

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
MARCH 26, 27, AND 30, 2007**

Monday, March 26, 2007 - Council Conference Room

CALL TO ORDER

Council Chair Myhr called the special meeting to order at 10:00 a.m. Council members Peterson, Rosenfeld, and Knapp; County Administrator, Pete Rose; Clerk to the Council, Carolyn Morrison; Department Assistant/Deputy Clerk, Amy Taylor; and interested members of the public were present. Councilmen Lichter and Ranker were absent as they are attending the Georgia Basin Conference in British Columbia.

PUBLIC MEETINGS/WORK SESSIONS

10:00 a.m. – The Council met for a weekly Staff Meeting and Council Work Session regarding County business. No action was taken.

1:04 p.m. – A Work Session was held regarding proposed Council procedures. No action was taken.

RECESS - At 4:15 p.m., Council Chair Myhr recessed the meeting until 10:00 a.m., Tuesday, March 27, 2007.

Tuesday, March 27, 2007 - Council Hearing Room

CALL TO ORDER

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

EXCUSED ABSENCES

Moved by Rosenfeld, seconded by Knapp, to excuse Councilmen Ranker and Lichter from the March 26 and 27, 2007 Council sessions due to their attendance at the Georgia Basin Conference in British Columbia, Canada. Motion carried.

CITIZEN ACCESS TIME

Joe Cussen – Regarding a written request for a County policy for safe roads. Mr. Peterson noted that the Council had received notice from Jon Shannon, Public Works Director, that his department was working on a new Best Practices Manual and that policies are being put in place. Mr. Rose added that a written policy can be prepared for Council review. Mr. Myhr then stated that this matter is now going to the Administrator and to Public Works for completion.

ANNOUNCEMENTS/SCHEDULE CHANGES

The posted Council Agenda and Discussion/Other Action Agenda were revised.

APPROVAL OF MINUTES

Moved by Peterson, seconded by Knapp, to approve the Minutes of **March 19 and 20, 2007**. Motion carried.

CONSENT AGENDA

Moved by Peterson, seconded by Rosenfeld, to approve the **Final Consent Agenda of March 27, 2007** as follows:

A. Resolutions/Ordinances:

1. **Resolution 8-2007** - Adopt the resolution granting the request for timber open space classification for Tax Parcel Number 173512003-002 to Jens and Pamela Quistgaard, subject to the approved forest management plan and Open Space Taxation Agreement attached therein; and, authorize the County Administrator to sign the Open Space Agreement on behalf of the Council, pursuant to the public hearing held on February 6, 2007 and motion of approval by the Council.

B. Miscellaneous:

1. Approve the recommendations of the SJC Housing Bank Commission to award grants of \$31,500 to Homes for Islanders, and \$17,500 to Lopez Community Land Trust, out of the "2060" funds as identified in the Staff Report from John Manning, Director of Health and Community Services, dated March 27, 2007.
2. Approve the Chair signing the Signature Authorization Form between SJC and the WA State Military Department designating the authorized signatories for the forthcoming FY 2008 E911 Operations Contract.
3. Preliminarily approve the Draft revisions to the Transborder Island Agreement between San Juan County and the Gulf Islands Trust, pursuant to the consensus of the Council on March 20, 2007.

Motion carried.

ACTION AND DISCUSSION ITEMS

MISCELLANEOUS ITEMS:

1. **Priority Loading on WA State Ferries (WSF)** – Also present: Tom Schultz, WSU Extension Agent, and interested citizens. Mr. Rosenfeld noted that the Council had been given a copy of the current WAC's, which enumerated authorized priority loading. He asked the Council and Mr. Rose what constituted an "emergency." Mr. Rose replied that one definition would be adverse weather conditions requiring getting equipment to another island. Mr. Peterson referred to the dilemma of mainland traffic and weather delays, which affect reaching the ferry terminal in time for the next vessel. He noted that there were times when the solid-waste haulers and other contractors were not able to make the desired ferry. Mr. Knapp asked if the SJC Ferry Advisory Committee (FAC) had not stated that they did not favor any changes in priority loading and asked the Council if it might be wiser to stick with the issues of ferry fares rather than priority loading. Mr. Myhr noted that there have been times when the ferries have gone out of their way to assist the County, including delaying a ferry for up to 20 minutes. He agreed that there is great concern about the financial aspects of WSF. Mr. Peterson suggested that with the anticipated chip sealing scheduled for May and June, it would be wise to track actual successful loadings to ascertain the significance of the problem. Mr. Myhr encouraged planning ahead. Mr. Rose added that the County could also plan ahead and track loading as a "commercial entity." Mr. Schultz explained in detail the existing WAC's regarding priority loading for livestock, which have been in place since 1993. He noted that he manages this program for SJC and it has worked fairly well for the first decade. However, with the new mobile processing unit, this has changed. The unit is shared with five counties and is housed in Skagit County. However, because it serves such a wide area, its schedule is very tight. It is capable of cutting and wrapping processed meat with a peak season of May to November. He estimated that 95 percent of the unit's time is scheduled well in advance. When it comes to SJC, it does not qualify for priority loading, as there is no "live" livestock. It is a large commercial vehicle approximately 50-feet long, but it does not qualify for the reservation system as it does not have a regular schedule. **The Council discussed the information presented and agreed by consensus to offer these new comments to the FAC for their review.**

2. **Request for Assessor's Briefing on Open Space Programs** – The Council agreed by consensus to ask the Assessor, Charles Zalmanek, to present an explanation of these programs to the Council as soon as time can be scheduled.

3. **Formation of a Sub-Committee for Lodging Tax Advisory Committee (LTAC) Work** – Mr. Myhr explained that the LTAC had met and made recommendations for changes to the new draft ordinances, and for the 2007 Request for Proposals. He stated he would like to appoint three Council members to a sub-committee with assistance from the County Administrator to work on these documents. He also added that he wanted a member of the Prosecuting Attorney's office to assist when the sub-committee had completed its work. **By consensus, the Council agreed to form a sub-committee consisting of Councilmen Myhr, Rosenfeld, and Lichter to work on the LTAC documents.**

PUBLIC HEARINGS/MEETINGS

11:00 a.m. – County Administrator Council Briefing. Also present: Ron Henrickson, Community Development and Planning (CDPD) Director; Shireene Hale, CDPD Senior Planner; Colin Maycock, CDPD Senior Planner; Donovan Kehrer, SJC CDPD Consultant; and interested citizens. Mr. Rose explained that Power Point reports would be presented to update the Council on the upcoming hearings for the Rosario Master Planned Resort, the Lopez Village Urban Growth Area (UGA) amendments, and the Deer Harbor Hamlet Plan. He added that the Eastsound UGA report would be presented on April 17, 2007.

1. Rosario Master Plan – Ms. Hale began with a recap of the significant public involvement process, the revisions made in 2002, 2003, 2005, and September of 2006 to address the various issues since this process was started. She noted that the Planning Commission held a public hearing on this application and copies of the Environmental Impact Study (EIS) have been provided to the master file, and that individual copies have been provided to the Council Members. She gave a project summary including the addition of vacation units, employee housing units, marina expansion (which will be a separate application), improved support services, and corrections to mapping errors on four parcels. Additionally she explained the plans to renovate the existing Moran Mansion. She itemized the Planning Commission concerns, which were addressed including the additional work that will be done in the future. These included shoreline development, noise and traffic issues (which will result from additional employees), stormwater runoff from the existing and planned development, and sewer system issues. Additional conditions were added to the Planning Commission recommendations to meet the SJC Code and EIS mitigations. The Planning Commission recommended approval of the plan and map corrections with these conditions and plan modifications. Since that hearing, there have been new issues raised. One is the renovation of the mansion to be certain that it does take place. Another is the transfer of water utility and water rights. The Council asked questions regarding the information presented. Ms. Hale then continued. She explained that the Planned Unit Development (PUD) process would be a separate application. The marina expansion will also be a separate process as will the shoreline development. The plan will have to go through the SEPA process when this occurs. Mr. Henrickson addressed the mansion renovation, noting that it will require extensive electrical and plumbing work, and a new roof. It is a historical building and CDPD has requested detailed plans from the applicant but have not yet received them. Mr. Kehrer and Ms. Hale detailed some of the public concern that has been submitted. Mr. Myhr asked if certain development could be restricted to a 100-foot setback from the shoreline. Mr. Kehrer explained that it could be restricted but that this would not be consistent with other areas of the County. The Council thanked Ms. Hale and Mr. Kehrer for the report.

2. Lopez Village UGA – Mr. Maycock gave another Power Point presentation explaining that the UGA was amended in 2005 and was then appealed to the Growth Management Hearing Board (GMHB). Issues of compliance are being addressed with agreements with the Fisherman Bay Sewer District (FBSD). The County will need to amend the Comprehensive Plan by adopting, by reference, the FBSD six-year Capital Improvement Plan and to also include the Fisherman Bay Water agreement (there will be two), and the 20-year Service Plan. These agreements are currently in negotiation. Additionally, the County must show that the UGA boundaries are within the service area of the utility providers. He noted that Mr. Ron Mayo, Lopez resident and retired engineer, has been volunteering his time to accomplish this work. Mr. Myhr noted that Mr. Mayo is recognized as an expert in water projects and is known throughout the world. The SJC Environmental Health Department is working with the Prosecuting Attorney to draft a management program to combat salt-water intrusion and is developing an acceptable level. Mr. Maycock explained the public process to date and that the Planning Commission will hear this matter in the near future. It is anticipated that this matter will come before the Council in late April or early May. Mr. Henrickson added that the County is requesting a 60-day extension from the GMHB for completion of this process. The Council asked various questions, which were answered, and thanked Mr. Maycock for the updates.

3. Deer Harbor Hamlet Plan – Mr. Maycock gave background information on how long this proposed hamlet plan has been in the planning process and stated that the final draft plan has been completed and was published March 10, 2007. He noted that consensus had not been reached on many of the issues of concern identified by the Planning Commission from the first hearing, particularly the commercial development standards and the industrial park. The Planning Commission held a new hearing, which was continued for deliberations to April 10, and might be continued again to April 20, 2007. He added that because the plan is currently in deliberations, he is limited to what he can say. He then showed maps of what is in Deer Harbor, adding that currently there is the question of the existing moratorium. Mr. Henrickson addressed this issue noting that the current moratorium on development expires the end of April, and the hearing process will not be completed by the Planning Commission in time. He proposed that, if the Council wanted the moratorium to be extended, he would suggest asking the County Administrator to prepare an extension for another 60 days. This would give enough time to complete the work for the Council as well. If it were allowed to lapse, then the interim regulations would go into effect. The Council discussed the issues and wanted to know the opinion of the Prosecuting Attorney on an extension. Mr. Henrickson stated that if a 60-day extension is put in place, he felt it could be justified and that he had spoken to

the Prosecutor regarding this issue. Mr. Knapp wanted this matter to be scheduled for further discussion, and Mr. Rose stated that a work session could be set if the Council wanted to discuss the issue before the end of April. The council thanked the CDPD staff for the presentations. No action was taken.

1:30 p.m. - A meeting was held with the County Engineer regarding an update on the proposed Ride Share Program. Present: John Van Lund, County Engineer; Audrey Moreland, Senior Project Engineer (Public Works); Dave Zeretzke, Insurance Risk Manager; Liza Michaelson and Ann Sheridan, Ride Share Program proponents, and interested citizens. Ms. Moreland began by recapping the direction of the Council in December of 2006 to request inspection of the proposed sites for acceptability, and to determine the cost of providing signage. She noted that they had inspected sites on San Juan, Orcas, and on Lopez Islands. Additionally, they have discussed the program and coordinated the work and proposed plans with Mr. Zeretzke. There were 23 sites identified on San Juan with 13 being acceptable, five on Orcas with one acceptable, and none on Lopez. The cost of signage was estimated to be approximately \$3,000. Ms. Michaelson noted that there was an additional cost of \$100 to maintain the Website to inform people of the program and to provide additional information about the County. The Council discussed the new information provided by Public Works. It was noted that there have been informal programs on Orcas and Lopez for some time. Mr. Knapp added that this proposal seems to be well received on San Juan but not as much on Lopez and Orcas. Ms. Moreland noted that some of the sites that were proposed could be made acceptable with some tweaking on safety issues. The Council asked if Public Works was going to fund the proposal. Mr. Rose stated that this department was not volunteering to do so; however it would have to be determined if this was a valid use of road funds. If not, then the Council would need to consider a budgetary amendment. Mr. Zeretzke noted that this is not a new program and having designated sites could improve the program. He did add that eventually something might go wrong and the County could be blamed; however, that is the nature of this type of program. Ms. Michaelson noted that if the Council was considering approval of the program, she would request that all acceptable sites be approved so that the Town of Friday Harbor could also participate and put up their own signs along with those of the County. She noted that the committee that brought this program forward would continue to assist Public Works. After discussion, the following action was taken:

Moved by Peterson, seconded by Rosenfeld, to approve the proposed Ride Share Program for San Juan Island this year and to find funding in the Public Works Department for the related costs and a public outreach program. Under discussion, Mr. Rosenfeld suggested allowing all approved sites to be included. Mr. Myhr asked that Ms. Michaelson and her committee work to get residents interested on Orcas and Lopez Islands to help to get the program moving along. **Mr. Peterson then offered a friendly amendment to the original motion to include all Public Works-approved sites on all islands. Mr. Rosenfeld seconded the amendment. Motion carried.**

2:30 p.m. - A public hearing was held to consider an Ordinance amending SJC Code, Title 12, to establish the time that Roadside Memorials remain within County Road Right-of-Way to 90 days. Present: John Van Lund, County Engineer; Sheriff Bill Cumming; and interested citizens. Mr. Van Lund presented the staff report dated February 9, 2007 and answered the questions posed by the Council. Mr. Knapp suggested a change in wording to meet the requirements of the law, rather than the policy in the way it is currently stated in the ordinance. Mr. Rose stated that if this were agreeable, the Council would want testimony on this proposed suggestion. Public testimony was then opened, submitted, and closed. The Council allowed input from the Sheriff regarding the enforcement of the proposed ordinance. Deliberations were then held and the following action was taken:

Moved by Knapp, seconded by Rosenfeld, to approve the proposed draft ordinance with the changes in wording suggested today, and to request that staff bring back the final version for consideration on the Consent Agenda for the next regular Council session. Motion carried.

EXECUTIVE/CLOSED SESSIONS

2:00 p.m. – (Originally scheduled for 3:45 p.m., the Chair announced that it would be held early due to the availability of additional time.) Council Chair Myhr announced that the Council would be holding an **executive session** estimated to last approximately 30 minutes, to discuss a matter of Real Estate acquisition, pursuant to the provisions of RCW 42.30.110(1)(b). The session ended at 2:30 p.m. for an actual session time of 30 minutes. No action was taken.

RECESS - At 3:06 p.m., Council Chair Myhr recessed the meeting until 9:05 a.m., Friday, March 30, 2007, for a tour of specific County facilities on Orcas Island, and a public hearing scheduled to begin at 1:30 p.m. on Orcas Island.

Friday, March 30, 2007 – Orcas Island Senior Center

9:05 a.m. – Council Members Rosenfeld, Ranker, Peterson, Knapp, and Lichter; Council Clerk, Morrison; Deputy Clerk, Brown; Ron Henrickson, Community Development and Planning Director; and other County staff toured County facilities and County-owned property from Deer Harbor to Eastsound, Orcas Island. No action was taken.

CALL TO ORDER

Council Vice-Chair Rosenfeld called the public hearing to order at 1:30 p.m., following a tour of County facilities in the morning. Council members Ranker, Peterson, Knapp, and Lichter; Clerk to the Council, Carolyn Morrison; Public Hearing Specialist/Deputy Clerk, Lisa Brown; Community Development and Planning (CDPD) Director; Ron Henrickson; CDPD Senior Planner, Shireene Hale; SJC Planning Consultant, Donovan Kehrer; Mike Usen and Laurie Cameron, agents for the applicants; and interested members of the public were present.

EXCUSED ABSENCES

Mr. Rosenfeld excused Councilman Myhr from this meeting.

PUBLIC HEARINGS

1:30 p.m. – A public hearing was held to consider the Rosario Master Plan Resort and map redesignations, Orcas Island, within the 60-day review period of the WA State Community, Trade and Economic Development Department (CTED). Present: Community Development and Planning Department (CDPD) Director, Ron Henrickson, CDPD Senior Planner, Shireene Hale; SJC Planning Consultant, Donovan Kehrer; Mike Usen and Laurie Cameron, agents for the applicants; Roger Pearce, legal counsel for the applicant; and interested members of the public. Mr. Rosenfeld announced that the hearing would be continued to April 10, 2007 upon completion of the CTED review. He then announced that public testimony would be limited to three minutes for each person to allow for all those present to offer their comments, noting that if sufficient time was available after everyone had spoken, another three minutes would be allowed for each citizen who wanted to add to their original testimony. Ms. Hale presented a synopsis of the application and proposed plan and explained that separate applications would be submitted for the various phases of the proposal (marina expansion, shoreline development/expansion, mansion renovation, etc.). Ms. Hale recommended approval of the proposed plan with the conditions recommended by the Planning Commission, and then answered questions from the Council. Mr. Usen then presented a synopsis of the work that had been done over the past seven years to address the issues raised and to prepare the plan that was before the Council. At the conclusion of his comments, Vice-Chair Rosenfeld opened public testimony. Over 40 individuals offered oral testimony with several adding additional comments as time permitted. Ms. Laurie Cameron and Mr. Roger Pearce concluded the comment period for this session by answering questions that had been posed. Mr. Rosenfeld reminded the audience that this hearing would be continued and asked for a motion from the Council. The following action was taken:

Moved by Ranker, seconded by Lichter, to continue the public hearing to consider the Rosario Master Plan Resort application to Tuesday, April 10, 2007, in Friday Harbor, for continued testimony and deliberations. Motion carried.

CITIZEN ACCESS TIME

A special Citizen's Access Time was scheduled at 5:00 p.m. to allow Orcas citizens the ability to come before the Council. Two citizens thanked the Council for scheduling this hearing on Orcas Island. No other matters were brought before the Council.

ADJOURNMENT - Moved by Lichter, seconded by Ranker to adjourn the meeting at 5:06 p.m. Motion carried. No meeting was scheduled for the week of April 2, 2007. A special meeting was scheduled for Monday, April 9, 2007, and the next regular meeting was scheduled for Tuesday, April 10, 2007.

These minutes were approved and signed on April 10, 2007. The original document is retained in the Council's permanent proceedings file dated March 26, 27, and 30, 2007. Attest: Carolyn Morrison, Clerk.