

**SUMMARY OF THE MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
June 9, 10, 2008**

**Monday, June 9, 2008 - Council Hearing Room, Legislative Building, FH**

**CALL TO ORDER – REGULAR STAFF MEETING AND WORK SESSION**

Council Chair Howard Rosenfeld called the staff meeting to order at 10:00 a.m. Council members Kevin Ranker, Rich Peterson, Gene Knapp, Bob Myhr, and Alan Lichter; County Administrator (CA), Pete Rose; Clerk to the Council, Ann Larson; Council Department Assistant, Maureen See; and interested members of the public were present.

Clerk, Ann Larson provided updates on Council office and staff work and noted the changes to the schedule for the June 24<sup>th</sup> regular meeting on Orcas Island. She also reported that the new Public Hearings Specialist would begin working on June 10, 2008. Council Department Assistant, Maureen See, updated the Council on committees. The Council reviewed the Minutes and made minor changes. Council schedules and agendas were reviewed.

Kevin Ranker reported on a pilot loan program to be discussed at the WSAC Conference during the Coastal Counties Caucus agenda. The loan program would give low interest loans to help with failing septic systems and may be expanded in the Puget Sound region. Gene Knapp reported on the history of the San Juan County stormwater regulations, emphasizing the need for new regulations. Chair Rosenfeld and Bob Myhr both voiced interest in having stormwater regulations added to the docket. Chair Rosenfeld provided the Council with copies of new statements developed jointly with the Ferry Town/County Subcommittee. County Administrator, Pete Rose, discussed the Hearings Examiner Ordinance scheduled for June 10, 2008. Gene Knapp noted that Bill Nielsen would not be present for the public hearing on June 10, but would be available June 17. He also reported that several local attorneys were interested in giving public testimony on both days.

**RECESS** - At 11:24 AM, Chair Rosenfeld recessed the meeting until 10:00 AM, Tuesday, June 10, 2008.

**Tuesday, June 10, 2008 - Council Hearing Room – Legislative Building, FH**

**CALL TO ORDER**

Council Chair Howard Rosenfeld called the regular meeting to order at 10:00 a.m. Council members Kevin Ranker, Rich Peterson, Gene Knapp, Bob Myhr, and Alan Lichter; County Administrator, Pete Rose; Clerk to the Council, Ann Larson; Deputy Clerk, Lisa Brown; Council Department Assistant, Maureen See; and interested members of the public were present.

The flag salute was conducted.

**NEW EMPLOYEE INTRODUCTION/RETIREMENT**

The Council welcomed Lisa Brown back as the Public Hearings Specialist.

**CITIZEN ACCESS TIME**

Dick Keefe, Housing Bank Commission (HBC) Chair, reported that, at a joint meeting between the HBC and Town of Friday Harbor (TFH), a resolution regarding the Buck Project passed. He expressed concern that the project could face peril, losing funding and grants, if the County didn't move forward quickly. He encouraged the Council, Mr. Rose, and the Prosecuting Attorney, to meet with representatives of the Town Council to find out what could be done to move forward on documentation of annexation of the Buck Property.

Carrie Lacher, Town of Friday Harbor Council Member, concurred with Mr. Keefe, adding that there are no other affordable housing options available and whatever differences exist on this project should be resolved so the project is not lost. She suggested enlisting a mediator to fast-track resolution of outstanding issues and noted that Nancy DeVaux and the HBC are available to help in any possible way.

Council Chair Rosenfeld asked Mr. Keefe and Ms. Locker if they were available to stay so that this discussion could be explored further as an added agenda item.

### **ANNOUNCEMENTS/SCHEDULE CHANGES**

The Council Session Agenda was amended to include the annexation issue brought forward during Citizen Access Time.

### **APPROVAL OF MINUTES**

Moved by Lichter, seconded by Myhr, to approve the Minutes of **June 2 and 3, 2008**. Motion carried unanimously.

### **CONSENT AGENDA**

Moved by Lichter, seconded by Knapp, to approve the Consent Agenda of **June 10, 2008**, as follows:

#### **A. Resolutions/Ordinances:**

1. A Resolution to accept one Easement, appropriate funds and authorize payments for Fisherman Bay Road right-of-way acquisition, CRP 030602, Lopez Community Church. **[Resolution 45-2008]**

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

**C. Budget Items:** (No items.)

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

#### **E. Appointments:**

1. A letter appointing Teri Williams to the Critical Areas Ordinance Review Committee.  
2. A letter reappointing John Vejvoda to the Civil Service Commission, the term effective immediately and expiring on May 31, 2014

3. A letter appointing Georgia Baciu to the Northwest Senior Services Board, the term beginning July 1, 2008 and ending June 30, 2011.

4. A letter appointing Sandy Playa to the San Juan County Park Board, the term beginning July 1, 2008 and ending June 30, 2014.

**F. Correspondence:** (No items.)

**G. Miscellaneous:** (No items.)

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

Motion carried unanimously.

### **ACTION AND DISCUSSION ITEMS**

#### ORDINANCES/RESOLUTIONS:

**RES. NO. 45-2008** - (Refer to Consent Agenda of June 10, 2008, for details.)

**RES. NO. 46-2008** - ALEA Application (Refer to PUBLIC HEARING at 3:30 p.m., for details of action taken.)

**RES. NO. 47-2008** - WWRP Application (Refer to PUBLIC HEARING at 3:30 p.m., for details of action taken.)

**RES. NO. 48-2008** - 2008 Docket List and Priority Items (Refer to DISCUSSION - **Resolution Regarding the Approval of the Annual Docket**, for details of action taken.)

**RES. NO. 49-2008** - Public Participation Plan for 2008 Docket Amendments (Refer to DISCUSSION - **Resolution Regarding the Approval of the Public Participation Plan**, for details of action taken.)

#### COUNCIL DISCUSSION/UPDATES/OTHER ACTION ITEMS:

#### DISCUSSION – Buck Property Annexation

Councilman Ranker addressed Mr. Rose stating that it was his understanding that the Buck Property Annexation project was fast-tracked and the UGA issue settled, with the project moving forward. Mr. Rose stated that the pre-annexation agreement, per requirement in the Comprehensive Plan, had some delays on the County side earlier in the year regarding concerns over infrastructure impact. When he learned the project was not moving forward, a meeting between TFH staff and County executives was scheduled for today to “pull it together.” Discussion followed and Councilman Lichter asked if there was a drop-dead timeline. Ms. Lacher explained that there had already been a delay of 11 months on the parties willing to donate their property to the Home Trust, and believed losing the Buck Project is closer to days rather than weeks, if issues are not resolved immediately. Mr.

Rose agreed that a joint meeting with a mediator, possibly from Community Trade and Economic Development (CTED), could be productive. Mr. Rosenfeld acknowledged this as a top priority that needs to be fixed and the Council concurred.

**UPDATE - Stormwater**

Mr. Ranker reported on his research into how other rural counties address stormwater, stating that it is an issue for them as well. He stated that Mason and Clallam Counties will be sharing their plans with SJC. Mr. Ranker also spoke with the new policy director at the Washington State Association of Counties (WSAC), who will be gathering information from all 39 counties over the next two weeks to share information with SJC as well. He added that WSAC recognizes that urban framing of this discussion doesn't fit rural communities such as ours.

**UPDATE - Gulf Islands Trust**

Mr. Lichter reported that four Council members and the County Administrator would be attending the summer meeting of the Islands Trust Council on Galiano Island. Agenda topics are to include Climate Change and its implications for island communities, public transportation for island communities, and economics and sustainability for islands. Mr. Lichter will provide a full report on the meeting.

**UPDATE - 10<sup>th</sup> Amendment Ruling**

Mr. Lichter presented a copy of a ruling from the US circuit court in Colorado, based on the 10th amendment, stating that the local sheriff is the highest ranking official and has precedence over any federal law enforcement official coming into the county. He referenced obvious implications for SJC with Immigration and Customs Enforcement (ICE). Mr. Lichter said he would be forwarding the article to Sheriff Cumming and made it available to the press.

**UPDATE - Free Ferry Parking and Holiday Transportation**

Mr. Myhr reported that there would be free parking at the Anacortes Ferry Terminal on the 4<sup>th</sup> of July weekend and **the Lopez Chamber of Commerce (COC) would be providing free bus service to Lopez Village, the Southender Grocery Store, and to the fireworks on Lopez Island.**

**UPDATE - Turf Stone**

Mr. Rosenfeld stated that he attended the San Juan COC meeting Monday at Lynn Danaher's project on Argyle Avenue. He brought information on the turf-stone she used to cover her parking area, which is a grid-stone with short grass (that never needs mowing) growing through it. He also reported that she received a 50% reduction in her stormwater fee from the TFH for using this permanently permeable parking surface. Mr. Rosenfeld brought copies of the information for public works.

**UPDATE - Aquatic Reserve**

Mr. Rosenfeld shared a request from Rich Doenges, Department of Natural Resources (DNR) Aquatic Resources Division Manager, to come for two hours in an afternoon session in July to discuss the reserve and answer questions from the Council and the public. Other Council members were not in favor of a two hour review but stated that information could be valuable. Mr. Lichter suggested Mr. Doenges submit a summary of what is taking place with the Aquatic Reserve Program for the Council to review and if they decide they need more information, they could invite him at a later time.

**PUBLIC HEARINGS**

**10:30 a.m.** A public hearing was held to consider a Hearings Examiner Ordinance, amending Chapters 2.22 of the County Code, and to adopt Rules of Procedure for the Hearings Examiner. Present: Full Council; Randall Gaylord, Prosecuting Attorney; Pete Rose, County Administrator; Ann Larson, Clerk to the Council; Lisa Brown, Public Hearings Specialist; and interested members of the public.

Mr. Gaylord introduced the Ordinance and Rules of Procedure, noting that the Hearings Examiner (HEX), Bill Nielsen, was not available to attend, but would be available next week. Mr. Rosenfeld stated that it was agreed that public testimony would be taken today and scheduled to be continued next Tuesday at 11:45. Mr. Gaylord answered questions from the Council.

Public Testimony was opened and submitted. Mr. Rosenfeld then closed public testimony, reserving the right to continue it on June 17, 2008, at 11:45.

**DISCUSSION - San Juan Transfer Station Project Brief**

Steve Alexander, SJC Solid Waste Manager, explained that Public Works (PW) was in the process of completing an Environmental Impact Study (EIS) on the SJC Transfer Station Replacement Project. He explained that PW is the applicant, with Community Development and Planning (CD&P) Department granting [or denying] approval of the final EIS. The draft EIS and supplemental alternative analysis will be issued for a 45-day public review and comment period on July 28, 2008. PW and Solid Waste Advisory Committee (SWAC) will make a site recommendation to the Council on December 15, 2008, with the final EIS scheduled for issuance on January 19, 2009. The Council will make a site selection after the release of the final EIS. Mr. Alexander added that a link to the timeline is available on the "Bulletin Board" on the home page of the SJC webpage, [www.sanjuanco.com](http://www.sanjuanco.com).

Mr. Alexander introduced Gary Harshman, of AMEC and Kevin Warner of Geometrics Consultants, who were present to provide a briefing on the section of the EIS concerning environmental noise, air quality, odor, and greenhouse gas. Gary Harshman provided background information and introduced Kevin Warner who is a specialist in air quality. Mr. Warner gave a power point presentation on this segment of the EIS and answered questions from the Council.

**DISCUSSION - Resolution Regarding the Approval of the Annual Docket**

Ron Henrickson, CD&P Director, provided an overview of the exhibits included in the Docket review with one item requested for addition. He explained that CD&P was requesting that the Council identify items they would like CD&P to proceed with processing for this year. Mr. Peterson inquired about including stormwater regulations to this list as well. Mr. Peterson added that staff would, as time permits, complete a staff report and progress to public hearings through regular public process. Mr. Henrickson introduced Allen Shayo, Permit Coordinator, who provided the Staff Report and recommendations. Mr. Henrickson, Mr. Shayo, and Mr. Gaylord answered questions from the Council and the following action took place:

**Moved by Lichter, seconded by Peterson, to add Transient Rental Density to the 2008 Docket List under category D, as a non-priority item. Motion carried unanimously.**

**Moved by Peterson, seconded by Knapp, to add the issue of stormwater regulations to the 2008 docket list, to make changes to exhibits B & C that reduce the burden on private property development and still remain consistent with state law. Motion carried unanimously.**

**Moved by Ranker, seconded by Peterson, that the Council adopt a Resolution Adopting the 2008 Docket List and 2008 Docket Priority Items. Motion carried.**

**Moved by Ranker, seconded by Lichter, that the Board of Health (BOH) be requested to review and report back to the County Council whether desalinization should be further regulated to address environmental impacts. Motion carried unanimously.**

**Moved by Myhr, seconded by Ranker, to add an additional item from category B relating to rural residential clusters UDC 18.60.230 C(1)(a) to Exhibit B. Motion carried unanimously.**

**DISCUSSION - Resolution Regarding the Approval of the Public Participation Plan**

Ron Henrickson, CD&P Director, explained that the Public Participation Plan sets forth to the public how they can be involved in the discussions that relate to considerations of the items the Council had approved on Exhibit C. It sets forth that the items would be reviewed in a Staff Report with a recommendation back to the Council through a public hearing with public process.

**Moved by Lichter, seconded by Ranker, to adopt the Resolution for a Public Participation Plan for the 2008 Docket for Amendments to SJC Comprehensive Plan and Unified Development Code. Motion carried unanimously.**

**RECESS** - Chair Rosenfeld recessed the meeting until 1:00 p.m., announcing that the Council would be holding an **executive session** at that time, estimated to last approximately 15 minutes, to discuss potential litigation pursuant to RCW 42.30.110(1)(i). He added that no action was likely to be taken.

#### **EXECUTIVE/CLOSED SESSIONS**

**1:00 p.m.** – (Commenced at 1:00 p.m.) At 1:20, Mr. Rose announced that the executive session would be continuing for an additional 10 minutes. The session ended at 1:26 p.m. for an actual session time of 26 minutes. No action was taken.

#### COUNTY ADMINISTRATOR COUNCIL BRIEFING

1. Mr. Rose, CA, provided a report on the Local Agency Review Team (LART), staffed by 15 agencies, including representatives from Washington State Ferries, Washington State Transportation Commission, and the Joint Transportation Committee, who are invited to meet every two months to review progress on ferry legislation. Mr. Rose explained that this effort provides access to local reviews, as the LART also reaches out to Ferry Advisory Committees (FAC). The Team will be meeting with the SJC FAC on the 26<sup>th</sup> of June at the Mullis Center. Mr. Rose noted that LART offered to come to present to the Council in July and Mr. Rosenfeld asked Mr. Rose to schedule this. Mr. Rose referenced his Staff Report, outlining pricing strategies and how they seek to define the “leanest, meanest, most efficient ferry system to fund” through this legislation. A lengthy discussion followed, regarding participation efforts to achieve the most beneficial outcome for SJC and inclusions to the SJC Six Year Transportation Improvement Plan.

#### DISCUSSION - Lodging Tax Advisory Committee (LTAC) Facilities Account Grants Award

Pete Rose, County Administrator, and Councilman Peterson, LTAC Chair, thanked LTAC advisors for their work. Mr. Peterson explained how they began by shaping a plan for this year that would lend to the general “master” plan for years to come, allowing consideration of new organizations that qualify for funds. Mr. Rose explained the review process and that the proposed awards came to the Council under a unanimous recommendation, although there was a question as to the eligibility of one application, which was submitted through a for-profit organization to publish a parks brochure promoting tourism. Mr. Gaylord weighed in on this explaining that while the law doesn’t specifically say it cannot be granted to a for-profit organization, it does say that it must go to the County or a non-profit organization. Discussion regarding this proposal and partial funding of some applications followed. Several members of the LTAC spoke as well about an applicant that was denied funding on a facility request. Mr. Ranker stated that although there was interest in the project, it seemed premature. The applicant, Lovel Pratt, explained that, as they are in the planning stages, it is necessary to “earmark” funds to leverage additional funding through other grants. Mr. Rose responded by stating that LTAC understands that more tourism facility acquisition and upgrades need to be achieved in future years. After discussion the following action took place:

**Moved by Myhr, to approve the recommendation of the Lodging Tax Advisory Committee for the 2009 Facilities Grant Funding as proposed, with the deletion of Outer Island Expeditions, and with the modification of #18 – SJC Parks Department, which is to be increased from \$108,000 to \$111,000, with \$3,000 for a parks brochure. Lichter seconded with a friendly amendment to indicate that the additional \$3,000 award is to be dedicated funding for a marine parks brochure. Mr. Myhr accepted the friendly amendment and the motion carried unanimously.**

#### DISCUSSION - Proposed Inter-local Agreement and Acquisition of Treasurer & Assessor Software

Charles Zalmanek, Assessor, and Jan Sears, Treasurer, reported on a windows-based assessor/treasurer software program. Mr. Zalmanek explained the necessity to move to a more accessible system. He informed the Council that Clark County has already gone through an extensive 18 month RFP process that they are offering SJC and other counties access to through an Inter-local Agreement. He stated that the next step will be to request approval for purchasing the software, adding that most of the finding will come from grants. He mentioned other counties moving to this application, with Chelan as the beta site. After discussion, the following action took place:

**Moved by Ranker, seconded by Knapp, to approve the Inter-local Bidding/Purchasing Agreement between San Juan County and Clark County. Motion carried unanimously.**

#### DISCUSSION - Taxable Fringe Benefits

Milene Henley, Auditor, gave a power-point presentation on taxable fringe benefits under Federal, State, and Local Government (FSLG), adding that FSLG performs on-site audits to see if a “tax gap,” being the difference between taxes they should be collecting and taxes they are collecting, exists. She explained that “fringe” is anything an employee receives from an employer that is not salary. This fringe is taxable, unless specifically stated not to be taxable by FSLG. Ms. Henley reviewed recent changes to travel reimbursement law, de minimis, and excess reimbursements, as well as cell phone allowances.

**PUBLIC HEARINGS**

**3:30 p.m.** A public hearing was held to consider Resolutions authorizing SJC Land Bank applications to the Recreation Office (RCO). Present: Full Council; Lincoln Bormann, Land Bank Director; Pete Rose, CA; Ann Larson, Clerk to the Council; Lisa Brown, Public Hearings Specialist; and interested members of the public. Mr. Bormann began with a slide show presentation on Aquatic Land Enhancement. He explained that in the last round of state grants for inter-agency funding for outdoor recreation, there was \$100 million in available funding, with no project applications submitted. He added that this year produced a number of projects eligible for RCO funding and he would make a valiant effort to tap into this source. He explained the two program applications; the Judd Cove Aquatic Lands Enhancement Account (ALEA) and Washington Wildlife and Recreation Program (WWRP) water access grants, which could provide leverage for other funding sources to achieve the project goal of \$3.1 million. Mr. Bormann answered questions from the Council and Mr. Rosenfeld opened public testimony. Public testimony was submitted and closed. Discussion regarding the grants and how these applications could lead to goals of the SJI Trails Committee, with respect to sensitive areas followed. Deliberations were held and the following action was taken.

**Moved by Myhr, seconded by Knapp, to approve the Resolution Authorizing SJC Land Bank Application for Funding Assistance for an Aquatic Lands Enhancement Account Program Project to the Recreation Office as Provided in RCW 70.105.120 and Subsequent Legislative Action. Motion carried unanimously.**

**Moved by Myhr, seconded by Lichter, to approve the Resolution Authorizing SJC Land Bank Applications for Funding Assistance for a Washington Wildlife and Recreation Program Project to the Recreation Office as Provided in Chapter 79A.15 RCW, Acquisition of habitat Conservation and Outdoor Recreation Lands. Motion carried unanimously.**

**ADJOURNMENT** - Moved by Lichter, seconded by Myhr, to adjourn the meeting at 3:56 p.m. Motion carried. A Council work session was scheduled for Monday, June 16, 2008, and the next regular meeting was scheduled for Tuesday, June 17, 2008.

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**COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON**

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Howard Rosenfeld, Chair  
District 3, Friday Harbor

ATTEST: Clerk to the Council

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Gene Knapp, Vice-Chair  
District 5, Orcas East

By: \_\_\_\_\_  
Lisa Brown  
Public Hearings Specialist

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Kevin M. M. Ranker, Member  
District 1, San Juan South

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Rich Peterson, Member  
District 2, San Juan North

Alan Lichter, Member  
District 4, Orcas West/Waldron

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Bob Myhr, Member  
District 6, Lopez/Shaw