

**SUMMARY OF THE MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
MAY 1, 2, AND 5, 2006**

**Monday, May 1, 2006 - Council Conference Room**

**CALL TO ORDER**

Council Chair Lichter called the special meeting to order at 10:00 a.m. Council Members Ranker and Myhr; County Administrator Pro-Tem, David Goldsmith; Prosecuting Attorney, Randall Gaylord; and Interim Clerk of the Council, Carolyn Morrison were present.

**PUBLIC MEETINGS/WORK SESSIONS**

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

**RECESS** - At 11:45 a.m., Council Chair recessed the meeting until 10:00 a.m., Tuesday, May 2, 2006.

**Tuesday, May 2, 2006 - Council Hearing Room**

**CALL TO ORDER**

Council Chair Lichter called the meeting to order at 10:07 a.m. Council members Ranker and Myhr, Administrator Pro-Tem David Goldsmith, and the Interim Clerk to the Council Carolyn Morrison were present. The flag salute was conducted.

**CITIZEN ACCESS TIME**

No matters were brought before the Council.

**ANNOUNCEMENTS/SCHEDULE CHANGES**

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

**APPROVAL OF MINUTES**

Moved by Myhr, seconded by Ranker, to approve the minutes of **April 24, 25, and 26, 2006**. Motion carried.

**CONSENT AGENDA**

Moved by Ranker, seconded by Myhr, to approve the **Final Consent Agenda of May 2, 2006** as follows:

**A. Appointments:**

1. Approve the appointment of Richard E. Keefe to the SJC Housing Bank Commission as primary representative of San Juan Island for a four-year term which will begin immediately and expire February 28, 2010.
2. Approve the appointment of Brian A. Ehrmantraut to the SJC Housing Bank Commission as primary representative of Orcas Island for a four-year term which will begin immediately and expire February 28, 2010.
3. Approve the appointment of Gary Tabasinske to the SJC Housing Bank Commission as primary representative of Lopez Island for a four-year term which will begin immediately and expire February 28, 2010.
4. Approve the appointment of Roland A. Sauer to the SJC Housing Bank Commission as an at large representative of SJC for a three-year term which will begin immediately and expire February 28, 2009.
5. Approve the appointment of Sandy Bishop to the SJC Housing Bank Commission as an at large representative of SJC for a two-year term which will begin immediately and expire February 28, 2008.
6. Approve the appointment of William Agosta to the SJC Housing Bank Commission as an at large representative of SJC for a two-year term which will begin immediately and expire February 28, 2008.

**B. Correspondence:**

1. Sign the letter to Richard E. Keefe confirming his appointment to the SJC Housing Bank Commission.
2. Sign the letter to Brian A. Ehrmantraut confirming his appointment to the SJC Housing Bank Commission.
3. Sign the letter to Gary Tabasinske confirming his appointment to the SJC Housing Bank Commission.
4. Sign the letter to Roland A. Sauer confirming his appointment to the SJC Housing Bank Commission.
5. Sign the letter to Sandy Bishop confirming her appointment to the SJC Housing Bank Commission.
6. Sign the letter to William Agosta confirming his appointment to the SJC Housing Bank Commission.
7. Sign the letter to James Murray accepting his resignation from the Eastsound Planning Review Committee and Eastsound Design Review Subcommittee; and, sign the Certificates of Recognition for his service.
8. Sign the letter to Bob Gamble thanking him for his service to the SJC Affordable Housing Fund Commission; and, sign the Certificate of Recognition for his service.
9. Sign the letter to Derek Gustafson in support of the acquisition of Point Lawrence property on Orcas Island by the State Parks and Recreation Commission.
10. Sign the letter to Douglas Sutherland, Commissioner of Public Lands, requesting he instruct WA State Land Managers to work with SJC to broker the acquisition of Lopez Hill and Mitchell Hill properties.

**C. Miscellaneous:**

1. Approve the appointment of Councilman Bob Myhr as liaison to the Northwest Workforce Development Council.

Motion carried.

**ACTION AND DISCUSSION ITEMS**

MISCELLANEOUS ITEMS:

**1. Sheriff Deputy Coverage in SJC – Present:** Bill Cumming, Sheriff. Council Chair Lichter had requested the Sheriff address the Council to explain Deputy coverage due to a citizen complaint regarding lack of Sheriff Deputy availability on Orcas Island at certain times. The Sheriff explained how his office is structured and that there are 19 officers assigned to cover all islands. Deputies must live in the district they are assigned to and drive a Sheriff vehicle to their home in case it is necessary to respond to a call. This formula has been in existence for a number of years. At the present time, it is not possible to provide 24/7 coverage without additional deputies. He explained the procedures used for call-outs when an officer is off-duty and that there is a minimum of a three-hour overtime payment for these instances. He provides much of the coverage himself in order to maintain the Sheriff budget. He also noted that the current staffing has to be allowed vacation and sick leave as well. He also explained that on domestic violence calls, two deputies are sent to maintain officer safety and to deal with the two or more persons that may be involved in this type of incident. After a very detailed presentation, which explained the complexities of having island locations, the Council asked how many more deputies it would take to provide 24/7 coverage. The Sheriff explained that his current staffing would have to be increased. The Administrator Pro-Tem also added some of the rules that apply to law enforcement. The Council thanked Mr. Cumming for the detailed explanation and for the coverage provided with the current staffing.

**2. WA State Association of Counties Western Region Conference Update –** Councilman Myhr reported that the conference held in Bellingham provided excellent information and that he had been able to speak with other Council Members and Commissioners about how their counties function, whether a charter or regular form of government. Several issues were shared, including security issues with the Coast Guard and State Parks. Fiber optics will be used to assist in new security standards on the Olympic Peninsula and he had shared that OPALCO is working on the fiber optics implementation here in SJC that might compliment OPSCAN. Also discussed were Growth Management Act impacts on all counties. He shared that this was an excellent opportunity to meet with others and to realize that each county has a number of difficult issues albeit different than SJC. Chair Lichter added that he spoke with other Home Rule Council people about their roles in government and was somewhat discouraged as in all instances these leaders stated that they were working 60 hours a week, and that each coordinated with their Administrator. What they found was that the time that had been spent on other matters was now devoted to researching the issues to complete such as policies, legislative issues, etc., so that implementation could be done correctly. He ended his comments by stating that SJC may be different, but that it is unknown at this time if this might be true.

**3. North Puget Sound Region Agricultural Summit Report –** Councilman Ranker reported that legislators from five counties participated and discussions were held about partnering with other counties to move in the same direction. Several counties have established Agricultural Resources Committees and have similar goals. The BOCC's and Councils felt that applying for federal funding jointly would be more successful than applying

individually. He noted that representatives from the Governor's office, Senators Cantwell and Murray, and Representative Larsen's office also attended.

**4. Magnuson Amendment Update** – Councilman Ranker shared that Governor Christine Gregoire had sent him a letter thanking him for forwarding a copy of the SJC resolution asking Congress to retain the Magnuson Amendment to the Marine Mammal Protection Act. She informed Mr. Ranker that she had signed ESSB 6244 into law to strengthen the program's effectiveness in requiring contingency planning, precautions during oil transfers and caching oil spill equipment in sensitive Puget Sound locations. She had also thanked him for his assistance through the Washington Oil Spill Advisory Council. The Governor's letter concluded: "I consider Puget Sound and the San Juan Islands to be the crown jewels of our state, and I am committed to protecting them."

## **PUBLIC HEARINGS/MEETINGS/WORK SESSIONS**

**11:00 a.m.** – (Commenced early at 10:30 a.m.) County Administrator Pro-Tem Council Briefing. Also present: Interested citizens.

**1. Request to Assist the Lopez Island Senior Center** – Mr. Goldsmith informed the Council that there will be a request for a loan of \$50,000 to finish renovation of this center. When the Auditor returns, they will work out the details and a repayment schedule. He will update the Council with this project.

**2. Salary Commission Update and Miscellaneous Issues** – Mr. Goldsmith thanked the Council and other Elected Officials for speaking to the Salary Commission. At this time, they are in a fact-finding mode and will begin to look at criteria to evaluate various positions for fair and just compensation. He noted that Becky Rusnak, Human Resources Manager, had given notice that she is leaving her position and that he will be assisting to find a replacement for this role. He said that Ms. Rusnak had been an asset to the County. The Council mentioned earlier ideas discussed by the prior Board of County Commissioners about the Administrative Services Department being looked at to avoid overlapping duties now that the Administrator position was in place. The issue was discussed and Mr. Goldsmith noted that at the present time, there were some projects that he did not have enough time to devote to that he assigned them to the Administrative Services Director. The idea can be looked at later but he cautioned the Council that he or the new Administrator will be devoting an enormous amount of time to the budget process that used to be handled by the Auditor. The Council noted that they realized there may be some carryover of past practices this year as the new Charter is implemented. It was agreed that a couple of years from now, there will be less duplication of duties as time can be devoted to addressing the current issues of concern such as staffing needs in long-range planning, etc. Councilman Myhr added that the Lopez Senior Center building was acquired for \$1.00 and the citizens have done much of the restoration themselves. He noted that this was a "real bargain" compared with the centers on Orcas and San Juan. Mr. Lichter asked how the weekly meetings with the department heads were progressing. Mr. Goldsmith explained that he relates to the group what the Council had done that week, each department shares their current issues, and the group as a whole brainstorms for solutions to current issues within the county. One example is the critical issue of housing when new employees are recruited. One idea discussed by Mr. Goldsmith is a satellite office in Anacortes which would allow certain employees to live on the mainland but still accomplish the work that is required. Also, by sharing what each department does, several similar issues within departments can be worked on jointly which produces better solutions and more efficiency. Mr. Ranker noted that he had spoken with some of the managers and all of them really like Mr. Goldsmith and believe he is doing a fantastic job.

**11:30 a.m.** - A work session was held on pending Council matters. Present: Randall Gaylord, Prosecuting Attorney, and interested citizens. The main topic for this session was the ongoing Hearing Examiner Appeal to the Council process. Mr. Gaylord presented a "Discussion Draft" dated May 2, 2006 which dealt with discretionary review of appeals of the Hearing Examiner decisions. He explained the document and that he was guided by procedures of the Supreme Court and Appeal Court for discretionary review. He has not yet circulated this with other attorneys and noted that this would be a good idea. The underline, strike-out method he used is to show changes to the County Code and used the Council's draft as well. Each of the sections was reviewed and discussed. The Council recessed the work session for lunch and resumed at 1:30 p.m. After reviewing the entire draft and obtaining answers to questions concerning parts of the proposal, it was agreed that each Council Member would provide their written comments to Mr. Gaylord this week so that a new document could be reviewed next week. **(Clerk Note: Due to the Council's decision to continue the public hearing on Accessory Dwelling Units to Friday with direction for a new draft ordinance, this matter will not come back for further discussion next week.)**

**2:30 p.m.** - A continued public hearing was held from April 25, 2006, to consider an Ordinance modifying the existing definitions and requirements for Accessory Dwelling Units in San Juan County. Present: Ron

Henrickson, Community Development and Planning (CDPD) Director; Randall Gaylord, Prosecuting Attorney; David Goldsmith, County Administrator Pro-Tem; and interested citizens. Council Chair Lichter began by addressing a complaint filed in the form of an email from Wanda Evans, Orcas Island, regarding watching himself and Bob Myhr meeting on the ferry with others, which appeared to be an illegal meeting per the Open Public Meetings Act. He requested that Mr. Myhr address his version of this incident before making his statement. Councilman Myhr then noted that while on the ferry returning home from the April 25, 2006 public hearing on this matter, he saw people he knew and went to say hi. He stated that he realized he should not have been there as the group included Mr. Lichter discussing the issue of the day with others. He stated that he did not talk or say anything regarding the subject of the hearing and left the group to go inside the ferry. Mr. Lichter then stated that he was standing on deck of the ferry talking to people and Mr. Myhr came out to say hello for maybe a minute. He added that Mr. Myhr looked at him and then he excused himself, and that he (Mr. Lichter) stayed with people he was speaking with for several minutes. Following that he added that he and others went inside. He concluded his statement by saying that nothing took place between himself and Mr. Myhr of any business nature, and that nothing occurred which would be in violation of the Open Public Meetings act. There was not other comment on the matter. Chair Lichter then recapped the events of the April 25, 2006 first public hearing on this matter noting there had been two hours of public testimony. Finding that no others persons had wished to speak, he had closed public testimony and had asked for brief comments from Mr. Myhr and Mr. Ranker. He also noted that before the hearing was concluded, Mr. Myhr had brought forth a new proposal. Because of the hour, the hearing was continued to today and he did not have time to give his comments and would like to do so now. He stated that deliberations would begin after his statement. Mr. Lichter then reviewed the history of the guesthouse (ADU) issue beginning with 1991 through the present. When he concluded the synopsis, he stated he had a “middle of the road” proposal that could help toward reaching compliance. This proposal was in written form and copies were provided to the audience and staff. Deliberations then began. Each Council member stated his opinion and discussed both Mr. Myhr’s and Mr. Lichter’s new suggestions. The proposal from Mr. Lichter was taken from the original proposal the former Board of County Commissioners had proposed to the Planning Commission last year. The Council requested that Mr. Gaylord address the proposed changes and asked if this proposal was to go forward if it had to be sent to the Planning Commission again before a new hearing before the public. Mr. Gaylord explained that this new recommendation was not a substantial change to the original one presented to the Planning Commission and would not have to go before them again. However, it would have to be heard in a new public hearing before the Council. After a brief recess, the hearing resumed. Deliberations continued in an attempt to reach consensus on moving forward with new language for consideration based upon the comments received during the hearing and in writing through out the week. The Council expressed that it was their desire to have Mr. Henrickson, Mr. Goldsmith, and Mr. Gaylord prepare a new draft which would incorporate the issues discussed during deliberations. Mr. Goldsmith carefully articulated what direction he heard from the Council regarding each issue brought forward. It was noted that even if language was prepared by the end of the week, with the publication requirements for this type of legislation, a new hearing could not be scheduled before May 23, 2006. The compliance deadline date under the Growth Management Hearings Board Order was May 13, 2006.

At the conclusion of lengthy deliberations, Mr. Myhr was not in favor of part of the proposal; however, he would consider continuing the hearing to see what language could be crafted. Mr. Ranker and Mr. Lichter were in accord on much of the proposal. Direction was given to Mr. Henrickson, Mr. Goldsmith and Mr. Gaylord to bring back language for further consideration for a new hearing by Thursday evening. The following action was taken:

**Moved by Ranker, seconded by Myhr, to continue the public hearing to 10:00 a.m., Friday, May 5, 2006, to the Council Conference Room or a location to be announced. Motion carried.** (Clerk’s Note: Before the recess was called at 4:30 p.m., it was determined and announced to the audience that the hearing could be held in the Council’s Hearing Room on Friday.)

**RECESS** - At 4:30 p.m., Council Chair Lichter recessed the meeting until 10:00 a.m., Friday, Friday, May 5, 2006, 2006.

<b>Friday, May 5, 2006 - Council Hearing Room</b>
---

**CALL TO ORDER**

Council Chair Lichter called the continued meeting to order at 10:00 a.m. Council members Ranker and Myhr and the Clerk of the Council were present.

**PUBLIC HEARINGS**

**10:00 a.m.** - A continued public hearing was held from May 2, 2006, to consider an Ordinance modifying the existing definitions and requirements for Accessory Dwelling Units in San Juan County. Present: Ron Henrickson, Community Development and Planning (CDPD) Director; Randall Gaylord, Prosecuting Attorney; Cameron Carter, Deputy Prosecuting Attorney; and interested citizens. Mr. Lichter opened the continued hearing and stated that the requested new material had been prepared by staff. Mr. Henrickson then went over each line of the proposed new language which he, Mr. Goldsmith (County Administrator Pro-Tem), and Mr. Gaylord, had prepared as requested by the Council the prior Tuesday. Deliberations continued. Mr. Myhr asked questions about terminology based on the copies of his proposal made available for the Council, staff, and interested citizens. The Council discussed the new language, asked questions for clarification, and expressed general consensus to go forward with having this new language prepared in ordinance format for a new public hearing, having the Administrator Pro-Tem and the CDPD Director and the Prosecutor working together. The following action was taken:

**Moved by Ranker, seconded by Myhr, to schedule a new public hearing for June 6, 2006 at 1:30 p.m. to consider an Ordinance modifying the existing definitions and requirements for Accessory Dwelling Units in San Juan County; and to direct staff to publish as required.** Under discussion, Mr. Myhr noted that he still wanted more work done on the proposal. Mr. Lichter and Mr. Ranker stated that the Council could deal with issues regarding the proposal, language, issues of concern when the new hearing commences. **Motion carried.**

Mr. Gaylord asked to address the Council before adjourning. He noted that he had not stated his opinion and wanted to be certain that the Council understood he neither endorsed the proposal nor had offered a legal opinion. Chair Lichter stated he understood this. The hearing was then closed.

**ADJOURNMENT** - Moved by Ranker, seconded by Myhr, to adjourn the meeting at 10:30 a.m. Motion carried. A special meeting was scheduled for May 8, 2006, and the next regular meeting was scheduled for Tuesday, May 9, 2006.

\*\*\*\*\*

**These minutes were approved and signed on May 9, 2006. The original document is retained in the Council's permanent proceedings file dated May 1, 2, and 5, 2006. Attest: Carolyn K. Morrison, Clerk.**