

**SUMMARY OF THE MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
November 26, 27, 28, 2007**

**Monday, November 26, 2007 - Council Conference Room**

**CALL TO ORDER – REGULAR STAFF MEETING AND WORK SESSION**

Council Chair Bob Myhr called the staff meeting to order at 10:00 a.m. Council members Kevin Ranker, Rich Peterson, Howard Rosenfeld, Gene Knapp, and Alan Lichter; Auditor, Milene Henley; Communications Program Manager, Stan Matthews; Fair Manager, Christine Miller; Park Board Members, Lola Deane, Gil Blinn, Sandy Playa, Kyle Davies; Clerk to the Council, Laura Tuttle; Deputy Clerk, Valarie Graham; and interested members of the public were present.

Council schedules and agendas were reviewed, as were plans for a meeting with Harriet Spanel and Dave Quall. Alan Lichter provided an update on the Ferry Summit in Bremerton on December 7, 2007. Chair Myhr suggested writing a letter to Harriet Spanel and Dave Quall attaching the 2008 SJCC Legislative Priorities. Chair Myhr discussed future Council meetings to be held on Orcas, Lopez and Shaw Islands. Kyle Davies presented the Council with a letter on behalf of the SJC Parks Board. The Clerk of the Council provided an update on the joint meeting with the Town Council of Friday Harbor scheduled for March 6, 2007 and provided updates on Council office and staff work.

**RECESS** - At 11:35 a.m., Council Chair Myhr recessed the meeting until 10:00 a.m., Tuesday, November 27, 2007.

**Tuesday, November 27, 2007 - Council Hearing Room**

**CALL TO ORDER**

Council Chair Myhr called the meeting to order at 10:00 a.m. The flag salute was conducted.

**CITIZEN ACCESS TIME**

John Evans addressed the Council to discuss two items. Mr. Evans commented on the Owner-Builder Program, noting its long history and support by Council Members and Commissioners. Mr. Evans hoped the program would continue without adding additional fees. Mr. Evans also commented on the serious lag time in the permitting process and said he would like to see permits processed within four weeks.

**ANNOUNCEMENTS/SCHEDULE CHANGES**

The posted Council Agenda was revised.

**APPROVAL OF MINUTES**

Moved by Rosenfeld, seconded by Lichter, to approve the Minutes of **November 5, 6, 2007**. Motion carried.

Moved by Lichter, seconded by Rosenfeld, to approve the Minutes of **November 9, 2007**. Motion carried.

**CONSENT AGENDA**

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

**The County Council moves to:**

**A. Resolutions/Ordinances:** (No items.)

**B. Contracts/Agreements:**

1. Sign Amendment No. 7 Department of Ecology WRIA Contract to amend the agreement between the Department of Ecology and San Juan County. The project grant amount is increased by \$128,700 for Phase 4, State Share; corresponding local match is \$14,301. The total grant amount under the amended agreement shall not exceed \$328,700, State Share; corresponding local match is \$36,523 for this grant contract period. The total project cost is \$365,223. \$2,221.75 remains unspent from the 2005-07 Biennium, and is authorized to be spent. The project scope of work is revised as outlined in Exhibit A-1. The project budget is revised as outlined in Exhibit A-2. The period of performance for this amendment expires June 30, 2009. (SJC Agreement No.07HC20G)

2. Sign Department of Health Consolidated Contract Amendment #5 to continue the provision of public services in San Juan County. This amendment adds funding for continuing programs addressing well construction, on-site sewage treatment system maintenance, and public health emergency planning. This amendment is for \$120,785 bringing the total contract amount to \$484,062 providing services through June 30, 2008. This contract includes both state and federal funds. This Amendment is federally funded. No matching funds are required. Funds included in this amendment have been authorized in the 2007 department budget and proposed 2008 budget. (SJC Agreement No. 07HC03E)

3. Sign the Interlocal Agreement between SJC and Grays Harbor, Clallam, Island, Jefferson, Mason, Pacific, Thurston, and Wahkiakum Counties and the Washington Department of Community, Trade and Economic Development (CTED) for regional CDBG Microenterprise Grant. The Olympic Microloan fund provides project funding for promotion of businesses owned and operated by low and moderate income people or will employ low and moderate income people. Jefferson County is the lead agency for a Community Development Block Grant/Regional Microenterprise Grant to provide \$250,000 for the Olympic Microloan Fund. (See project summary in Attachment #1, requirements in Attachment #2). Jefferson County signed an agreement with ShoreBank Enterprise Cascadia (SBEC) for the administration of the CDBG funds. (SJC Agreement No.07SJ18)

4. Sign the Memorandum of Understanding Regarding Part-Time Dispatchers and Corrections Officers between Sheriff's Guild and San Juan County. There has never been a provision in the Guild CBA's for part-time work. This MOU sets up the employment and wage conditions for Dispatchers and Correction Officers with less-than-full-time employment.

**C. Budget Items:** (No items.)

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

**E. Appointments:**

1. Sign Letter appointing Michael Baker to an initial term on the Veterans' Advisory Board of San Juan County, beginning immediately and ending on December 31, 2008.
2. Sign Letter appointing Robert A. Cook to an initial term on the Veterans' Advisory Board of San Juan County, beginning immediately and ending on December 31, 2009.
3. Sign Letter appointing Susie Teague to an initial term on the Veterans' Advisory Board of San Juan County, beginning immediately and ending on December 31, 2008.
4. Sign Letter appointing Ron Metcalf to an initial term on the Veterans' Advisory Board of San Juan County, beginning immediately and ending on December 31, 2009.
5. Sign Letter appointing Jack Cory to an initial term on the Veterans' Advisory Board of San Juan County, beginning immediately and ending on December 31, 2009.
6. Sign Letter appointing Brent Johnson to an initial term on the Veterans' Advisory Board of San Juan County, beginning immediately and ending on December 31, 2009.
7. Sign Letter appointing Roger Salquist to an initial term on the Veterans' Advisory Board of San Juan County, beginning immediately and ending on December 31, 2008.
8. Sign Letter appointing Mike Kaill to an initial term on the Veterans' Advisory Board of San Juan County, beginning immediately and ending on December 31, 2008.
9. Sign Letter appointing Paul Kamin to the San Juan Water Resources Management Committee, as District #2, Position #5. Term to begin immediately and ending December 31, 2008.
10. Sign Letter appointing Shannon Davis to the San Juan Water Resources Management Committee, as District #1, Position #3. Term to begin immediately and ending December 31, 2008.
11. Sign Letter appointing Jeff Brash to the San Juan Water Resources Management Committee in the capacity as Staff for the Department of Ecology.

**F. Correspondence:**

1. Sign letter of regret to Ted Noll for the Veterans' Advisory Board of San Juan County.
2. Sign letter of regret to Jay Brandt for the Veterans' Advisory Board of San Juan County.
3. Sign letter of regret to Edie DeChadenedes for the Veterans' Advisory Board of San Juan County.
4. Sign letter of intent to Puget Sound Partnership for SJ County's proposal for Low Impact Development.

**G. Miscellaneous:** (No items.)

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

Motion carried.

**ACTION AND DISCUSSION ITEMS**

ORDINANCES/RESOLUTIONS:

**RES. NO. 50-2007** - Moved by Ranker, seconded by Knapp, to Adopt the Resolution Accepting A Cash Deposit From The Petitioners And Direct The County Engineer To Make A Report On The Vacation And Abandonment Of A Portion Of Unopened County Road Right-Of-Way (Newton Street) In Government Lot 2, Section 2, Township 36 North, Range 1 West, W.M. Motion carried.

**ORD. NO. 47-2007-** (Refer to PUBLIC HEARING at 11:15 a.m. for details of action taken.)

**ORD. NO. 48-2007-** (Refer to PUBLIC HEARING at 1:00 p.m. for details of action taken.)

COUNCIL DISCUSSION/UPDATES/OTHER ACTION ITEMS:

**1. Task Force on Ferries and Transportation (TFFT):** Council Member Lichter informed the Council that members are currently being selected to join the Task Force from the combined Chambers of Commerce, Town of Friday Harbor Council and EDC. Mr. Lichter mentioned the first meeting of the Task Force will be held following the December 7, 2007 Ferry Summit in Bremerton.

**2. Washington State Association of Counties:** Chair Myhr made a statement regarding the WSAC conference which was held in Vancouver, WA the week before Thanksgiving stating that it was an excellent, informative meeting on County Government. He noted that having regular communication with legislators is good for County business.

**3. Stormwater Ordinance and Referendum Briefing – Stormwater Sub-Committee:** Council Members Rosenfeld, Peterson and Knapp informed the Council that 2 public meetings and a work session were held by the Sub-Committee. Peterson listed the following conclusions:

- A flat rate alone is not appropriate for funding capital projects
- Significant vegetation removal or altering the natural landscape should be considered development
- A Citizen's Advisory Committee should be part of any new funding ordinance
- A sun-setting clause should be part of any new ordinance
- Current system for evaluating stormwater problems on new development is problematic
- The utility should be county-wide with specific problem-area emphasis
- Credit for self mitigation should be given
- Undeveloped property should be charged a base rate
- The stormwater drainage plan for Eastsound UGA needs to show how the stormwater drainage facilities will be provided over the 20-year planning period.

Rosenfeld proposed a one-year minimal fee concept to allow forward progress while deliberations continue on a new stormwater ordinance. This basic fee would be used for:

- Funding Stormwater Advisory Committee
- Evaluating 1800 commercial, industrial, and institutional properties
- Watershed basin planning
- Water quality monitoring

Randall Gaylord, Prosecuting Attorney, informed the Council that the absolute deadline is February 15, 2008. An ordinance would have to be drafted at least three weeks prior to that date to take any action. Rosenfeld also added that the Sub-Committee reviewed the City of Bellevue's Stormwater Ordinance that charges on the basis of

size of land and how much development is on the land. Rosenfeld said it makes it fair. Lichter stressed that he would anticipate having a single recommendation coming to the Council.

#### PUBLIC HEARING

**11:15 a.m.** A public hearing was held to consider an Ordinance Approving Friday Harbor Phase 1 UGA Expansion. Present: Full Council; County Administrator, Pete Rose; Prosecuting Attorney, Randall Gaylord; Auditor, Milene Henley; Communications Program Manager, Stan Matthews; Mayor of Friday Harbor, David Jones; Community Development and Planning Senior Planner, Colin Maycock; Clerk to the Council, Laura Tuttle; Deputy Clerk, Valarie Graham; and interested members of the public. Colin Maycock addressed the Council to give a staff report for the Phase 1 UGA Expansion. Mr. Maycock stated that bringing forward Phase 1 only affects those parcels defined by the town. The remaining unincorporated UGA consists of 74 acres; the bulk of the property is the Buck property set aside for residential. Mr. Maycock stated there wouldn't be any immediate impact to landowners or the environment. The UGA won't change density or change the land use designation. The UGA has to meet the town's standards. Inclusion of the Buck property makes the property available for annexation. Mr. Maycock explained that the Town and County need to have a discussion about a necessary revision in the Interlocal Agreement because the new charter makes the language irrelevant. Public testimony was opened at 11:35 a.m., submitted, and closed at 11:50 a.m. After further discussion, the following action was taken:

**Moved by Rosenfeld, seconded by Lichter, to adopt An Ordinance Designating Phase 1 Of The Friday Harbor Urban Growth Area. Motion carried unanimously.**

#### PUBLIC MEETING

**11:55 a.m.** - A public meeting was held to consider a Resolution Approving Vacation and Abandonment of Unopened County Road Right-Of-Way, Newton Street, Orcas Island. Present: Full Council; John Van Lund, County Engineer; Pete Rose, County Administrator; Laura Tuttle, Clerk to the Council; Valarie Graham, Deputy Clerk; and interested members of the public. John Van Lund stated that the resolution before them requests Mr. Van Lund to prepare a County Engineer's report complying with applicable RCW's. Mr. Rose stated that the petitioners have paid to have the study done and the Council will return to this before the land is vacated. After further discussion, the following action was taken:

**Moved by Ranker, seconded by Myhr, Knapp, Rosenfeld and Lichter opposed. Tie vote. No action taken.**

#### PUBLIC HEARING

**1:00 p.m.** (Commenced at 1:17pm due to time constraints) A public hearing was held to consider an Ordinance that will permanently re-designate the land referred to in Ordinance 29-2007 to Establish Permanent Zoning for Areas on Lopez Island Outside the Lopez Village Urban Growth Area and Marine Center LAMIRD. Present: Full Council with the exception of Ranker; Pete Rose, County Administrator; Ron Henrickson, CD&P Director; Colin Maycock, CD&P Senior Planner; Laura Tuttle, Clerk to the Council; Valarie Graham, Deputy Clerk; and interested members of the public. Colin Maycock addressed the Council, stating the Ordinance will permanently re-designate this land. Public testimony was opened, none submitted and closed. After further discussion, the following action was taken:

**Moved by Rosenfeld, seconded by Lichter, to adopt an Ordinance to Establish Permanent Zoning for Areas on Lopez Island Outside the Lopez Village Urban Growth Area and Marine Center LAMIRD. (Chair Myhr commented that it will set the map correctly and is an appropriate way to finish off what we have to do to clear the UGA) Motion carried unanimously.**

#### COUNTY ADMINISTRATOR COUNCIL BRIEFING

County Administrator Council Briefing. Also present: Milene Henley, Auditor; Dave Zeretzke, Administrative Services Director.

**1. Introduction of Emergency & Supplemental Spending Appropriations** – Pete Rose informed the Council that one of the things found in the audit 1 year ago, an emergency appropriation for 2005, wasn't finished but the Council is on track to complete in 2007. Milene Henley stated that in March 2007, there was \$481,400 unspent in

2006. A total of approximately \$671K went to the entire budget by rolling capital dollars from last year. The second emergency appropriation was the legislative building remodel. Bids had come in higher than expected. After further discussion, the following action was taken:

**Moved by Ranker, seconded by Rosenfeld, to move forward the Emergency and Supplemental Spending Appropriations. Motion carried unanimously.**

**2. Third Quarter Financial Review** – Milene Henley, Auditor, addressed the Council to give the Third Quarter Financial Review. The 2007 budget status has revenues at 66.86%, expenditures at 71.40%. County funds have revenues at 63.75% and expenditures at 61.83%. Roads are gearing up for a project on Lopez Island. Ms. Henley stated that sales tax is an area of concern because the prime rate has been down in the last two quarters. Ms. Henley went on to report on Community Services Departments, Public Works, Law and Justice, and explained that lodging tax was up, real estate excise tax is down by 9.42%, and sales tax is down 3.13%.

**3. Introduction of Ordinance Setting Property Tax Levy For Land Conservation Futures for 2008** – Pete Rose informed the Council that the 1% increase over the previous tax levy would be \$2,500 and that new construction would bring in approximately \$5,600.

#### COUNCIL DISCUSSION

**2:30 p.m.** The Council met for a work session on Charter Implementation.

Section 2.10 is held over waiting on information from the Auditor.

Sections 2.25.010, 2.25.020, 2.25.030 and 2.25.040 establishing a twelve-member Building Advisory Council, the following action was taken:

**Moved by Ranker, seconded by Rosenfeld, to move forward to Public Hearing an Ordinance Amending Sections 2.25.010, 2.25.020, 2.25.030 and 2.25.040 Of The San Juan County Code To Ensure Consistency With The San Juan County Charter And State Law. Motion carried unanimously.**

Sections 2.28.010 and 2.28.020, concerning transfer of an interest in real property, the following action was taken:

**Moved by Ranker, seconded by Rosenfeld, to move forward to Public Hearing An Ordinance Amending Sections 2.28.010 and 2.28.020 Of The San Juan County Code To Ensure Consistency With The San Juan County Charter And State Law. Motion carried unanimously.**

Section 2.32 is held over for a future time for a Council work session.

Sections 2.42.010, 2.42.020, 2.42.030, 2.42.040 and 2.42.050, concerning the San Juan County Noxious Weed Control Board, the following action was taken:

**Moved by Ranker, seconded by Knapp, to move forward to Public Hearing An Ordinance Amending Sections 2.42.010, 2.42.020, 2.42.030, 2.42.040 and 2.42.050 Of The San Juan County Code To Ensure Consistency With The San Juan County Charter And State Law. Motion carried unanimously.**

Section 2.44 is held over for a future time for a Council work session.

Sections 2.48.010, 2.48.070, 2.48.090, 2.48.100 and 2.48.110, concerning the San Juan County-Friday Harbor Emergency Management Council, the following action was taken:

**Moved by Knapp, seconded by Rosenfeld, to move forward to Public Hearing An Ordinance Amending Sections 2.48.010, 2.48.070, 2.48.090, 2.48.100 and 2.48.110 Of The San Juan County Code To Ensure Consistency With The San Juan County Charter And State Law. Motion carried unanimously.**

**RECESS** - At 3:30 p.m., Council Chair Myhr recessed the meeting until 10:00 a.m., Wednesday, November 28, 2007.

## CALL TO ORDER

Council Chair Myhr called the continued meeting to order at 10:06 a.m. Council members Kevin Ranker, Rich Peterson, Howard Rosenfeld, Gene Knapp, and Alan Lichter; County Administrator, Pete Rose; Prosecuting Attorney, Randall Gaylord; Director Public Works, Jon Shannon; Auditor, Milene Henley; Accounting Supervisor, Jose Domenech; Director Community Development & Planning, Ron Henrickson; Fair Manager, Christine Miller; Parks Superintendent, Dona Wuthnow; Communications Program Manager, Stan Matthews; Clerk to the Council, Laura Tuttle; Deputy Clerk, Valarie Graham; and interested members of the public were present.

Jon Shannon addressed the Council to discuss the Resolution put to the Council the previous day. Mr. Shannon explained that the Resolution allows the County to accept the bond payment and schedule a public hearing. Mr. Shannon explained that the Council decision-making comes after the engineering report. Mr. Shannon requested the Council execute the Resolution to direct the engineer to produce the report. After further discussion, the following action was taken:

**Moved by Ranker, seconded by Knapp, to Adopt the Resolution Accepting A Cash Deposit From The Petitioners And Direct The County Engineer To Make A Report On The Vacation And Abandonment Of A Portion Of Unopened County Road Right-Of-Way (Newton Street) In Government Lot 2, Section 2, Township 36 North, Range 1 West, W.M. Motion carried unanimously.**

## WORK SESSION BUDGET REVIEW

Chair Myhr asked the Council to address any likes or dislikes pertaining to the Budget Book. Lichter complimented the budget book preparation. Peterson was taken with the language and considered it very well organized. Knapp concurred with Lichter and Peterson. Pete Rose stated that the Charter requires him to present a budget, but the Council must make the final decisions. Mr. Rose also noted that changes had been made and the Auditor would be happy to explain the changes.

Chair Myhr called attention to the number of positions that are full-time and part-time. He asked for an overall staffing number count including transportation. Myhr suggested moving right into the Community Service Departments.

Peterson addressed the owner-builder fees program. The issue concerns subsidizing owner-builder fees. Ron Henrickson responded that all CD&P is doing in raising the fees is to pay CD&P's costs. Those are the costs to process those permits. Mr. Henrickson stated that 25% of owner-builder homes are below 1000 square feet and the average home is 1600 square feet. Knapp mentioned that he originally wrote this and doesn't want to see it changed. He recommended checking with the Prosecuting Attorney to see if it is still OK for subsidy.

Pete Rose informed the Council that one item in the CD&P budget needed attention. The Critical Areas Ordinance needs a facilitator, at a cost of \$6000, during the decision-making process. Milene Henley stated that 54K was in the budget for CAO and asked if it was being used. Ranker mentioned that the 54K was put forward for specific tasks and the facilitator was not part of that fund. Ranker suggested pulling the \$6,000 out of the 54K due to GMA mandates for completion.

Ron Henrickson addressed the Council regarding the Environmental Education Coordinator position that does outreach with public groups, works closely with the San Juan Initiative, Salmon Recovery, MRC and CAO. The UGA expansion requires more information going to all 4 islands. This position is  $\frac{3}{4}$  grant funded. Milene Henley stated that the remaining  $\frac{1}{4}$  would come out of current expense.

Ron Henrickson informed the Council that the amount of contracting services is cut down due to a new full-time position. It costs  $\frac{1}{3}$  less to have a full time staff person, it is more efficient, and gives continuity. There are still 2 positions that have not been filled: A plans examiner and permit examiner. Both positions had been filled but both quit before they got here. Once the permit examiner position is filled, the permit processing time will show improvement.

Pete Rose stated that 10K was missing from the budget to fund the ARC Coordinator. 35K was asked for and only 25K made it into the budget. Myhr asked whom does this position report to. Pete Rose answered, Ron Zee, and Eliza Buck is presently doing the work. Chair Myhr opened the floor to public opinion. Bruce Gregory, a

certified organic nursery owner, informed the Council that if the 10K is pulled from ARC it is not sending a good message to the agricultural community. Lichter asked what would be accomplished with the 10K. Mr. Gregory responded that they could possibly receive one of the large 4 grants available. Tom Schultz, WSU Extension Director, informed the Council that ARC struggled without a coordinator. The ARC is not a typical committee, since everyone works as farmers. Its economic development keeping farmers farming. If we lose it, we will regress.

Christine Miller, Fair Manager, informed the Council that the Fair is in a low cash position due to the water system repair. Lichter asked if the Fair is anticipating new personnel this year. Ms. Miller stated that the seasonal labor is trained and very proficient. There is a part-time assistant and part-time grounds maintenance person. The Fair did ask for benefits for this person in the 2008 budget. Mr. Rose asked about any increase to getting in the fair. Ms. Miller stated that there are proposed gate fee increases and also noted that the Fair would have had a great year but for the 29K of revenue put into repairs. Ms. Miller also noted that the need for community involvement is great, and would like to bring other organizations onto the fairgrounds (e.g., the farmers market and Skagit Valley College) to increase revenues.

Dona Wuthnow, Parks Superintendent, discussed the Orcas Island Recreational Programs and has concern for its viability. Ms. Wuthnow stated they were trying to get 64K in donations. Myhr anticipates from LTAC an application process for lodging facilities. Myhr wants Randall Gaylord's opinion and would like to plan to budget that through the lodging tax.

Further discussion followed with Health and Community Services and the use of the Affordable Housing Coordinator. Ms. Henley stated that if the person does not generate enough grant money to fund the position, after two years the position will be gone. Myhr mentioned that John Manning, Health and Community Services Director, and staff are looking at a 1/10 of 1 cent sales tax increase for mental health issues which have already been installed in Skagit County and 13 other counties.

Ranker informed the Council that there was an enhanced program request for a land use attorney, for the amount of 47K. The Prosecuting Attorney's office has an incredible amount of review coming from CD&P. Having this position dealing with land use issues will free up Gaylord's and Vedder's time for other tasks. Ms. Vedder added that the level of problems that can hit at CD&P that cannot be handled by the PA's office makes the PA's office feel like they are not making progress. The need for a land use expert working with CD&P will also help with the new growing body of case law on CAO actions.

Pete Rose addressed the Council to discuss the Assessor's request for the 4-5 month carryover for the cartographer position. Mr. Rose gave the Assessor one possible solution: hire the appraiser a couple of months later. He is not opposed to this idea. This will generate return in the second year. The appraisal cycle will be done more quickly on new construction.

**ADJOURNMENT** - Moved by Lichter, seconded by Peterson, to adjourn the meeting at 1:50 p.m. Motion carried. Council Chair Myhr adjourned the meeting at 1:50 p.m. and stated there will be another budget work session on Monday, December 3, 2007 at 2:00 p.m. The next regular staff meeting is scheduled for Monday, December 3, 2007, and the next regular meeting was scheduled for Tuesday, December 4, 2007.

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**COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON**

ATTEST: Clerk of the Council

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Bob Myhr, Chair  
District 6, Lopez/Shaw

By: \_\_\_\_\_  
Valarie Graham, Deputy Clerk

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Howard Rosenfeld, Vice Chair  
District 3, Friday Harbor

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Kevin M. M. Ranker, Member  
District 1, San Juan South

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Rich Peterson, Member  
District 2, San Juan North

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Alan Lichter, Member  
District 4, Orcas West/Waldron

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Gene Knapp, Member  
District 5, Orcas East