

**SUMMARY OF THE MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
TUESDAY, MARCH 21, 2006**

Tuesday, March 21, 2006 - Council Hearing Room

**CALL TO ORDER**

Council Chair Lichter called the meeting to order at 10:00 a.m. Council Member Ranker, Administrator Pro-Tem David Goldsmith, and the Interim Clerk to the Council, Carolyn Morrison, were present. Council Member Myhr was excused for a family emergency. The flag salute was conducted.

**CITIZEN ACCESS TIME**

Jordan Alexander – Representing Public Access Media to request that the Council consider a new contract with cable television franchisees to include funding for public access television.

Lynnette Cabrera – Requesting additional Public Access Media coverage in the County to allow the broadcast of additional filmed events within the community, such as children's after school programs.

Tom Munsey – Representing the Green Party to ask support from the Council to adopt a resolution to oppose keeping US troops in Iraq. And, speaking as a member of the Solid Waste Advisory Committee, to request the Council consider improvements to the San Juan Island Solid Waste Facility.

Mike Kaill – Speaking as a member of the Solid Waste Advisory Committee, requesting the Council address Solid Waste issues. And, as a member of the Planning Commission, requesting updates on proposals brought forth by the Planning Commission on Accessory Dwelling Units. (Side – Council Chair Lichter requested that the Administrator Pro-Tem provide an update to the Council in the next two to three weeks on the status of Solid Waste issues as these matters are now under the Administrator.)

Minnie Knych – To invite the Council to attend the opening of the new Work Force Center in Mt. Vernon, Saturday, March 25, 2006 and to request that the Council appoint a Liaison to this agency.

**ANNOUNCEMENTS/SCHEDULE CHANGES**

The posted Discussion/Other Action Agenda was revised. Chair Lichter announced that Commissioner Myhr was excused from session due to a death in the family.

**APPROVAL OF MINUTES**

Moved by Ranker, seconded by Lichter, to approve the minutes of **March 13, 14, and 15, 2006**. Motion carried.

**CONSENT AGENDA**

Moved by Ranker, seconded by Lichter, to approve the **Final Consent Agenda of March 21, 2006** as follows:

**A. Resolutions/Ordinances:**

1. **Resolution 18-2006** - Adopt the resolution adopting the East Orcas Water Supply Report and Recommendations as listed in Exhibit 1, pursuant to the public hearings of February 14, 2006 and March 15, 2006.

**B. Contracts/Agreements:**

1. **Agreement No. 06PK05** - Sign the Interlocal Agreement between SJC, through the SJC Park's Department, and the San Juan Island Park and Recreation District (SJIPRD) to coordinate and administer the San Juan Island Trails Program pursuant to RCW 36.68 and RCW 36.69 by which SJC is to operate the Trails Program as described in Attachment "A," with SJIPRD to pay SJC up to \$4,500 for the costs as necessary between January 1, 2006 and December 31, 2006, under the terms and conditions as set forth therein.

**C. Correspondence:**

1. Sign the letter to U.S. Senators Maria Cantwell and Patricia Murray; U. S. Representatives Jay Inslee; Richard Larsen; Brian Baird; Richard Hastings; Cathy McMorris; Norman Dicks; James McDermott; David Reichert and Adam Smith, regarding the impacts of the \$1 billion dollar federal cut from the Community Development Block Grant (CDBG) Program.

**D. Miscellaneous:**

1. Sign the Proclamation proclaiming the week of April 2-8, 2006 as “The Week of the Young Child” in SJC.

**E. Bid Openings:**

1. Approve a Call for Bids for three (3) 10-yard dump trucks for the SJC ER&R division with sealed bids to be received by the Council until 3:00 p.m., March 28, 2006 and the bid opening occurring precisely at 3:00 p.m., on that date. (Clerk’s Note: This item has been advertised on March 15 and will be advertised on March 22, 2006 in accordance with applicable statutes.)

2. Approve a Call for Bids for 500 tons of 5/8-Chiprock for San Juan Island and 500 tons of 5/8-Chiprock for Lopez Island with sealed bids to be received by the Council until 3:00 p.m., April 25, 2006 and the bid opening to occur precisely at 3:00 p.m. on that date.

Motion carried.

**ACTION AND DISCUSSION ITEMS**

CONTRACTS/AGREEMENTS:

A signing ceremony was held for the new three-year contract with the Local 1849 Union. Present: Doyle Muir, President of Local 1849; Union members of the negotiating team Kerry Geiser, Connie Sundstrom and Phyllis Morrison; County negotiating team members Matt Zybas, Solid Waste Manager; David Zeretzke, Administrative Services Manager; and Becky Rusnak, Human Resources Manager (Russ Harvey, Public Works Operations Manager was not able to attend). Ms. Rusnak reported that the contract had been ratified by the Union and that it was for a three-year period. Mr. Goldsmith noted that this represents a \$350,000 investment over the next three years in the County’s employees — the County’s most valuable asset. The following action was taken:

**1. Contract No. 06CO03** - Moved by Ranker, seconded by Lichter, to sign the contract between SJC and the Local 1849, Washington State Council of County and City Employees, AFSCME, AFL-CIO, for the period January 1, 2006 through December 31, 2008, to set forth wages, hours, terms and conditions of employment for employees covered by this contract. Motion carried.

CORRESPONDENCE:

1. Moved by Ranker, seconded by Lichter, to sign the letter to Governor Christine Gregoire regarding the bill to reduce Capron funding to SJC. Motion carried.

**WORK SESSIONS**

**10:30 a.m.** – An all-day work session was held by the County Council and Administrator Pro-Tem to address the items listed on the Councils’ Discussion/Other Action Agenda. Also present for discussion of the specific topics were Randall Gaylord, Prosecuting Attorney, and Ron Henrickson, Community Development and Planning (CDPD) Director. Their participation is noted in the synopsis of the items addressed. Members of the public were in attendance and copies of the draft documents discussed were provided to the public. The following is a summary of the work session:

**1. Revolving Affordable Housing Loan Fund and HB 2060 Grant Procedures** – Also present: John Manning, Health and Community Services Director.

(a) Mr. Manning presented a recommendation that the Council endorse the changes contained in his Memorandum dated March 16, 2006 to the Policies and Procedures Manual for SJC the Equity Loan Program to address the change from the Affordable Housing Fund Commission to the newly adopted Housing Bank

Commission. **It was the consensus of the Council to agree to have these changes placed on the Council's Consent Agenda in the final format for formal approval next week.**

(b) Mr. Manning noted that there are two times each year when applications for loans for affordable housing for very low income applicants can be considered. The deadline for the first submissions was March 1, 2006. The procedure used was established by the former Affordable Housing Fund Commission. The source of the funds were established by HB 2060 and collected from recording fees in SJC. The first request was from "Homes for Islanders." They were previously granted a loan of \$40,000 from the fund, and their new application is to have the loan converted into a grant. This had also been done similarly for the "San Juan Island Home Trust" at another point in time. The second application was from the San Juan Island Home Trust for an additional \$10,000 for construction of the last five homes on their project. Mr. Manning recommended approval of both applications. Mr. Goldsmith stated that this does reflect a change to the budget and if the Council is agreeable to the request, he will prepare formal documents for later approval. **It was the consensus of the Council to agree to have these two requests for grant awards placed on the Council's Consent Agenda in the final format for formal approval next week.**

**2. Update on Public Hearings Related to Site Specific Redesignations** – Mr. Goldsmith related background information regarding a request that was submitted to the Prosecutor to cancel a hearing scheduled for last Friday before the Planning Commission for a site specific redesignation application. He stated that he and Mr. Gaylord had now had sufficient time to research the matter and have ascertained that this application and others should be heard by the Planning Commission, and that the hearing has been rescheduled. Mr. Gaylord added that the State Code is different than the County Code and that there was a question whether or not this matter should have been heard by the Hearing Examiner instead of the Planning Commission. Councilman Ranker noted that he had read a response to this issue by the WA State Department of Community, Trade and Economic Development that agreed these applications should be treated as Comprehensive Plan changes and official map changes. Therefore, they must be heard by the Planning Commission and then the Council. A lengthy discussion ensued which included the fact that the cancellation occurred the evening before the hearing; that the Planning Commission is made up of volunteer citizens who work diligently to serve the County; and, that these volunteers spend many hours reviewing all the documents prepared to assist them in addressing the matters that are brought before them. At the conclusion of the discussion, it was noted that because of the changes in government affected by the passage of the Charter, every department is overwhelmed with the work that needs to be done on all of the County's issues. This is especially true on planning issues which require considerable research time. The Council requested that they be made aware of these types of issues should a matter such as this come up in the future. Mr. Goldsmith stated that he felt it had been best to err on the side of caution. He apologized to the applicants, who were in the audience with their agent, for any inconvenience.

**3. Proposed Draft Ordinance on Vesting Rights** – Mr. Goldsmith noted that Mr. Henrickson had reviewed all the material previously provided regarding the issue of vesting specific applicants who had constructed a guest house (accessory dwelling unit) prior to construction of their main home. Mr. Henrickson reviewed the new draft and asked if the Council would approve taking it to the Planning Commission -- or did they wish to have two proposals presented in parallel (referring to a proposal submitted by Councilman Ranker previously). He stated that his new draft was a collaborative effort of himself, his staff, and the Prosecutor. This proposal will require a SEPA comment period. Mr. Ranker noted for the benefit of those in the audience that this was a draft document. Mr. Gaylord added that the proposed ordinance uses the rule of a five-years back and two years forward to establish a time frame for the parties affected. The draft title is: "An Ordinance Amending The SJC Unified Development Code Application Requirements to Vest the Right to Construct a Principal Residence on Certain Parcels With Permits Dating Prior to November 30, 2000." Both Mr. Ranker and Mr. Lichter stated that this proposal was well prepared. **At the conclusion of the discussion, it was the consensus of the Council to go forward with providing the draft presented today to the Planning Commission.**

**4. Proposed Revisions to the SJC Animal Control Ordinance** – Also present: Susan Robins, Chair of the Agricultural Resources Committee. A discussion was held on language to strengthen the existing animal control ordinance as previously discussed in January of this year. After review of the proposed changes, it was agreed that Mr. Gaylord would prepare a new draft with the recommendations discussed for further review in two weeks. **It was the consensus of the Council to have this proposal go forward with a new draft ordinance as discussed.** (Clerk's Note: Later in the day, another matter was given priority and it was agreed that changes to this ordinance would be given an additional week's time to come back to the Council.)

**5. Appeal Procedure of Hearing Examiner Decisions to the Council** – Mr. Ranker presented a draft of procedures he had prepared regarding this matter dated February 20, 2006 for discussion purposes. He read from the Charter language regarding the section related to the SJC Hearing Examiner. He reiterated that the Council has requested an ordinance to allow them to hear appeals of Hearing Examiner decisions as set forth in this section. Mr. Ranker noted that he had researched six other counties that have this policy, and added that he had read all the minutes of the former Freeholders' meetings to get a sense of the intent of this provision. Mr.

Gaylord gave the Council copies of information related to current law and statutes that provided alternatives to assist in the discussion. Mr. Gaylord, Mr. Goldsmith, and the Council then discussed at length the pros and cons of the Council continuing to hear appeals, what type of appeals should be considered, what procedures would be needed if there were more than one appellant, possible discretionary review of whether or not to consider an appeal, the scope of the Hearing Examiner's authority, and other related concerns. Mr. Gaylord suggested that this proposal would be easier to consider if he prepared a broad list in column format to enable the Council to see the issues to be considered. He would also provide a narrative. From this point, the Council can narrow the list so that the process could be more clearly defined. **By consensus, it was agreed that Mr. Gaylord would prepare the document discussed for a work session to be held at 3:15 p.m. on March 28, 2006. It was further agreed that the requested work on the changes to the animal control ordinances revisions would be postponed as this appeal issue is a priority.**

**6. Capron Funding Letter** – Mr. Goldsmith addressed a draft letter he had been asked to prepare for consideration the prior week. He stated that the bill is on Governor's desk but has not yet been signed. The Council discussed language changes and took action as listed under CORRESPONDENCE.

**7. Proposed Accessory Dwelling Unit (ADU) Ordinance** – Also present: Karin Agosta, Chair of Planning Commission. Mr. Henrickson recapped last week's presentation of the draft. He would like to be able to set a date of May 2 for a hearing and move this document forward to the Planning Commission if the Council decides they would like to do so. In the beginning of the discussion, Mr. Ranker was not in favor of moving forward with the language presented. However after the reasons for the proposed language were addressed by Mr. Gaylord, Mr. Goldsmith, and Mr. Henrickson, he agreed that the language could be published and he would raise his concerns during the public hearing. Chair Lichter stated that he believes the proposal was brilliant and provides a means for 100 percent of SJC citizens to have guest houses. Mr. Ranker's concern was that there would no longer be any detached ADU's. The discussion included the current appeals of the existing ordinance, the compliance order of the GMHB, the pending Court of Appeals case, and the change to the original proposal presented by then Commissioners Lichter and Ranker. At the end of this discussion, the following action was taken: **Moved by Ranker, seconded by Lichter, to move forward with publication of the draft ordinance to amend Ordinance 21-2002 and the SJC Code sections, as listed therein, and for the proposed amendments to go to Council of the Planning Commission draft for a public hearing. Motion carried.**

**8. Request for Comments from the Council for an Advisory Ballot Measure** – Chair Lichter requested that the Council place an agenda item under discussion for next week. Based upon the request presented at Citizens' Access time for a resolution to support ending the conflict in Iraq, he would like the Council's comments on the possibility of having an advisory ballot regarding the immediate withdrawal of troops from the Middle East conflict.

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**These minutes were approved and signed on March 28, 2006. Council Member Myhr abstained due to his absence. The original document is retained in the permanent Council proceedings dated March 21, 2006. Attest: Carolyn K. Morrison, Clerk.**