

**MEETING MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
December 8, 2009**

**Tuesday, December 8, 2009 - Legislative Hearing Room, 55 Second Street, Friday Harbor, WA**

**10:00 AM      CALL TO ORDER**

Chair Peterson began today's session with a moment of silence to remember Judge John Linde. Marion Melville and Joan White spoke briefly.

**10:04 AM**

Council Chair Peterson called the meeting to order at 10:04 a.m. and the flag salute was conducted. 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, Maureen See; and interested members of the public were present.

**New Employee Introductions:** Joan White welcomed Lauren Franciosi to the Superior Court staff.

**CITIZENS' ACCESS TIME**

Patty Miller addressed the Council and presented a memo in writing regarding the Land Use Element of the Comprehensive Plan, and moving the cell phone site regulations from the subarea plan to the Unified Development Code (UDC).

**CLERK UPDATE & COUNCIL ADMINISTRATIVE MATTERS:** Ingrid Gabriel, Clerk; and Maureen See, Deputy Clerk.

Ms Gabriel reported on the 2010 Calendar; Mr. Myhr made proposed changes and asked the Council to review his suggestions.

Ms. See reported on members requesting reappointment and several new applicants for committee vacancies. After discussion, the following action was taken:

**Moved by Pratt, seconded by Myhr, to reappoint Tom Cowan to the Land Bank Commission. Motion carried unanimously**

**Moved by Rosenfeld, seconded by Knapp, to appoint Doug Strandberg to the Land Bank Commission. Motion carried unanimously**

**Moved by Fralick, seconded by Knapp to appoint Rachel Newcombe to the Orcas Island Library Board of Trustees. Motion carried unanimously**

**Moved by Rosenfeld, seconded by Peterson, to reappoint John Lackey to the Planning Commission. Motion carried unanimously**

**Minutes:** The Minutes of November 30, 2009 were reviewed.

**Moved by Myhr, seconded by Rosenfeld, to adopt the Minutes of November 30, 2009. Motion carried unanimously.**

**Review and Approve Agendas:** Upcoming Agendas were reviewed.

Mr. Fralick asked for time on the January 4, 2010 Agenda to discuss the Local Integrating Organization.

Council Members were reminded that the January 4, 2010 Meeting will be held on Orcas. Mr. Rose reported that the January 5 Agenda will include a discussion of the solid waste funding.

**Moved by Myhr, seconded by Rosenfeld, to approve the Consent Agenda of December 8, 2009 as follows:**

**A. Resolutions:**

1. Resolution to repeal Resolution No. 43-2007 and release the Cash Bond - Petition to Vacate unopened County Road Right-Of-Way in Government Lot 1, Section 7, Township 37 North, Range 1 West, W.M.
2. Resolution to Transfer Additional Funds from County Roads to Cover the Cost of Sheriff's Patrol.
3. Resolution establishing a Park and Recreation District on Orcas Island.
4. Resolution Granting the Henry Island Enclave LLC Open Space, File No 07OS001, Henry Island
5. Resolution Granting Thomas Lloyd Leonard Timber Open Space Application No. 07TOS002 on Orcas Island
6. Resolution Granting Henry Island Enclave Timber Open Space Application No 06TOS003 on Henry Island

Ordinances: (No Items)  
B. Contracts/Agreements: (No Items)

C. Budget Items:

Approve 2009 Warrants signed by Auditor and County Administrator:

- Warrants #71890-71921 in the amount of \$76,108.74 for Public Works
- Warrants #71811-71889 in the amount of \$47,153.96 for County Claims
- Warrants #71740-71746 in the amount of \$4,146.36 for Veteran's Assistance
- Warrant #72066 in the amount of \$400 for Veteran's Assistance
- Warrants #72140-72175 in the amount of \$51,665.21 for Public Works
- Warrants #72067-72139 in the amount of \$36,618.48 for County Claims

D. Personnel: (No Items)

E. Appointments:

F. Correspondence: (No Items)

G. Miscellaneous: (No Items)

H. Bid Openings: (No Items)

**Council Calendar:** Mr. Myhr prepared few suggestions for the 2010 Council Calendar which will be distributed by the Clerk. The Council Retreat will be re-considered as Mr. Myhr and Ms. Pratt will be absent.

#### **COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:**

**Ferries/FAC/Intermodal:** Mr. Rosenfeld reported that this morning's meeting was very well attended. In addition to the committee, Melissa Johnson, WA State Ferries, and Mike and Zac Akin, Ferry agents in Friday Harbor, were in attendance. King Fitch, Administrator for Town of Friday Harbor was also present. It was a very active discussion.

**Budget Subcommittee:** Report this afternoon

**Legislative Priorities & Lobbying Efforts:** Ms. Pratt raised the question of Social Security Disability Tax Exemption as a Legislative Priority. Senator Ranker addressed the issue in a recent email. Discussion followed as to the pros and cons for keeping this as a priority.

Mr. Myhr will be drafting a newer version of the Odlin South legislative priority.

#### **ADDITIONAL UPDATES AND DISCUSSION ITEMS:**

The Council agreed by consensus that Mr. Myhr meet, along with a group of Lopez Island citizens, Captain Gerral David at the Naval Air Station on Whidbey Island to further discuss noise abatement.

Mr. Myhr, in a regular Lopez Town Meeting, welcomed a large crowd for a discussion of the Lopez Village subarea plan. The Lopez Village Planning Review Committee intends to develop a proposal for submission to the Planning Director. The Council responded affirmatively.

Mr. Fralick reported on the Local Integrating Organization (LIO) Steering Committee and the activities to date. He explained the primary role of LIO, priorities for funding, an accountability oversight committee and implementation committee, and the staff coordination function.

**10:20 AM DISCUSSION:** Marine Resources Committee (MRC) - Green Shores Program Grant Application; Mary Knackstedt, MRC Coordinator and Ed Hale, Utility Manager

Ms. Knackstedt explained a new competitive grant cycle where proposals will be found under the Puget Sound Watershed Management Assistance Program. The program will assist local and tribal governments as they implement the Puget Sound Partnership's Action Agenda, support protection and restoration of high value, aquatic resources and enhance local programs in areas threatened by growth. This announcement potentially represents a large amount of money and is worth pursuing. Ms. Knackstedt will investigate whether a resolution and/or a letter of support from the Council would be most helpful in securing these grant funds.

**10:45 AM PUBLIC HEARINGS:** Council Chair Peterson announced public hearings to be held to consider the following matters: **1)** Ordinance Amending Ordinances 59-2008, 8-2009, 9-2009, 18-2009, 30-2009, and 31-2009, by Revising the San Juan County 2009 Budget for Supplemental Appropriations; **2)** Ordinance Amending Ordinances 59-2008, 8-2009, 10-2009, 18-2009, 30-2009, and 31-2009, by Revising the San Juan County 2009 Budget for Emergency Appropriations; **3)** Adoption of 2010 Fee Changes, Parks Fee Amendment for 2010, and Building and Land Use Permitting Fee Changes for Community Development & Planning; **4)** Unified Development Code (UDC) Amendments, Lopez Pool Amendment, Resort Master Plan Extension, Upland Essential Public Facilities; **Present:** Full Council, County Administrator Pete Rose; Clerk to the Council, Ingrid Gabriel; Deputy Clerk, Maureen See; Auditor Milene Henley; Dona Wuthnow Parks and Recreation Director; John Manning, Interim Director of Community Development & Planning; Julie Thompson, Associate Planner; Colin Maycock, Senior Planner; Shireene Hale, Planning Coordinator, including staff and interested members of the public

1. Ms. Henley explained the two Ordinances for the Council's consideration; one is for supplemental appropriations, the other for emergency appropriations. There is a need in Information Services to cover costs related to an unemployment claim. Public Testimony was opened, none submitted, and closed. The following action then took place:

**Moved by Fralick, seconded by Myhr, to adopt an Ordinance Amending Ordinances 59-2008, 8-2009, 9-2009, 10-2009, 18-2009, 30-2009, and 31-2009, by Revising the San Juan County 2009 Budget for Emergency Appropriations. Motion carried unanimously**

2) Ms. Henley explained that there will be no emergency appropriations in the Current Expense Fund. Public Testimony was opened, none submitted, and closed. The following action then took place:

**Moved by Fralick, seconded by Knapp, to adopt an Ordinance Amending Ordinances 59-2008, 8-2009, 9-2009, 10-2009, 18-2009, 30-2009, and 31-2009, by Revising the San Juan County 2009 Budget for Transfers and Supplemental Appropriations. Motion carried unanimously**

3) Fee Changes

Parks: Ms. Wuthnow introduced the Parks Department amended fee schedule. Discussion followed with questions from the Council.

Community Development and Planning: Mr. Manning introduced the CD&P amended fee schedule. After discussion by the Council, Public Testimony was opened, submitted by Patty Miller, Nick Jones, and closed with the right to reopen. Ms. Pratt proposed that the existing application fees for all open space programs be maintained at their current levels and that in 2010 the Council further address associated public benefits, and application fees and processing costs for all open space programs. The Council had additional questions for staff, and after deliberations, the following action took place:

**Moved by Myhr, seconded by Knapp to approve an Ordinance Amending Fees for Services provided by the San Juan County Community Development and Planning Department and the San Juan County Parks Department, with the amendment to leave the fees on page 6 regarding Planning and Land Use Fees for CD&P for all Open Space, Timber Open Space, Farm & Ag Conservation at the existing fee, not the proposed fee. Motion carried with Myhr, Knapp, Pratt and Rosenfeld in favor, Peterson and Fralick opposed.**

4) Unified Development Code (UDC) Amendments

Lopez Pool: Ms. Thompson introduced the Proposed Ordinance that provides for a community service organization on Lopez to build an indoor community swimming pool. Public Testimony was opened, and submitted by Linda Barton, and Micki Ryan, and closed with the right to reopen. The following action was taken:

**Moved by Myhr, seconded by Rosenfeld, to adopt an Ordinance Amending San Juan County Code Section 18.30.040 regarding Allowable and Prohibited Uses in Rural, Resource, and Special Land Use Districts. Motion carried unanimously**

Resort Master Plan Extension: Mr. Maycock introduced the Proposed Ordinance for Master Planned Resorts. The Council had additional questions for staff, and Public Testimony was open, submitted by Christopher Peacock, then closed with the right to reopen. The following action was then taken:

**Moved by Fralick, seconded by Knapp to adopt an Ordinance Amending San Juan County Code Section 18.90.060 regarding the Timing Limitations for Submission of Planned Unit Development Applications for Master Planned Resorts. Motion carried unanimously**

Upland Essential Public Facilities: Ms. Hale introduced the Proposed Ordinance regarding essential public facilities. The Council had additional questions for staff, Public Testimony was open, and submitted by Patty Miller, Ed Sutton, Charles Anderson, Chris Clarke, and Claudia Mills. Public Testimony was then closed, with the right to reopen. Council began deliberations with additional questions for staff, and the following action took place:

**Moved by Myhr, seconded by Knapp, to continue this Public Hearing to January 5, 2010 on the Proposed Ordinance regarding Essential Public Facilities. Motion carried unanimously.**

**11:40 AM PRESENTATION:** San Juan Initiative, Amy Windrope, Project Manager; Jonathan White; Critical Area Ordinance Outreach Report, Jim Kramer; Krystyna Wolniakowski, Western Director, National Fish and Wildlife Foundation

Jonathan White reported on the project to understand community perspectives on the proposed changes to the Critical Areas Ordinance (CAO) and Shoreline Master Program. Ms. Wolniakowski explained the role of the National Fish and Wildlife Foundation, and thanked the Council and San Juan Initiative for their efforts to blend public and private sectors to achieve their goals. After discussion, the following action took place:

**Moved by Pratt, seconded by Myhr, to adopt the Resolution supporting the implementation of the San Juan Initiative's recommendations for improving shoreline protection. Motion passed unanimously**

Jim Kramer thanked the Council for the opportunity to be involved in helping to collate the perspectives of the community in the key CAO issues. He urged the Council to read the summary and comments of his issue paper, and to move forward on the proposal.

**Announcement:**

Chair Peterson announced that the Supreme Court of Washington declared that Island County Judge Alan Hancock will perform Superior Court duties until the replacement of Judge Linde can be made by the Governor.

**12:39 PM RECESS FOR LUNCH**

**1:30 PM COUNTY ADMINISTRATOR ITEMS**

**Announcement:**

Mr. Rose requested an excused absence from the Meeting of December 15, 2009, and proposed that Milene Henley, Auditor, be made Interim Administrator from December 13 to December 30. The following action was taken:

**Moved by Rosenfeld, seconded by Knapp, to excuse Pete Rose, County Administrator from the meeting of December 15, 2009, and to appoint Milene Henley Interim Administrator from December 13 through December 30, seconded by Knapp. Motion passed unanimously**

1. Acceptance of San Juan Island Historical Society Preservation and Conservation Easement Deed - Lincoln Bormann, Land Bank Director

Mr. Bormann introduced the Conservation Easement Deed. After a call for questions, the following action took place:

**Moved by Rosenfeld, Myhr seconded, to Accept the San Juan Island Historical Society Preservation and Conservation Easement Deed. Motion passed unanimously**

2. Geographic Information Systems (GIS) Applications and Vision for the Future - Melissa Crane, GIS Program Coordinator; Jon Shannon, Director Public Works

Mr. Shannon introduced his GIS team: Melissa Crane, GIS Coordinator, Kevin Ward, GIS Technician, and Greg Sutherland, Engineering Technician. A power point presentation was provided. A demonstration of the Polaris Property Search was shown. Questions asked included utilization by the Assessor's office, classification of wetlands, prior information by DNR, CDPD stewardship of the material, availability of data, policy and implementation, LiDAR, and future applications.

Chair Peterson opened the discussion to the Public Comment, submitted by Sharon Kivisto who asked about funding.

**2:40 PM**

3. Resolution Adopting Procedures to be Used by the San Juan County Community Development & Planning Department for Lottery Issuance of Accessory Dwelling Unit (ADU) Permits - Lee McEnergy, Associate Planner

This item will be placed on the next Consent Agenda.

4. Establishing Public Works Fees for Franchises, Road Uses and Other Similar Fees (2nd Touch) - Jon Shannon, Public Works Director

Mr. Rose explained that this is a second touch and will be ready for Public Hearing next week. The Council had additional questions for staff, and following discussion this action took place:

**Moved by Fralick, seconded by Pratt, to move the approval of Establishing Public Works Fees for Franchises, Road Uses and Other Similar Fees to Public Hearing on December 15. Motion carried unanimously**

5. Amendments to Bargaining Agreements – Pamela Morais, Human Resources Manager, Adina Cunningham, Deputy Director

Ms. Morais described the investigation of other health care insurance; Ms. Cunningham discussed moving from one provider to another, costs to the county, and benefit inclusions. Mr. Rose explained there is still a great deal of work to be done on this. The following action was taken:

**Myhr moved, Fralick seconded to approve the Administrator's recommended to change, effective January 1, 2010 the County insurance provider from Regence Blue Shield to Group Health Options, the dental insurance provider from Regence Blue Shield to Washington Dental Services, and to authorize the County Administrator to execute the applications.**

**3:15 PM          DISCUSSION:** Budget Subcommittee Report, Richard Fralick, Subcommittee Chair

Mr. Fralick gave an update to the Council on the budget plan. Even with the severe cuts, the County still faces shortfall on revenue which will result in further expenditure reductions. The subcommittee would like to start a process early in the New Year to dialogue with Elected Officials and department heads.

Public Comment was received from Jack Cory regarding the Community Development and Planning reorganization.

**3:25 PM      DISCUSSION:** Final Action on Fisherman Bay Road Condemnation - Karen Vedder, Deputy Prosecuting Attorney

Ms. Vedder reported on the road condemnation on Lopez, and the final agreement reached. The following action took place:

**Myhr moved, Rosenfeld seconded, to approve the final agreement on the Fisherman Bay Road Condemnation. Motion passed unanimously**

**3:38 PM      ADJOURN AND SIGN DOCUMENTATION:**

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**COUNTY COUNCIL, SAN JUAN COUNTY, WASHINGTON**

**These Minutes were approved and signed on Tuesday, December 15, 2009. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Clerk of the Council**

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