

**SUMMARY OF THE MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
NOVEMBER 13 AND 14, 2006**

**Monday, November 13, 2006 - Council Conference Room & Hearing Room**

**CALL TO ORDER**

Council Chair Lichter called the meeting to order at 10:00 a.m. in the Council Conference Room. Council members Ranker and Myhr; County Administrator, Pete Rose; and the Clerk to 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 County business. No action was taken. The Council recessed for lunch at 11:35 a.m.

**1:30 p.m.** – A work session was held in the Council Hearing Room on the draft Deer Harbor Hamlet Plan with Community Development and Planning Department (CDPD) Director Ron Henrickson, County Administrator, Pete Rose; and interested citizens from Deer Harbor. Council Chair Lichter announced that this meeting was strictly a work session to hear from staff concerning options regarding the draft plan. Mr. Henrickson began with a presentation of an Executive Summary dated November 7, 2006 which detailed the history of the development of the first Interim Deer Harbor Hamlet Plan adopted on October 2, 2000 up to the recent recommendation of the Planning Commission not to approve the draft submitted at its public hearing on October 19, 2006. He cited 18 points which resulted in this denial recommendation. He then explained that the moratorium imposed by ordinance on October 4, 2005 had been extended twice. The current expiration date is January 1, 2007. He strongly recommended that there be no further extensions. Options for consideration were: (A) that the existing Interim Regulations could remain in effect until a final plan is approved, which would become effective upon the expiration of the current moratorium; (B) that the Council set a public hearing to consider adoption of a plan the committee prepared as written or amended by the by the Council; (C) that the Council set a public hearing to consider adoption of a “redline” draft plan developed by CDPD staff or the committee plan with Planning Commission recommendations for modification, either of which could be amended by the Council; (D) that the Council could acknowledge that although much work has been done on the committee draft plan, additional community dialogue is needed and the existing Interim Regulations are insufficient and the Council could proceed to adopt the proposed Interim Deer Harbor Hamlet Plan and CDPD would orchestrate further community discussion. He then addressed each of these options in detail pointing out what was workable and what needed to be considered as modifications. He noted that the Planning Commission took into account the testimony of 27 citizens as well as the content of the plan presented. When he concluded his presentation, Councilman Ranker stated for the record that he and his family own property in Deer Harbor in a family trust and he is acquainted with members of the community. He stated that he was certain he would be able to act in a fair manner on this issue even though today’s meeting was not a public hearing.

The Council then discussed each of the issues brought forth by Mr. Henrickson for consideration. It was agreed by the Council that the existing Interim Plan should be posted on the CDPD Website so that all citizens could read the document and compare it to the newly proposed Interim Plan. Mr. Henrickson then noted that the “basic plan” does address most of the issues that were raised at the public hearing. Council Chair Lichter then allowed input from the citizens of Deer Harbor. After the comments were submitted, Mr. Myhr asked what the next step should be. **It was agreed by consensus that this matter would be placed on the Discussion/Other Action Agenda for November 28 and again on December 5 in order to allow time to discuss which of the options presented would be considered.** The Council also asked that Mr. Henrickson speak with the Prosecuting Attorney to determine if another 30-day extension of the moratorium would be allowable. Mr. Ranker announced that he would not be able to attend the November 28 meeting as he is scheduled to hear a Shorelines Hearing Board appeal on that date.

**RECESS** - At 3:28 p.m., Council Chair recessed the meeting until 10:00 a.m., Tuesday, November 14, 2006.

**Tuesday, November 14, 2006 - Council Hearing Room**

## **CALL TO ORDER**

Council Chair Lichter called the meeting to order at 10:00 a.m. Council members Ranker and Myhr; County Administrator, Pete Rose; and 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 **November 6 and 7, 2006**. Motion carried.

## **CONSENT AGENDA**

Moved by Ranker, seconded by Myhr, to approve the **Final Consent Agenda of November 14, 2006** as follows:

### **A. Personnel:**

1. Authorize the carry forward all unused hours of vacation accrual and excess vacation accrual from 2006 to 2007 for Carolyn Morrison, Council Clerk/Office Manager, pursuant to the request of the Human Resources and Payroll Departments.

### **B. Appointments:**

1. Approve the appointment of Judith Leonie Miller to the Orcas Island Library Board of Trustees for a five-year term which will begin January 1, 2007 and expire December 31, 2011, based upon the recommendation from the Orcas Island Library Board of Trustees in their correspondence dated November 9, 2006.

### **C. Correspondence:**

1. Sign the letter confirming the appointment of Judith Leonie Miller to the Orcas Island Library Board of Trustees.
2. Sign the Memorandum to the Prosecuting Attorney regarding litigation settlements.

Motion carried.

## **ACTION AND DISCUSSION ITEMS**

### MISCELLANEOUS ITEMS:

**1. Economic Elements of the SJC Comprehensive Plan Updates** – Present: Ron Henrickson, CDPD Director, who reported that he has been in contact with the consultant who is working with the Town of Friday Harbor and the County. The preliminary draft of the plan will be completed by November 20<sup>th</sup> or earlier for an internal review. This element is to be completed by July of 2007; however, it may be finished before that date. Mr. Myhr and Mr. Ranker both had attended meetings on Lopez and San Juan Islands and stated that they felt this work was a good start to the process.

**2. Status Report of the Lopez and Orcas Urban Growth Areas (UGA)** – Present: Ron Henrickson, CDPD Director. Mr. Henrickson reported that he and Senior Planner, Colin Maycock, have met with the Lopez sewer and water districts and other parties in an attempt to define the area of service. Another meeting is scheduled for a definition of the area which will be followed by a meeting with property owners who will have to agree to the terms and conditions. Mr. Henrickson stated that he felt this solution will meet the criteria laid out by the Growth Management Hearings Board (GMHB). Mr. Myhr asked if the boundaries of the UGA change slightly on Lopez will this be all right with the size of population for the area. Mr. Henrickson stated he did not believe this would be

a significant change and stated that interim steps are in place to allow us to continue “dialog” for provision of water and sewer services.

**3. Earthquake Training Preparedness Updates** – Present: Brendan Cowan, Department of Emergency Management (DEM) Director. Mr. Cowan explained that there are courses provided by FEMA at no charge to officials to cover various types of disaster training, and earthquake seminars are part of these. He also noted that rather than just four officials traveling back east, there can be special classes set up which can handle up to 100 people and could be combined with other neighboring counties and cities which could be put together locally within the region for earthquake training. The challenges would be pulling everyone together and making sure that the leadership of the counties and the elected officials all participate. Mr. Lichter asked the status of SJC preparedness at this time. Mr. Cowan explained that his department (DEM), the Sheriff, Fire Departments, and other key people are prepared with disaster plans and radios. His concern is that citizens need to be ready. The classes actually teach how to plan recovery in the community and include hands-on exercises. **The Council agreed to have Mr. Cowan, Mr. Lichter and Mr. Rose work together to look at dates and staff for a FEMA training session.**

**4. Legislative Priorities** – Present: Available Department Heads; Elected Officials; and interested citizens. Councilman Ranker began the discussion by reporting that the County Assessor had requested the addition of a property tax exemption for energy conservation and asked if this could be added to the list of items for consideration. Mr. Rose provided an overview of the process of selection of priorities for support or opposition to be conveyed to legislators. Each Council member identified their personal priorities which were listed by category on the draft paper dated November 14, 2006. Each item was given a rank of high, medium, or low priority and tallies were kept in order to select the top four or five. Paul Dossett, Assessor, explained the proposed tax exemption. After a lengthy discussion, the Council asked for any input from those present on the pending legislative issues. **At the conclusion of the input from those present, the Council agreed to the following five priorities: (1) Environmental – Salmon Recovery Council Programs; (2) Public Finance – Streamlined Sales Tax – Sourcing Rule; (3) Open Space Preservation – Lopez Hill, Lopez Island; (4) Community Health – Support of Community and Mental Health Funding; (5) Transportation – Restoration of Capron Funding for Both the “5-Cent and 9.5-Cent” Fuel Tax Increases.** There were other issues which had support of one or two Council members, some of which may be introduced by local district legislators on behalf of constituents such as the tax exemption proposal. Council members may choose to give individual support for specific legislation.

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

**11:00 a.m.** - A meeting was held with the Marine Resources Committee (MRC) and Community Development and Planning (CDPD) Director regarding MRC updates and recommendations regarding the renewal of the Transborder Cooperation Agreement; review of a draft letter to Washington Department of Fish and Wildlife regarding experimental dock permits; and a draft resolution amending the MRC Business Rules to reflect the transition to a Charter government. Present: Laura Arnold, Jim Slocomb, and Tina Whitman, MRC members; Karen Vedder, Deputy Prosecuting Attorney; Ron Henrickson, CDPD Director; and interested parties. Ms. Arnold presented the draft resolution and modifications made by Council staff. The Council supported the changes and asked that the final version be placed on the Consent Agenda for the following meeting. Ms. Whitman then presented the draft letter of support to be sent to the Department of Fish and Wildlife regarding experimental docks in SJC. Ms. Whitman explained that these docks are not part of an official program but over time 15 have been approved in SJC. Mr. Ranker noted that he had attended a meeting of the MRC last year and a presentation was given by Brian Williams who explained the information and had noted that of those approved, all but two have been installed in SJC. He understood that the experimental docks would have monitoring for impacts on sensitive habitats as part of the program; however, if impacts were found the docks have not been removed. The Council discussed the issue and Mr. Lichter asked if the MRC had been working with the Friday Harbor Labs on this issue. Ms. Whitman stated that they have worked together and suggestions have been made that there are methods to get this research completed. It was noted that some of the dock permits which were filed with the County have been denied and were then appealed. The Council expressed concerns that no mitigation levels were in effect to remove docks which had definite impacts. Ms. Arnold stated that it was up to the state to take responsibility for the monitoring. Ms. Vedder added that the County had argued against these docks before the Shorelines Hearing Board but Brian Williams testified that, “Removal of the docks was not the way to go.” **The Council agreed to have the letter placed on the Consent Agenda for the next meeting with a copy to the Governor and Mr. Rose.**

Ms. Arnold then reviewed the Transborder Agreement between SJC and the Islands Trust Council which Council members will be reviewing at the upcoming conference in Victoria on December 7 and 8, 2006. She suggested that the Council share some of the suggestions of the MRC at this joint meeting. Mr. Slocomb had prepared a

new map that included the Gulf Islands. She requested that the MRC be given direction on the proposed protocol. Mr. Slocomb asked that important marine issues be included. The Council assured the MRC members that marine issues remained an important part of discussions. Ms. Arnold noted that at the time the last agreement was done in 1998, it was the Planning Director that coordinated this work with the Islands Trust. At this time, with the growth of the MRC, it is important to be included. The Council agreed that the MRC remains an “important player” in this work. Ms. Arnold noted that the MRC will not be acting upon any issues without the Administrator and Planning staff being in the picture. Mr. Ranker stated that he would like Mr. Henrickson or Mr. Rose accompany the Council to the meeting and added that if members of the MRC wanted to travel to Victoria to attend on their own, he would support their recommendations. Mr. Lichter asked if the issue of global warming could be placed on the agenda for this joint meeting. Mr. Myhr stated he would prefer to move away from generalization and seek solutions for specific steps to protect what we have. Mr. Ranker offered that there are steps and the Seattle Mayor had launched an agreement for cities which is now being considered. He offered to provide this information to the Council members to discuss further at the next meeting. He added that he also favored specific solutions rather than generalities. At the close of this meeting, Mr. Rose noted that he had learned from Ms. Vedder that the MRC does not appear in Chapter 2 of the SJC Code as other committees and boards do. This should be done. He stated that as the County moves toward other amendments, the MRC will be codified in the Code

**11:30 a.m.** – County Administrator Council Briefing. Also present: Jon Shannon, Public Works Director; John Van Lund, County Engineer; Dave Zeretzke, Administrative Services Director; and interested citizens.

**1. Request for Intent to Establish a County Road Within the County Property Called the “Gravel Pit” on San Juan Island** – Mr. Van Lund read from the statute on the creation of a county road and presented the information in his staff report dated November 1, 2006. He recommended as the County Engineer that the Council consider the draft motion to establish this road. Mr. Myhr asked if the existing road was not currently a County road. Mr. Shannon explained the many types of “county” roads including prescriptive roads. Some of these roads exist on private property but the County has no obligation to maintain them. The process put before the Council begins the public process for bringing this road into the road system which means that the County must maintain it. He noted that there are approximately 100 miles of County roads that are not currently in the County road system. After discussion, the following action was taken: **Moved by Myhr, seconded by Ranker, that the County declare its intent to establish a County Road within County property, called the “Gravel Pit” on San Juan Island, and direct the County Engineer to prepare a report. Motion carried.**

**2. ARC Reorganization for Staff Support** – Mr. Rose gave background information on the proposed modifications to the existing ARC organizational agreement in his memorandum dated October 30, 2006. He explained that Dave Zeretzke, Administrative Services Director; Ron Zee, Conservation District Manager and Agricultural Resources Committee (ARC) Chair; Karen Vedder, Deputy Prosecuting Attorney; and Tom Schultz, WSU County Extension Agent, had held a meeting on the best approach to take. The proposal is that the Conservation District will provide funding for the ARC staff position and this employee would work for them. Mr. Zeretzke stated that he believed the proposal will work for all parties. Mr. Ranker added that the Conservation District will terminate the existing interlocal agreement with the County and a new agreement will be drafted for consideration that defines these terms and conditions. Mr. Rose offered to go forward with the package for the Consent Agenda on November 28. **The Council agreed to have Mr. Rose proceed with the proposal.**

**3. Waldron Meeting Update** – Mr. Rose reported that he had attended the Waldron Meeting on Waldron Island. The questions posed were concerning the Charter and marine and conservation issues.

**1:30 p.m.** - A public hearing was held to consider the Proposed 2007 San Juan County Budget. Present: Si Stephens, SJC Auditor; Pete Rose, County Administrator; Charlotte Dye, Chief Deputy Auditor; available Department Heads and Elected Officials; and interested citizens. Mr. Rose began with an explanation of the budget process and the submission of the preliminary budget to the Council during the third week of October. Up until that time it was the Administrator’s budget under the Charter, and now it is the Council’s budget for adoption on December 4, 2006. He added that this week the final budget ordinances will be prepared after deliberation of the Council. Mr. Stephens then put forward the proposed San Juan County 2007 Budget in a Power Point presentation with printed handouts for those present. Estimated revenues, expenses, reserves, economic factors and financial trends were presented. He noted that he proposed that the Council consider using \$478,000 of the reserve fund estimated at approximately 2.2 million dollars to balance the 2007 budget. Also presented was a list of corrections to the presentations made during the work sessions, which Mr. Stephens stated were used for the calculations presented today. The Council asked specific questions on the various fund information. Mr. Rose and Mr. Stephens answered them, including potential changes that can occur as a result of economic factors. Some of the projected revenue is based upon fee changes which have not yet been implemented. Mr. Rose

explained that the Capital Improvement Committee will meet to discuss priorities within the amounts presented during the work sessions. One item approved by the Council had been omitted in the presentation and the Council requested that it be put back into the proposed budget. The Council asked if the costs of the implementation of the Charter were known at this point. Mr. Stephens stated that he estimated the actual cost to be \$297,303 for 2007 and more than \$302,000 in 2008. This did not include the cost of purchasing the building across the street for the additional office space required. Mr. Ranker went through each of the items listed as a potential new program request to be certain that his list was correct for deliberation purposes. Public testimony was opened, submitted, and closed. Deliberations began. Because of other agenda items which had to be addressed, it was agreed to return to the Budget deliberations after the other scheduled matters. The following action was taken:

**Moved by Myhr, seconded by Ranker, to continue this hearing to 4:30 p.m. today. Motion carried.**

At 4:30 p.m., the hearing resumed and deliberations continued. The Council addressed the issue of the Owner Builder Code figures presented. It was agreed that the \$125,000 listed as a potential increase in revenue by eliminating this code was not to be considered for the 2007 budget and direction was given to adjust the figures to reflect this. During deliberations all new programs requests were discussed once again. Mr. Myhr asked for staff to identify the actual number of FTE's as discussed. Deliberations concluded and the following action was taken:

**Moved by Ranker, seconded by Myhr, to move forward with publication of the San Juan County Budget for 2007 as agreed upon today by the County Council for adoption on Monday, December 4, 2006. Motion carried.**

**2:45 a.m.** - A meeting was held with Karen Vedder, Deputy Prosecuting Attorney, regarding the closing of the Turtleback property on Orcas Island. Ms. Vedder explained the process that is in place and reported that last week the owners of property on the NE corner stated that they believed the wrong cornerstone had been used to measure property. The Medina representatives met with them and the surveyors and determined that the only dispute was about a section marker. This fact does not change the legal description. She added that the result is that there will be less than two acres which will not come to the Land Bank. Additionally, there is now a recorded agreement between the Medina Group and the other property owners that will be part of the Escrow. She concluded by stating that her office wanted to bring this matter to the attention of the Council so that it is aware of the unexpected issue. Mr. Lichter asked if there was anything she needs from the Council today. Ms. Vedder replied that no additional action by the Council was required other than to explain this issue. The Council thanked her for the information and no action was taken.

**3:30 p.m.** - A work session was held for presentation of a draft ordinance regarding Stormwater Utility Fees. Present: John Shannon, Public Works Director, on behalf of Matt Zybas, Utility Manager; available Stormwater Steering Committee members; John Van Lund, County Engineer; and interested members of the public. Mr. Shannon presented the revised draft noting two corrections had been made since the last review. The fee structure and language were discussed. **The Council approved going forward with a public hearing at 2:30 p.m., Tuesday, December 12, 2006 to formally consider the ordinance.** Mr. Shannon then presented a draft resolution for establishing the Stormwater Committee for review. The Council agreed that this resolution could be placed on the Consent Agenda for the next meeting pending approval of the Prosecuting Attorney. Chair Lichter allowed comments from the audience. These questions were answered by Mr. Shannon. The Council thanked Mr. Shannon for presenting the information.

**4:00 p.m.** - The Council convened as the Solid Waste Disposal District Board to meet with the Solid Waste Advisory Committee (SWAC) regarding recommendations for San Juan Island. Present: Jon Shannon, Public Works Director, on behalf of Matt Zybas, Utility Manager; Mike Kaill, Chair of SWAC; Ed Hale, Solid Waste Manager; and interested citizens. Mr. Shannon explained that although the Council had heard the initial report on October 24, 2006, more specific direction was necessary. On that date, the Council had stated that they looked forward to Phase II of the process; and, that once the final report was received, they would consider the report and schedule a public hearing at which a final decision would be made. Mr. Shannon referred to the original report dated October 18, 2006 from Matt Zybas, which listed the items for specific consideration on the first page. Chair Lichter asked Mr. Kaill for his comments on behalf of SWAC. Mr. Kaill explained that the County is dealing with a facility that requires definition and the funding levels for the sites must be known. There were seven topics recommended for required services. The process used is like the SEPA approach – “no action is an action.” He then reiterated that the majority of SWAC and the public that attended the nine months of meetings did not want

mandatory curbside service. Many wanted waste not to be hauled to Oregon and to keep as much on the island for re-use and recycle as possible. The Council then discussed all seven items on the list in depth. Questions

concerning the cost of each item, feasibility, location, and the ability of the County to actually fund them were posed and answered by staff. Mr. Rose offered that the decision of the Council is to afford staff the ability to prepare for the level of service the Council desires. As the “plan” is made, it is done for all levels on the list and that will determine the size and cost of the facility. He emphasized that there can be phasing and the Council could stop at any given level of service, leaving it to future Council members to consider modifications. He recommended that the Council support the SWAC recommendation while striving to reach all levels, support the budgetary requirements with a goal to provide the level of service of those items recommended by staff, and to be “serious enough” to build a state-of-the-art facility. The Council discussed the proposal further and then took the following action:

**Moved by Ranker, seconded by Lichter, to direct Public Works to work with the Solid Waste Committee to move forward with the formal SEPA discussion for siting of a solid waste facility on San Juan Island to strive to include the seven items as listed on the Staff Report dated October 18, 2006, which are: (1) Municipal solid waste transfer; (2) Collection, transfer and storage of recyclable materials; (3) Self-hauling of both solid waste and recyclable materials; (4) Household hazardous waste collection and storage; (5) Waste exchange; (6) Construction, demolition and land clearing debris recycling; and (7) Green waste recycling.** Under discussion, Councilman Myhr again thanked SWAC for their work but restated that he had requested itemized costs associated with these items before and had not received them. Mr. Kaill was allowed to make a statement: “Everyone involved in the process has asked for figures.” He explained that because of the many facets of determining all of the issues involved with any new site, remodeling or re-building the existing site, costs cannot be determined until all information has been decided and formal approval given to go forward. The consultants had explained that some costs could be estimated for the existing site but not the cost of re-grading at that location until the final site was identified. There were no other comments under discussion and the question was then called. **Motion carried.**

#### **EXECUTIVE/CLOSED SESSIONS**

**3:02 p.m.** – Council Chair Lichter announced that the Council would be holding an **executive session** estimated to last approximately 20 minutes, to discuss a matter of litigation pursuant to the provisions of RCW 42.30.110(1)(i). Participants: Randall Gaylord, Prosecuting Attorney, Karen Vedder, Deputy Prosecuting Attorney, and Craig Magnusson, Special Deputy Prosecuting Attorney. The Council Clerk announced at 3:22 p.m. that seven more minutes were necessary. The session ended at 3:30 p.m. for an actual session time of 28 minutes. No action was taken.

**ADJOURNMENT** - At 4:50 p.m., Chair Lichter adjourned the meeting. There will be no meeting of the Council for the week of November 20, 2006. A special meeting was scheduled for Monday, November 27, 2006, and the next regular meeting was scheduled for Tuesday, November 28, 2006.

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**These minutes were approved and signed on December 5, 2006 as the Council was unable to meet the week of November 27 and 28, 2006 due to the emergency closure of the County because of a severe winter storm. The original document is retained in the permanent proceedings file dated November 13 and 14, 2006. Attest: Carolyn K. Morrison, Clerk.**