

**MEETING MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
Monday, March 23 and 24, 2009**

**Monday, March 23, 2009, Special Meeting - Council Hearing Room, Legislative Building, Friday Harbor**

**9:00 AM**      **CLOSED SESSION: Labor Contract Negotiations** – Participants: Pamela Morais, Human Resource Manager and the full Council.

Council Chair Peterson announced that the Council would be holding a closed session estimated to last approximately 45 minutes, to discuss labor contract negotiations pursuant to the provisions of RCW 42.30.140(4)(b). The session ended at 9:44 a.m. for an actual session time of 44 minutes. No action was taken.

**Monday, March 23, 2009, Staff Meeting Council Work Session – Council Hearing Room, Friday Harbor**

**10:00 AM**      **CALL TO ORDER**

Council Chair Peterson called the Staff Meeting/Work Session to order at 10:05 a.m. Council members Gene Knapp, Bob Myhr, 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.

**CITIZENS' ACCESS TIME**

**Tom Nolan**, Construction Contractor, read a letter that he had sent to the Council regarding permitting for accessory structures and inquired about the definition of "accessory." He asked the Council to consider how it is interpreted for permitting purposes. Council discussion took place and Mr. Peterson asked that a response be provided by CD&P Director, Ron Henrickson, during Council Member Updates.

**10:15 AM**      **CLERK UPDATE & Administrative Matters:** **Ms. Larson** reported that the recording of the meeting today would be posted on-line this evening and introduced Chad Swanson, Founder and Vice-President of the recording company AV Capture All, currently being test-piloted for recording Council sessions. She reported that the field trip this afternoon would begin at 1:00 at the Thrift House and that a joint meeting with the Town would be taking place from 12:00 – 1:00 on Tuesday.

**Committee Update:** **Ms. See** referenced information in the Council binders, noting that she had included a new committee vacancy list. She provided details on applicants and addressed position opening discrepancies. Ms. Pratt pointed out that Council members of a district that has an opening are required to submit a list of candidates that they approve of to the full Council. The Council concurred to approve Larry McNair's SWAC appointment on Consent tomorrow.

**Review Minutes:** Minutes of March 9 and 10, 2009, were reviewed and discussed.

**Review Agendas:** The upcoming Agendas were reviewed and discussed. Mr. Peterson inquired about Council approval of the FEIS. Mr. Rose explained that there is a 21 day appeal period for an environmental declaration process. Mr. Peterson stated he would like time to discuss this policy, noting that it had not been established through this Council.

**Review Consent Agenda:** Ms. Pratt reported on a delay in providing a draft letter to Dan Newhouse, Director of the State Department of Agriculture. The Council concurred to add this to the Consent Agenda. Mr. Knapp reported that there will be another letter to the Senate and is requesting that Skagit County also send a letter regarding holding the ferry fare increase to 2.5 percent.

**Review Council Calendar Items:** Council members reported on their upcoming calendar items and obligations.

**10:25 AM**      **COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:**

**Added items:**

**Board of Health (BOH) Meeting Appointment:** Mr. Myhr requested Council approval for his representation on the Board of Health at the March 18, 2009, meeting and the following action took place:

**Level Pratt : Motion / Gene Knapp : 2<sup>nd</sup>;**

**Rich Peterson : Approve / Richard Fralick : Approve / Level Pratt : Approve / Gene Knapp : Approve / Howie Rosenfeld : Approve / Bob Myhr : Approve**

**Response to Public Comment:** Mr. Henrickson, Community Development and Planning (CD&P) Director, assured the Council that there have been no changes to the rules and that they are doing what the department has always done. He reviewed barn permits in agricultural areas, addressed additional considerations in shoreline areas, and accessory dwellings to primary residences. Mr. Henrickson and Mr. Beliveau, CD&P Deputy Director, answered questions from the Council. Council discussion took place and Mr. Peterson asked if the Council was interested in more in depth clarification. It was decided to add this item to the agenda of April 6, 2009.

#### **COUNCIL MEMBER UPDATES:**

**Ferries/FAC/Intermodal:** Mr. Rosenfeld inquired about the letter Mr. Knapp spoke of and reported that the letter to legislators regarding SJCC's position on ferry service, approved by the Council at the last meeting, had been sent to the Governor, Chairs of transportation committees, and by e-mail to all Representatives and Senators. Ms. Pratt also reported on a hearing for Senate Bill 6109. Mr. Sutton announced that the inaugural San Juan Islands/Sidney ferry run is scheduled for this Sunday and encouraged Council members to attend, noting that WSF and State representative would be on board. Mr. Peterson requested that this be scheduled as a special meeting. Ferry Bill 6109 Report: Mr. Rose later provided information regarding Senate Bill 6109.

**Budget Subcommittee:** Mr. Fralick had nothing further to report.

**Legislative Priorities & Lobbying Efforts:** Mr. Myhr and Ms. Pratt reported on meetings they attended in Olympia. Mr. Rose and Mr. Henrickson provided input on how the Anacortes decision impacts the submittal of SJC's Critical Areas Ordinance (CAO).

**Cell Phone Task Force (CPTF):** Mr. Fralick reported that work on the draft Ordinance would continue on Wednesday and that the CPTF would be making a presentation to the Council on March 30, 2009. Mr. Myhr requested a comparison to the old Ordinance.

**General Government Subcommittee:** Mr. Knapp provided a progress report.

**Broadband Stimulus Funding:** Mr. Fralick reported that SJC has an opportunity to improve Broad Band access by applying for stimulus funding, noting that SJC would need to register to begin the process soon to ensure a more favorable position. He submitted the requirement checklist to Mr. Rose with the Council's concurrence. Mr. Johnson also provided input. Mr. Johnson was asked by the County Administrator to register the County.

**11:00 AM COUNTY ADMINISTRATOR ITEMS:** Pete Rose, County Administrator; Barbara Rosenkotter, SJC Lead Entity Coordinator; Ron Henrickson, CD&P Director; and interested members of the public were present.

**1. State of the Salmon Report:** Ms. Rosenkotter reported on salmon recovery efforts and funding, and provided a 10 year anniversary report put out by the Washington State Governor's Salmon Recovery Office. Mr. Myhr pointed out that salmon recovery is an important issue for all of Puget Sound and that SJC owes Ms. Rosenkotter a tremendous debt of thanks and needs to do whatever necessary to keep funding for her position intact.

**2. Briefing on First UDC Docket Items:** Mr. Henrickson referenced his staff report and provided information to the council regarding items proposed to come before the Council in a UDC Hearing. Mr. Henrickson answered questions from the Council and **a motion to direct the County Administrator to proceed to process the first UDC docket for 2009 was made.**

**Richard Fralick : Motion / Lovel Pratt : 2nd**

**Rich Peterson : Approve / Richard Fralick : Approve / Lovel Pratt : Approve / Gene Knapp : Approve /  
Howie Rosenfeld : Approve / Bob Myhr : Approve**

**11:35 AM COMMITTEE REPORT:** Parks & Recreation Commission Work Plan - Gilbert Blinn, Chair; Kyle Davies, Vice Chair, San Juan Island; Cy Field, Shaw Island; Carl Jones, Lopez Island; Ann Palmer, Lopez Island; and Sandy Playa, Orcas Island; and interested members of the public.

Mr. Blinn provided an overview of the work plan proposed by the Parks & Recreation Commission. He introduced commission members present and also recognized Cloud Oakes, San Juan Island, who was not present. He explained their work plan, and provided a budget review and recommendations. Mr. Blinn and Ms. Playa answered questions from the Council.

**Lopez Village Ad Hoc Committee:** Mr. Myhr asked to have staff advertise for committee members to address issues for Lopez Village in the Islands Weekly and asked Mr. Henrickson for staff support for this committee. Mr. Henrickson said that he would support this and Mr. Rose noted that time given to support that committee is time taken away from CD&P department. **A motion that the Council support forming a Lopez Village Ad Hoc Committee was made:**

**Bob Myhr: Motion / Gene Knapp: 2nd**

**Rich Peterson : Approve / Richard Fralick : Approve / Lovel Pratt : Approve / Gene Knapp : Approve /  
Howie Rosenfeld : Approve / Bob Myhr : Approve**

**1:00 PM SAN JUAN ISLAND TRANSFER STATION SITE VISITS:**

At 1:00 p.m., the Council toured the Thrift House, the Daniel Lane property, Beaverton Valley property, Consignment Treasures, and the Sutton Road property in preparation for the upcoming Solid Waste Transfer Site location hearing.

**3:45 PM ADJOURN:** The session was adjourned at 3:45 following the site visits.

<b>Monday, March 24, 2009, Regular Meeting - Council Hearing Room, Legislative Building, Friday Harbor</b>
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**10:00 AM CALL TO ORDER**

Council Chair Peterson called the meeting to order at 10:05 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, Ann Larson; Deputy Clerk, Lisa Brown; and interested members of the public were present.

**CITIZENS' ACCESS TIME:** No public comments were submitted.

**COUNCIL ADMINISTRATIVE MATTERS**

**Minutes of March 9 and 10, 2009; motion to approve:**

**Richard Fralick: Motion / Howie Rosenfeld: 2nd**

**Rich Peterson : Approve / Richard Fralick : Approve / Lovel Pratt : Approve / Gene Knapp : Approve /  
Howie Rosenfeld : Approve / Bob Myhr : Approve**

**Consent Agenda of March 24, 2009; the Council moved to adopt:**

**A. Resolutions/Ordinances:** (No items.)

**B. Contracts/Agreements:** (No items.)

**C. Budget Items:**

Approve 2009 Warrants signed by Auditor and County Administrator:

- Warrants #59160-59214 in amount of \$265,270.07 for Public Works

- Interfund Transfer Approval for Month of December 2008 13th month in (Jan 2009)
- Interfund Transfer Approval for the Month of January 2009
- Interfund Transfer Approval for the Month of February 2009
- Warrants #59068-59159 in amount of \$151,801.36 for County Claims
- Warrants #59319-59321 in amount of \$3,100 for Veteran's Assistance
- San Juan County Payroll Approval for the pay periods ending January 23, 2009 and February 20, 2009
- Warrants #59607 – 59682 Public Works claims in the amount of \$87,231.42
- Warrant #59683 Public Works claim in the amount of \$3,306.77
- Warrants #59684 - 59708 2008 Medical Reimbursements in the amount of \$10,270.09
- Warrants #59709 – 59722 (except 59713) 2009 Medical Reimbursements in the amount of \$3,790.31
- Warrants #59723 – 59724 2009 Medical Reimbursements in the amount of \$676.56
- Warrants #59493 – 59606 in the amount of \$99,605.24 for County Claims

**D. Personnel:** (No items.)

**E. Appointments:**

1. A letter appointing Larry McNair to the San Juan County Solid Waste Advisory Committee, Position #9, filling the unexpired term of Edie deChadenedes, beginning immediately and expiring on August 31, 2009.

**F. Correspondence:**

1. A letter to Carrie Clingan of the National Association of Counties supporting a proposal for the Coastal Counties Restoration Initiative between the SJC Marine Resources Committee and the Northwest Straits Foundation.

2. A letter to President Elson Floyd, Washington State University, expressing concern over possible budget cuts in the WSU Extension.

3. Letters to Senator Mary Margaret Haugen and Senator Kevin Ranker asking for support of a 2.5% ferry increase.

4. A letter to Dan Newhouse, Director, Washington State Department of Agriculture regarding support for agricultural priorities in San Juan County.

**G. Miscellaneous:**

1. Authorize the County Administrator to sign Contract Documents, bids, etc. regarding the Fisherman Bay Rd. project seeking Federal Stimulus Package funds.

**H. Bid Openings:** (No items.)

**Bob Myhr: Motion / Gene Knapp: 2nd**

**Rich Peterson : Approve / Richard Fralick : Approve / Lovel Pratt : Approve / Gene Knapp : Approve / Howie Rosenfeld : Approve / Bob Myhr : Approve**

## COUNCIL MEMBER UPDATES

**Legislative Priorities & Lobbying Efforts:** Ms. Pratt reported on contacts she made in Olympia with Jay Manning, Director of the Department of Ecology (DOE) and Jeannie Summerhays, DOE Northwest Regional Director, who offered to come to SJI to meet on-site at the Transfer Station with a subcommittee of elected Town and County officials, personnel and administrative staff to look at problem-solving and review options. Discussion regarding representation took place. Mr. Rosenfeld noted that he recommended forming a subcommittee in December of 2006. Mr. Peterson suggested SJ representatives and a member of the Town Council and Michael Bertrand as Town Staff. It was decided that scheduling of this meeting would take place immediately.

**Senate Bill 5433:** Ms. Pratt reported that WSAC has been urging support of SB 5433, giving Counties an opportunity to have a utility tax in unincorporated areas in an enabling ordinance. Mr. Peterson stated he wouldn't be opposed to the legislation, but would want the utility tax to go to the voters for approval and noted that he would not be in favor of imposing another tax. **Motion to support SB 5433:**

**Howie Rosenfeld: Motion / Lovel Pratt: 2nd**

**Rich Peterson : Approve / Richard Fralick : Approve / Lovel Pratt : Approve / Gene Knapp : Approve / Howie Rosenfeld : Approve / Bob Myhr : Approve**

**Rescue Tug Legislation:** Mr. Myhr pointed out that the Governor is prepared to sign the Rescue Tug Legislation,

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17:33:31 PM

which requires a tug in Port Angeles and requires the oil tanker companies to provide a mechanism to fund it, but is not laid out in legislation.

**WSAC Coastal Counties Caucus (CCC):** Mr. Myhr also pointed out that the CCC is going to be asking the WSAC Legislative Steering Committee to seek \$33,000 for the Puget Sound Restoration Project, noting that the Lead Entity programs and salmon recovery are extremely important to support.

**Farmers Market:** Mr. Fralick inquired about a report from Dona Wuthnow, Parks Department Director, regarding rent and revenue numbers. He noted that last year the Farmers Market on Orcas was granted \$5,000 to offset their costs and are asking the Council to reconsider that item for this year as well. Mr. Fralick reported on his conversations with the new director of the Orcas Farmers Market.

**Homes for Islanders Letter:** Mr. Peterson reported on a letter requested by Homes for Islanders to support their grant effort. Mr. Rose provided information regarding this. Ms. Pratt offered to make some changes to the letter and bring it back for consideration in the afternoon.

**10:20 AM PUBLIC HEARING:** A public hearing was held to consider an Ordinance changing the Health & Community Services Advisory Board to the Human Services Advisory Board. Present: Full Council; County Administrator, Pete Rose; County Clerk, Ann Larson; Public Hearings Specialist, Lisa Brown; Health & Community Services Director, John Manning; and interested members of the public.

Mr. Manning referenced his Staff Report and reviewed the reason for this change through institution of the County Charter. Mr. Manning answered questions from the Council. Several changes to the Ordinance were agreed upon by the Council. Public Testimony was opened, none submitted and closed. Deliberations were held and **a motion to adopt the Ordinance as corrected was made:**

**Bob Myhr: Motion / Richard Fralick: 2nd  
Rich Peterson : Approve / Richard Fralick : Approve / Lovel Pratt : Approve / Gene Knapp : Approve /  
Howie Rosenfeld : Approve / Bob Myhr : Approve**

**10:40 AM PUBLIC HEARING:** A public hearing was held to consider an Ordinance Amending the Comprehensive Plan regarding the Housing Element & Changes to Appendix 1 – Population. Present: Full Council; County Administrator, Pete Rose; County Clerk, Ann Larson; Public Hearings Specialist, Lisa Brown; CD&P Director, Ron Henrickson; Senior Planner, Colin Maycock; and interested members of the public.

Mr. Henrickson and Mr. Maycock presented their staff report and provided details regarding their population assumptions and housing needs projections. Mr. Henrickson and Mr. Maycock answered questions from the Council regarding available property, utilities, population growth, and the exclusion of rental properties. Public testimony was opened, submitted by six individuals who spoke in favor of affordable housing measures. After hearing all testimony from the public present, Mr. Peterson suggested continuing the hearing to a date certain when it became clear that the Council would not have time to deliberate. The Council expressed interest in continuing the public hearing and also holding a work session. Mr. Henrickson said that he could apply for an extension to the GMA Housing Element requirement. **A motion to continue the public hearing to March 31, 2009, at 10:20 a.m. was made:**

**Bob Myhr: Motion / Richard Fralick: 2nd  
Rich Peterson : Approve / Richard Fralick : Approve / Lovel Pratt : Approve / Gene Knapp : Approve /  
Howie Rosenfeld : Approve / Bob Myhr : Approve**

The Council requested additional information from Mr. Henrickson and Mr. Maycock, and then concluded the hearing for the day.

**11:30 AM Climate Change Update:** Postponed to 2:00 p.m.

**12:00 PM JOINT MEETING:** Town of Friday Harbor / San Juan County Council – Town Council members Carrie Brooks, Carrie Lacher, Chris Wolf, Anna Maria deFreitas, and Liz Illg; Mayor, David Jones; Town Administrator, Michael Bertrand, Town Planner; and Amy Taylor, Town Clerk; County Council members Rich Peterson, Howard (Howie) Rosenfeld, Gene Knapp, Bob Myhr, 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.

Ms. Taylor called roll and Mayor Jones conducted the Flag Salute. The Town and County Councils engaged in discussion lead by Mayor Jones regarding the Joint Policy Planning Committee, Phase 1 of the Friday Harbor UGA (Buck) Annexation, Ferries, future Transfer Station Plans, and the current Transfer Station Interim Waste Plan. Ms. Pratt informed the Town representatives of the offer made by Jeanie Summerhays to make a site-visit to the Transfer Station to review options and help problem-solve. A committee was designated with representation from the Council, County Staff, and the Town of Friday Harbor as deemed appropriate. Mr. Myhr asked the Town Council whether the Town would completely and totally commit to using whatever new site is chosen, and close its existing site. Town Council members said they could not commit, because it depended on the economics for the town. Liz Illg indicated that the Town's approach and the County's approach differed from one another. Mr. Rosenfeld stated that there is a bill to raise fees and/or taxes on float planes that is under consideration and asked if the Town would be willing to write a letter opposing this. Mayor Jones responded affirmatively. At 1:00 p.m., Mayor Jones moved to adjourn and the County Council recessed for lunch.

**2:00 PM DISCUSSION:** (2:00 p.m.) Climate Change Assessment & Progress – Present: Stan Matthews, Communications Manager; and interested members of the public.

Mr. Matthews reported on measures being put into place by SJC to decrease its carbon footprint. He provided a PowerPoint presentation outlining the 18 measures the Council committed to address in an Ordinance passed last year and progress towards those measures, noting that some require guidance as they incur additional costs to implement.

**2:00 PM WORKSHOP: Current Transfer Station Interim Waste Plan** (Commenced at approximately 2:15 p.m.) Steve Alexander, Solid Waste Manager; Jon Shannon, Ed Hale, Utilities Manager; Mark Tomkins, Health Department; Peter Christianson, DOE, and solid waste manager for the Bellevue Office, which oversees SJC; and interested members of the public were present.

Mr. Hale provided materials and the panel reported and answered questions from the Council regarding the current transfer station mitigation requirements, costs to bring it up to code, and development of another site. The Council requested a public work session and Clerk Larson offered April 13, 2009, as a date for this to take place.

**Letter Supporting Senate Bill 5433; motion to sign:**

**Lovel Pratt: Motion / Howie Rosenfeld: 2nd**

**Rich Peterson : Approve / Richard Fralick : Approve / Lovel Pratt : Approve / Gene Knapp : Approve / Howie Rosenfeld : Approve / Bob Myhr : Approve**

**Letter to support Homes for Islanders; motion to sign:**

**Howie Rosenfeld: Motion / Lovel Pratt: 2nd**

**Rich Peterson : Approve / Richard Fralick : Approve / Lovel Pratt : Approve / Gene Knapp : Approve / Howie Rosenfeld : Approve / Bob Myhr : Approve**

**3:45 PM ADJOURN AND SIGN DOCUMENTATION:** Mr. Peterson adjourned the meeting at 3:45 p.m. A Special Meeting was scheduled for Sunday, March 29, 2009, on the San Juan Islands/Sidney 2009 inaugural run, a Staff Meeting / Work Session for Monday, March 30, 2009, and the next regular meeting was scheduled for Tuesday, March 31, 2009.

APPOINTMENTS:

1. See Consent Agenda, section E.

2. Approve representation of Bob Myhr for the March 18, 2009 BOH meeting. (See Monday, March 23, 2009 10:25 a.m. COUNCIL MEMBER UPDATES, Added items.)

BUDGET ITEMS/WARRANTS:

1. See Consent Agenda, section C.

CALL FOR BIDS: (No items.)

CONTRACTS/AGREEMENTS: (No items.)

CORRESPONDENCE:

1. See Consent Agenda, section F.
2. Letter supporting Senate Bill 5433\*
3. Letter supporting Homes for Islanders\*

\*(See March 24, 2009, CORRESPONDENCE, following the 2:00 p.m. Workshop.)

MISCELLANEOUS ITEMS: (No items.)

ORDINANCES / RESOLUTIONS:

**ORD. NO. 6-2009** (Refer to March 24, 2009, 10:20 a.m., PUBLIC HEARING, for details of action taken.)

PERSONNEL ITEMS: (No items.)

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**These Minutes were approved and signed on Tuesday, March 31, 2009. The original document is retained in the Council's permanent proceedings file. Attest: Lisa J. Brown, Deputy Clerk.**