

**MEETING MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
August 18 and 19, 2008**

**Monday, August 18, 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, Lisa Brown and Maureen See; and interested members of the public were present.

**CITIZEN ACCESS TIME**

**Bill Wright** addressed the Council regarding their letter in response to his inquiry regarding the Ferry Advisory Committee (FAC) and other advisory boards, which conflicted with a BOCC letter of opinion dated June 5, 2001. Council discussion took place and Mr. Myhr reported on plans, as part of the Charter Review process, to ask all members to participate in special courses this fall to learn the rules they will be subject to. Mr. Rosenfeld thanked Mr. Wright for the information, stating that minutes are taken by advisory bodies, but that he had regarded meetings with WSF as their meetings to record. Mr. Rosenfeld said he would be looking into this.

**CLERK UPDATE**

**Clerk Larson** reported that all mail sent to the Council physical address is being forwarded to their regular mailbox at 350 Court Street #1, so that public hearings scheduled for next week will not be affected by the misprint. She pointed out the legislative priority folders she had prepared for the Council to keep for work in progress through the upcoming weeks. Ms. Larson asked the Council for a final review of the Facility/Department Use Policy prior to its adoption on Consent tomorrow. She also submitted a revised Council Budget, with program requests, for Council review.

**Deputy Clerk See** addressed the Council regarding committee appointments and inquired about the outcome of last week's interviews for the Eastsound Planning Review Committee (EPRC). The Council recommended appointing both individuals. Ms. See reported that, due to a misunderstanding, Peg Manning attended the meeting last week assuming to also be interviewed for the EPRC. Mr. Lichter inquired whether she would consider serving on another committee. Ms. See said she had not expressed interest in other committees. Tom Munsey resigned from SWAC and Pete Moe, Executive Director of the Fun House on Orcas, had applied for that position. Mr. Peterson asked if the Council would consider Jack Yelverton for the Civil Service Committee opening, due Mr. Vejevoda's passing.

**ADMINISTRATIVE MATTERS**

Council schedules, agendas, and Minutes were reviewed.

**COUNCIL MEMBER UPDATES**

**Ferries/FAC/Ferry Subcommittee** – Mr. Rosenfeld reported that the ferry lobbyist interviews, scheduled for August 27<sup>th</sup>, 2008, in Edmonds, had been changed to Bremerton and will require either a hotel stay, or charter flight, to attend. Attending by conference call was also discussed, but not as a preferable format for holding interviews. Mr. Ranker stated that this articulates why SJC needs someone to represent SJC needs, cautioning that if SJC shares a lobbyist, the County will be sharing issues from other counties as well. Mr. Lichter suggested a part-time staff person for the FAC and Mr. Rosenfeld stated that the Transportation Planner position remains open. He stated that he is trying to change the date of the Joint WSF from September 30<sup>th</sup>, 2008, as it conflicts with the Rosario auction. (Mr. Peterson asked for Council discussion time regarding Rosario stating that the County needs to be prepared to react to whatever happens that day.) Mr. Rosenfeld stated that there is no report on when the Elwha will return to the San Juans. **Meeting Minutes** – Mr. Rosenfeld reported that it was determined that there is no savings by not publishing the full text of the Minutes, as the Journal and Sounder print them at no charge as part of the publishing contract with SJC, and suggested reverting to full Minutes until video streaming is in place. Ms. Larson and Ms. See explained that the majority of publishing expenses were attributed

to display advertising for staff and committee positions, and advertising for Charter Completion. **Stormwater Subcommittee** – Mr. Peterson reported that the Stormwater Subcommittee would be meeting at 12:30 today. **Legislative Priorities** – Mr. Myhr suggested, in addition to adding substance, that the Council determine four to five top priorities. Mr. Rosenfeld pointed out the single-page format and suggested filling each page with talking points. Council discussion took place. Mr. Ranker suggested developing only the top three or four priorities and keeping the others on hand, but not as part of the list. Mr. Myhr asked the Council to send their top six or seven priorities to him by Thursday. **Lobbying Subcommittee** – Mr. Ranker expressed the importance of evaluating priorities and looking at what it will take to accomplish them. He stated the Council made a decision to put \$20,000 towards lobbying and asked how SJC would engage in other issues, when it will require \$15,000 to \$20,000 for ferries alone. Council discussion took place. Mr. Ranker also brought up the idea of bringing someone on board as soon as possible to establish a solid understanding of the issues and appropriate contacts to optimize the position come January. Mr. Rosenfeld understood the current plan to be one-sixth responsibility across the board. Mr. Ranker said that was not agreed to. **Charter Completion Subcommittee** – Mr. Knapp reported no activity. **Smart Growth/Community Health/Affordable Housing** – Mr. Lichter asked to change the name of this topic to Smart Growth/Sustainable Growth. He had no report. **Rosario Resort** – Mr. Peterson expressed a desire to look at possible outcomes regarding the upcoming auction of Rosario Resort, stating that, as the strongest revenue engine in the County, besides the County, if it becomes non-functioning, or functioning at a reduced level, it could have serious implications. Mr. Myhr suggested asking the Economic Development Council (EDC) to look at existing numbers in terms of tax implications and report back to the Council. **SJC Fair** – Mr. Peterson suggested meeting with the Fair Board to deliver a critique of this year's fair and to do so soon to make corrections early in planning for next year's fair. Mr. Rose stated that a review will require staff work, and would need to be scheduled after next week. Mr. Ranker asked about the hiring process of a new director. Mr. Rose stated that he is in the posting stage. **Cell Phone Coverage** – Mr. Peterson recommended setting up an ad hoc committee to take a look at what the obstruction of the existing ordinance is and determine an approach to cell companies, once the ordinance is no longer an obstacle. After Council discussion, the following action took place: **Moved by Ranker, seconded by Knapp, that the Council authorize Mr. Peterson to chair a Subcommittee of other Council members and citizens with expertise in this matter to review the Ordinance and come back with a recommendation by the end of September. Motion carried unanimously.** Mr. Peterson stated his preference to keep the committee in existence after their recommendation is made in September. The Council concurred. Mr. Peterson inquired about staffing the subcommittee and invited Council member involvement. It was decided that committee openings would be advertised and Mr. Rose suggested including liaisons from CD&P, PW, and the Sheriff's Department.

## COUNTY ADMINISTRATOR ITEMS

1. **(Added item.) Stormwater** – Mr. Rose reported that CD&P and PW are working with consultants hired by the Department of Ecology (DOE) on the stormwater code to do a better job of incorporating low impact development and provide a new section on clearing and grading standards.

2. **CAO Briefing** – Present: CD&P Senior Planner Shireene Hale, CD&P Director, Ron Henrickson. Ms. Hale reported on a recent Supreme Court decision, which specified that shoreline specific requirements for protecting shoreline habitat must be adopted in the County's shoreline regulations under the Shoreline Management Act (SMA), rather than the Growth Management Act (GMA). This ruling affects how SJC updates its Critical Areas Ordinance (CAO), which is a requirement of the GMA. She stated that the issue is confusing, as requirements for protecting species and marine habitats are in the GMA and would require regulating the shoreline. She reported that SJC is still required to change the regulations so that they do a better job protecting marine habitat, but that the CAO Committee has set aside work on marine habitats for now and will concentrate on upland habitats, groundwater and other components of the CAO update. Ms. Hale answered questions from the Council. Mr. Henrickson reported on a conference call with nine counties and the Department of Ecology (DOE) regarding the Shoreline Master Program (SMP) update, which must be complete by 2012 to remain in compliance with the SMA. He stated that the message from DOE was that going through the shoreline act is a lengthy and expensive process that the State is supposed to fund. Although SJC has been allocated \$350,000, due next July, the State does not have the money to fund this. He added that, depending on how this is reviewed by the legislature, it could mean that the deadline would be extended, or counties may be allowed to make minor changes until the State has money to adequately fund the update, which he stated to be his preference. He added that the complete process will take approximately two years. Council discussion took place and Staff provided answers to their questions. Ms. Hale then reported on a set of code amendments, approved by the Planning Commission, to

improve the ground water protection program. Under the GMA, SJC is required to consider available science, designate Critical Aquifer Recharge Areas (CARAs), and have programs in place to protect the quantity and quality of our groundwater. She stated that although there is no opposition to the proposed amendments, there is a concern with the term CARA and designating the entire island as such. She distributed two maps showing the analysis of a hydrologist, indicating areas of susceptibility. Ms. Hale reported that there are so few areas of low susceptibility, that the Water Resources Committee made a recommendation to the Critical Areas Committee to go back to the broad county-wide approach. This was approved by the Planning Commission and will be coming before the Council in a public hearing scheduled for October 14, 2008. Council discussion followed and Ms. Hale expressed an interest in holding a workshop prior to the hearing in October.

**3. (Added item.) Orcas Village Plan (OVP) briefing** – Mr. Rose cautioned the Council to refrain from deliberations, as this is a matter for continued public hearing. Mr. Maycock stated that the biggest issue regarding the OVP is parking in the transportation district and language that was deemed too close to a “constitutional taking.” To correct this, he attached the increased requirement to the entire development, not just a specific district. Council discussion followed regarding the parking and traffic issues. He provided an overview of a map of the area and addressed another consideration regarding the zoning of the lot between the market and the marine protected zone, stating that regardless of the zoning, nothing would render it a buildable lot. Mr. Maycock answered questions from the Council regarding the possibility of donating the property to the County for use as a park, or allowing a parking lot, should it be zoned commercial. Mr. Peterson asked about rezoning Ms. Forbes’ property to commercial, and Mr. Maycock felt that was appropriate but should also include the shoreline district with DOE approval. Mr. Ranker restated his concerns from the hearing including redesignation of the two lots next to the market and accepting the majority of the revisions that Jeff Otis asked for and the Dick Griot language. He suggested Mr. Maycock contact Laura Arnold for information regarding this.

**RECESS** - Moved by Peterson, seconded by Knapp, to adjourn the meeting at 11:59 a.m. Motion carried. The meeting was adjourned until 10:00 a.m., Tuesday, August 19, 2008.

<b>Tuesday, August 19, 2008 - Council Hearing Room – Legislative Building, FH</b>
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**CALL TO ORDER**

Council Chair Rosenfeld called the meeting to order at 10:03 a.m. Council Members Kevin Ranker, Rich Peterson, Gene Knapp, Bob Myhr, and Alan Lichter; County Administrator, Pete Rose; Clerk to the Council, Ann Larson; Deputy Clerks, Lisa Brown and Maureen See; and interested members of the public were present.

The flag salute was conducted.

**CITIZEN ACCESS TIME**

No matters were brought before the Council.

**APPROVAL OF MINUTES**

Moved by Ranker, seconded by Lichter, to approve the Minutes of **August 11 and 12, 2008**. Motion carried.

**CONSENT AGENDA**

Moved by Lichter, seconded by Knapp, to approve the **Final Consent Agenda of August 19, 2008**, as follows:

**A. Resolutions/Ordinances:**

1. A Resolution Accepting One Easement, Appropriating Funds, and Authorizing Payment for Fisherman Bay Road Right-Of-Way Acquisition, CRP 030702, John W. and Valerie K. Yukluk.

**B. Contracts/Agreements:** (No items.)

**C. Budget Items:** Approve Warrants:

Warrants # 49255 - 49330 for Public Works claims in amount of \$158,533.92

Warrants # 49121 - 49254 for County claims in amount of \$598,549.57

**D. Personnel:** (No items.)

**E. Appointments:**

1. A letter appointing Ken Katz to the Eastsound Design Review Subcommittee, Position #3, the term begins immediately and expires on August 31, 2011.
2. A letter appointing Steve Hopkins to the Eastsound Planning Review Committee, Position #6, the term begins immediately and expires May 31, 2009.
3. A letter appointing Pete Moe to the SJC Solid Waste Advisory Committee, Member #4, the term begins immediately and expires August 31, 2011.

**F. Correspondence:** (No items.)

**G. Miscellaneous:** County Council Facility Use Departmental Policy, Rules and Regulations by Ann Larson

**H. Bid Openings:** (No items.)

Motion carried.

**ACTION AND DISCUSSION ITEMS**

ORDINANCES/RESOLUTIONS:

**ORD. NO. 37-2008-** (Refer to PUBLIC HEARINGS, 10:35 a.m., for details of action taken.)

**ORD. NO. 38-2008-** (Refer to PUBLIC HEARINGS, 11:45 a.m., for details of action taken.)

**ORD. NO. 39-2008-** (Refer to PUBLIC HEARINGS, 11:00 a.m., for details of action taken.)

**ORD. NO. 40-2008-** (Refer to PUBLIC HEARINGS, 10:20 a.m., for details of action taken.)

**ORD. NO. 41-2008-** (Refer to PUBLIC HEARINGS, 11:30 a.m., for details of action taken.)

**RES. NO. 67-2008-** (Refer to Final Consent Agenda of August 19, 2008, for details of action taken.)

**PUBLIC HEARINGS/MEETINGS/WORK SESSIONS**

COUNCIL DISCUSSION/UPDATES/OTHER ACTION ITEMS:

**Sales Tax for Mental Health** – Mr. Myhr reported that Whatcom County, in addition to several other western Washington counties, passed the 1/10 of 1% sales tax for mental health and therapeutic court for substance abuse cases. He stated that SJC Health and Community Services will provide a report on why it is necessary and how it could be used in SJC. Mr. Lichter stated that SJC desperately needs more money for treatment of youth in the mental health area. Mr. Ranker asked for discussion on this. Mr. Rose stated that an analysis had taken place regarding this in January and suggested asking Mr. Manning and Mr. Kearny for updates during a Monday meeting. **Cell Coverage Subcommittee** – Mr. Peterson reiterated the purpose of this committee: to look at the provision of cell phone coverage throughout the county. Mr. Rosenfeld suggested reporting this publicly in a press release and Mr. Peterson made a request of Staff. Mr. Rose stated that Allen Shayo, CDP would provide Staff support, as this sub-area plan falls under his purview. **Agricultural Conservation land designation** – Mr. Myhr reported on efforts in place by the ARC, Tim Clark, and members of the Planning Commission, and hopefully CD&P Staff, in creating a separate designation for Agricultural Conservation Land. Mr. Rose suggested inviting the Assessor and CD&P Staff for a discussion. **Veterans' Advisory Board** – Mr. Lichter reported on a sad note, stating that an emergency request had come in to the VAB for \$100 for medication. The request was processed immediately, but the man had been found dead when the medication was delivered. The cause of death is unknown at this time. **CAO Committee Activities** - Mr. Rosenfeld inquired about a place on the SJC website for tracking questions and answers to concerns regarding the CAO issues. Council discussion took place and Mr. Ranker suggested setting up a list-serve for information and announcements. **Ferries** - Mr. Lichter reported on the results of the US Coast Guard study, stating that the back-to-back staffing shifts on the ferries was being eliminated and would take effect on our routes next year.

**(10:43 Added item.) CAO Supreme Court Ruling** – Mr. Ranker reported on a telephone conversation he had with the DOE Attorney General (AG), who had discussed the SJC situation regarding the CAO (due to the Anacortes decision), and is working with the Puget Sound Partnership (PSP) AGs and Shorelines Program AGs on a recommendation for SJC. Mr. Ranker had explained to them that SJC is holding off on addressing shoreline issues in the CAO, understanding they need to be addressed through the SMP, until SJC hears otherwise, but doesn't want this to create more problems for SJC if direction is not received in the near future, as SJC is in the final stages of discussion on the CAO.

**(10:45 Added item.) Legislative Priorities** Mr. Ranker identified target audiences and listed his priorities with audiences as follows: **Priority 1)** WSF (Governor and Legislature); **Priority 2)** Restoration of Capron Funds (Governor); **Priority 3)** Mitchell Hill, (Federal); **Priority 4)** Septic Loan (Governor and Legislature); **Priority 5)** Cattle Point Road fix (Federal); **Priority 6)** Rescue Tug (Federal, Legislature, Governor). Council discussion followed regarding including other counties on ferry, septic, and rescue tug issues, as well as a contingency plan on Capron Funds, such as having money taken from us, currently in the WSF general fund, earmarked exclusively for SJ ferry operations. Discussion took place regarding neighborhood electric vehicles (NEV), Odlin South and Mitchell Hill acquisitions. Mr. Rose offered strategic prioritization advice regarding trade-offs. **An argument for NEVs, that would be lost on even our District 40 Legislators unless it is brought to their attention, is SJC doesn't have roads over 45mph. He suggested when the Council goes to the Legislators, to have both Odlin South and NEVs available individually "in their back pockets."** Council discussion followed regarding this. Mr. Ranker pointed out that anything SJC puts forward is in competition with the others. **Mr. Peterson stated he didn't believe the Council could have an effect on statewide policy regarding the crab harvest rules and suggested addressing this by sending a letter addressing the concerns identified to the State Department of Fish and Wildlife, and remove it from the priority list.** Regarding defining basic education, he noted that no requests for Council involvement had come from the Boards of Education, and suggested removing this issue until that occurs. Lastly he indicated he was not sure what was needed regarding Scenic Byways and believes the needed momentum and approval process is in motion. Mr. Ranker agreed regarding crab harvest rules and suggested Ms. Larson contact Amy Windrope and Jim Kramer for guidance. Regarding education, he reported that a new State Subcommittee had been convened by Frank Chopp, Speaker of the House, which will likely have a new definition of basic education by fall, before the legislative session comes in. He said there are many other aspects of fully funding education that are a high priority for communities in this county, but agrees until the School Boards, or superintendents ask for assistance, he is hesitant for the Council to weigh in. He suggested Ms. Larson contact SJC superintendents to invite them to provide a briefing to the Council and ask if a letter from the Council would be helpful. He then stated he agreed with Mr. Peterson's position on Scenic Byways, stating that the SJI Visitors' Bureau was doing a great job. **Mr. Ranker brought up the Puget Sound Partnership (PSP) stating that it would be important to send a letter to David Dicks, Director, and Bill Ruckelshaus, PSP Chairman, requesting they prioritize the salmon recovery monies within their budget request. The Council agreed by consensus to send the letter.** Mr. Ranker asked Ms. Larson to consult with Barbara Rosenkotter when writing the letter. Mr. Ranker suggested State priorities as Odlin South, WSF, Capron Funds, and the Septic Loan Program; and for Federal priorities, Mitchell Hill, Cattle Point Road project, and the rescue tug. Council discussion continued.

**(11:20 Added item.) Update on Cattle Point Road Erosion / Mitchell Hill -** SJI National Historical Parks (NHP) Superintendent, Peter Dederich, present to report on the National Parks Service (NPS) Coop Agreement Trails Grant, was kind to oblige the Council's request to speak regarding the Cattle Point Road project from the National Parks perspective. Mr. Dederich explained that it is a long process in which a Draft Environmental Impact Study (DEIS) is nearing completion. He said there is no perfect solution and indicated the preferred alternative to reroute the road to the south side of Mt. Finlayson. Timing is such that they are trying to get far enough along so that the fiscal request can be submitted for funding in 2010. He added that erosion is getting closer to the road and there is reason to be concerned. Mr. Dederich explained that aerial photography over time indicates erosion occurring at 1.5 feet per year, and their calculations lead them to believe this will continue, so they are seeking a 40-year fix rather than a 10-year fix. Mr. Myhr inquired about the status of the Mitchell Hill acquisition by NPS. Mr. Dederich reported that the NPS authority to adjust the park boundary is imbedded in the park's new General Management Plan (GMP) and that the Final Environmental Impact Study (FEIS) for the GMP is in Washington DC for final review. He expects it to be signed in September or October. He stated NPS has legal authority to do that [purchase] and the Congressional Delegation is aware of the need for an appropriation to make the purchase.

## DISCUSSION

**11:15 a.m. National Parks Service (NPS) Coop Agreement Trails Grant –** Present: Dona Wuthnow, SJC Director of Parks, Peter Dederich, SJI NHP Superintendent. Ms. Wuthnow presented her Staff Report, explaining that the agreement called for an in-kind match to the Federal funding from NPS. She also explained that the in-kind work would be done by volunteers of the Trails Committee, ultimately at no cost to SJC.

**Moved by Myhr, seconded by Ranker, that SJC authorize the County Administrator to sign the cooperative agreement with NPS that will grant up to \$25,000 of Federal Challenge cost share-funding**

**toward Cattle Point Road Trail and Roche Harbor to English Camp Trail segment construction. Motion carried unanimously.**

**2:00 p.m.** – (Commenced at 2:18 due to time constraints.) **Road Funding Workshop Presentation** – Present: Jon Shannon, Director of Public Works (PW). Mr. Shannon was present to provide background on Road Fund sources prior to discussions regarding the 2009 budget, to clear up misconceptions about Capron Funds, to explain where money is distributed in terms of department priorities, how PW prioritizes its resources and what the future looks like regarding the use of potential road fund resources. He provided a PowerPoint presentation which included the PW Mission Statement, stating that PW has a long-term point of view, as far as building infrastructure that lasts sometimes over 100 years, and how this relates to how PW prioritizes. He stated PW's goal is to do what is absolutely needed every year, without facing that moment in time when a critical need can't be met. Mr. Shannon outlined the four areas of sustainability as: revenue, expenses, cash and non-road uses. His comprehensive presentation identified details on these areas and included charts and graphs showing revenue sources and trends over time. He also reported on Gas Tax and included these details in his report. He highlighted maintenance and operations, preservation, construction, and the escalation of construction costs, road fund balances, expenses and analyses, and future scenarios. The Council thanked Mr. Shannon for his presentation.

#### COUNTY ADMINISTRATOR COUNCIL BRIEFING

**1:30 p.m.** County Administrator Council Briefing. Also present: Tim Gates, Washington State Community, Trade, and Economic Development (CTED) Program Coordinator; Milene Henley, SJC Auditor; and interested members of the public.

**1. (Added item.) CAO Supreme Court Ruling** – Mr. Gates, who came to San Juan Island to brief the CAO committee, addressed the Council to report on the Supreme Court decision of July 31, 2008, stating that the DOE and CTED (Respondents/Intervenors to the Case) are unclear on the outcome and are filing a Motion for Reconsideration with the Supreme Court tomorrow, in effect delaying the decision. He explained that Justice Madsen signed the ruling for “results only,” which is confusing, as this indicates she concurs with the result, but not the reasoning that led to it, creating ambiguity and uncertainty. Council discussion followed regarding this and the added implications it has to the work of the CAO Committee. Mr. Gates answered questions from the Council. Mr. Gates said the Supreme Court has 20 days to decide whether or not they will accept the Motion and if they don't, “it will become the law of the land and we need to figure out what that means.” The Council thanked Mr. Gates for his opinion.

**2. 2008 Budget Status** – Mr. Rose provided background, stating that he has issued a limited hiring freeze, is concerned about county current and those departments that receive current expense subsidies, has asked departments for a review of expenditures to date, to place a higher level of scrutiny on expenditures and proposed higher level approval methods be implemented through Eden before purchases are allowed, to cut out year-end opportunity purchases, to limit travel and training unless necessary, and begin to evaluate core services. Ms. Henley was present to report on year-to-date expenditures to provide year end projections. She made year-to-date comparisons for the past two years. She reviewed expense revenues, expenditures by department, estimated revenues versus expenditures for year-end 2008, and actual versus projected ending cash over time from 2002-2007, which included a beginning cash projection for 2009. She stated that by reducing working reserves ending cash will be reduced by approximately \$1 Million. Ms. Henley answered questions from the Council, and discussion took place regarding establishing a reserve policy.

#### PUBLIC HEARINGS

**10:20 a.m.** - A public hearing was continued to consider the Lopez Village Saltwater Intrusion Ordinance. Present: Full Council; Colin Maycock, Senior Planner; Mark Tompkins, Environmental Health Manager; Ron Henrickson, CD&P Director; Pete Rose, County Administrator (CA); Ann Larson, Clerk to the Council; Maureen See, Deputy Clerk; Lisa Brown, Public Hearings Specialist; and interested members of the public. Mr. Maycock presented his Staff Report, and reviewed changes made since prior Council consideration in June. Mr. Maycock and Mr. Tompkins answered questions from the Council. Public testimony was opened, none submitted, and closed. Mr. Peterson commented on an inquiry regarding Eastsound not being included in the study and asked if it would be looked at in the future. Mr. Henrickson said that CD&P is responding to this issue as a compliance

issue, the broader issue is that there is a county-wide ordinance regarding salt water intrusion, but the water provision was found compliant by the GMHB. Mr. Peterson asked that CD&P respond to this inquiry with this information. Deliberations were held and the following action was taken:

**Moved by Lichter, seconded by Myhr, to adopt the proposed amendment to the SJC Comprehensive Plan adopting the Adaptive Management Program to avoid seawater intrusion in the water supply of Lopez Village UGA. Motion carried unanimously.**

**10:35 a.m.** - A public hearing was held to consider an Ordinance regarding the Lawson site-specific re-designation. Present: Council Chair Howie Rosenfeld; Council Members Rich Peterson, Gene Knapp, and Alan Lichter; Julie Thompson, Associate Planner; Pete Rose, County Administrator (CA); Ann Larson, Clerk to the Council; Maureen See, Deputy Clerk; Lisa Brown, Public Hearings Specialist; and interested members of the public. Ms. Thompson presented her Staff Report, requesting the redesignation of a portion of two tax parcels, approximately 50 acres, due to a mapping error. She stated that the Planning Commission concurred with this recommendation. [Mr. Myhr returned at 10:36 a.m.] Ms. Thompson answered questions from the Council. [Mr. Ranker returned at 10:40 a.m.] 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 the Ordinance redesignating approximately 50 acres from Forest Resource with a density of 20 to Rural Farm Forest with a density of 10 on the SJC Comprehensive Plan Land Use Map. Motion carried unanimously.**

**11:00 a.m.** - A public hearing was continued to consider an Ordinance adopting the Eastsound Sewer Plan. Present: Full Council; Colin Maycock, Senior Planner; 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 and answered questions from the Council. Mr. Rosenfeld inquired of Staff if any additional written testimony had been submitted. None had been submitted and public testimony was closed. Discussion took place regarding providing services to areas outside UGAs and exceptions that have been made in other counties. Deliberations were held and the following action was taken:

**Moved by Lichter, seconded by Knapp, to adopt the Eastsound Sewer and Water District's 2008 update of the 2003-2023 General Sewer Plan into the SJC Comprehensive Plan and to make the necessary changes to Element 7 and Appendix 7. Motion carried unanimously.**

**11:30 a.m.** - A public hearing was continued to consider an amendment to the 2008 Annual Road Plan. Present: Full Council; John Shannon, Public Works Director, Senior Planner; Pete Rose, County Administrator (CA); Ann Larson, Clerk to the Council; Maureen See, Deputy Clerk; Lisa Brown, Public Hearings Specialist; and interested members of the public. Mr. Shannon provided background from the previous hearing and answered questions from the Council. Council discussion took place. Written testimony was submitted by one individual, and closed. Deliberations were held and the following action was taken:

**Moved by Lichter, seconded by Knapp, to approve the Ordinance revising the 2008 Annual Road Program appropriating funds for County Road Project 533081, acquisition of the real property of Orcas Landing for use as a public dock and authorizing the County Administrator through the County Engineer to complete and execute all documents and actions necessary to carry out County Road Project 533081. Mr. Ranker recognized tremendous efforts by Mr. Shannon and Mr. Lichter over a four year period to make this happen. Motion carried unanimously.**

**11:45 a.m.** - A public hearing was held to consider an Ordinance regarding Purchasing Procedures and amending the SJC Code to clarify signature authority. Present: Full Council; Karen Vedder, Deputy PA; 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, provided background information, and answered questions from the Council. A minor change to the language, increasing specificity was discussed. Public Testimony was opened, none submitted, and closed. Deliberations were held and the following action was taken:

**Moved by Lichter, seconded by Myhr, to adopt the Ordinance with changes as noted regarding purchasing procedures and amending the SJCC to clarify signatory authority. Motion carried unani-mously.**

**3:00 p.m.** - A public hearing was continued to consider the Orcas Village Plan. Present: Full Council; Colin Maycock, Senior Planner; Randall Gaylord, PA; Jon Cain, Deputy PA; Ron Henrickson, CD&P Director; Pete Rose, County Administrator (CA); Ann Larson, Clerk to the Council; Maureen See, Deputy Clerk; Lisa Brown, Public Hearings Specialist; and interested members of the public. Mr. Maycock presented his Staff Report, referencing issues the Council had requested further information on. He answered questions from the Council and the following action took place:

**Moved by Lichter, seconded by Myhr, to hold another meeting for this hearing on Orcas Island.** Mr. Rosenfeld asked Mr. Lichter to amend his motion to keep the location open. Mr. Lichter declined. **Motion carried unanimously as originally stated.**

Public testimony was opened, submitted by Mike Krieger, who read portions of a statement by Peter Eglick, and provided additional comments of his own, and Jeff Otis, who expressed an interest in developing a master plan for the property ensuring that the goals and purpose of the Village Plan are met by adopting regulations that implement those goals. Council discussion took place and the following action took place:

**Moved by Ranker, seconded by Lichter, to continue the hearing with public testimony remaining open.** Mr. Gaylord commented on his answer to a question that was contrary to Mr. Eglick's, stating they were answering different questions. Mr. Eglick was answering about 75' setback and he was answering a question about compelling a state agency to make improvements for parking spaces. **Motion carried unanimously.**

#### **EXECUTIVE/CLOSED SESSIONS**

**4:00 p.m.** – (Commenced at 4:05 due to time constraints.) Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 30 minutes, to discuss a performance evaluation of a public employee pursuant to the provisions of RCW 42.30.110(1)(g). The session ended at 4:35 p.m. for an actual session time of 30 minutes. No action was taken.

**ADJOURNMENT** - Moved by Lichter, seconded by Knapp, to adjourn the meeting at 4:36 p.m. Motion carried. The next regular meeting was scheduled for Monday, August 25, 2008, and a regular meeting was scheduled for Tuesday, August 26, 2008.

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**These minutes were approved and signed on Tuesday, August 26, 2008. The original document is retained in the Council's permanent proceedings file. Attest: Lisa J. Brown, Deputy Clerk.**