

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
July 27 and 28, 2009**

Monday, July 27, 2009 - Council Hearing Room, Legislative Building, Friday Harbor

10:00 AM CALL TO ORDER STAFF MEETING & COUNCIL WORK SESSION

Council Chair Peterson called the meeting to order at 10:01 a.m. Council members Howard (Howie) Rosenfeld, Gene Knapp, Bob Myhr, Lovel Pratt, and Richard Fralick; County Administrator, Pete Rose; Clerk to the Council, Ingrid Gabriel; Deputy Clerk, Lisa Brown; and interested members of the public were present.

10:15 AM CLERK UPDATE & ADMINISTRATIVE MATTERS

Council Administrative Matters: Council Clerk Ingrid Gabriel reviewed upcoming agendas with the Council. Minutes from July 13 and 14, 2009; and July 22, 2009; and the Consent Agenda for July 28, 2009; and Council member calendar items were also reviewed.

Committee Updates: Deputy Clerk See provided an update on advisory committee memberships and applicants and answered questions from the Council.

10:25 AM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS

Ferries/FAC/Intermodal: Mr. Rosenfeld noted that Captain Englebert and David Moseley requested a meeting with the Council regarding the allowance granted on Touring Watches for San Juan ferry routes. Mr. Rosenfeld suggested the Council be prepared to address other ferry related issues with them as well.

Budget Subcommittee: Mr. Fralick reported that the subcommittee is continuing their work on Phase 2 budget reductions and preparation of the 2010 Budget.

General Government Subcommittee: Mr. Knapp reported that their meeting had been rescheduled to Tuesday morning, due to Mr. Gaylord's schedule.

Mr. Myhr expressed his sympathy regarding the **tragic car accident on Lopez**, resulting in serious injuries and a fatality. He then submitted updates on the following: **1) Shaw School** mapping error and non-conforming land use issue; **2) Lopez Road Project** regarding construction and noise abatement issue near Odlin Park. **3) Salmon Recovery** funding for the salmon restoration project and Council representation on the Ecosystem Coordination Board; **4) Bureau of Land Management (BLM)** properties and protection; and **5) the Lopez Community Land Trust** grand opening of Net Zero, a model eco-friendly housing development. Additional Council discussion took place regarding the tragedy on Lopez. Mr. VanLund weighed in on this and the noise issue near Odlin Park. Additional updates from **Ms. Pratt** included: **6) the 100 Book Reading Challenge;** **7) Fair Booth** coverage; **8)** a suggestion for an **electronic binder** for Council members; and **9) the County Council Proclamation** and House Resolution 652 (<http://thomas.loc.gov/cgi-bin/query/C?c111:./temp/~c111GerQWv>), that she presented at English Camp for the 150th anniversary of the peaceful settlement of the Pig War crisis held at English Camp.

11:00 AM PUBLIC HEARING: Ordinances amending the SJC Code, Chapter 10 – Present: Full Council; Pete Rose, County Administrator; Ingrid Gabriel, Clerk to the Council; Lisa Brown, Public Hearings Specialist; Randall Gaylord, Prosecuting Attorney; Bill Cumming, Sheriff; and interested members of the public.

Mr. Gaylord reviewed the Ordinances amending Chapter 10 of the SJC Code: 1) Model Traffic SJCC 10.04.010, 10.04.020, 10.04.050, 10.04.050; 2) Speed Limits SJCC 10.08.010, 10.08.020, 10.08.030; 3) Vehicle Weight and Size Limits SJCC 10.12.030, 10.12.100; 4) Miscellaneous Traffic Regulations SJCC 10.24.010; and 5) Watercraft Regulations SJCC 10.28.020, 10.28.030. Regarding the Model Traffic Ordinance, Mr. Gaylord noted that, because some provisions of SJC Code in Section 3 are no longer there, he would need to make substitute reference to WACs and would bring that Ordinance back at another time. He recommended opening testimony or the remaining four ordinances and then discussing each one separately. Mr. Gaylord answered questions from

the Council. Public testimony was opened, none submitted, and closed. Deliberations were held and the following action took place:

Moved by Myhr, seconded by Rosenfeld, to adopt the Ordinance regarding Speed Limits amending Section 10.08.010 and 10.08.030 of SJC Code and readopting without change Section 10.08.020 previously adopted by resolution to ensure consistency with SJC Charter and State Law. Motion carried unanimously.

Moved by Myhr, seconded by Rosenfeld, to approve the Ordinance regarding Vehicle Weight and Size Limits; amending Sections 10.12.030 and 10.12.100 of the SJC Code to ensure consistency with SJC Charter and State Law. Motion carried unanimously.

Moved by Myhr, seconded by Knapp, to adopt an Ordinance regarding Miscellaneous Traffic Regulations; readopting without change, Section 10.24.010 of the SJC Code previously adopted by Resolution, to ensure consistency with the SJC Charter and State Law. Motion carried unanimously.

Moved by Myhr, seconded by Knapp, to approve an Ordinance regarding Watercraft Regulations; readopting without change Sections 10.28.020 and 10.28.030 of the SJC Code to ensure consistency with the San Juan County Charter and State Law. Motion carried unanimously.

11:30 AM COUNTY ADMINISTRATOR ITEMS: Pete Rose, County Administrator; Dona Wuthnow, Parks Director; Lincoln Bormann, Land Bank Director; Randall Gaylord, Prosecuting Attorney; Milene Henley, Auditor; and interested members of the public were present.

1. DISCUSSION: Lopez Hill Land Lease Designation Workshop

Mr. Rose provided a lead-in following which Mr. Bormann explained the importance of managing this resource and how it fits into the mandate of the Land Bank. Ms. Wuthnow related budgetary concerns and uncertain funding for managing this property through the Parks Department. Mr. Myhr interjected that the Friends of Lopez Hill had offered to continue their support efforts as well. Ms. Palmer, of the Friends of Lopez Hill, arrived and explained that this organization, through a memorandum of understanding (MOU) outlining their commitment to work with whichever party manages the property, plans to continue to provide assistance. Mr. Bormann and Ms. Wuthnow answered questions from the Council regarding its management and use, and the following action took place:

Moved by Myhr, to approve the Resolution assigning management of Lopez Hill on Lopez Island to the SJC Land Bank. The motion was seconded by Pratt to include the amendment offered by Fralick [to change number 2, which states “in two years,” to “within two years”]. The amendment was accepted by Mr. Myhr and the motion carried unanimously.

2. DISCUSSION: Briefing on upcoming Land Bank Budget Amendment

Mr. Rose explained the reductions in the Land Bank Budget, noting that acquisitions have been cut and projects removed, due to reduced REET and interest income. Mr. Bormann presented the amended Land Bank budget, reflecting these changes and reviewed details with the Council. Mr. Bormann answered questions from the Council and Mr. Rose noted that the budget amendment would be coming before the Council on August 11, 2009. Mr. Bormann then reviewed plans regarding acquisitions; a) the Frazer Homestead Preserve Management, which includes a request for proposal (RFP) for a long-term agricultural lease, and b) the Fisherman Bay Spit amended management plan.

3. REQUEST: Public Hearing regarding Orcas Island Parks and Recreation District

Mr. Gaylord and Ms. Henley related needs and timelines associated with forming an Orcas Island Parks and Recreation Junior Taxing District and presented, for adoption, a Resolution setting a hearing for August 25, 2009, to consider a ballot measure for an Orcas Island Parks and Recreation District. Mr. Gaylord noted that this measure was being brought forward through a petition by over 690 voters from Orcas Island. He explained other options and approaches also available to the Council. Ms. Henley and Mr. Gaylord answered questions from the Council regarding levy limits, amounts, and boundaries. The following motion was then made:

Moved by Fralick, seconded by Knapp, to schedule a public hearing on August 25, 2009, to consider the formation of a Park and Recreation District on Orcas Island. Motion carried unanimously.

Mr. Rose noted that the motion did not specify reference to a Resolution. Chair Peterson stated the Council's intention to sign the Resolution. Mr. Rose provided additional budgetary impacts, noting that if this did proceed to a successful election, that a transition year would need to be considered in the 2010 budget.

1:00 PM BUDGET WORKSHOP: Milene Henley, Auditor; and Pete Rose, County Administrator

Mr. Rose outlined the items to be included in the workshop, including the mid-year reduction process (Phase 2), answers to questions from the July 22, 2009 discussion; the concept of a levy lift, and to allow for public input. Ms. Henley referenced the draft Ordinance to be considered on August 11, 2009. She provided two differing exhibits and worksheets and provided the various scenarios of reductions and options for the Council to consider. Council discussion took place and Ms. Henley and Mr. Rose answered questions from the Council.

3:00 PM ADJOURN: (Time Approximate)

Tuesday, July 28, 2009 - Council Hearing Room, Legislative Building, Friday Harbor

10:00 AM CALL TO ORDER AND FLAG SALUTE

Council Chair Peterson called the meeting to order at 10:00 a.m. and the flag salute was conducted. Council members Gene Knapp, Bob Myhr, Lovel Pratt, and Richard Fralick; County Administrator, Pete Rose; Clerk to the Council, Ingrid Gabriel; Deputy Clerk, Lisa Brown; and interested members of the public were present.

EXCUSED ABSENCES: Moved by Myhr, seconded by Knapp, to **excuse the absence of Mr. Rosenfeld**, away for personal business. Motion carried unanimously.

CITIZENS' ACCESS TIME

Frank Penwell, a San Juan Island resident, and President of the local Citizen's Alliance for Property Rights (CAPR) regarding the CAO, provided contact information for marine science experts, documents and a video with best available science to the Council.

Bill Wright, a San Juan Island resident, addressed the Council regarding the proposed polystyrene ban.

Terry Neill, an Orcas Island resident, addressed Council regarding remote island parking for Deer Harbor Road.

Mary Oettinger, a San Juan Island resident, invited the Council to a forum addressing the CAO.

COUNCIL ADMINISTRATIVE MATTERS

Minutes: Moved by Myhr, seconded by Knapp, to approve the **Minutes of July 13 and 14, 2009, and July 22, 2009**. Motion carried unanimously

Consent Agenda: Moved by Myhr, seconded by Fralick, to approve the Consent Agenda of July 28, 2009, as follows:

A. Resolutions/Ordinances:

1. A Resolution revising the maximum lawful speed limit on Fisherman Bay Road from 35 miles per hour to 25 miles per hour between mile post 1.10 to mile post 1.74.

B. Contracts/Agreements: (No items.)

C. Budget Items: Approve 2009 Warrants signed by Auditor and County Administrator:

- Warrants #65852-65867 in the amount of \$4,601.66 for Medical Reimbursements
- Warrants #65715-65851 in the amount of \$132,873.58 for County Claims
- Warrants #65675-65714 in the amount of \$167,932.47 for Public Works

D. Personnel: (No items.)

E. Appointments: A letter appointing Noel Monin to the Law and Justice Council as the Town of Friday representative, effective immediately.

F. Correspondence: (No items.)

G. Miscellaneous: (No items.)

H. Bid Openings: (No items.)

Motion carried unanimously.

10:20 AM PUBLIC HEARING: Consider approval of the 6 Year (2010-2015) Transportation Improvement Plan (TIP) – Present: Council members Rich Peterson, Gene Knapp, Bob Myhr, Lovel Pratt, and Richard Fralick; County Administrator, Pete Rose; Clerk to the Council, Ingrid Gabriel; Deputy Clerk, Lisa Brown; Senior Planner, Colin Maycock; County Engineer, John VanLund; and interested members of the public.

Mr. Maycock introduced the 6 Year Transportation Improvement Plan and explained State requirements. He noted that the 21 projects included in the plan were all part of last year's plan. Mr. VanLund recognized his engineering staff present and explained how their work has an impact on local economy, with jobs being created by the work done on SJC roads. He reviewed the projects, funding, the Scenic Byways grant, and answered questions from the Council. Public testimony was opened, none submitted, and closed, and the following action took place:

Moved by Myhr, seconded by Fralick, to adopt the 6 Year (2010-2015) Transportation Improvement Plan and findings with the addition of item 23, regarding Scenic Byways. Motion carried unanimously.

11:00 AM PUBLIC HEARING: Consider amending the current 6 Year (2009-2014) Transportation Improvement Plan (TIP) to include the 2009 Scenic Byways Grant of \$154,000 – Present: Council members Rich Peterson, Gene Knapp, Bob Myhr, Lovel Pratt, and Richard Fralick; County Administrator, Pete Rose; Clerk to the Council, Ingrid Gabriel; Deputy Clerk, Lisa Brown; Senior Planner, Colin Maycock; County Engineer, John VanLund; Liz Illg, and interested members of the public.

Mr. VanLund presented this amendment to include the Federal Scenic Byways grant funding that the Visitor's Bureau obtained. He explained that the purpose of the change is to establish and develop a Corridor Management Plan for Orcas and San Juan Island for Scenic Byways. Liz Illg, Scenic Byway Coordinator, provided information regarding the plan, which combines transportation, recreation, tourism, and historic preservation relative to a specific route, which in this case includes a maritime component. The plan also addresses issues of safety, economic development, and a plan for preserving and protecting resources. Ms. Illg and Mr. VanLund answered questions from the Council regarding trails, funding, and implementation. Public testimony was opened, submitted by Colin Huntemer, Public Works, and closed. Ms. Illg expects to have the Plan complete by December, 2010.

Moved by Myhr, seconded by Knapp, to approve the Resolution, adopting the SJC Revised 6 Year (2009-2014) Transportation Improvement Plan. Motion carried unanimously.

11:15 PM COUNTY ADMINISTRATOR ITEMS: Pete Rose, County Administrator; Charles Zalmanek, Assessor; John VanLund, County Engineer; Steve Alexander, Solid Waste Manager; and interested members of the public were present.

1. APPOINTMENT: Council Appointee to Assessor's Staffing Committee

Mr. Rose explained that a formal request to the State by Mr. Zalmanek began the statutory process for review of staffing and budget levels for the Assessor. Mr. Zalmanek stated his desire to proceed with the request. Mr. Peterson indicated that Mr. Fralick had indicated interest in serving on this committee and the following action took place:

Moved by Pratt, seconded by Myhr, to appoint Mr. Fralick to the Assessor’s Staffing Committee. Motion carried unanimously.

2. RESOLUTION: Amending the Annual Road Program for 2009

Mr. Rose explained that the County Engineer had proposed scheduling changes to ensure all projects moving forward had appropriate financing. Mr. VanLund reviewed details regarding the modifications and funding, including the Scenic Byways addition. Mr. VanLund answered questions from the Council and the following action took place:

Moved by Myhr, seconded by Fralick, to adopt the Resolution revising the 2009 Annual Road Program. Motion carried unanimously.

3. UPDATE: San Juan Island Transfer Station Compliance

Mr. Rose provided an update on key issues as the County moves forward to comply with DOE and L&I regulations. He noted that requests for proposals (RFPs) for site evaluations on Level 1 and Level 2 environmental impact studies (EIS), and to secure a project manager have been published. Regarding the lease with option to purchase, Mr. Rose stated that risk would need to be carefully studied. Mr. Rose and Mr. Alexander answered questions from the Council. Mr. Alexander provided a PowerPoint presentation and answered additional questions from the Council.

11:45 EXECUTIVE SESSION: Real Property Acquisition

At 11:45, Council Chair Peterson 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 15 minutes. Present: Jon VanLund, County Engineer. The session ended at 12:00 for a total executive session time of 15 minutes.

1:30 PM DISCUSSION: Draft Budget Reserve Ordinance (1st Touch) - Randall Gaylord, Prosecuting Attorney and Milene Henley, Auditor.

Ms Henley referenced her report, reviewed the different “reserves,” and provided detail regarding the recommended budget stabilization fund reserve. Mr. Gaylord concurred that reserves bring stability and predictability to the budget, provided additional information regarding specifying contributions to cumulative reserves and super-majority requirements for anti-lapse provisions, and referenced authority provided by statute. He expressed concern regarding the super-majority relative to the County Council and whether a formulaic appropriation allocation could be used to accomplish San Juan County’s goals. Ms. Henley and Mr. Gaylord answered questions from the Council.

1:45 PM DISCUSSION: Consideration of Approval of the Comprehensive Plan Unified Development Code (UDC) Docket (2nd Touch) – Shireene Hale and Colin Maycock, Senior Planners

Ms. Hale reviewed the back-log in planning and requested prioritization of the Docket items from the Council. Ms. Hale, Mr. Maycock, Mr. Rose, and Mr. Gaylord answered questions from the Council regarding priorities and discussion took place regarding shoreline critical areas being addressed in the Critical Areas Ordinance (CAO) or in the Shoreline Master Program (SMP) update process. The motion made on May 18, 2009 was reviewed, and clarified by Mr. Gaylord, as directing Staff to move forward with developing a draft ordinance [for shorelines in the CAO], arrange a public participation plan, and get a letter of ‘assurance to review’ from the Department of Ecology and a decision to move beyond this would need to be made by the Council. Chair Peterson requested that that the CAO/Shoreline Segment come back to the Council at a time when six members are present. Items on the docket were discussed and Staff was content that they had sufficient work and direction to proceed.

3:00 PM DISCUSSION: On format for Critical Areas Ordinance (CAO) Workshop on Tuesday, August 25, 2009 (Commenced following the 3:15 p.m. Public Hearing, due to time constraints.)

CAO issues were raised by the Council and Mr. Rose suggested the Council determine an approach for the Workshop by deciding on what they wish to achieve and the questions they wanted answered. He also suggested a more specific target such as size and content of buffers. Council discussion took place regarding format, attendees, and issues. The following priorities to be addressed at the workshop were identified:

1. Setbacks/buffer sizes, and buffer contents and activities
2. Non-conforming uses
3. DOE's process for review/approval
4. Options for a CASP (Critical Area Stewardship Plan)
5. Options for a tailored approach (setbacks/buffers based on shoreline type, slope, vegetation, etc.)
6. Reasonable use exceptions

Mr. Gaylord also suggested moderation, but to include agency representatives responsible for the studies and scientists that support the recommended buffer size, noting that four Council members would need to agree that that represented the best available science for SJC. Ms. Pratt indicated names of representatives that she had invited from NOAA, ESA, DOE, and FEMA. Mr. Peterson said he would be in contact with scientists at a citizen meeting he was planning on attending later that day. Mr. Fralick reserved the right to make preliminary contacts with the scientists and bring their names to the next meeting.

3:15 PM PUBLIC HEARING: Buffum TOS Application – Present: Council members Rich Peterson, Gene Knapp, Bob Myhr, Lovel Pratt, and Richard Fralick; County Administrator, Pete Rose; Clerk to the Council, Ingrid Gabriel; Deputy Clerk, Lisa Brown; Associate Planner, Julie Thompson; and interested members of the public.

Ms. Thompson reported that the Planning Commission had heard the application and recommended approval. She reviewed details of the plan, noting her recommendation for Council approval. Ms. Thompson answered questions from the Council. Public testimony was opened, none submitted, and closed. The following action then took place:

Moved by Myhr, seconded by Knapp, to approval of the Buffum TOS Application, Lopez Island 09TOS001. Motion carried unanimously.

4:00 PM ADJOURN AND SIGN DOCUMENTATION: (Time Approximate) Council Chair Peterson adjourned the meeting at 3:57 p.m. A meeting was scheduled for Monday, August 10, 2009, and the next regular meeting was scheduled for Tuesday, August 11, 2009.

APPOINTMENTS:

1. See Consent Agenda, section E.
2. Appointment of Mr. Fralick to the Assessor's Staffing Committee (Refer to Tuesday, COUNTY ADMINISTRATOR ITEMS, 11:15 a.m., #1, for details of action taken.)

BUDGET ITEMS/WARRANTS:

1. See Consent Agenda, section C.

CALL FOR BIDS: (No items.)

CONTRACTS/AGREEMENTS: (No items.)

CORRESPONDENCE: (No items.)

MISCELLANEOUS ITEMS: (No items.)

ORDINANCES / RESOLUTIONS:

- ORD. NO. 26-2009-** (Refer to Monday, PUBLIC HEARINGS, 11:00 a.m., for details of action taken.)
ORD. NO. 27-2009- (Refer to Monday, PUBLIC HEARINGS, 11:00 a.m., for details of action taken.)
ORD. NO. 28-2009- (Refer to Monday, PUBLIC HEARINGS, 11:00 a.m., for details of action taken.)

ORD. NO. 29-2009- (Refer to Monday, PUBLIC HEARINGS, 11:00 a.m., for details of action taken.)

RES. NO. 22-2009- (Refer to Monday, COUNTY ADMINISTRATOR ITEMS, 11:30 a.m., #1, for details of action taken.)

RES. NO. 23-2009- (Refer to Consent Agenda, Section A.)

RES. NO. 24-2009- (Refer to Tuesday, PUBLIC HEARING, 10:20 a.m., for details of action taken.)

RES. NO. 25-2009- (Refer to Tuesday, PUBLIC HEARING, 11:00 a.m., for details of action taken.)

RES. NO. 26-2009- (Refer to Tuesday, COUNTY ADMINISTRATOR ITEMS, 11:15 a.m., #3, for details of action taken.)

RES. NO. 27-2009- (Refer to Monday, COUNTY ADMINISTRATOR ITEMS, 11:30 a.m., #2, for details of action taken.)

PERSONNEL ITEMS: (No items.)

COUNTY COUNCIL, SAN JUAN COUNTY, WASHINGTON

These Minutes were approved and signed on Tuesday, August 11, 2009. The original document is retained in the Council's permanent proceedings file. Attest: Lisa J. Brown, Deputy Clerk.