

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
June 23, 24, 2008**

Monday, June 23, 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 10:05 a.m. Council members Kevin Ranker, Rich Peterson, Gene Knapp, and Bob Myhr; 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 Ranker, seconded by Myhr, to excuse the absence of Alan Lichter, due to medical reasons. The motion carried unanimously.

UPDATES & REVIEW OF ADMINISTRATIVE MATTERS

Clerk Ann Larson informed the Council of a Minutes revision request placed by Patty Miller regarding comments she had made at the May 20, 2008 session. Discussion as to process followed and Mr. Rose suggested deferring to the Prosecutor regarding rescinding and readopting Minutes. Ms. Larson reported that she had secured the Orcas Center for the August 12, 2008 session, on Orcas Island. She added that the Council Staff would travel tomorrow in the County van. Ms. Larson then circulated an e-mail from Pat Mason, Senior Legal Consultant at Municipal Research and Services Center of Washington (MRSC), with the MRSC position regarding the Open Public Meetings Act (OPMA) relative to subcommittees of a governing body, to the Council and press. Department Assistant, Maureen See, reviewed committee vacancies and applications with the Council. Discussion regarding balance of representation followed and it was decided to hold the appointments over to Consent at the July 8, 2008 meeting, with interviews scheduled prior to that if possible. Council Minutes and agendas were reviewed. Mr. Rosenfeld requested a ruling from MRSC as to what format the revised Minutes should be adopted under. Future agendas were reviewed and the Council requested to have information on upcoming agenda items provided with greater lead time and the possibility of later start/end times for off-island meetings. The Council thanked Ms. Larson for planning advanced agendas. Mr. Knapp questioned the inconsistent indemnification language in the SJC Interlocal with Seatac. Mr. Rose said it should indeed show mutual indemnification and that it would likely be postponed to Consent at the following meeting, as Seatac would need to re-draft and re-sign the document.

DISCUSSION

Mr. Ranker reported that Senators Murray and Cantwell are conducting a grant “road-show” and indicated there was value for Staff to attend. Mr. Rosenfeld and Mr. Ranker reported on low-impact development measures in Jefferson and Skagit Counties involving sewer- and water-lines outside Urban Growth Areas (UGA). Mr. Myhr reported on the Legislative Steering Committee (LSC) meeting and Council discussion took place regarding the rescue tug, the Coastal Counties Caucus and Puget Sound Partnership, and how interaction takes place between them and locally, the stormwater issue in common with other rural counties, and funding for ferries. He added that there is only one member from each county on the LSC and if that designee is unavailable, a delegate can attend. He stated that an initiative has been filed in SJC requesting the removal of barcodes from voting materials. Mr. Knapp suggested scheduling an agenda briefing by the Prosecutor and Auditor. Mr. Ranker agreed, stating it would not be good to have citizens out there doing unnecessary leg-work. Mr. Ranker reported that the Transportation Study, ordered by the Joint Transportation Committee (JTC), may not be available in time to for SJC and the Ferry Advisory Committee (FAC) to weigh in with recommendations to the JTC for legislation and inclusion in the Governor’s budget. Mr. Rosenfeld reported that his letter requesting funding for the new Coast Guard security regulations was forwarded from Rick Larsen’s office to the Coast Guard. FAC vacancies and balanced representation were discussed and Mr. Ranker suggested making appointments at the July 8, 2008 meeting. Mr. Rosenfeld reported on the State’s suggestion to make the international ferry run part of the international highway system, giving it eligibility for federal funding. Stan Matthews, Communications Program Manager, gave a website presentation by navigating through the new public site, at www.sanjuanco.com, and showed tools that Staff could access through the intranet. He gave a demonstration on a real-time upload using a Public Document Format (PDF) program that cost under \$1,000 for the entire County to utilize, adding that the majority of use would take place by Council Staff in loading Agendas, Staff Reports, Minutes, Ordinances, and

Resolutions to the site. Mr. Ranker asked to include this program on the Discussion Agenda and asked Mr. Matthews to provide purchase information.

RECESS - At 11:48 a.m., Council Chair Rosenfeld recessed the meeting until 10:30 a.m., Tuesday, June 24, 2008.

Tuesday, June 24, 2008 – Fire Protection District #2, 45 Lavender Lane, Eastsound, Orcas Island
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SPECIAL MEETING - CALL TO ORDER

Council Chair Rosenfeld called the meeting to order at 10:30 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 Clerks, Lisa Brown and Maureen See; and interested members of the public were present.

The flag salute was conducted.

CITIZEN ACCESS TIME

No matters were brought before the Council.

APPROVAL OF MINUTES

Moved by Peterson, seconded by Lichter, to approve the Minutes of **June 16 & 17, 2008**. Motion carried.

Moved by Peterson, seconded by Lichter to rescind the Minutes of **May 19 & 20, 2008**. Motion carried.

Moved by Lichter, seconded by Knapp, to re-adopt revised Minutes of **May 19 & 20, 2008**. Discussion followed regarding the length of time allowable to make revisions to Minutes. Motion carried.

CONSENT AGENDA

Moved by Lichter, seconded by Ranker, to approve the **Final Consent Agenda of June 24, 2008**, as follows:

A. Resolutions:

1. A Resolution to rescind Resolution 2-2008 and accept four easements for Fisherman Bay Road Right-Of-Way Acquisition, CRP 030702, 030604, and 030602, James Alfred Smith & Joanne M. Smith, James F. Smith & Connie J. Harris, Kevin H. Zoerb & Caroline Warsen-Zoerb, Lori N. Feldt & Frederick Nichols.
2. A Resolution accepting one easement, appropriating funds, and authorizing payment for Fisherman Bay Road Right-Of-Way Acquisition, CRP 030602, Barbara M. Grant.

B. Contracts/Agreements:

1. An Amendment to Lease, SJC Agreement No. 07LB06, with Landlords Peter and Rebecca Kilpatrick and Tenant San Juan County.

C. Budget Items: (No items.)

D. Personnel: (No items.)

E. Appointments:

1. A letter appointing Michael Roger to a full term on the San Juan County Citizens' Commission on Salaries for Elected Officials, effective July 1, 2008, expiring June 30, 2012.
2. A letter appointing James Lett to a full term on the San Juan County Citizens' Commission on Salaries for Elected Officials, effective July 1, 2008, expiring June 30, 2012.
3. A letter appointing Cyrus W. Field to the San Juan County Park Board, Shaw Island, Position #7, effective July 1, 2008, expiring June 30, 2014.

F. Correspondence: (No items.)

G. Miscellaneous: (No items.)

H. Bid Openings: (No items.)

Motion carried.

ACTION AND DISCUSSION ITEMS

ORDINANCES/RESOLUTIONS:

RES. NO. 52-2008 - (Refer to Consent Agenda of June 24, 2008, for details of action taken.)

RES. NO. 53-2008 - (Refer to Consent Agenda of June 24, 2008, for details of action taken.)

PUBLIC HEARINGS/MEETINGS/WORK SESSIONS

COUNCIL DISCUSSION/UPDATES/OTHER ACTION ITEMS:

UPDATE – Annual Washington State Association of Counties (WSAC) Meeting

Mr. Myhr reported on the joint meeting of the Western and Eastern Districts participating in a joint meeting of the Coastal Counties Caucus (CCC) and explained how issues and economic drivers affecting one side of the state have a direct relationship to the other, and how they are working to achieve greater awareness of this and develop priorities. Mr. Rosenfeld reported that he had an opportunity to speak regarding the value of the economic driver that WSF provides in the Puget Sound area and how that business driver benefits everyone in the state.

DISCUSSION – PDF Software

Stan Matthews, Communications Program Manager, provided purchasing information for the PDF writing software he presented in session on Monday. Discussion followed and the following action took place:

Moved by Ranker, seconded by Lichter, to purchase the BCL easyPDF SDK software package and support for \$974.35 from the County Council Consulting Budget. Discussion followed regarding the reasoning behind making this purchase from the Council Budget. **Motion carried unanimously.**

DISCUSSION – Lobbying

Mr. Knapp raised this issue in consideration of Mr. Ranker's efforts on Capitol Hill over the years as a Councilman with "full-time" salary, and concern over how lobbying will continue after Mr. Ranker leaves the Council, adding that Council members will then all be on "half-time" salary. Mr. Ranker explained that he is working on a report detailing the participation requirements at the 126 meetings involving legislation that he attended in 2007. This information can then be used to determine the best way to approach a solution for the future, whether it be hiring a Lobbyist, or utilizing Staff or an elected official, which is required in some cases. Mr. Ranker pointed out that, in any case, it will be important to build relationships and credibility with the legislators and choose the right people to represent issues.

DISCUSSION – Eastsound Planning Review Committee (EPRC) Annual Report

Peter Fisher, EPRC Chair, presented the EPRC Annual Report, which showed progress in some areas, but unachieved goals in others. The plan also included ways of addressing the shortfalls, including the idea of incorporating SJC as a city to effectively fund and implement the Eastsound Subarea Plan. He introduced Mindy Kayl, who will be replacing him as Chair of the EPRC, and Patty Miller, EPRC member. Ms. Kayl provided a hand-out with an overview of progress, infrastructure planning, and recommendations of next steps, which included a transportation plan, capital facilities plan, public parking, open space, and the development of curb and gutter, and sidewalk (CGS) standards for Eastsound, among others. Ms. Miller encouraged collaboration between EPRC, county agencies, and the community, to implement action plans and urged the Council to have the County Administrator (CA) coordinate this process, beginning in July with the Stormwater Management and Eastsond Swale. Council discussion followed and the EPRC representatives answered questions from the Council. Mr. Lichter thanked them for their report and suggested they stay in touch with the CA to provide interfacing between the EPRC, Administration, and the Council, to get the Subarea work done. Mr. Ranker requested a briefing from Mr. Rose regarding what implementation of the Subarea Plan means fiscally, as well as staff-wise. Mr. Rose, CA, said he would bring a report back to the Council, indicating that it would have an impact on items currently in the 3-4 year long range plan.

DISCUSSION – Orcas Shuttle Service/Public Transportation

Amy Masters, co-owner of the Orcas Shuttle Service, reported to the Council on the current state of her business, which has been in operation for five years. She stated that with the rising cost of fuel and new Uniform Trust Code (UTC) mandated insurance requirements, she is going to be forced to stop the bus service portion of her

business in the near future, while the car rental portion of the business continues to increase. Mr. Knapp commented that the County may have to recognize at some point that public transportation will need to be subsidized. Ms. Masters answered questions from the Council. Mr. Rosenfeld thanked Ms. Masters for her report indicating that it was helpful to know the situation even if the Council doesn't currently have a solution and offered to share with her anything learned from collaboration with other communities.

DISCUSSION – Island Energy Systems

Eric Youngren, Island Energy Systems, addressed the Council regarding solar and renewable energy, stating that climate change is the most important reason to consider these options, but that people may be more motivated to make a change in their consumption due to increasing oil prices. His expertise is in the area of solar and wind power, photovoltaic (PV) modules with off-grid independent power systems, and grid-ties. The grid-tie feeds solar energy directly into the electrical panel offsetting use of electricity by utilizing the stored solar power first. Washington State offers a production incentive, paying 15 to 55 cents per KW hour for productions, with the higher end of the spectrum paid on panels manufactured within the state. Discussion followed and Mr. Youngren inquired about property tax exemptions. Mr. Ranker stated that an attempt in 2005 to revive legislation, with these tax exemptions had failed, but that it may be more timely now to bring this legislation back due to the situation with fuel prices. Mr. Youngren has been in contact with Orcas Power and Light Company (OPALCO) to encourage the board to support a stronger local effort towards generating our own energy and creating better incentives for local green power. He spoke of the exciting potential of electric hybrid cars on a renewable grid, providing a base power load to draw from when needed. He also reported on wind power and how our location is ideal to provide a substantial amount of energy with our windy winters and sunny summers. Mr. Youngren answered questions from the Council.

COUNTY ADMINISTRATOR COUNCIL BRIEFING

1. Village Parking & Parking at County Docks – Pete Rose, County Administrator (CA), referenced his Staff Report and reviewed outer-island access and parking needs relative to boat ramps and in UGAs that will need to be analyzed and prioritized. Funding plans for these projects will also need to be developed. Council discussion took place and Mr. Rose answered their questions. He explained that curb, gutter, and sidewalk (CGS) standards need to be developed so that property owners can comply with CGS requirements when improving their property. Meanwhile, it has been the practice to issue parking credits in exchange for land for additional rights of way for street projects, or in the case of business owners, “virtual” spaces are exchanged for public “goods,” such as public access to tidelands, view corridors, etc. Further discussion took place and the following motion was made:

Moved by Lichter, seconded by Knapp, to direct Public Works to prepare an amendment for the 2008 Annual Road Plan to add acquisition of a dock and marine access point and parking point in or near Orcas Landing, and to bring it for Council consideration on the next agenda. Motion carried unanimously

2. Eastsound UGA Update – Mr. Rose, CA, referred to the Staff Report prepared by Colin Maycock, reviewing the Growth Management Act Hearings Board's (GMAHB) remands regarding the Eastsound UGA and the current status thereof. The two items, yet to come into compliance with the GMAHB, are the Stormwater Plan, which is scheduled for hearing on July 29, 2008, and the Eastsound Sewer and Water District Six and Twenty Year Capital Improvement Plan, which is scheduled to go before the Planning Commission on July 18, 2008 and be heard by the County Council on August 12, 2008. Mr. Rose answered questions from the Council and two members of the public shared comments.

DISCUSSION – Farmland Preservation Program – Agricultural Resources Committee (ARC)

Tim Clark, ARC Farmland Preservation Coordinator, and Eliza Buck, ARC Chair and Coordinator, were present to provide an update on their program. Mr. Clark gave an overview of the work the committee has done and is planning, including the mailing of a rack card designed by Ms. Buck. He offered five suggestions to keep agriculture strong in San Juan County, which were: 1) no net loss of farmland, 2) refine the Public Benefit Rating System (PBRs), 3) shift penalty funds to farmland preservation, 4) purchase development rights, and 5) rezoning/slowing growth. Ms. Buck addressed the Council, sharing program goals and explaining the difficulties they face. They are working to expand the Farmers' Market program, provide mentoring, explore development of cold storage for crops and livestock, and seek incentives that can be offered, as well as fund raising through private foundations and state and federal grants. She expressed her gratitude for Council support as they seek ways to keep farmers “on the farm.”

DISCUSSION – Petition for the Annexation of Orcas Village into Eastsound Sewer and Water District (ESWD)

Adina Cunningham, SJC Deputy Director, provided a report on a petition from ESWD for a special district annexation for Orcas Village into the Eastsound UGA, replacing the existing water service. She reported that the Auditor has certified, as sufficient, the number of signatures needed from the residents of the Orcas Village area. Ms. Cunningham is consulting with the Prosecuting Attorney's office to be certain proper process is followed and to verify that the petition is sufficient. She will be briefing the Council on this matter again on July 15, and then on August 12, 2008, for consideration on the November Ballot.

DISCUSSION – Stormwater Regulatory Process

Mr. Rose, CA, referenced his Staff Report and explained stormwater requirements related to property development and the enforcement of regulations and compliance under the GMA through the Department of Ecology (DOE) Stormwater Management Manual (SMM) for the Puget Sound Basin. Mr. Rose pointed out that property owners are finding that they are faced with increased requirements that were not in place as recently as two to three years ago, even though the regulations have not changed. He added that the elaborate DOE manual is not a good match for a rural county and that Councilman Ranker is conducting a study with other rural Puget Sound counties that are facing the same difficulty. Mr. Rose suggested reducing the DOE SMM to the pertinent pieces, putting it in plain English, and getting feedback from the public. He noted that from a small focus group last week, came three suggestions; a manual that is easier to use, better process, and better customer service. Discussion followed regarding whether or not more stringent interpretation and enforcement of these regulations was taking place. Mr. Rosenfeld pointed out that in a memo from the PA, the issue of 10,000 sf of impervious surface, to include gravel driveways, constituting a "large parcel development," is not going to change. Mr. Peterson suggested the interpretation [of the code] to include all construction back to 1991, instead of considering the impact of only new construction, is causing the difficulty. Jon Shannon, Public Works Director, was present and came forward at the Council's request to answer questions. His belief is that greater satisfaction could be achieved if Staff walked applicants through the process, helping them to understand the program, than trying to change DOE thresholds. Comments shared by two interested members of the public included concurrence with Councilman Peterson and factoring in the underlying geology of the land [beneath driveways or structures] into calculations, i.e. excluding areas that will be developed over bedrock, which is already impervious.

EXECUTIVE/CLOSED SESSIONS

3:20 p.m. – (Commenced at 3:22 due to time constraints.) Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 30 minutes, to evaluate performance of a public employee pursuant to the provisions of RCW 42.30.110(1)(g). The session ended at 3:50 for an actual session time of 28 minutes. No action was taken.

ADJOURNMENT - Council Chair Rosenfeld adjourned the meeting at 3:50 p.m. A Meeting was scheduled for Monday, July 7, 2008, to continue on Tuesday, July 8, 2008.

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

Howard Rosenfeld, Chair
District 3, Friday Harbor

ATTEST: Clerk of the Council

By: _____
Lisa Brown
Public Hearings Specialist

Gene Knapp, Vice-Chair
District 5, Orcas East

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

Rich Peterson, Member
District 2, San Juan North

Alan Lichter, Member
District 4, Orcas West/Waldron

Bob Myhr, Member
District 6, Lopez/Shaw