

MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
TUESDAY, AUGUST 4, 2015

Legislative Hearing Room, 55 Second Street, Friday Harbor, WA

09:04 AM CALL TO ORDER & FLAG SALUTE

Council Chair Jarman called the meeting to order at 09:04 AM. Present: Council Members Bob Jarman, Rick Hughes and Jamie Stephens; County Manager Mike Thomas, Clerk to the Council Ingrid Gabriel and interested members of the public.

New Employee Introduction: Health & Community Services Office Manager Shelly Easterday introduced Ryan Page, Departmental Assistant (Orcas) Health & Community Services.

Approval of Minutes:

MOVED by Mr. Hughes, seconded by Mr. Stephens to approve the minutes of July 13, 2015 as written. ALL AYES; MOTION CARRIED.

MOVED by Mr. Hughes, seconded by Mr. Stephens to approve the minutes of July 14, 2015 as written. ALL AYES; MOTION CARRIED.

MOVED by Mr. Hughes, seconded by Mr. Stephens to approve the minutes of July 20, 2015 as written. ALL AYES; MOTION CARRIED.

Approval of Consent Agenda:

MOVED by Mr. Stephens, seconded by Mr. Hughes to approve the Consent Agenda of Tuesday, August 4, 2015:

Budget Items:

The Auditor's office requests approval for the following warrants issued the week of July 6, 2015:

- EFT #70820152 Parks EFT in the amount of \$3,738.64
- Warrant #157584 Veteran's Assistance in the amount of \$91.10
- Warrant #157585 – 157747 County claims in the amount of \$279,663.80
- Warrant #157748 – 157791 Public Works claims in the amount of \$137,713.61

The Auditor's office requests approval for the following warrants issued the week of July 13, 2015:

- Warrant #157808 County claims in the amount of \$884.89
- Warrant #157968 – 158121 County claims in the amount of \$192,631.67
- Warrant #158122 – 158148 Public Works claims in the amount of \$160,524.62
- Warrant #158149 – 158151 Public Works claims in the amount of \$1,159.57

The Auditor's office requests approval for the following warrants issued the week of July 20, 2015:

- Warrant #158186 County claims in the amount of \$3,576.15
- Warrant #158187 – 158192 Veteran's Assistance in the amount of \$1,639.45
- Warrant #158248 Public Works claims in the amount of \$998.08
- EFT #7222015 Public Works EFT in the amount of \$63.15
- Warrant #158251 – 158324 County claims in the amount of \$94,195.12
- Warrant #158325 – 158358 Public Works claims in the amount of \$115,810.66

The Auditor's office requests approval for the following warrants issued the week of July 27, 2015:

- Warrant #158359 County claims in the amount of \$24,700.00
- Warrant #158415 – 158498 County claims in the amount of \$129,695.35
- Warrant #158499 - 158518 Public Works claims in the amount of \$68,970.81

ALL AYES; MOTION CARRIED.

Citizens Access: The following citizens submitted comments Kyle Loring, Jim Lawrence, Joel Clark, Peggy Bill, Sandy Strehlou.

09:41 AM PUBLIC HEARINGS:

1. To Consider a Resolution Authorizing the Direct Sale of Vacant Utility Conduit Along Cattle Point Road from Garry Oak Lane to False Bay Drive – Brian Vincent, Director Public Works

Present: Full Council, County Manager Mike Thomas, Clerk to the Council Ingrid Gabriel

Chair Jarman opened the public hearing to adopt the Resolution. Mr. Vincent presented the Resolution and answered Council's questions.

Chair Jarman opened public testimony. The following citizens offered testimony: none.

Chair Jarman closed public testimony with the right to reopen. After discussion, the Council took the following action:

MOVED by Mr. Hughes, seconded by Mr. Stephens to approve a Resolution Authorizing the Direct Sale of Vacant Utility Conduit along Cattle Point Road from Garry Oak Lane to False Bay Drive. ALL AYES; MOTION CARRIED.

2. To Award Public Facilities Financial Assistance Program (PFFAP) .09 Funds – Debbie Emery, Administrative Coordinator

Present: Full Council, County Manager Mike Thomas, Clerk to the Council Ingrid Gabriel

Chair Jarman opened the public hearing to approve the Award. Ms. Emery presented the Award and answered Council's questions.

Chair Jarman opened public testimony. The following citizens offered testimony: Andy Finley, Margie Doyle, Pete Moe.

Chair Jarman closed public testimony with the right to reopen. After discussion, the Council took the following action:

MOVED by Mr. Stephens, seconded by Mr. Hughes to approve the PFFAP Funding as follows: the Port of Orcas Project 1 at \$76,627; the Town of Friday Harbor at \$35,000; San Juan County Parks & Fair Project 1, the Main Exhibition Building, at \$19,099; Fisherman Bay Sewer District at \$34,500; Orcas Recycling at \$25,500. ALL AYES; MOTION CARRIED.

10:26 AM ACTION: To Consider an Interlocal Agreement between San Juan County and the Town of Friday Harbor for the Purpose of Mutual Assistance Related to Public Works Projects – Mike Thomas, County Manager; Duncan Wilson, Manager Town of Friday Harbor

Mr. Thomas and Mr. Wilson presented the Agreement and answered Council's questions. After discussion, the Council took the following action:

MOVED by Mr. Stephens, seconded by Mr. Hughes to approve an Interlocal Agreement between San Juan County and the Town of Friday Harbor for the Purpose of Mutual Assistance Related to Public Works Projects. ALL AYES; MOTION CARRIED.

10:34 AM ACTION (continued from August 3): To Consider a Resolution (Pertaining to the Joint Operation of the Public Safety Boat between the Sheriff's Office and Fire Districts No. 3 & 5) and Approve an Interlocal Agreement (Between San Juan County, San Juan Fire Protection District #3 and San Juan Fire Protection District #5: Providing for the Joint Operation of a Public Safety Boat) – Mike Thomas, County Manager; Sheriff Ron Krebs

Mr. Jarman, as a Fire District Commissioner, recused himself and left the hearing room. Vice Chair Stephens presided over the meeting.

Mr. Thomas and Sheriff Krebs presented the Resolution and answered Council's questions. After discussion, the Council took the following action:

MOVED by Mr. Hughes, seconded by Mr. Stephens to approve an Interlocal Agreement between San Juan County, San Juan Fire Protection District #3 and San Juan Fire Protection District #5 providing for the joint operation of a public safety boat. VOTE: 2:0:0 (Jarman excused); MOTION CARRIED.

After the vote, Mr. Jarman rejoined the meeting,

10:55 AM DISCUSSION (continued from August 3): Marijuana & Greenhouse Regulations Update – Elizabeth Anderson, Planner IV; Linda Kuller, Planning Coordinator

Ms. Anderson and Ms. Kuller presented the Update on the regulation of greenhouses and temporary growing structures. The Council made comments, identified major issues and provided further direction on the draft code.

Ms. Anderson defined the following:

- Potential regulations pertain to commercial agricultural use, not accessory residential greenhouses;
- Commercial agricultural use is defined as production for the sale of goods and services and includes marijuana production (SJCC 18.20.010 “Agriculture” means the science, art, and business of cultivating land or producing crops or raising livestock primarily for commercial sale or use; SJCC 18.20.030 “Commercial use” means activity involving the sale of goods or services);
- “Greenhouse” is defined as a building whose roof and sides are made largely of glass or other transparent or translucent rigid material and in which temperature, light, and humidity can be regulated to modify growing conditions. A greenhouse may be equipped with mechanical ventilation, lights, and a supplemental heat source. (International Building Code);
- “Temporary Growing Structure” means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with passive retention of heat and protection of plants from frost (International Building Code);

Ms. Anderson outlined what has been addressed in the draft regulations:

- General Issues:
 - Need for local land use regulation
 - Threshold for regulation
 - Scale
- Impact on Soils:
 - Location
 - Foundation/flooring
 - Permanent or temporary building/structure
- Impact on Neighboring Properties:
 - Lighting
 - Noise
 - Odor
 - Access

Ms. Anderson outlined the proposed approach to regulation:

- No regulation of residential use or on temporary growing structures;
- Prohibit commercial agricultural greenhouses in land use areas zoned as village residential, hamlet residential and rural residential;
- Set a 10,000-square foot threshold for requiring a greenhouse building permit;
- Require that performance standards be in effect, even if no building permit is required;
- Amend the Unified Development Code’s Land Use Tables and Performance Standards;
- Use existing setbacks, which are found in SJCC 18.60;
- Setbacks - make a table for building setbacks and compare with other counties;

- Regulations pertain to the building and structure, not the activity that is occurring inside the greenhouse.

Mr. Jarman:

- Concerned about creating regulations governing permanent large scale greenhouses (1500 sq. feet or larger), not the product inside;
- Stated that we need clear definitions for use that is consistent with the state in determining if it is an agricultural, commercial, or industrial use?
- Consider that outdoor growing is equivalent to agriculture and indoor growing is equivalent to commercial or industrial use;
- Cautioned that any regulations should be considerate of existing operations;
- Asked why not allow outdoor growing in rural commercial designations?

Mr. Stephens:

- There is confusion regarding temporary growing structures, which are not designed for public access, and yet may need permits when used for educational purposes or as a sales outlet;
- Questioned the definition of greenhouses as hard-sided structures since they are rarely built any more in favor of less expensive, soft-sided membrane structures;
- Concerned with lots in village commercial/village industrial and hamlet commercial/hamlet industrial designations and the potential need for a provisional use permit for a building of 10,000 square feet;
- Where the product is grown (outdoors or indoors) determines the land use designation;
- Defining it as its own use under agricultural is acceptable as long as it follows the State definition;
- Nurseries are allowed in Village and Hamlet commercial and in Island Centers – if marijuana is an agricultural product, should it also be allowed?
- Asked to document that the land use designations are consistent with the comprehensive plan.

Mr. Hughes:

- Maintain “grandfather clause” for existing structures;
- Wants to look at required setbacks for barns and compare to greenhouses to ensure consistency;
- Wants clarification if the State classifies agricultural activity as a commercial activity;
- Maintain Washington state lead in permitting the industry, don’t set ourselves back. Other counties are not the models we want - ours can lead;
- Recommends “Y” for Village and Hamlet Industrial and for Island Centers;
- Does not support a 10,000 square structure on a small parcel;
- Opposes additional performance standards as the standards are already included in code (except for covering lighting at night).
- Does not agree that the proposed construction, clearing and grading regulations should go forward in the Planning Commission draft.

LAND USE TABLES: SJCC18.20 “Industrial development” means facilities for the processing, manufacture or storage of finished or partially finished goods.

Council Concerns & Recommendations Land Use Table 3.1

- What is the number of parcels in these districts? Factor the lot sizes and numbers of parcels in designations in the analysis;
- Is it still a temporary growing structure if it has mechanical equipment?
- Threshold for SEPA potential adverse environmental effect review is a permit application for a project that is over 10,000 square feet;
- Are greenhouses' square footage cumulative if they are not connected?
- Determine a size for residential greenhouse definition and cite the basis for it;
- Definition could be proportionate to parcel lot coverage;
- Council recommended changes to include more permitted designations;
- Clarify the size of Rural Residential properties and apply conditional or provisional use permits to the larger properties.

Subareas:

- Should we duplicate state standards or just refer to them where appropriate?
- Should we define it as an agricultural use, or as a unique use?
- Why limit to recreational now, now that the state medical regulations more closely resemble the others? Just refer to state law;
- Concerns with listing tiers by specific square feet as a basis for regulation, because the state may change the exact numbers that divide tiers;
- As an emerging industry, simply listing as consistent with state regulations may be a better way to keep local regulations current.

Council Concerns & Recommendations Land Use Table 3.2

- Determine how much land designated Rural Commercial we have;
- Why not allow outdoor growing in rural commercial designations?
- Change several recommendations in the table to one level less restrictive;
- Is it clear in the tiers section of the table that production and processing means that either is allowed, not just both? Should there be a category for growing only?
- Drop the numbers associated with Tiers;
- Drop square footage description of Tiers;

Subareas:

- Send to Lopez Village Planning & Review Committee (LVPRC) and Eastsound Planning & Review Committee (EPRC) for planning review;
- Consider outdoor production in Eastsound and Lopez Village.

Council Concerns & Recommendations New section 18.40.295

- Consider basing performance standards for setbacks on lot size.
- How large should a lot be for marijuana growing use when it is adjacent to residential use?
- What is an appropriate setback?
- Don't reiterate complying with construction code requirements;
- Provide clearly stated reasons, including reference to other counties, for setback size;
- Let state handle security camera performance;
- All are opposed to the landscaping requirements;
- Don't reference SJCC 18.60.020 water supplies;
- Waste disposal plan is state requirement, don't repeat.
- Doesn't the state notify the sheriff? If so, don't repeat;
- Will the sheriff be notified by the state when a license application has been received or is under review? When it has been issued? If so, don't duplicate here;
- Find origin of notifying fire marshal of hazardous materials used in processing;
- "N" and "O" are not feasible because the Liquor Control Board must see the operation set up and running to complete granting the license.

Mr. Hughes will write up his concerns and objections with draft SJCC 18.40.295.

Applications for Recreational Marijuana Facilities – Additional Requirements in New Subsection in Chapter 18.80 SJCC 18.80.115

- Detailed site plan requirements are redundant with existing requirements
- Drop the numbers associated with Tiers
- Why prohibit marijuana production/processing use as a Cottage Enterprise?
- Look carefully at the definitions and intent.

12:48 PM RECESS

01:56 PM DISCUSSION: Council Retreat Agenda Planning - Council; Mike Thomas, County Manager

Mr. Thomas and Council discussed the proposed Agenda.

02:06 PM COUNCIL MEMBER, COUNTY MANAGER & CLERK UPDATES & DISCUSSION ITEMS:

Mr. Thomas (County Manager): Congressman Rick Larsen will be visiting San Juan Island, August 26 to tour the Cattlepoint Road Project; is working with staff on budget preparation; reported that a timber management class staffed by the Washington State University Extension Service is being held on Orcas Island on August 5.

Mr. Stephens: Reported that Naval Air Station Whidbey Island administrators met with community leaders to discuss on impending increase of squadron personnel on the base; attending National Monument Advisory Committee and Northsound Mental Health meetings next week.

Mr. Hughes: Request for Proposals (RFP) to provide wireless internet on Washington State Ferries have come out; attending Ferry Advisory Committee meeting this week; Opportunity Council has a new executive director; walked the Orcas Road project with Public Works engineers to better understand the proposed design.

Mr. Jarman: Attended the recent Northwest Regional Council meeting; will attend Town of Friday Harbor Council meeting this week.

Ms. Gabriel (Clerk to the Council): Advisory Committee Appointments/ Reappointments:

MOVED by Mr. Stephens, seconded by Mr. Hughes to appoint Anne Auckland and Marilyn Berger to the Lopez Library Board of Trustees. ALL AYES; MOTION CARRIED.

02:35 PM ADJOURN

Mr. Jarman adjourned the meeting.

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

These Minutes were approved and signed on October 5, 2015. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.