

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
JANUARY 22 AND 23, 2007**

Monday, January 22, 2007 - Council Conference Room

CALL TO ORDER

Council Vice-Chair Rosenfeld called the special meeting to order at 10:00 a.m. Council members Ranker, Peterson, Knapp, and Lichter; County Administrator, Pete Rose; Clerk to the Council, Carolyn Morrison; and interested members of the public were present. Council Chair Myhr was excused due to a planned vacation.

PUBLIC MEETINGS/WORK SESSIONS

10:00 a.m. – The Council held a Staff Meeting and a general work session to discuss County business. No action was taken.

RECESS - At 11:48 a.m., Council Vice-Chair Rosenfeld recessed the meeting until 10:00 a.m., Tuesday, January 23, 2007.

Tuesday, January 23, 2007 – Islanders Bank Community Meeting Room

CALL TO ORDER

Council Vice-Chair Rosenfeld called the meeting to order at 10:05 a.m. Council members Ranker, Peterson, Knapp, and Lichter; County Administrator, Pete Rose; Clerk to the Council, Carolyn Morrison; and interested members of the public were present. Council Chair Myhr was excused due to a planned vacation.

CITIZEN ACCESS TIME

No matters were brought before the Council.

ANNOUNCEMENTS/SCHEDULE CHANGES

1. The posted Council Agenda and Discussion/Other Action Agenda were revised.
2. Because he would be unable to attend this meeting, Council Chair Myhr had asked the Council Clerk to note for the record his approval of the Proclamation thanking all those persons who worked during the emergency storm conditions.

APPROVAL OF MINUTES

Moved by Lichter, seconded by Ranker, to approve the minutes of **January 16, 2007**. Motion carried.

CONSENT AGENDA

Moved by Lichter, seconded by Ranker, to approve the **Final Consent Agenda of January 23, 2007** as follows:

A. Contracts/Agreements:

1. **Agreement 07SH01** – Sign the Interlocal Agreement between SJC and Town of Friday Harbor to purchase E-911 dispatch services from SJC in the amount of \$6,790.00 for the period of January 1, 2007 through December 31, 2007 as set forth therein, pursuant to RCW 39.34.
2. **Agreement 07SH02** – Sign the Interlocal Agreement between SJC and San Juan Island Emergency Medical Services to purchase E-911 dispatch services from SJC in the amount of \$32,153.00 for the period January 1, 2007 through December 31, 2007 as set forth therein, pursuant to RCW 39.34.
3. **Agreement 07SH03** – Sign the Interlocal Agreement between SJC and SJC Fire Protection District No. 3 to purchase E-911 dispatch services from SJC in the amount of \$10,320.00 for the period of January 1, 2007 through December 31, 2007 as set forth therein, pursuant to RCW 39.34.

4. **Agreement 07SH04** – Sign the Interlocal Agreement between SJC and SJC Fire Protection District No. 4 to purchase E-911 dispatch services from SJC in the amount of \$15,475.00 for the period of January 1, 2007 through December 31, 2007 as set forth therein, pursuant to RCW 39.34.
5. **Agreement 07SH05** – Sign the Intergovernmental Agreement between SJC and the Town of Friday Harbor for law enforcement assistance and services for the period of January 1, 2007 through December 31, 2007 in an annual sum of \$231,980, under the terms and conditions as set forth therein.
6. **Agreement 07HC05** – Sign the contract between SJC and Northwest Regional Council (08004-IACM) for the provision of Senior Services programs, including Information and Assistance, Case Management, Administrative Claiming, Respite Case Management, Family Caregiver Support, and Senior Transportation Services for the period beginning January 1, 2007 through December 31, 2007, for a total amount of \$109,007.00, under the terms and conditions set forth therein.

B. Appointments:

1. Affirm the appointment of Town of Friday Harbor (TFH) Council member Carrie Brooks to the Law Enforcement Officers and Fire Fighters (LEOFF) Disability Board as a representative of the TFH for a two-year term which will begin immediately and expire January 31, 2009.

C. Correspondence:

1. Sign the letter affirming the appointment of Town Councilmember Carrie Brooks to the LEOFF Disability Board as a representative of the Town of Friday Harbor.
2. Sign the letter confirming the appointment of Town Councilmember Liz Illg to the Board of Health as a representative of the Town of Friday Harbor.
3. Sign the letters to Senator Harriet Spanel and Representatives Dave Quall and Jeff Morris in support for the Northwest Agriculture Business Center and their request for WA State funds.
4. Sign the letters to Senator Harriet Spanel and Representatives Dave Quall and Jeff Morris requesting “isolated disaster relief” funding to aid SJC in recovering from storm-related events.

D. Miscellaneous:

1. Sign the proclamation dedicating the week of January 22, 2007 through January 26, 2007 as SJC Employee Appreciation Week.

Motion carried.

ACTION AND DISCUSSION ITEMS

ORDINANCES/RESOLUTIONS:

RES. NO. 3-2007- (Refer to PUBLIC HEARINGS/MEETINGS, 3:30 p.m., for details of action taken.)

MISCELLANEOUS ITEMS:

1. Critical Areas Ordinance Updates – Present: Ron Henrickson, Community Development and Planning Department (CDPD) Director; Shireene Hale, CDPD Senior Planner; and interested citizens. Mr. Henrickson presented a paper listing an optimistic target schedule for the completion of this work. Ms. Hale explained that “best available science” will be used in the updates. Technical experts will be assisting CDPD. The first draft will be presented for comments in May and then will be issued to the public for comments. Included in this work will be a farm plan that will deal with the use of wetlands by farmers. The draft of this plan will be given to the Agricultural Resources Committee for a sub-committee review. The State has said that farming can be done in the summer (dry season) but not in the winter in wetland areas. Mr. Rosenfeld asked about including a provision for exemptions for farmers regarding the use of wetlands. Ms. Hale explained that other counties have attempted to include exemptions for farmers, but they have lost on appeals that have been filed. Mr. Lichter asked about the estimated timeline for completion as this may cause problems with GMA compliance. Ms. Hale stated that she has spoken with the State and they have expressed it is important to do this task well. Other counties have also gone past the State’s deadline for these updates. Mr. Henrickson stated that the compliance issue is also related to the seven-year update for Lopez Village, Eastsound Sub-area Plan updates, and other GMA required updates. He added that as long as the County reports on the progress being made and the use of the best available

science and other requirements, he felt that there would be no sanctions. Mr. Ranker stated that in his discussions with the WA State Department of Community Trade and Economic Development (CTED), he had also heard that they wanted this work to be done correctly and not rushed. Mr. Henrickson added that this is a “Herculean task” that takes many years to accomplish. The work the County has done, such as the Accessory Dwelling Unit work helps to show the County’s credibility. Mr. Ranker added that CDPD now has a full staff and the Shared Strategy Coordinator to be able to work as a team. He anticipated the work could be accomplished by the end of the year. Mr. Rose added that, to his knowledge, only one county had been sanctioned so far, but funding might be jeopardized if the work is not completed. Ms. Hale and Mr. Rose explained that some of the scientific data has already been established with a base-line. No action was taken.

2. Council Sub-Committee Regarding the New Council Offices – In 2006, after the purchase of the Carlson Building (now referred to as the “Legislative Building”), it was the consensus of the Council that Council Chair, Alan Lichter, and Council Clerk, Carolyn Morrison, were to be the Council representatives on the working committee for the remodel of this facility. With the full Council now seated, and with the proposed layout plans being closer to moving forward, it was agreed to appoint a new sub-committee. **It was the Consensus of the Council that the new Council Sub-Committee for the remodel of the Legislative Building would be Council Members Lichter, Rosenfeld, and Ranker, and Council Clerk Morrison.**

3. Continued Discussion Regarding Council Priorities and Liaison Assignments – Working from the January 9, 2007 document that Mr. Rose had prepared for the first discussion, he stated that he wanted to meet with the Council members individually to calibrate the answers of the Council members on their individual lists. Mr. Lichter stated he thought that this was an excellent idea. Mr. Ranker stated that he was concerned that Mr. Rose’s primary task was running the County, but his expertise was of great benefit to the Council. He suggested that the Council Clerk work on this with Mr. Rose’s expertise. Vice-Chair Rosenfeld suggested a compromise of Mr. Rose meeting with groups of three Council Members. Mr. Rose stated that this project was more than worth his time and that it is very fundamental and important work that needs to be completed under the Charter; and, that it is the top priority the Council has. Mr. Knapp agreed with Mr. Rose and encouraged the Council to take Mr. Rose’s recommendation. The Council discussed the matter. Mr. Peterson agreed that the Council should proceed with individual meetings in order to improve the Council’s work. Mr. Lichter asked if Mr. Rose would mind coming to Orcas to meet with himself and Mr. Knapp. Mr. Rose agreed to do so. Mr. Ranker stated he was happy with the sub-committee working on this and for them to come back with their recommendations. On behalf of the Charter Completion Committee, Councilman Knapp handed out a memo outlining several steps to be taken to comply with the Charter. The committee will meet each week with the Administrator and representative of the Prosecuting Attorney’s office to prepare preliminary drafts on all of the items listed. The committee hopes to have part of this work completed within two to three months by meeting weekly to take on one item each time. The Council Clerk will prepare a draft Rules of Procedure for the sub-committee to review.

4. Legislative Priorities Continued Discussion – At 4:09 in the afternoon, the Council elected to hold a discussion on the current legislative priorities to bring to the upcoming WA State Association of Counties Legislative Rally. County Administrator, Pete Rose, had excused himself earlier. Also present were Jim Kramer, Executive Director of Shared Strategy of the Puget Sound, and Amy Windrope, Manager of the San Juan Ecosystem-based Management Initiative Program. Mr. Kramer wanted the Council to know that the Puget Sound Partnership is a collaborative partnership to save and restore the Puget Sound. The State will be looking for an organization to replace the existing one. The Council discussed the updated list prepared by the County Administrator to ensure that the priority items were in proper order. **After a lengthy discussion it was agreed by consensus that the new list of highest priority items (A list) would be the funding for the Puget Sound Partnership, Salmon Recovery, and Lopez Hill; the retention of Capron Funding; and Ferry issues. The second highest priority items (B List) would be funding for the Oil Spill Council, Mitchell Hill, and Community and Mental Health; and the bill for Sales Tax Streamlining.** The Council asked their Clerk to prepare the list for the Administrator.

PUBLIC HEARINGS/MEETINGS/WORK SESSIONS

11:00 a.m. – (Commenced early at 10:46 a.m.) County Administrator Council Briefing. Also present: Jon Shannon, Public Works Director; John Van Lund, County Engineer; Dave Zeretzke, Administrative Services Director and Insurance risk Manager; Russ Harvey, Public Works Operations Manager; Karen Vedder, Deputy Prosecuting Attorney; available Public Works Managers; and interested members of the public. This agenda time was devoted to a presentation by Mr. Shannon of “Chip Seal 101,” designed to educate the Council and public on the seal coats processes for road preservation. Printed handouts of the Power Point presentation were distributed for the Council and audience. Mr. Shannon explained that the current County policy does not reflect accommodating non-motorized transportation. The detailed educational information explained why, how, and where seal coating is done in the SJC. For almost 20 years, the process has worked well; however, the current

chip-sealing process is not working as it had, or it has failed. Mr. Shannon explained that the primary reason is the quality of the asphalt emulsion, but that other factors have contributed to the current problems. After explaining the costs, logistics, and cautions about continuing the existing process in 2007, he explained what his staff was doing to alleviate the problems. These included (a) a review and evaluation of all aspects of the current seal coat process; (b) identification and procurement of sources of expert advice; (c) examination of new options to resolve logistical issues (ferry transportation and facilities and equipment upgrades included); (d) testing of new materials and mix designs; (e) consideration of the use of fog seals, slurry seals, or other thin overlays; (f) rethinking the cost-benefit ratios for the use of Hot Mix Asphalt (HMA); strategic planning for identification of long-term sustainable funding sources; (g) planning for more vigorous field inspections; (h) plans for better traffic controls during applications; and (i) continuation of public dialogue and problem solving. He then addressed the Council's role concerning this issue. He recommended that the Council (a) set the level of services (LOS); (b) provide clear statements of desired outcomes; (c) provide resources to do the job well; (d) answer questions for the public; and (e) lead the community into the future. He concluded the presentation with a final recommendation that the next step for Public Works would be to draft an implementation plan to address all of the issues for both short-term and long-term; and, that the Council discuss and develop a clear policy on non-motorized transportation features and to review the draft plan of Public Works when completed.

The Council then posed specific questions concerning problems with current chip-seal projects. Mr. Ranker asked what had caused the failure on the sealing of Cattle Point Road, San Juan Island. Staff responded that the rock was not adhering to, or staying embedded within, the HMA. The specifications of the aggregate rocks used were also discussed. It was stated that the HMA product used is environmentally tested and impacts are minimal if at all. Mr. Knapp asked about the significance of "scenic" roads. Mr. Shannon replied he did not know the significance, but that they looked "good" but did not always meet the required road standards. Mr. Ranker noted there has also been discussion on "Scenic By-ways" at the State level, but that could be discussed at another time. Mr. Peterson stated that he has had daily complaints concerning the rocks that have been flying on the failed roads and that this is very dangerous, especially for bicycles. He wanted to know what was being done. Mr. Shannon replied that they are sweeping the roads to clear the loose rock. He added that there is also a connection between flying rock and the speed of vehicles. If people drove slower, there would be less flying rocks. He recommended posting signs to reduce speed. Mr. Peterson noted that one letter received stated that the sweeping was increasing problems as it threw excess rocks onto people's property. He stated his concerns about SJC roads falling apart and that chip sealing of County roads may not be considered for 2007. Mr. Lichter echoed the concerns. The Council discussed at length the known issues. Mr. Knapp noted that every job has problems and that he commended Mr. Shannon and his staff for doing their best to identify and solve the problems. He added that SJC was fortunate to have Mr. Shannon and the road crew. Mr. Rosenfeld asked that the public submit their questions in writing for the next meeting on this subject. A follow-up session will be scheduled as soon as possible.

11:50 a.m. - A meeting was held for presentation of the proclamation thanking emergency responders, Public Works crews, Sheriff's staff, and other employees who helped to make the County safe, and who maintained the continuance of County business during the three recent storms of November and December 2006, and January 2007. Present for the ceremony were available emergency responders, Sheriff Cumming, representatives of other Junior Taxing Districts and agencies, County employees, and members of the public. Mr. Rosenfeld read the proclamation to all present. The Council members invited those being honored to stay for a "pizza" lunch provided by the Council.

1:30 p.m. - A public hearing was held to consider a Timber Open Space (TOS) application to transfer 15 acres of land from Designated Forest Land (DFL) to TOS, for Jim and Geraldine Boone, Lopez Island, File No. 06TOS004. Present: Julie Thompson, Community Development and Planning Department Associate Planner; and interested members of the public. Ms. Thompson presented the application as described in the Staff Report dated January 4, 2007, noting that the Planning Commission had recommended approval of the application as amended. She then explained the purpose of this program to the Council and audience at the request of Councilman Ranker. After answering the questions of the Council she concluded her report. The Council stated that they would like to review the various open space programs at some point in the future because the percentage of land in these programs has reached approximately 30 percent, and could have a cumulative effect on revenue. Public testimony was then opened, none submitted, and closed. Deliberations were held and the following action was taken:

Moved by Peterson, seconded by Knapp, to approve the Timber Open Space (TOS) application to transfer 15 acres of land from Designated Forest Land (DFL) to TOS, for Jim and Geraldine Boone, Lopez Island, File No. 06TOS004, as recommended by the Planning Commission. Motion carried.

2:00 p.m. - A meeting was held to hear a presentation of the activities of the Northwest Straits Commission (NWSC) by Lew Moore, Executive Director. Also present: Interested citizens. Mr. Moore gave the history of the Northwest Straits Marine Conservation Initiative, noting that SJC had been a big part in this by establishing the first Marine Resources Committee (MRC). There are now seven MRC's in WA State. Three of the SJC MRC members sat on the original committee resulting from the Murray-Metcalf study. The MRC's are now part of the eco-system approach to marine stewardship throughout the Puget Sound. The NWSC also works with the Department of Natural Resources and has signed a contract to continue the derelict vessel program. A five year evaluation report states that the NWSC has a track record of responsible and cost-effective approaches to marine conservation, and its structure ensures that both local concerns and scientific discipline guide deliberations and funding decisions. William Ruckelshaus was quoted in their written material, "In the first five years of the program, the initiative has accomplished valuable research and restoration projects and has established a strong foundation of mechanisms, relationships, and capacity." After explaining the other programs that the NWSC will be continuing to be involved in, Mr. Moore stated that their funding is in jeopardy and they are requesting a budget proviso and written legislation to recognize and continue the program. He asked for a letter of support from the Council. Mr. Ranker explained to the new Council members some of the history of how the NWSC had been funded and why the letter was important. He offered to work on a draft letter with Mr. Moore for the next meeting. **By consensus, the Council agreed to consider a letter of support for funding for the NWSC.** The Council thanked Mr. Moore for coming.

2:30 p.m. - A meeting was held with WA State Ferries (WSF) representatives for a presentation of the Draft Final Master Plan for the Town of Friday Harbor (Town) Ferry Terminal. Present: David Sowers, Hadley Greene, and Jayne Davis, WSF representatives; available SJC Ferry Advisory Committee members; Town of Friday Harbor Council member Kelly Balcomb-Bartok; and interested citizens. Copies of the November 2006 report were handed out along with a "Fall 2006 WSF Project" Update. Mr. Sowers, Project Manager, stated that they had already had good input from the presentation made to the Town Council and that Mr. Ranker and Mr. Rosenfeld were part of that meeting. Part of the scope of the project was to improve dwell time in the Town. Mr. Rosenfeld elaborated on some of the options that had been discussed. Mr. Sowers then explained in detail each of the options for consideration. Some of the issues that are being considered are growth, tourist season impacts, congestion, and feasible solutions. The Council asked questions concerning the process used to reach some of the alternatives presented and also asked if all of the \$250,000 planning funding had been spent. Mr. Sowers answered that a consultant had been hired to do a detailed traffic study and there was still some of the original funding available. It was brought up that although the traffic passes through the Town, there are impacts to the County roads on all islands. Comments from the audience were invited and submitted. Mr. Knapp asked if similar studies had been conducted on other ferry served islands. Mr. Sowers explained that one had been done for Orcas Island a couple of years ago which resulted in three alternatives. WSF had purchased additional property but has not yet developed it. Mr. Rosenfeld added that according to former SJC Ferry Advisory Committee Chair Bob Distler, this planning process will be a model for use on Lopez and on Orcas. Mr. Lichter asked what was learned from the research done on the study. Mr. Sowers stated that it confirmed what was already known about the number of vehicles and walk-on passengers and that during peak seasons it can take 55-minutes worst-case time to unload a ferry due to pedestrian traffic. Mr. Ranker brought up that all of the alternatives listed in the report have no funding. He suggested that a possible partnership role with the Town and Port of Friday Harbor and County be explored to ascertain if funding could be raised. Mr. Rose recapped the information provided and suggested that double loading and unloading be utilized. After a lengthy discussion, it was noted that this plan is a draft and there have been no decisions made. Public comment is still being requested. Ms. Greene noted that funding options are not listed. When the comments from all parties are submitted, then the funding will be addressed. At the conclusion of comments from the audience, Mr. Rosenfeld stated that he has lived in the County for 27 years and also served on the Town Council. In his opinion, the Town will work on the best solution as the process goes forward. He asked WSF staff what they wanted from the Council today. Ms. Greene stated that WSF would like comments within a month on the proposed plan from the Town, the Port, and the Council as well as citizens. Mr. Ranker suggested that Mr. Rosenfeld be the lead on behalf of the County Council. Town Councilman Balcomb-Bartok stated that the Town will have a work session next week and that perhaps the County Council could do the same. After discussion, **it was the consensus of the Council to have Council Vice-Chair Howie Rosenfeld act as the lead on this matter on behalf of the SJC Council.** The Council thanked WSF staff and participants for attending this meeting.

3:30 p.m. - A meeting was held for presentation of the 2007 Marine Resources Committee (MRC) 2007 Annual Work Plan and for consideration of a resolution to adopt the plan. Present: Laura Arnold, MRC member; Ron Henrickson, Community Development and Planning Department (CDPD) Director; available members of the MRC; and interested members of the public. Ms. Arnold began by explaining that the MRC receives funding from outside entities for marine stewardship projects, work on critical areas ordinance updates, the San Juan Initiative, and many others on the list. They act as a citizens' committee for the lead MRC entity and other related programs in the County, including water quality monitoring. At the conclusion of the itemized list, Vice-Chair Rosenfeld stated that he had served on the MRC and wanted the Council to know that they do everything listed. Mr. Ranker added other information on issues concerning mooring buoys. He also announced that the experimental dock program which the Council had written to the state about has been cancelled. He asked Mr. Henrickson if he could address the addition of mooring buoys to the list. Mr. Henrickson explained the amount of work on the proposed plan adding that he was willing to add this matter contingent upon the availability of time, if the Council wanted to do so. Additionally Mr. Ranker asked if it would be possible to develop a workable plan regarding impacts to eel grass from the existing docks explaining that the State had not followed up on these experimental docks and the impacts they made. After discussion, Mr. Henrickson stated that the County Code does need review related to these issues and if the MRC has time they could be very helpful in accomplishing this task. Ms. Arnold explained that the former Board of County Commissioners had asked for this work as well. The MRC had explained that they are not an enforcement agency but a policy advisory group. She stated that they could be asked to provide advice on this matter in their work plan. She also noted that under the heading of Marine Stewardship, experimental docks are already listed. Mr. Ranker suggested that with the response letter received from the Department of Fish and Wildlife to the Council, we would need the MRC to develop a monitoring program on a scientific basis. The Council discussed this issue and that of mooring buoys at length. Mr. Rosenfeld asked for comments from the audience. The Council agreed to add the review of the existing County Code on mooring buoys and the issue of shading over eel grass to the proposed list. The following action was taken:

Moved by Ranker, seconded by Lichter, to adopt **Resolution 3-2007**, a resolution adopting an annual work plan for the SJC Marine Resources Committee with the addition of the two new items discussed today and shown on Exhibit A. Motion carried.

EXECUTIVE/CLOSED SESSIONS

4:05 p.m. – Council Vice-Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately five minutes, to evaluate the qualifications of applicants for public employment, pursuant to the provisions of RCW 42.30.110(1)(g). The session ended at 4:08 p.m. for an actual session time of three minutes. **The Council came out of executive session and took the following action in open session:**

Moved by Lichter, seconded by Ranker, to authorize the Clerk to the Council, Carolyn Morrison, to offer the position of Public Hearing Specialist/Deputy Clerk to Ms. Lisa Brown. Motion carried.

ADJOURNMENT - Council Vice-Chair Rosenfeld adjourned the meeting at 4:45 p.m. There was no meeting of the Council scheduled for the week of January 29 through February 2, 2007. A Special Meeting was scheduled for Monday, February 5, 2007, and the next regular meeting was scheduled for Tuesday, February 6, 2007.

These minutes were approved and signed on February 6, 2007. The original document is retained in the permanent proceedings file of the Council dated January 22 and 23, 2007. Attest: Carolyn K. Morrison, Clerk.