

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
Monday July 30, 2007**

Tuesday, July 31, 2007 - Council Hearing Room

CALL TO ORDER

Council Chair Myhr called the meeting to order at 10:00 a.m. Council members Ranker, Peterson, Rosenfeld, Knapp, and Lichter; County Administrator, Pete Rose; Clerk to the Council, Laura Tuttle; and interested members of the public were present. The flag salute was conducted.

CITIZEN ACCESS TIME

Jack Cory suggested keeping Agenda information intact and without change as much as possible, and to be more complete in information provided to public (i.e. MRC Letter of Intent for 7/31/2007, what was it in regard to).

ANNOUNCEMENTS/SCHEDULE CHANGES

The posted Council Agenda was revised and posted outside the Council Hearing Room, and in the Courtroom Lobby bulletin board by the entrance door in the morning of July 31, 2007 prior to commencement of the Meeting.

APPROVAL OF MINUTES

Moved by Alan Lichter, seconded by Kevin Ranker, to approve the Minutes of **July 16 and July 17, 2007**. Motion carried unanimously.

CONSENT AGENDA

Moved by Howie Rosenfeld, seconded by Kevin Ranker, to approve the **Final Consent Agenda of July 31, 2007** as follows:

A. Resolutions / Ordinances:

1. **Resolution 27-2007:** Adopting the San Juan County Marine Stewardship Area Plan (FOR SIGNATURE ONLY), public hearing having been held on June 17, 2007.
2. **Resolution 29-2007:** Adopting a resolution denying an appeal, and upholding the Public Works Director's decision to deny a request for service charge adjustment, for Gordon & Lori Petersen, file PW No. 01-07.

B. Contracts/Agreements:

1. Approval of the Milagra Water Services Agreement, SJC Agreement No. 07CDPD23.
2. Approval of CMZ310 Grant Agreement No. G0800007 (MRC Grant from DOE), SJC Agreement No.07CDPD22.
3. Approval of the Land Bank Lease Renewal, SJC Agreement No. SJC 07LB06.
4. Approval of Agreement of Contract MSMHA San Juan County Jail Services-06-07, Amendment (2), Health and Community Services Jail Services Contract Amendment, SJC Agreement No. 07HC04B.
5. Approval of Agreement of Contract for Interlocal Livestock Grazing Agreement between SJC and WSU, through the County Noxious Weed Board and Port of Friday Harbor, Agreement No. SJC07AG01.

C. Letter:

1. Letter appointing Ann S. Palmer, of Lopez Island, WA, to the San Juan County Park Board, as a representative from Lopez Island, Position #5, the term of which is to commence immediately and expire on June 30, 2012.

D. Map:

1. Map Entitled “Figure 1 - Deer Harbor Land Use Plan.” (For signature only.)

ACTION AND DISCUSSION ITEMS

ORDINANCES/RESOLUTIONS:

ORD. NO. 28-2007 - Moved by Alan Lichter, seconded by Howie Rosenfeld, to adopt the ordinance Amending San Juan County Code Chapters 2.40 and 12.08 Regarding Policies of the County Parks and Recreation Board Motion carried.

RES. NO. 30 -2007- Moved by Alan Lichter to approve, 2d by Howie Rosenfeld, Motion carries unanimously to Approve Resolution Declaring the Intent to Vacate and Abandon Portions of County Road Right-of-Way, (AFN 365474) in Government Lot 2 of the Northeast Quarter and Government Lot 3 of the Southeast Quarter of Section 1, Township 36 North, Range 3 West, W.M.

COUNCIL DISCUSSION/UPDATES/OTHER ACTION ITEMS:

10:08 a.m. Auditor Milene Henley: RCW 29A.32.280 requires Auditor nominate no more than three persons to serve on committees to prepare arguments favoring and opposing Referendum 2007-1, for inclusion in the Voters Pamphlet for the general election on November 6, 2007.

Committee nominating in favor “for” rejecting Ordinance is that committee for repealing Referendum. The “for” the Ordinance Committee is: Alexander Gavora, Francine Shaw, and Julie Palmer. The Committee “against” the Ordinance is: Lisa Byers, Peter Kilpatrick, and Jim Slocomb

10:12 a.m. Motion to Approve Committees Moved by Alan Lichter, Seconded by Kevin Ranker. All in Favor is Unanimous. Motion Carried.

10:12 a.m. Sheriff Bill Cumming: Resolution No. 28-2007, A RESOLUTION OF THE SAN JUAN COUNTY COUNCIL, ADOPTING POLICY PROTECTING INDIVIDUALS ENGAGED IN NONVIOLENT CIVIL RIGHTS DEMONSTRATION.

Discussion: Gene Knapp concerns re: wording, “It is the policy of San Juan County that excessive force by local law enforcement agencies shall not be used against individuals engaged in lawful and nonviolent civil rights demonstrations...” gives an implication that we will use excessive force in other areas.

Sheriff Bill Cumming suggests working to correct any misconception, to begin after the words “Section 1”: “In keeping with the policy and standard practices of the San Juan County Sheriff’s office,” precede “It is the POLICY...”

Chair Bob Myhr moves for a motion to take action to include phrase “In keeping with the policy and standard practices of the San Juan County Sheriff’s office,” precede “It is the POLICY...”
Kevin Ranker Adopting Resolution as given with addition of language noted. Gene Knapp seconds. Motion carries unanimously.

10:17 a.m. John Van Lund, County Engineer, Public Works: requests approval of Resolution No. 30-2007, DECLARING THE INTENT TO VACATE AND ABANDON PORTIONS OF COUNTY ROAD RIGHT-OF-WAY, (AFN 36574) IN GOVERNMENT LOT 2 OF THE NORTHEAST QUARTER AND GOVERNMENT LOT 3 OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 36 NORTH, RANGE 3 WEST, W.M.

John Van Lund: Purpose of Resolution is for County Council to direct John Van Lund to conduct an engineering study pursuant to the Revised Code of Washington and San Juan County Code, on feasibility of vacating Park Cormorant Road, the request goes back five years. House in red belongs to Tipperys; they want to move red road. The yellow area is the existing right-of-way, which goes to the water. Intent not to go to water, but shift road away from the house and create parking place, at the Tipperys' expense. Currently that road is a private road belonging to the Tipperys, the County would acquire that right-of-way. Blue hatched thatched area is new location being in place; parking in the upper area and turn-around; people can use the water right-of-way. Rich Peterson clarifies the intent of Resolution is to have the John Van Lund conduct an engineering study to report to the council on. Bob Myhr acknowledges this is a "first touch" of the process. Kevin Ranker inquires if there is anything involving the project within 200 feet of the shoreline. John Van Lund states it is his understanding this project not in the shoreline; they are not vacating it to the water, rather they are vacating space between two yellow lines and tying a new right-of-way into it.

10:27 a.m. Alan Lichter Moves to approve Resolution No. 30-2007, DECLARING THE INTENT TO VACATE AND ABANDON PORTIONS OF COUNTY ROAD RIGHT-OF-WAY, (AFN 36574) IN GOVERNMENT LOT 2 OF THE NORTHEAST QUARTER AND GOVERNMENT LOT 3 OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 36 NORTH, RANGE 3 WEST, W.M. Chair Bob Myhr acknowledges Lichter has moved for a motion. Howie Rosenfeld seconds motion. Motion carries by unanimous approval.

10:30 a.m. Chair Bob Myhr moves to open discussion: re: Lobbying and other Travel Work Committee. Discussion includes Kevin Ranker opines this Committee would be comprised of Howie Rosenfeld, Gene Knapp and Kevin Ranker, to study how Council can be proactive with federal and state legislations more effectively. The subcommittee would study gamut from a professional lobbyist to needs of travel concerned with Council interaction with federal and state legislations, then report back to Council. Alan Lichter states that Lobbyist involved with our small county should never be engaged and that per diem compensation for Council compensation associated with this type of travel seems a bit untoward.

10:44 a.m. Chair Bob Myhr takes action, moves to establish committee of Council Members Rosenfeld, Knapp and Ranker for the purpose to study (1) how can the County be more proactive in federal and state legislative matters and (2) do we need incentives. (There is some bantering by Kevin Ranker that he thinks it abundantly clear what committee is for - - - can this be construed as a 2d. Is a 2d necessary. There is no other dialogue after this re: this matter

10:45 a.m. Chair Bob Myhr seeks to place MRC Letter of Intent item to the 11:30 time slot since Mary Knackstedt is not present. Howie Rosenfeld moves motion, Gene Knapp seconds. Motion carried.

10:45 a.m. Chair Bob Myhr moves forward to make a motion to move forward to a Public Hearing Ordinances to Implement the County Charter. Said Ordinances are amendments to Title 1 of the San Juan County Code and include Chapters 1.10.010, and 1.04.010, 1.12 though 1.12.140, Howie Rosenfeld moves and adds it is also to include the Repeal (Chapter 1.20), Gene Knapp concurs and seconds motion. Motion carries unanimously.

10:48 a.m. DISCUSSION by Kevin Ranker re: Federal Legislative updates. Ranker was in Washington, DC week before last after being invited to meeting held jointly by NOAA and CSL, attended by 26 other people from coastal states. The purpose of this meeting was future envisioning of coastal management from coastal states. San Juan County has more shoreline any other counties. Our Shoreline Management Act is consistent with Federal Act, so what happens at federal level reauthorization will impact San Juan County. Ranker also met with U.S. Representative Norman Dicks, Representative Larson, Senator Murray and Senator Cantwell, who may be able to assist in the acquisition of Mitchell Hill, at least in the form of letters of support from them. Ranker also spoke with Senator Obama who is interested in marine issues. Congressman Dicks and Representative Larson are committed to Orca Whale legislation to protect the whales. Ranker intends to continue communication with them regarding this legislation. Senator Murray may not have introduced legislation yet, but is working to secure

almost full funding on the Northwest Trades Commission where 1.8 million to 1.7 million will be secured. A 15 million appropriation from Senator Dicks has been secured to support the Puget Sound San Juan Partnership. Next, Ranker spoke on his past week in Portland, Oregon spent on the Coastal Commission Caucus, where oil spill legislation support was discussed. Snohomish, Jefferson, Clallam County was represented, as well as San Juan County. Six meetings held, where coastal zone priorities discussed, spotlighting local community projects and need for protection of Puget Sound.

11:05 a.m. Chair Myhr Opens Public Hearing: Dona Wuthnow, Superintendent of Parks, - An Ordinance Amending San Juan County Code Chapters 2.40 and 12.08 Regarding Policies of the County Parks and Recreation Board. Wuthnow states Park Board Chapter 12.04 was written in 1993, needs updating. This Ordinance would repeal that Park manual and allow Park Board, pursuant to RCW36.68 to promulgate their own updated rules regarding the Park. Next, San Juan County Code 12.08: This proposal is first step in process of Lopez Village Transfer to allow Lopez Chamber to work with Park and allow Lopez Chamber to operate Lopez Park. Change superintendent designation and park contract definition to then allow that superintendent to enforce regulations in Park via contract they would have with the County. Enforcement types: trespass, destruction of property, sound devices. Regulations would have nothing to do with permits, or exceptions to rules or variances; that is retained by Park Board. This Code section is old and needs updating, right now in these two areas, this is not changing the rest of Ordinance.

11:13 a.m. Chair Myhr opens for public comments. No comments. Enter deliberations. Alan Lichter moves to adopt this Ordinance Amending San Juan County Code Chapters 2.40 and 12.08 Regarding Policies of the County Parks and Recreation Board. Howie Rosenfeld seconds motion. Motion carries unanimously.

11:14 a.m. Recess/11:22 Meeting Commences

11:24 a.m. Chair Myhr introduces Mary Knackstedt, MRC Coordinator, of CDPD re: Item 2. Discussion of MRC Letter of Intent. Ms. Knackstedt states past notion of nomination San Juan County for the DNR Aquatic programs and benefits of same if a site is nominated. Her intent is to submit this letter of intent to DNR, the application and letter due at end of August; the program she intends to submit would include entire county, looking toward the fit with Marine Stewardship Area. Knackstedt describes special ecology features at site that require protection, and asks Council to approve letter of intent by August 31st, 2007. Gene Knapp inquires how such a designation would affect the average citizen and if it would impose any restrictions or limitations. Ms. Knackstedt posits a case by case study would have to be done. Rich Peterson refers to 81 pages of criteria he's downloaded from DNR for these type of preserves, and states time to read and research is necessary prior to a decision. Ms. Knackstedt refers Council to the Cypress Plan, though on a remote and little population is a management plan that worked well. County Administrator Rose suggests that a matrix of agencies involved with marine stewardship/ecology in our area be produced for Council and to move this matter to August 14, 2007.

Chair Myhr calls to move this to Consent Agenda of August 14, 2007, at 10:00 a.m. Knackstedt will send Cypress plan link to Clerk, who will provide it to Council.

Public Comment: Sharon Kivisto inquires if the designations are only educational reserves, what of environmental reserves that require more restriction; Jack Cory repeats Gene Knapp's questions of affects of potential effects on public's restrictions, use and activities.

12:00 Chair Myhr thanks Ms. Knackstedt for coming to day and looks forward to seeing her on August 14, 2007.

12:01 Recess

1:36 Meeting Reconvenes. All Council present, along with County Administrator Pete Rose and Programs Communication Director Stan Matthews.

COUNTY ADMINISTRATOR COUNCIL BRIEFING

1. **1:36 pm** UGA Updates – Pete Rose and Ron Henrickson: compliance issues involve GMA in Eastsound and Lopez Village, an extension on compliance dates have been applied for both. Ron Henrickson expounds on issues. Eastsound extension request is for 180 days, includes the Sewer District, not able to reach accord on issues. Hearing Board wants to utilize mediator between Sewer Board and San Juan County, no later than August 31, 2007. San Juan County intends to bring DOH and DOE to the meeting, in effort to have Eastsound issues publicly vetted within 65 days. Next, Friday Harbor wants to expand their boundaries and every ten years revisit UGA. Smart Growth is necessary.
2. **1:53 pm** Comprehensive Plan Updates -Karin Agosta, Chair of San Juan County Planning Commission opines how much more organized they are now in working with the CDPD on a plan. Chair Myhr inquires if there is a 5 or 10 year requirement to review UGA Ron Henrickson states their review was to be completed in 2005, but may not be complete until 2008. CA Pete Rose points out that 2004 legislature made varied schedules based on urbanization of different counties. San Juan County probably in longest group. The Shoreline Management Plan is still part of the Unified Development Code (UDC) and the two intersect to cause some problems with code enforcement. Chair Myhr thanks Ron Henrickson and states UDC clarification is a high priority. 2:14 discussion ends. County Administrator Pete Rose posits that at the Pagnini, Nantucket, Smart Growth discussion the issue of compressive plan docket came up. Ron Henrickson provides a list of designations for now (dated July 23, 2007). As to hanges in land use map and codes, Mr. Henrickson will give overview of that process and what's pending in land use map and discussing general manner of other areas.

2:15 Break/Reconvene Meeting at 2:30

2:30 pm John Manning, Director of Health and Community Services discusses Housing Bank Resolution and affordable housing problems, desires a more streamlined process for permitting of low incoming projects. Manning expresses that long delays increase the cost of construction, which is better absorbed by developers in private housing construction. Manning requests a recommended motion that The County Council considers the provision of affordable housing for the citizens of San Juan County to be of the highest priority and requests the County Administrator to work with staff and elected officials to facilitate county approval of projects that meet housing needs.

3:06 Alan Lichter suggests Motion: to move that the County Administrator convene an appropriate working group, to examine and create policies and programs that can meet housing needs in San Juan County, that that group examine or create policies and programs that can meet housing needs on San Juan County. Motion 2d by Howie Rosenfeld. Alan Lichter deletes “create” from Motion. Chair Myhr states it now reads, “Ask the County Administrator to convene an appropriate working group to examine policies and programs that can meet housing needs in San Juan County. “ Motion carried unanimously.

3:15 P.M Public Hearing: Chair Myhr moves to Public Hearing to Consider Adopting the 6-Year Transportation Improvement Program (TIP) – Presented by John Van Lund, San Juan County County Engineer. Chair Myhr acknowledges as present: Rich Peterson, Howie Rosenfeld, Gene Knapp, Kevin Ranker, Alan Lichter, Clerk Laura Tuttle, County Staff members Colin Maycock, Karen Vedder, Esq., John Van Lund, as well as public works Jon Shalln, Rachel Dietzman, Sahannon Wilbur, Dan Vekved Communications Program Director Sant matthews, and County Adminsitrator Pete Rose.

3:18 p.m. Planning Commission met on July 20, 2007 and recommended approving TIP. John Van Lund hands out 6-Yr TIP that resulted from a June 26th workshop, stating that the Planning Commission passed the 6-Year TIP 5 against 0. VanLund notes correspondence received from EKW on line item no. 17, Marine Bay Access. Some highlights are Project Pearpoint Road to Turnpoint Road connector is estimated to cost 1.2 million in 2008 dollars. This causes concerns to Pearpoint area. Parking at Roche Harbor includes county parking there, called Roche Harbor Dock. Something needs to be done for Waldron Citizens, which Van Lund refers to as Deer Harbor Marine Access Parking, though that doesn't necessarily mean it will occur there. Deer Harbor is easier to lock onto, and asks what are County properties closer to East Sound. Funding is discussed for Deer Harbor Bridge Replacement (Line Item No. 30), estimating it will take five years to project due to permits. Reid Harbor Dinghy Dock was pulled because of the flat slope from ramp there and

a long yellow mooring facility, on the right side and county dock, it's just one more obstacle to go through. At one time Reid Harbor Dinghy Dock was used by Stuart Island parents taking kids to school, but now the school is closing. Also, questionable is driving pilings and having dock sit on habitat for critters under it, it's not really needed. Van Lund swapped Deer Harbor Marine Access for the Reid Dinghy Dock. Kevin Ranker asserts it is a greater concern.

3:39 PM Karen Vedder is invited by Chair to speak on the Eglick letter. First, Vedder points out error on 6-Year TIP, line 17, that \$250,000 should be stricken and 70,000 put in it's place. Vedder next refers to letters dated July 13, 2007 from Laura Arnold and Peter Eglick., and notes they raise that the CEPA checklist was inadequate and did not take into consideration all of the projects, particularly Project No. 17. Vedder states there is no requirement for a CEPA checklist for a 6-Year Road Plan. Vedder then reads the Washington State Supreme's Court's ruling on the issue as, the county's approval of a 6 year road plan does not require compliance with CEPA. The 6 year road plan provides advanced perpetual plans for a coordinated road plan. The plan establishes guidelines that may be revised at any time, it is advisory rather than regulatory, and it is not a proposal for an action. Court's emphasis on the word "action" affecting the environment. This issue is not present in a 6 year road plan. It is a planning document and the ideas are not set. When the ideas become set, you are down to the permitting phase, and that's when CEPA is brought in. The next item is the comment that the statute governing the 6 year road plans have to be consistent with the Comprehensive Plan, and from there, the Eglick and Arnold letters go into a whole analysis of what this project would look like when it's built and the fact that it's absolutely true that a barge landing could not be built at that site under today's code. That's true, but that's not the issue. The 6 year road plan language in the statute is that if the county has adopted a comprehensive plan pursuant to GMA, which we have, the program shall be consistent with the comprehensive plan. The Comprehensive Plan gives specific directions on 6 year road plans. It says the 6 year road plan should be organized into two three-year periods. The first three-year plan is for public discussion and county study for needs and desirability. This is exactly the stage that this project is at. Also, under our Marin Development section of the Comp plan, it requires one barge landing per island, particularly on non-ferry served islands.

ADJOURNMENT - Moved by , seconded by , to adjourn the meeting at _____ p.m. Motion carried. Council Chair Myhr adjourned the meeting at _____ p.m. A Special Meeting was scheduled for Monday, _____, 2007, and the next regular meeting was scheduled for Tuesday, _____, 2007.

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

Bob Myhr, Chair
District 6, Lopez/Shaw

ATTEST: Clerk of the Council

Howard Rosenfeld, Vice Chair
District 3, Friday Harbor

By: _____
Laura Tuttle, Clerk

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

Gene Knapp, Member
District 5, Orcas East