policy Regarding the Issuing of Permits for Accessory Structures – Ron Henrickson, Director of CD&P & Rene Beliveau, Deputy Director of CD&P; Randall Gaylord, Prosecuting Attorney; and interested members of the public.

Mr. Henrickson explained his interpretation of the policy and how it affects his determination on permit applications. Mr. Beliveau also provided input supporting this rationale. Mr. Henrickson and Mr. Beliveau answered questions from the Council. Chair Peterson then opened the discussion to the public. The following individuals provided comments: Stephanie O'Day, John Lackey, John Evans, Tom Nolan, and Sam Buck. Discussion then returned to the Council, and advice was sought from the Prosecuting Attorney. Mr. Gaylord shared his comments regarding SJC code and the relative codes of other Counties. Mr. Gaylord answered questions from the Council and advised them that, although SJC would be the first to do so, it would be helpful to make changes to the code to clarify sequence of development. Additional Council Discussion took place and Mr. Gaylord answered questions from the Council. Additional public comments were submitted by Mike Carlson and Jack Cory. A decision was made to have the General Government Subcommittee review this issue and return to the full Council with a recommendation.

12:20 PM ADDED ITEM: Naval Air Station DEIS Letter

Mr. Rosenfeld presented the letter for approval and the following action took place: **Moved by Pratt, seconded by Rosenfeld, to submit the letter to the Naval Air Station. Motion carried unanimously.**

12:00 PM **ADJOURN AND SIGN DOCUMENTATION:** (Time Approximate) Council Chair Peterson adjourned the meeting at 12:22 p.m.

Tuesday, April 14, 2009 - Council Hearing Room, Legislative Building, Friday Harbor

10:00 AM **CALL TO ORDER**

Council Chair Peterson called the meeting to order at 10:00 a.m. and the flag salute was conducted. Council members Howard (Howie) Rosenfeld, Gene Knapp, Lovel Pratt, and Richard Fralick; County Administrator, Pete Rose; Clerk to the Council, Ann Larson; Deputy Clerk, Lisa Brown; and interested members of the public were present.

EXCUSED ABSENCES

Moved by Fralick, seconded by Rosenfeld, to excuse the **absence of Bob Myhr**, away on a planned vacation. Motion carried unanimously.

CITIZENS' ACCESS TIME (There were no public comments submitted.)

COUNCIL ADMINISTRATIVE MATTERS

Minutes: Moved by Fralick, seconded by Knapp, to approve the **Minutes of April 6 and 7, 2009**. Motion carried unanimously.

Consent Agenda: Mr. Fralick requested discussion on the award designations of the “2060 Funds” and it was decided to pull the item from Consent to discuss during updates. The following action then took place: Moved by Rosenfeld, seconded by Knapp, to approve the **Consent Agenda of April 14, 2009, as modified:**

- A. Resolutions / Ordinances:** (No items.)
- B. Contracts/Agreements:** (No items.)
- C. Budget Items:** Approve 2009 Warrants signed by Auditor and County Administrator:
 - Warrants #60600-60601 in the amount of \$3291.71 for County Claims
 - Warrants #60656-60662 in the amount of \$2312.07 for Final 2008 Medical Reimbursements
- D. Personnel:** (No items.)
- E. Appointments:** (No items.)
- F. Correspondence:**
 - A letter thanking the Cell Phone Task Force for their efforts
 - A letter thanking Representative Rick Larsen for his support of the purchase of Mitchell Hill property.
 - Letters encouraging Senator Patty Murray and Senator Maria Cantwell to demonstrate similar support for Mitchell Hill from the Senate.
- G. Miscellaneous:** (No items.)
- H. Bid Openings:** (No items.)

Motion carried unanimously.

10:05 AM **COUNCIL MEMBER UPDATES**

Orcas Island Farmers' Market (OIFM): Mr. Fralick reported on the process for closure of Prune Alley to accommodate the Farmers' Market and discussion took place.

\$5,000 Boater Fine: Ms. Pratt raised the issue of the boater that was fined by Homeland Security and the impact to tourism. She suggested inviting the new director of Customs and Border Patrol to provide a report. Ms. Larson offered to facilitate this.

2060 Fund Distribution: Angela Lausch, reported on how the funding allocation had been arrived at this year and answered questions from the Council. Ms. Pratt provided research that she had done and shared her views on how this distribution of funds should reflect affordable housing priorities. Deliberations took place and the following motion was made:

Moved by Pratt, seconded by Knapp, to award the 2060 low income housing grant funds as follows: awarding \$15,000 to OPAL, and \$15,000 to Homes for Islanders. Motion carried unanimously.

10:20 AM HELION DEMONSTRATION: Milene Henley, Auditor; and interested members of the public were present.

Ms. Henley provided a demonstration of Helion search capabilities on the San Juan County website, as set up by Communications Manager, Stan Matthews, and answered questions from the Council.

10:35 AM COUNTY ADMINISTRATOR ITEMS: Pete Rose, County Administrator; Karen Vedder, Deputy PA; Dona Wuthnow, Parks Director; Lincoln Bormann, Land Bank Director; and interested members of the public were present.

1. Priorities / Review of Comprehensive Plan Vision Statement: Mr. Rose provided a review of the Comprehensive Plan Vision Statement with Council goals and priorities included in a table that he prepared for adoption. Mr. Rose answered questions from the Council. Mr. Knapp did not have the document included with his materials and was given additional time for review.

2. Park and Land Bank Revised Ordinance: Ms. Vedder and Mr. Bormann provided a verbal introduction of the Park & Land Bank Revised Ordinance, noting that currently there is not a good set of rules for enforcement on Land Bank property regarding camping, shooting, camp fires, etc. The Land Bank Director and Parks Director provided their conceptual ideas on how to close this gap. Mr. Bormann and Ms Vedder answered questions from the Council.

3. Added Item - Accessory Structure Issue: Mr. Knapp made the following motion:

Moved by Knapp, seconded by Peterson, to direct the Administrator to prepare an amendment to the UDC that would allow the permitting and construction of accessory buildings prior to the construction of the principal or primary dwelling and is also the Council's desire to allow permitting and construction of such structures in the interim. Motion carried unanimously.

11:20 AM PRESENTATION: Administration of Public Lands - Karen Kelleher, Regional Manager, Bureau of Land Management (BLM); Robert Town, BLM District Manager; and Nick Teague, BLM Field Office Representative (Lopez Island); and interested members of the public were present.

Mr. Town and Ms. Kelleher gave a presentation on land management through the BLM and provided maps showing the land they manage in San Juan County. Mr. Teague reported on local programs he oversees. The panel answered questions from the Council.

1:30 PM Added Item - Proclamation

Moved by Rosenfeld, seconded by Fralick, to adopt a proclamation recognizing Bud Sears for his years of service to San Juan County. Motion carried unanimously.

1:30 PM WORK SESSION: San Juan Island Transfer Station - Jon Shannon, Public Works Director; Steve Alexander, Solid Waste Manager; and Ed Hale, Utilities Manager; Mark Tompkins, Environmental Health Manager; and interested members of the public were present.

The Council conducted a work session to address questions raised during the first Transfer Station Site Location public hearing. Mr. Rose explained that Staff would use the time between today's work session and the next

public hearing on April 28, 2009 to resolve any remaining issues. Issues related to the March 31, 2009, Staff Report, the Facts and Findings Analysis, Cost Statements and Tables, and Site Design were discussed. Mr. Peterson suggested inviting Kevin Peterson, who provided a detailed proposal for a Sutton Road site design, to the next work session on April 27, 2009. The Council concurred. The March 2, 2009 Staff Report, the Supplemental Alternatives Analysis, the process of dealing with the final environmental impact study, and the clean-up of contaminated sites were also discussed. The panel answered questions from the Council throughout the session.

3:30 PM RECOGNITION: Bud Sears, Building & Grounds Manager

The Council took an opportunity to thank Bud Sears, who is retiring after 20 years of service to San Juan County. Chair Peterson read the proclamation in recognition of his valued service to San Juan County. Mr. Sears also thanked the Council and told his friends and fellow employees in the Council Hearing Room that his decision to retire was a difficult one. "This is my family and you just don't up and leave your family," he said, adding that he's told Public Works Director, Jon Shannon, "If you need me, I'll be around."

4:00 PM ADJOURN AND SIGN DOCUMENTATION: (Time Approximate) Council Chair Peterson adjourned the meeting at 4:33 p.m. A meeting was scheduled for Monday, April 27, 2009, and the next regular meeting was scheduled for Tuesday, April 28, 2009.

APPOINTMENTS: (No items.)

BUDGET ITEMS/WARRANTS: 1. See Consent Agenda, section C.

CALL FOR BIDS: (No items.)

CONTRACTS/AGREEMENTS: (No items.)

CORRESPONDENCE:

1. **Naval Air Station Letter:** See ADDED ITEM, Monday, 12:20 p.m., for details of action taken.
2. See Consent Agenda, section F.

MISCELLANEOUS ITEMS:

1. **2060 Fund Awards:** See COUNCIL MEMBER UPDATES, Tuesday, 10:05 a.m., for details of action taken.
2. **Bud Sears Proclamation/Recognition:** See Tuesday, 1:30 p.m. and 3:30 p.m., for details of action taken.

ORDINANCES / RESOLUTIONS: (No items.)

PERSONNEL ITEMS: (No items.)

These Minutes were approved and signed on Tuesday, April 28, 2009. The original document is retained in the Council's permanent proceedings file. Attest: Lisa J. Brown, Deputy Clerk.