

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
MAY 14 and 15, 2007**

Monday, May 14, 2007 – Orcas Senior Center, Lundeen Room, Orcas Island

CALL TO ORDER

Council Chair Myhr called the special meeting to order at 10:15 a.m. Council members Ranker, Peterson, Rosenfeld, Knapp, and Lichter; County Administrator, Pete Rose; Community Development and Planning Department (CDPD) Director, Ron Henrickson; CDPD Senior Planner, Colin Maycock; Prosecuting Attorney, Randall Gaylord; Clerk to the Council, Carolyn Morrison; Deputy Clerk, Lisa Brown; and interested members of the public were present.

PUBLIC HEARINGS

10:00 a.m. – (Commenced at 10:15 a.m. due to ferry arrival schedules.) A public hearing was held to consider the Deer Harbor Hamlet Plan (DHHP). Present: Ron Henrickson, CDPD Director; Colin Maycock, CDPD Senior Planner; Randall Gaylord, Prosecuting Attorney; Pete Rose, County Administrator; and interested members of the Public. Chair Myhr introduced the Council and Staff, and welcomed everyone present. He announced that public testimony would be taken, allowing three minutes per person, noting that the hearing could be continued to a date certain if necessary. Mr. Ranker asked to speak. He disclosed that he owned property in the DHHP area and asked if anyone in the audience had a concern with that. A member of the public asked if the property was located in the old Hamlet. Mr. Ranker replied that his property is in both proposed areas. There were no objections to his participating in the hearing. Mr. Maycock referenced his Staff Report, dated for the meeting of May 14, 2007, focusing on key areas of concern and including several exhibits and three versions of the plan: draft; redline; and clean. Included in the redline and clean plans were four different map configurations: 1a; 1b; 1c; and 1d, with 1d being a radically reduced area recommended by the Planning Commission. Mr. Maycock reviewed the goals of the plan and the remaining concerns of the Planning Commission and CDPD. Staff answered questions posed by the Council. Chair Myhr opened public testimony. Over 20 individuals offered public testimony. Chair Myhr recessed the hearing for a lunch break at 12:10. The hearing resumed at 1:13 p.m. Several individuals came forward to offer additional public testimony. After asking if any other persons wished to offer testimony, finding no one, Chair Myhr closed public testimony. The Council asked additional questions of Staff which were answered. Deliberations then began, during which each Council Member expressed his opinion related to the plan and goals. The following action took place during the course of deliberations:

Because Deer Harbor is in Mr. Lichter's District, he began the deliberations and made a motion incorporating his stated views related to the plan. Mr. Knapp seconded the motion. After discussion, Mr. Lichter withdrew the motion as no other Council Members had yet expressed his views. Mr. Knapp withdrew his second and Council deliberations continued.

Moved by Lichter, seconded by Knapp, that the DHHP retain its current designated boundary as recommended by CDPD as shown on Map 1a. Under discussion, Mr. Ranker offered a friendly amendment related to the shoreline which he withdrew. **Motion carried.**

Moved by Lichter, seconded by Ranker, to retain the currently designated Cookston / Connor property for the proposed DHHP as indicated in the Hamlet Industrial HI-B designation. **Motion carried.**

Moved by Lichter, seconded by Knapp, that all new commercial activity in the DHHP be confined to the new Community Center when and if it is built. Under discussion, the Council reviewed the ramifications of the content of the motion and agreed to make individual motions for clarity purposes. **Mr. Lichter withdrew his motion and Mr. Knapp withdrew his second.**

Moved by Ranker, seconded by Rosenfeld, to adopt the land use designations in Figure (Map) 1a, with amended shoreline designations that were pointed out, and the removal of TPN 260731612 from the Commercial Center. **Motion carried.**

Moved by Ranker, seconded by Rosenfeld, to re-designate the zoning of TPN 260731612 to Hamlet Residential "2." Under discussion, Mr. Myhr stated that in the event the wrong TPN was indicated, the Council knows what parcel they are removing. **Motion carried.**

Moved by Lichter, seconded by Ranker, that any new Hamlet Commercial zoning must occur in the community center “floating zone” on map 1a. Under discussion, Mr. Ranker offered a friendly amendment as follows: “When it is designated.” There was no second to this amendment. **Motion carried.**

Moved by Lichter, seconded by Knapp, to have the DHP indicate that a building’s square footage in Hamlet commercial zones not exceed 5,000 square feet cumulative on one lot. **Motion carried.**

Moved by Lichter, seconded by Ranker, to specify the method for measuring building height be top to bottom on a vertical plumb line of 26 feet maximum with a two story maximum. Under discussion, Mr. Ranker said he wanted to have consistency in the measuring method with other hamlet plans. Mr. Peterson asked staff if this would differ. Mr. Henrickson explained the current method on Shorelines. Mr. Myhr expressed his desire to move toward the Euro model of building and increase building heights. Mr. Rose suggested having Mr. Henrickson draw a diagram for the Council to aid in their consideration of this motion. **Motion withdrawn by Lichter and second withdrawn by Ranker.**

Moved by Lichter, seconded by Ranker, to change the Deer Harbor Planning Committee’s review period to a five-year review period instead of a three-year period. A friendly amendment was entered by Ranker, seconded by Lichter, to have the review period coincide with the comprehensive planning process five-year review period. **Motion carried.**

Moved by Lichter, seconded by Knapp, to establish uniform setbacks at 20 feet for commercial, 20 feet for industrial, and 20 feet for residential. Under discussion Mr. Ranker pointed out that the reason ten foot setbacks were proposed in the commercial zones was to allow parking behind the buildings. Mr. Rosenfeld commented that he was in favor of that design and asked staff to comment. Mr. Maycock responded and pointed out that only six feet is necessary to allow for a path that could be placed in front of commercial buildings. He also pointed out that currently there is nothing built at a greater setback, so once the commercial area is reached, it will be uniform. **Motion failed with Lichter and Knapp voting for, and with Peterson, Ranker, Rosenfeld, and Myhr opposed.**

Moved by Rosenfeld, seconded by Ranker, to establish setbacks at 10 feet for commercial, 20 feet for industrial, and 20 feet for residential. **Motion carried with Lichter opposed.**

Mr. Henrickson returned with a diagram showing a building 26 feet from the highest point of the roof to the bottom of the building where it met the ground on an even grade, compared to that same building on a 2:1 slope, showing the vertical plumb-line measurement from highest point of the roof to the lowest point on the ground. The building on the 2:1 slope, limited to 26 feet, did not allow for a full one-story dwelling on the upland side. The Council reviewed the illustration and took the following action:

Moved by Peterson, seconded by Rosenfeld, to use the CDPD method for measurement of building heights and apply this to the Deer Harbor Hamlet, with the building height not to exceed 26 feet and be limited to two stories. **Motion carried with Mr. Myhr abstaining.**

Moved by Ranker, seconded by Lichter, not to allow helipads except for a designated landing zone for emergency use only. **Motion carried.**

Moved by Ranker, seconded by Rosenfeld to change, on Table 2, Page 50 of the redline version of the plan under Commercial Land Uses, the designation for item “Nursing Homes” from “N” to “D.” Under discussion Mr. Ranker explained this was important, as it could help to create jobs. Mr. Myhr thought C would have been more appropriate. **Motion carried with Myhr opposed.**

Moved by Ranker, seconded by Lichter, to change, on Table 2, Page 50 of the redline version of the plan, under Commercial Land Uses, the designation for item “Residential Care Facilities [1-6 persons]” column HC change from “C” to “D,” and second “Residential Care Facilities [7-15 persons]” column HC from “N” to “C.” **Motion carried with Myhr opposed.**

Moved by Ranker, seconded by Rosenfeld to change, on Table 2, Page 50 of the redline version of the plan, under Commercial Land Uses, the designation for item “Retail Sales and Services” column HI-A from “N” to “Y.” **Motion carried.**

Moved by Ranker, seconded by Rosenfeld to change, on Table 2, Page 50 of the redline version of the plan, under Commercial Land Uses, the designation for item “Retail Sales and Services” column HI-B from an “N” to “C.” Under discussion, Mr. Myhr commented on Staff concerns regarding “Y” designations. Motion carried with Myhr opposed.

Moved by Lichter, seconded by Ranker, to adopt the plan as amended today, for preparation of an ordinance to go to public hearing. Under discussion, Mr. Knapp pointed out that there were discrepancies that had not yet been addressed. The motion was tabled by Ranker for the time being with agreement of the Council.

Moved by Knapp, seconded by Lichter, that the bottom line on page 27 change to the word “all” instead of the words “the majority of” new non-residential land uses to match the reference on page 38 which reads “all.” Motion carried.

Moved by Ranker, seconded by Rosenfeld, that on Page 51 of the redline version of the plan, the footnote referenced for Light Manufacturing and Wholesale Distribution Outlets be changed from footnote “23” to footnote “22” as in Table 8.2. Motion carried.

The tabled motion to move forward with the plan as amended today, to direct staff to draft an ordinance and schedule a public hearing when the documents are ready was brought back for a vote by Lichter. Mr. Myhr called for the question. Motion carried.

RECESS - At 4:05 p.m., Council Chair Myhr closed the public hearing and recessed the meeting until 10:15 a.m., Tuesday, May 15, 2007, for a special meeting at Grace Episcopal Church on Lopez Island.

Tuesday, May 15, 2007 – Lopez Episcopal Church, Lopez Island

CALL TO ORDER

Council Chair Myhr called the special meeting to order at 10:23 a.m. and introduced Council members present: Ranker, Peterson, Rosenfeld, Knapp, and Lichter; County Administrator, Pete Rose; Community Development and Planning Department (CDPD) Director, Ron Henrickson; SJC Parks Department Superintendent, Dona Wuthnow; SJC Auditor, Milene Henley; Prosecuting Attorney (PA), Randall Gaylord; Deputy Clerks, Lisa Brown and Amy Taylor; and interested members of the public.

ANNOUNCEMENTS/SCHEDULE CHANGES

The posted Council Agenda and Discussion Agenda were revised.

APPROVAL OF MINUTES

Moved by Lichter, seconded by Ranker, to approve the minutes of **May 7 and 8, 2007.** Motion carried.

CONSENT AGENDA

Moved by Rosenfeld, seconded by Ranker, to approve the **Final Consent Agenda of May 15, 2007** as follows:

A. Contracts/Agreements:

- 1. Agreement No. 07HC32 -** Sign the Interagency Agreement between SJC and Island County Health Department for provision of safe transition for eligible SJC residents who are mentally ill and incarcerated in the Island and Okanogan County Jails, in the maximum payable amount of \$35,532 for the period of September 1, 2006 through June 30, 2007; under the terms and conditions as listed therein, as approved in the 2007 SJC budget.
- 2. Agreement 07SH10 –** Sign the Interlocal Agreement between SJC and Snohomish County to provide funds to assist with citizen preparedness and education through the FFY06 Homeland Security Program [Federal Grant No. OFM 820-07] in the amount of \$1,515, for the period between July 1, 2006 until May 1, 2008, under the terms and conditions as listed therein, as approved in the 2007 SJC budget.

B. Personnel:

1. Approve the May 09, 2007 posting of the Council Clerk / Office Manager position, at Range L, Step 1 of the Unrepresented Pay Schedule, as budgeted within the approved 2007 budget.

Motion carried.

ACTION AND DISCUSSION ITEMS

MISCELLANEOUS ITEMS:

1. Item Removed from Consent Agenda - Mr. Lichter requested that additional information be brought back for discussion on May 22, 2007 regarding the proposed **Agreement 07SH09**, an Interlocal Agreement between SJC and Snohomish County DEM.

2. Orca Whale Protection Legal Analysis Review – Present: Randall Gaylord, Prosecuting Attorney (PA); Sergeant Russ Mullins, Department of Fish and Wildlife; Melanie Rowland, National Oceanic Atmospheric Association (NOAA) attorney; Amy Trainer, Staff Attorney for the Friends of the San Juans; and interested members of the public. Mr. Gaylord referenced his Memorandum, dated May 11, 2007, which updated research he had done in 2001 regarding potential County regulations on vessel travel near orca whales. It was determined then that local enforcement to protect orcas was not plausible. Mr. Gaylord stated that after local concerns, along with a petition, were forwarded to governmental authorities in our state, the orca whale was designated as endangered under the Endangered Species Act (ESA) in 2005. Mr. Gaylord encouraged the federal authorities, who had control, to take steps to protect the orcas, which were being depleted. He expressed concern regarding preemptive authority in enforcing the proposed ordinance presented on April 10, 2007 by the Friends of the San Juans, citing a case in Hawaii that was overruled by federal law. He went on to explain that the ESA along with the Marine Mammal Protection Act (MMPA) create preemptive authority and that enforcement action for violations are difficult at the local level due to interference of citizen's rights, international treaties, and tribal rights. Mr. Gaylord expressed concern that the County could face legal consequences by adopting regulations inconsistent with Federal law. He is aware that Federal enforcement may be slow and cumbersome, and not as rapidly responsive as local action, citing an incident involving pleasure boaters that was referred to NOAA for prosecution. He said this doesn't mean there isn't anything the Council can do to protect whales and stated he would encourage a local Ordinance if SJC had the proper authority. His other suggestion was to seek to delegate and transfer authority to protect orcas to the State of Washington. Sergeant Mullins was present to provide background based on his experience as the marine officer in the San Juan Islands since 1992. He is engaged in mammal outreach through grant funding from NOAA and works closely with Soundwatch. He stated there were approximately 30 to 40 directed patrols during the busiest times and that his authority and abilities were limited. Sergeant Mullins added that although he does have authority to take action under the ESA, he doesn't have authority to take action at the state or local level, giving him no opportunity for immediate action. Mr. Lichter asked if a local Ordinance would provide him with the tools necessary for better enforcement. Sergeant Mullins said he believed that state and/or local regulations would indeed be helpful. Ms. Rowland, of NOAA, stated that she didn't have the authority to speak for NOAA officially, but that this issue had been discussed with attorneys at NOAA. Ms. Rowland stated that trial attorneys at NOAA decided not to take enforcement actions, feeling the language of the ESA was too ambiguous to obtain convictions. She stated that this is the first time NOAA has had an opportunity to consider an issue of this type. She stated that the attorneys she met with had a desire for NOAA to assist SJC in addressing this issue and provided a letter from Donna Darhm, which expressed the NW region of NOAA's encouragement to adopt a local ordinance. She pointed out that a local ordinance would be helpful in assisting NOAA from a prevention standpoint. Ms. Rowland also said that NOAA is working on an official statement in this regard. In reference to asking the Secretary of Commerce to transfer authority of an endangered species to the State, Ms. Rowland stated that had never been done and would require an agreement from all authorities. She added that she didn't think that would be likely to occur, but would like to cooperate in alleviating the preemptive concern. Ms. Trainer stated that she respectfully disagreed with Mr. Gaylord and pointed out that citizens want the Council to act in this regard. She said that with NOAA's support, what they are asking for is not a huge regulatory burden, just a simple system for the interim two years, to give agents like Sergeant Mullins a tool to issue citations to the vessels that put whales in jeopardy. She encouraged the Council to act on the proposed ordinance. Ms. Rowland then read a section from the ESA which granted state and local entities regulation authority for endangered marine species. The panel answered questions of the Council. Mr. Ranker stated that the ESA has formally recognized that these species are in dire straits and that it may be necessary for the County to "stick its neck out" in an interim measure. He added that this is a positive thing, and that our citizens and whale tour operators agree. After discussion, the following action was taken:

Moved by Rosenfeld, seconded by Lichter, to draft an interim ordinance for Council review. Under discussion, Mr. Ranker stated there could be an opportunity to go to Congress to pursue transfer of authority. He added that having a local ordinance underway might be an excellent parallel to strengthen that approach. Mr. Knapp was very much in favor of establishing protective measures for whales and asked for review of the Section 1983 claims by the Prosecuting Attorney's office. Mr. Peterson expressed his support and concern, referencing another matter SJC was pressured to become involved in, which now places the County as a party in a legal action. Mr. Ranker stated that in this process it would be wise for the Council to identify its level of priority. Mr. Gaylord commented on the time, effort, and monetary demands associated with a pursuit such as this ordinance and stated that he would provide Council with a budget for the undertaking. He cautioned the Council to take their time in drafting an enforceable Ordinance and asked that all stakeholders be engaged before moving forward. **Motion carried.**

Mr. Rose stated the Council vote of six to zero shows that this is a very important issue and suggested moving forward with the following in mind: **1)** The Council should move ahead on all fronts, seeking support of Congress, Secretary of Commerce, NOAA, and the National Marine Fisheries Service; **2)** The Council and PA should work closely together and iron out any differences, as the team is important to keep together; **3)** That the ordinance be very clear on the limitations of enforcement; be clear in your intentions that this not be a water-borne "speed trap." **4)** That the County be judicious in how this is enforced; PA and enforcement authorities should work together to assure that only good cases are brought forward; **5)** Educate to the hilt; work with the tourism industry; **6)** Think partnership – challenge other counties to join you; **7)** The Council should control the time-line on ordinance development to produce a quality product; **8)** Invite Mr. Zeretzke to ask the risk pool to weigh-in on potential Section 1983 claims. **By consensus, the Council agreed that all of the suggestions made sense.** Mr. Knapp stated that he wanted to appoint Mr. Ranker as the lead to work this issue at the state and federal levels. **By consensus, the Council agreed with this action.** Mr. Ranker said he would also like to discuss this at the Coastal Counties Caucus in June of 2007.

3. Transfer of Lopez Real Property (Park) from the Lopez Village Association (LVA) to the County (under the Parks Department) – Present: Dona Wuthnow, SJC Parks Department Superintendent; and interested members of the public. Ms. Wuthnow referenced her staff report dated for the meeting of May 15, 2007, stating that this project was initially proposed in 2003. Ms. Wuthnow wanted to familiarize the new Council with this matter for their endorsement to move forward. She explained the LVA did not want to continue with the responsibility and liability of Park ownership, but would continue providing their annual donation of \$2,666 to be used for park and facility maintenance until 2014, with the Lopez Chamber of Commerce (LCOC) managing that contract as her designee. She pointed out that the County would provide oversight for special events by issuing and keeping permits. Ms. Wuthnow answered questions of the Council, stating that this proposal fits within the Parks' authority to manage without foreseeable problems in the short term, but recounted that after 2014 the County would be responsible for maintenance of the park and facilities. Mr. Knapp asked about the operating cost that the LCOC was contributing and that the County would assume after 2014. Ms. Wuthnow replied that currently those costs are ten to twelve thousand. She added that the block construction of the facilities is very durable with extensive longevity and that no analysis of long term replacement cost has been done at this time. She also pointed out that the LCOC would be allowed use in exchange for their management of the facility. After discussion, the following motion took place:

Moved by Rosenfeld, seconded by Lichter, to affirm by consensus that the staff move forward to develop the necessary ordinance amendment, contract, agreements and paperwork to accept the donation of Lopez Village Park real property and set forth the management contract with Lopez Chamber of Commerce. Under discussion, Mr. Knapp asked Ms. Wuthnow what the operating budget was for the SJC Parks Department. Ms. Wuthnow said currently her budget is \$500,000 and that when Staff begins the budgeting process on this project, she will have a broader statement available with impacts to the SJC Parks Department. Mr. Myhr stated that as the Lodging Tax is reexamined over the years there may be funds there to assist as well. **A friendly amendment made by Lichter, seconded by Ranker, to remove the word "consensus" from the original motion. Motion carried.**

4. Councilmember updates – Mr. Ranker offered to take the lead on federal legislative priorities, and added that the ability to work with Mr. Rose on state priorities was helpful. He listed those priorities as follows: A) Oil Spill Legislation; B) Mitchell Hill; C) Congressional authority on the Orca Whale; D) The NW Straits Commission; and any others. Mr. Rosenfeld reported on the Intermodal Transportation Committee meeting he attended last week on the "Ferry System - Town of Friday Harbor Master Plan." Discussions included impacts which the rate freeze

places on the capital budget. Mr. Lichter added that the Ferry Advisory Committee (FAC) is also meeting to deal with this issue, seeking ways to provide assistance for local services – including purchasing property near the Friday Harbor ferry landing.

PUBLIC MEETINGS

11:43 a.m. – County Administrator Council Briefing. Also present: Milene Henley, SJC Auditor; Ron Henrickson, CDPD Director; Jon VanLund, Public Works (PW) County Engineer; Randall Gaylord, Prosecuting Attorney; and interested members of the public.

1. Update on the Lopez Hill Lease – Mr. Rose reported that with the fortunate acquisition of the Lopez Hill lease, management might default to the Land Bank. Mr. Rose suggested, under the presumption of the active uses of the land, that the Parks Department would be more fitting than the Land Bank to provide stewardship of this land. He stated that an Ordinance will be forthcoming, enabling separate rules for separate parks and to contract with others, possibly including Lopez Hill, for operations and/or stewardship. Mr. Myhr added that through the efforts of Tom Cowan and the Friends of Lopez Hill, Legislators from the 40th district and others, SJC was able to secure 5.9 million dollars for the Lopez Hill lease. He added that we owe a debt of thanks to our legislators for their efforts in securing this wonderful gift of 400 acres on the highest point on Lopez, protecting it as a major park area for 50 years through the land-lease process. Mr. Ranker pointed out that provisions for acquisition of the property had been discussed by Mr. Myhr with policy advisor Judy Wilson.

2. Update on the Lopez Village Urban Growth Area (UGA) – Mr. Rose invited Mr. Henrickson to report. Mr. Henrickson stated that there has been great progress toward compliance issues on the Lopez Village UGA. He is working in collaboration with the SJC Public Health Department to draft a proposed ordinance on adaptive saltwater intrusion and to finalize the Fisherman Bay water and sewer plan. With only a few items remaining, he has tentatively scheduled a presentation of the draft comprehensive plan amendments to the Planning Commission for June 15, 2007, with Council presentation in early July. However, if anything remains unresolved by next week, it will be impossible to meet that deadline, and at that point an extension would need to be considered. He is optimistic though, and believes there is a reasonable chance of accomplishing this process in time.

3. Year-End and First Quarter Financial Report – Ms. Henley provided a PowerPoint presentation to the Council indicating selected expenses and revenues in year-to-year and year-to-date comparisons; and fund balances, showing that most departments are operating slightly above budget, which is to be expected with spending early in the year and revenues recouped later in the year. She pointed out that the Central Services Department is the only department over budget by 25 percent. Overall, she reported that the County is moving forward according to projections. She also pointed out that the 2006 year-end cash position of \$2,236,000 was close to the projected \$2,200,000. Ms. Henley reported that although Solid Waste saw a deficit, Mr. Shannon was making progress towards correcting that. She also informed the Council of a state-mandated Veterans' Relief Fund, whereby each county is required to set aside one and one-eighth cents per thousand dollars in property tax revenues to fund Veterans' relief needs. She is in the process of applying that as a property tax allowance, but noted that until now it has been a straight budget line-item. This money is to be allocated with the help of the American Legion and has recently been amended to also allow treatment programs and housing for Veterans in need. She also reported that the County is in the process of establishing a Veterans' Affairs Committee to see what needs the County can fulfill locally with that money. Ms. Henley expressed concern that the Real Estate Excise Tax (REET) is dangerously low at 70 percent of projection. She stated that this is the primary source of capital improvement financing. While Lodging Tax revenue is down by thirteen percent, she is confident that it will recover. Ms. Henley warned the Council against continued "opening cash depletion," as this could reduce the County's cash reserve to a seriously low level. She reported that the County will begin the 2008 budgeting process soon, with the goals of maintaining fiscal health, restoring operating reserves, establishing fixed asset reserves (reserve accounts), budgeting long term capital planning, and reducing dependence on debt. Under discussion, Mr. Ranker commented on SJC Parks and CDPD being understaffed and facing budget cuts for twelve years, necessitating the use of reserve funds. Mr. Ranker suggested a policy discussion on setting a reserve percentage with advice from the Auditor. Ms. Henley answered questions regarding the new Eden program modules and staff training. Mr. Rose said that he and the Auditor would be requesting budgetary priorities from the Council expressing the necessity to look strongly at revenues as well as expenditures and reviewing the issues before the County such as roads transfer, parks expansion, different types of fleets and how they are maintained, and comparing staffing levels and work loads. The Council commended Ms. Henley on her performance as Auditor, and her very clear and useful report.

4. Background for Upcoming Public Hearing Regarding Lafarge Road End – Mr. Rose explained the controversy regarding the barge landing, stating that as Lafarge was leaving, the neighbors wanted the barges to stop. The land, purchased out of the road fund, needs maintenance, but needs to be declared a County Road as provided for under the Shoreline Master Act (SMA). Currently there is a letter that governs the use of road ends under the SMA, which allows three landings for sand and gravel per year. Mr. Rose added that in order for the County to continue in the direction of a barge landing as an essential public facility, the ordinance would need to be revised. He reported that Mr. Henrickson has received a draft ordinance from a consultant that is under review. Mr. VanLund reported that the controversy in the past was largely centered around creating a boat-works facility. He stated that this has changed and next Tuesday he would be recommending that the County create a County road down to the water's edge. He said he would provide a Staff Report at that meeting covering the requirements for creating a road. Mr. VanLund answered the Council's questions. Mr. Lichter suggested a field trip to the road on Monday afternoon. Mr. VanLund said PW would mark the area. Mr. Gaylord assured the Council that the County applies and complies at every road end to allow and facilitate barge landings coming in and out under the rule based on the doctrine of non-conforming use. Mr. Rosenfeld suggested reconsidering the name. He understands the desire to honor Lafarge, but says it sounds close to "LaBarge" and the word "barge" is a sore point.

5. Need for Future Building on County Campus – Mr. Rose noted that he has received public inquiries regarding the public use of the County property on 2nd Street.

CITIZEN ACCESS TIME

Sandy Bishop urged the Council not to remove the seven acres owned by the Lopez Community Land Trust (near the Episcopal Church) from the Lopez UGA. She said it was sold to them at a drastically reduced rate for the purpose of affordable housing and if removed from the UGA they will not be able to use it for that purpose. She added that she has contacted her own attorney regarding this.

Mike Ellis reported on the obligations and mandates of the historical society and how heavily it relies on Lodging Tax Funds for its continued operations. He stressed that the museums are a major amenity of SJC and urged continued support from the Council.

Ron Metcalf expressed his interest in seeing SJC take major steps toward sustainability and environmental conservation, including implementing measures taken in other areas and reduced speed limits for alternative transportation.

John Wdetten, Lopez Community Center Association Board Member, thanked the Council for meeting on Lopez and invited the Council to visit the Lopez Community Center as part of the afternoon tour.

Mark Thompson-Klein, Director of the Lopez Historical Museum, stressed the importance of museums to the entire county reporting on membership, exhibits, attendance, and funding. He reported that the Lodging Tax they receive allows them to hire a full-time employee, making them eligible to receive federal grant money. They depend on this federal money for museum programs, collection management, and archiving. Without the Lodging Tax money, they would not be able to maintain a full-time employee and would lose their eligibility for the federal money.

1:30 p.m. – The Council and Staff had a facilities tour of County-owned property in the Northwest region of Lopez Island conducted by Dick Jenison, Lopez Island PW Operations Superintendent. No action was taken.

ADJOURNMENT – The meeting was adjourned with less than a quorum at 3:20 p.m. A special meeting was scheduled for Monday, May 21, 2007, and the next regular meeting was scheduled for Tuesday, May 22, 2007.

These minutes were approved and signed on Tuesday, May 22, 2007. The original document is retained in the Council's permanent proceedings file dated May 14 and 15, 2007. Attest: Carolyn K. Morrison, Clerk.