

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
July 28 and 29, 2008**

Monday, July 28, 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, Pete Rose; Clerk to the Council, Ann Larson; Deputy Clerks, Maureen See and Lisa Brown; and interested members of the public were present.

CITIZEN ACCESS TIME

Liz Illg was present to announce the upcoming Transportation Summit on September 17th, and introduce her colleagues Jim Cooper, who explained how presentations and discussions would take place at the Summit, and Laura Tretter, who explained the documentation process and that information would be available to the public on DVD and on-line. Ms. Illg requested Council representation at each session; 10:00-11:30, 12:30-2:00, and 2:30-4:00 with the community invited from 4:00-5:00. Ms. Illg answered questions from the Council.

CLERK UPDATE

Ms. Larson reported that she prepared a “single-read” file, for the Orcas Village Plan, available for the Council to check-out for review. She also reported that the Legislative Hearing Room had been brought up to fire-code with the installation of fire extinguishers and a sign indicating that the Council entrance is also an emergency exit. Due to the requirement of keeping that door unlocked, she asked the Council to consider locks on their individual office doors. Based on the discussion that followed, Mr. Ranker suggested installing locks simultaneously for cost efficiency. He also expressed consternation that this wasn’t addressed when the building was designed and constructed. Ms. Larson then provided a Staff Report on research that she had done regarding the Vancouver wastewater system for Council review. The Council commended Ms. Larson on her work and Mr. Rosenfeld stated that the report came with a recommendation that the Council maintain its position stated in a letter to Mayor Alan Lowe, dated July 26, 2005. Ms. Larson asked the Council to review her research and provide feedback. Maureen See, Department Assistant, brought forth two reappointments on consent, Bruce Gregory and George Post, both previously approved for reappointment. She reported that Christina Orchid indicated a desire to be appointed to the Eastsound Planning and Review Committee (EPRC), and is awaiting her letter of interest. Ms. See presented John Brantigan’s application to the Ferry Advisory Committee (FAC) for Council consideration. Mr. Myhr asked to have his appointment placed on consent for tomorrow, as he had exhaustive discussions with Shawvians about seating Mr. Brantigan on the FAC. The Council agreed on Mr. Myhr’s recommendation. Ms. See reported that there are several vacancies on the Health and Community Service Board and one applicant, Harold Lentzner. She asked if the Council would like to hold an interview with Mr. Lentzner. Mr. Ranker referenced his thorough resume, including an affiliation with the Centers for Disease Control and Prevention (CDC) and suggested placing his application on Consent for next week and talking to John Manning in the meantime. Ms. See reported a position opening on the NW Agricultural Business Center which is an appointment that the Council makes. Currently, Bruce Gregory and John Evans serve from San Juan Island and the Director is David Bauermeister. Mr. Ranker offered background regarding this program, which has provided great support for our local agriculture, and suggested advertising the opening. Ms. See reported that, of the three SJC seats, this position is on Lopez, but will investigate policy to determine if there is a residency requirement. She reported two resignations on the Marine Resource Committee (MRC), and has advertised these positions. Edie deChadenedes resigned from the Solid Waste Advisory Committee (SWAC), resulting in five open positions of 15. Regarding the Veteran’s Advisory Board (VAB), Ms. See reported that Jay Brant rescheduled his interview for August 4th, 2008 and that Mr. Plummer, and Mr. DeLorenzi, will have interviews scheduled for next week as well. Mr. Rosenfeld asked for an interview committee. Mr. Myhr, Mr. Lichter, and Mr. Rosenfeld agreed to run the interviews. Ms. See reminded the Council about Jack Yelverton, who had also applied to any committee, and Mr. Rosenfeld asked her to contact him to determine his interest in an appointment to the SWAC.

ADMINISTRATIVE MATTERS

Mr. Rosenfeld asked the media present to mention that 336 SJC residents need to file their tax returns in order to receive their economic stimulus payments. The minutes from the July 14th and 15th meeting were reviewed and corrected. Agendas were reviewed and it was decided to switch the FAC time to August 4th, 2008, at 12:30 and

review the Legislative Priorities and 2009 Core Initiatives the following week, August 11th, 2008, at 12:30. The addition of Dr. Brantigan to the Consent Agenda was confirmed. Mr. Rosenfeld suggested rescheduling the September Board of Health meeting to the 24th, as it conflicts with the Transportation Summit on the 17th of September, 2008.

COUNCIL MEMBER UPDATES

Ferry Advisory Committee – Mr. Rosenfeld recommended the Council read the notes included in the e-mail Mr. Rose sent regarding the Local Area Review Team (LART) meeting. **Border Patrol** – Mr. Rosenfeld reported that he received a Customs complaint regarding mistreatment of Canadian pilots coming into the Friday Harbor airport, who said they will not come here again. Mr. Rosenfeld will report back to the Council with details when he receives them. **Black Family Enterprises Neighborhood Concern** – Mr. Rosenfeld introduced the situation, stating that it was not a formal hearing, but the Council's desire to determine whether a complaint made by neighbors of the Black Family Enterprises, almost two years ago, was being handled expeditiously and fairly. He asked to hear from the PA first. Mr. Gaylord provided a detailed background, beginning with the issuance of a Conditional Use Permit (CUP) issued to Mr. Schuman in 1995 by the Board of Adjustment (BOA) to operate an excavation business on a portion of his property near his residence. He explained findings of the CUP, including the maximum number of employees the business could have and trips allowed per day. The current situation is different in that Mr. Schuman sold his business, and the property it is situated on, to one person, and the residence to another. Mr. Gaylord stated that the business, currently being operated as Black Family Enterprises (BFE), was found in violation of the CUP by Code Enforcement and was issued compliance options. BFE made several changes and applied for a modification to the CUP. He added that "trips per day" were understood by the neighbors to be end-trips and by the applicant to be round-trips. Mr. Gaylord provided pictures to illustrate what the property looked like when the permit was issued, at the time of the citation, and after the changes Mr. Black made, in an effort to correct the situation. Stephanie O'Day, representative for Mr. Black, and David Halpern, representing the neighborhood both shared their viewpoints and issues. Lengthy Council discussion followed regarding interpretation of the intent of the findings in the CUP and code violation enforcement. Mr. Gaylord, Ms. O'Day, and Mr. Halpern answered questions from the Council. Mr. Gaylord explained that there is no mechanism in place to revoke a CUP once it is issued and that the matter was brought before the Hearings Examiner (HEX) to make a determination on round trips and answer to Mr. Black's request to increase the number of employees and that the matter is currently pending with the HEX. Mr. Gaylord and Ms. Shaw, representative for Mr. Black both commented on the lack of industrial development areas [in SJC]. Mr. Knapp stated he thinks the Charter Completion Committee (CCC) should review the CUP process to include upgrading enforcement and holding public hearings. Mr. Ranker was in favor of this, but was adamant about including full council discussion. Mr. Myhr concurred with Mr. Ranker adding that the Council doesn't have a good vision of where things are going to occur in the County and that he would like to have examples of what the County will look like in various land use scenarios to help eliminate potential problems of CUPs and "grandfathered" situations. Mr. Rosenfeld requested that Mr. Knapp meet with the various Department Heads regarding policy review on the CUP. **Mr. Knapp's suggestion to invite Department Heads and the public to a CCC meeting was agreed to by consensus.**

Lodging Tax Advisory Committee – Mr. Rosenfeld reminded the Council of the clause in the San Juan Island Visitor's Bureau (SJIVB) contract, which automatically renews itself for the following year on August 1, 2008, unless other options are acted upon. Mr. Myhr expressed an interest in getting better performance standards with specific measurables included in the contract. Council discussion followed and it was decided to include this item in tomorrow's agenda. **Legislative Priorities** – Mr. Myhr reported that there was no additional Council feedback on the list from the last session and that he was interested in a statement on Capron funds, beyond what the Governor said. Mr. Ranker said the Council needs a "full-court press" on Capron Funds, but only after the Governor's statement of priorities is released. Once on the Governor's agenda, it is hard for others to push back. Mr. Ranker also mentioned an e-mail, with detail on Capron Funds and Ferries, which he sent to Jill Satran, aide to Governor Gregoire. Mr. Myhr asked if he would share the e-mail with the Council. **Stormwater Subcommittee** – Mr. Peterson reported that the Subcommittee was experiencing difficulties, keeping them from meeting his self-imposed deadline of the end of July. Mr. Myhr asked for an outline showing key bullet points of what the Subcommittee is proposing in the meantime. Mr. Peterson said he would bring that and their information regarding the regulation of the Ordinance to the Council by the end of August. **Charter Completion Subcommittee** – Mr. Knapp had no progress to report, as Ms. Kulseth, who assists with Charter Completion from the Prosecuting Attorney's office, is unavailable in the summer. **Lobbying Subcommittee** – Mr. Ranker asked for agenda discussion time next week and said his Lobbying report would be distributed at that time. **Affordable**

Housing Plan / Smart Growth – Mr. Lichter stated that he would be submitting a draft Smart Growth Program with a synopsis for Council discussion next week. Mr. Rosenfeld reported on a request he received, from Homes for Islanders, for the Council to sign in support of their development in Eastsound. **By consensus, Mr. Rosenfeld directed staff to prepare the document for consideration and signature tomorrow.**

COUNTY ADMINISTRATOR ITEMS

1. Amendments to Ordinance 21-2007, Rules of Council Procedure – Mr. Rose reviewed the difference between regular meetings and special meetings and their respective procedural rules as related to the Open Public Meetings Act (OPMA) and the SJC Charter. Stan Matthews, Communications Program Manager, distributed his Staff Report that addressed issues related to Rules of Procedure for County Council Meetings, executive sessions, and the possibility of having meetings on other islands considered “regular.” He reviewed his findings, presented options, and made recommendations to the Council. Council discussion followed and Mr. Matthews answered questions from the Council regarding the Rules of Procedure, and noted that more information would be forthcoming.

2. Transfer Station Draft Environmental Impact Study (DEIS) – Shannon FitzGerald, CD&P Senior Planner, distributed the DEIS, a 266 page document including analyses of the five alternative sites under consideration for a new transfer facility, as well as a “no action” alternative, explaining that the release of this document begins the 45 day public comment period, during which time public input is encouraged. She stated that written comments would receive written responses and a Public Hearing, to take oral testimony, is scheduled for September 4th, 2008. Additionally, two informational open houses, August 7th, and 28th, 2008, with technical experts available for clarification and questioning, will also be held. Mr. Rose pointed out that although there is not a “cliff-notes” version, pages 8-14 provide comparison elements. Ms. FitzGerald noted that CDs and hard copies are available at CD&P and on-line at the Transfer Station site and reference copies at the Library and Public Works. CDs are no cost and hard copies are priced at production cost of \$39.90. Mr. Peterson asked if the study included a recommendation. Ms. FitzGerald said it did not, but that Public Works (PW) may include one in the final EIS, which will likely be released in January. PW is also preparing a Supplemental Alternatives Analyses, which will include cost and public acceptance factors that the decision makers will need to consider, but are unrelated to the environment.

RECESS - At 12:27 a.m., Council Chair Rosenfeld recessed the meeting until 10:00 a.m., Tuesday, July 29, 2008.

Tuesday, July 29, 2008 - Council Hearing Room – Legislative Building, FH

CALL TO ORDER

Council Chair Rosenfeld called the 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; and interested members of the public were present.

The flag salute was conducted.

CITIZEN ACCESS TIME

Richard Strathmann addressed the Council regarding property bordering the UW Laboratories biological preserve on Point Caution that abuts his property. He requested help from the Council to correct a situation that developed as a result of an Act of Congress, which modified a boundary line between the UW biological preserve and private land owners. Once the modification took place, homes that were already built turned out to be on UW property. The UW released the land by quit-claiming it to the people who had developed there. Mr. Strathmann purchased his property believing it shared a boundary line with the UW preserve. After the boundary line modification (BLM), without notification to neighboring property owners, or the UW, the SJC Assessor declared the land to be tax parcels and notified heirs. The property between his property and the preserve is now owned by a private individual. In order to maintain a buffer for the reserve, he requested that the Council reverse the decision. If it is determined by the PA that the Council cannot reverse this, he requested the Council write a letter to Kenneth Sebens, Director of UW Laboratories, stating the Council does not oppose the UW claim of ownership

5/23/2016

17:36:32 PM

to the parcel of land between the two survey lines. Mr. Peterson asked to continue this matter over to discussion since Assessor was present.

Ken Sebens spoke on behalf of the UW Labs, confirming that the UW, as far as he was aware, was not informed when this took place. Since then he has corresponded with the new owners, stating that the UW considers the property part of a biological preserve and that Title would not be clear. He stated that if they remain owners, the UW would like to have the land retained as a UW biological function and easements retained by the UW. He also stated that the UW could claim adverse possession, since they had held the property since 1920 as biological preserve, and although they have decided not to do so at this point, they may in the future. He added that this is an important piece of land (six acres) for both scientific research and conservation and for County.

Mike Kaill, was present regarding the Act of Congress ruling as well. He explained that when he purchased his property it abutted the preserve, but woke up one morning to find out that a strip of property between his and the preserve belonged to someone else. He too is seeking relief through the Council.

Deborah Hopkins, spoke in support of the neighbors, she bought property there seven years ago and is requesting help in seeing that the land reverts back to ownership by the UW Laboratories.

Bill Wright requested that the County Council prepare for the public a reading-file containing all documentation held by the County regarding the SJC “No New Tax” lawsuit. As part of the reading-file, he requested a statement regarding the amount of fees the PA is seeking in this appeal. He requested, to be included in that reading-file, all documents authored and presented to the Courts by the SJC PA. He stated that the PA’s comments on this case reported on his web page were misleading. He then requested a copy of the PA’s annual reports to the Governor for the last five years, and disclosure on the amounts of all fees paid to or received from Foster Pepper Law Firm.

ANNOUNCEMENTS/SCHEDULE CHANGES

The posted Council Agenda and/or Discussion/Other Action Agenda was/were revised. *(Modify as necessary)*

APPROVAL OF MINUTES

Moved by AL, seconded by Peterson, to approve the Minutes of **July 14 & 15 as amended, 2008**. Motion carried.

CONSENT AGENDA

Moved by Myhr, seconded by Ranker, to approve the **Final Consent Agenda of July 29, 2008** as follows:

A. Resolutions/Ordinances:

1. Resolution to Clear Title from the recording of SJC Resolution No. 18-2008 for the Fisherman Bay Road Improvement Project, Tax Parcel No. 251433003, Cade.
2. Resolution to Clear Title from the recording of SJC Resolution 16-2008 for the Fisherman Bay Road Improvement Project, Tax Parcel No. 251422002, Domanic.
3. Resolution to Clear Title from the recording of SJC Resolution 14-2008 for the Fisherman Bay Road Improvement Project, Tax Parcel No. 251421003, Meng.
4. Resolution to verify Title VI Certification for the ‘Planning Only’ Community Development Block Grant.
5. Resolution to verify Title VI Certification for the Housing Enhancement Community Development Block Grant.
6. Resolution to convey a boundary line adjustment and quitclaim deed (Turtleback Mountain waterfront parcel), Culver

B. Contracts/Agreements:

1. An Interlocal Bidding/Purchasing Agreement between San Juan County and the City of SeaTac.

C. Budget Items: (No items.)

D. Personnel: (No items.)

E. Appointments:

1. A letter reappointing R. Bruce Gregory to the Noxious Weed Board, beginning August 1, 2008 and expiring on July 31, 2012.
2. A letter reappointing George Post to the SJC Solid Waste Advisory Committee, beginning immediately and expiring on July 31, 2011.

3. A letter appointing Dr. John Brantigan to the SJC Ferry Advisory Committee, Shaw Island, Primary, beginning immediately and expiring July 31, 2012.

F. Correspondence: (No items.)

G. Miscellaneous: (No items.)

H. Bid Openings: (No items.)

Motion carried.

ACTION ITEMS

ORDINANCES/RESOLUTIONS:

ORD. NO. 32-2008- (Refer to PUBLIC HEARINGS, 10:20 a.m., for details of action taken.)

RES. NO. 33-2008- (Refer to PUBLIC HEARINGS, 2:00 p.m., for details of action taken.)

RES. NO. 56-2008- (Refer to CONSENT AGENDA of July 29, 2008, for details of action taken.)

RES. NO. 57-2008- (Refer to CONSENT AGENDA of July 29, 2008, for details of action taken.)

RES. NO. 58-2008- (Refer to CONSENT AGENDA of July 29, 2008, for details of action taken.)

RES. NO. 59-2008- (Refer to CONSENT AGENDA of July 29, 2008, for details of action taken.)

RES. NO. 60-2008- (Refer to CONSENT AGENDA of July 29, 2008, for details of action taken.)

RES. NO. 61-2008- (Refer to PUBLIC HEARINGS, 2:30 p.m., for details of action taken.)

RES. NO. 62-2008- (Refer to CONSENT AGENDA of July 29, 2008, for details of action taken.)

COUNCIL DISCUSSION/UPDATES/OTHER ACTION ITEMS:

COUNCIL DISCUSSION

(Added item.) **Act of Congress Land Issue** – Mr. Rosenfeld called upon Karen Vedder, Deputy PA, and Charles Zalmanek, Assessor to answer questions regarding the matter of the property being re-assigned after the BLM. Mr. Rose disclosed that he is also a neighbor owning adjacent property and asked to go on record that he had removed himself from anything surrounding this matter when the first letter came in regarding the issue. Ms. Vedder and Mr. Zalmanek answered questions from the Council and a lengthy discussion took place. Ms. Vedder explained, in detail and drawings, the chain of events, beginning with a military survey done in the 1800s and resulting in the current situation as explained during Citizen Access Time. Ultimately, Ms Vedder explained that the role for the Council in this matter is non-existent and it is up to the Council to write opinion letters. Mr. Rosenfeld asked Staff for time to discuss this on the August 19th, 2008 agenda.

(Added item.) **Public Records Request** – Mr. Rosenfeld stated that he understood Mr. Wright's request was being addressed also by Mr. Matthews.

COUNCIL MEMBER UPDATES

11:02 a.m. Salmon Recovery Funding – Mr. Myhr reported that he attended the July 16th Salmon Recovery Council Meeting in Tukwila. He pointed out that under the current funding distribution formula for the various watersheds in the Puget Sound, SJC could receive anywhere from 1.6 to 2.9 million dollars from the State.

Veterans – Mr. Lichter reported that the VAB met last Friday and approved use of the Veteran's Assistance Fund on two qualifying cases. He added that he invited Auditor, Milene Henley, whose work is indispensable to the VAB, to become an ex-officio member to the Board. Mr. Ranker reported that Veterans are now able to see doctors here on the island, seeing 25 Veterans the first day.

11:05 a.m. Progress Report on Marine Resources Committee (MRC) projects and funding. Kit Rawson, MRC Chair, gave a PowerPoint presentation of the MRC second quarter report, outlining goals and outreach; recovery efforts and progress; federal and state support; and community issues, including raw sewage discharge from Victoria and our stormwater outfall from Spring Street. Mr. Rawson reported that the MRC is the official "Salmon Citizens Advisory Group" for the San Juan Islands under the State Salmon Recovery Act and thanked the Council for supporting their recommendation to have Mr. Myhr serve on the Salmon Recovery Council. He also thanked Mr. Ranker for the work he did to promote the role of the San Juan Islands in salmon recovery. He provided an overview of all projects and activities in 2008 including projects being done under the direction of Ken

Sebens, UW Laboratories Director. Mr. Rawson acknowledged MRC members for their work in reviewing the projects, which will be presented in ranked order to the Salmon Recovery Funding Board. Mr. Rawson and Barbara Rosenkotter, Lead Entity Coordinator, answered questions from the Council with discussion interspersed. It was clarified by Mr. Rawson, in an answer to Mr. Lichter, that the Committee has practiced recommending candidates for committee membership. Currently there are two vacancies on the MRC and Mr. Rawson offered Committee recommendations by August 20th, 2008, and to weigh in on Charter Completion related to the MRC.

San Juan Island Visitors' Bureau Contract – Mr. Rose explained that without Council discussion, this contract would automatically renew on August 1st, 2008, and continue to do so for up to five years. Ms. Hopkins, Executive Director of the Visitors' Bureau was present to answer questions from the Council. Following Council discussion, regarding tracking visitors and methods currently in place, Mr. Rosenfeld asked his fellow Councilmen if there was any insistence to make changes to the SJIVB Contract. **The Council agreed by Consensus to do nothing and have the contract remain in place with the understanding that a new scope would be submitted by September 1st, and a 2009 work-plan by October 1, 2008.**

3:30 p.m. Update on the Agricultural Resource Committee (ARC). Eliza Buck, ARC Coordinator & Bruce Gregory, ARC Chair were present to report. Ms. Buck provided an update on enrichment activities, stating that the countywide agricultural land survey, currently underway, was a joint effort between the SJ Islands Agricultural Guild, the ARC, the NW Agricultural Business Center, and the WSU extension. One survey has been sent for commercial farmers and one to determine food production for gardeners. She explained distribution methods and public information efforts regarding this survey. Plans in support of a "year-round" Farmer's Market were also mentioned. Ms. Buck and Mr. Gregory answered questions from the Council. Mr. Myhr commented that land can grow houses as well as crops and that education as to how to do both was necessary to bring about careful placement of structures, so that homes are located in a way that allows for the best use of the land.

COUNTY ADMINISTRATOR COUNCIL BRIEFING

1:00 p.m. County Administrator Council Briefing. Also present: Dona Wuthnow, Parks Director

1. Presentation of the Proposed Shaw Park Plan Design – Ms. Wuthnow presented a PowerPoint presentation on the Shaw Park Plan. She pointed out problems with the current layout of the park, including destruction of shell middens and feeder bluff erosion due to compaction. She proposed a comprehensive re-design, that passed public scrutiny, and would alleviate these problems while maintaining the rustic and primitive character of the Park. She reported on public use of the park, adding that it was a port of call for the recent "Tribal Canoe Trip." Ms. Wuthnow pointed out that the Shaw Park Master Plan was a budgeted item for this year and that the plan would be back for adoption at a later date. Mr. Rose pointed out that if it is going to be part of Comprehensive Plan that it would come to the Council in the form of an Ordinance. Ms. Wuthnow answered questions from the Council and Council discussion took place.

1:44 p.m. Risk Pool Alternate Delegate - Mr. Rose reported that he would be presenting Adina Cunningham as the alternate delegate to the risk pool on an upcoming Consent Agenda. Mr. Rose serves as delegate for SJC.

PUBLIC HEARINGS/MEETINGS/WORK SESSIONS

PUBLIC HEARINGS

10:20 a.m. (Commenced at 10:38 due to time constraints.) A public hearing was held to consider a Bidding and Purchasing Ordinance. Present: Full Council; Karen Vedder, Deputy Prosecuting Attorney; Pete Rose, County Administrator (CA); Ann Larson, Clerk to the Council; Lisa Brown, Public Hearings Specialist; and interested members of the public. Ms. Vedder presented her Staff Report and the Ordinance under consideration explaining the changes made regarding responsible bidder criteria; materials, equipment and supplies; and how consultants are hired. She explained that she had researched concerns expressed by the Council regarding authority to award Public Works contracts in section 11B and concluded that the section arguably confuses the issue. She recommended striking 11B and relying on section 15 which is complete regarding signing authority. Ms. Vedder answered questions from the Council. Public Testimony was opened, none submitted, and closed. Deliberations were held and the following action was taken:

Moved by Lichter, seconded by Knapp, to adopt ordinance with the changes as noted regarding purchasing procedures and amending the SJC Code to ensure consistency with the SJC Charter and State Law. Motion carried unanimously.

Following the hearing, Ms. Vedder reported that with the passing of this Ordinance, the PA office will instruct the Code Reviser to prepare a new version of County Code, which should be available in a few weeks, reflecting all the work done by the Council over the past year.

10:35 a.m. (Commenced at 10:45 due to time constraints.) A public hearing was held to consider the Francis Trust Open Open Space Application #070S003. Present: Full Council; Shannon FitzGerald, Senior Planner CD&P; Mr. Jim Francis, Applicant; Pete Rose, County Administrator (CA); Ann Larson, Clerk to the Council; Lisa Brown, Public Hearings Specialist; and interested members of the public. Ms. FitzGerald distributed a conservation easement that Mr. Francis had deeded to the SJ Preservation Trust and presented her Staff Report proposing to place 36 acres in Open Open Space. She stated that it is currently in Forest Land, but the Applicant would like to preserve it as-is, resulting in a tax increase, which is the applicant's choice. Ms. FitzGerald answered questions from the Council and recommended approval of application. Public Testimony was opened, none submitted, and closed. Deliberations were held and the following action was taken:

Moved by Lichter, seconded by Myhr, to approve the Francis Living Trust Open Open Space Application #070S003. Motion carried with absence of Mr. Ranker, who left midway through the hearing.

10:50 a.m. - A public hearing was held to consider the Silveira Timber Open Space Application #070S004. Present: Full Council (Mr. Ranker returned to the Legislative Hearing Room at 10:56, during Ms. FitzGerald's presentation of her report.); Shannon FitzGerald, Senior Planner CD&P; Pete Rose, County Administrator (CA); Ann Larson, Clerk to the Council; Lisa Brown, Public Hearings Specialist; and interested members of the public. Ms. FitzGerald presented her Staff Report noting that the agent for the applicant, Mr. Query was not present. She pointed out problems regarding the application due to recently discovered developments and it was her recommendation to remand the Application back to the Planning Commission to consider the new information. Ms. FitzGerald answered questions from the Council. Public Testimony was opened, none submitted, and closed. Deliberations were held and the following action was taken:

Moved by Lichter, seconded by Knapp, to remand the TOS application back to the Planning Commission to consider new information and advise the Council accordingly in the near future. Motion carried.

Chair Rosenfeld noted that the hearing would remain open and directed staff to continue this public hearing to a future date.

1:30 p.m. - A public hearing was held to consider the Public Facilities Finance Assistance Program (PFFAP) Grant Awards. Present: Full Council; Pete Rose, County Administrator (CA); Ann Larson, Clerk to the Council; Lisa Brown, Public Hearings Specialist; and interested members of the public. Mr. Rose presented his Staff Report regarding the PFFAP and gave an overview of the application criteria, their review, and presented the Review Committee award recommendations for the \$382,218.00 as follows: the \$100,000 Town of Friday Harbor application for Guard Street improvement – Phase Four, to be fully funded; the Eastsound Sewer and Water District (ESWD) application for \$135,000 for infrastructure to develop sewer service to the existing Of People and Land (OPAL) affordable housing complexes, to be funded at \$85,000; and the SJC Public Works application for \$370,000 to fund Eastsound Stormwater projects, to be funded at \$197,218. Mr. Rose stated that if approved, the auditor will process the funds according to Ordinance and Statute. Mr. Rose answered questions from the Council. Public Testimony was opened, none submitted, and closed. Deliberations were held and the following action was taken:

Moved by Lichter, seconded by Myhr, to accept the recommendation of the PFAFF Review Committee to approve the award of \$100,000 to the Town of Friday Harbor for Phase Four of the Guard Street construction project, that we approve the award of \$85,000 to ESWD for a project to extend public infrastructure to OPAL; and that we approve the award of \$197,218 to SJC Public Works for upcoming projects in the Eastsound Stormwater Master Plan. Motion carried unanimously.

2:00 p.m. - A public hearing was held to consider an Ordinance Amending the SJC Comprehensive Plan to include a new Appendix 10, titled Long Range Drainage Plan for Eastsound Urban Growth Area (UGA). Present: Full Council; Colin Maycock, Senior Planner CD&P; Pete Rose, County Administrator (CA); Ann Larson, Clerk to the Council; Lisa Brown, Public Hearings Specialist; and interested members of the public. Mr. Maycock presented his Staff Report, pointing out that the Capital Facilities Planning requirement is an essential element of the Growth Management Act (GMA), and necessary to show that sufficient infrastructure will be in place to meet the increased demand in a UGA. He reported that in the last submission to Growth Management Hearings Board (GMHB) for the Eastsound UGA, the Long Range Village Plan and Long Range Stormwater Drainage Plan produced by a consultant in 2005, had not yet been adopted by the County, thus, not meeting the approval of the GMHB and keeping the County from gaining compliance. Mr. Maycock presented the Ordinance with a recommendation for approval. He answered questions from the Council and Council discussion took place. Public testimony was then opened, submitted by several members of the public in favor of approval of the plan, and closed. Deliberations were held and the following action took place:

Moved by Peterson, seconded by Knapp, to adopt the Ordinance regarding a new Appendix 10 to the SJC Comprehensive Plan entitled the Long Range Drainage Plan for Eastsound Village UGA and associated updated 6 and 20 Year Capital Improvement Plans. Motion carried unanimously.

2:30 p.m. - (Commenced at 2:38 p.m. due to time constraints.) A public hearing was held to review and consider adoption of the 6-Year Road Plan 2009-2014. Present: Full Council; John VanLund, Director Public Works; Pete Rose, County Administrator (CA); Ann Larson, Clerk to the Council; Lisa Brown, Public Hearings Specialist; and interested members of the public. Mr. VanLund presented his Staff Report and stated that a workshop on the 6 Year Road Plan was held on June 3rd, 2008, and was passed unanimously by the Planning Commission (PC). He further reported that the PC passed the Resolution with two findings, one with respect to parking in Deer Harbor, requesting we work creatively to address parking needs of outer islands on Orcas Island, and the other stemming from the Pear Point/Turn Point connector related to the Affordable Housing project being planned on the Buck property. He explained how these findings were addressed. Mr. Myhr thanked Mr. VanLund for including the miscellaneous projects that included parking in Lopez and Eastsound, as requested by the Council. Mr. VanLund answered questions from the Council and the Plan was discussed. Public comment was opened, submitted by members of the public who were in favor of the plan, and closed. Deliberations were held and the following action was taken:

Moved by Lichter, seconded by Knapp, to approve Resolution to adopt the SJC 6 Year Transportation Improvement Program from 2009 - 2014. Motion carried unanimously.

ADJOURNMENT - Moved by Lichter, seconded by Ranker, to adjourn the meeting at 3:45 p.m. Motion carried. The next meeting was scheduled for Monday, August 4, 2008, continuing to Tuesday, August 5, 2008.

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

Howard Rosenfeld, Chair
District 3, Friday Harbor

ATTEST: Clerk of the Council

Gene Knapp, Vice-Chair
District 5, Orcas East

By: _____
Lisa Brown, Deputy 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

Bob Myhr, Member
District 6, Lopez/Shaw