

**SUMMARY OF THE MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
June 16, 17, 2008**

**Monday, June 16, 2008 - Council Hearing Room, Legislative Building, FH**

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

Council Chair Howard Rosenfeld called the staff meeting to order at 10:04 a.m. Council members Kevin Ranker, Rich Peterson, Gene Knapp, Bob Myhr, and Alan Lichter; County Administrator, Pete Rose; Clerk to the Council, Ann Larson; Deputy Clerk, Lisa Brown; and interested members of the public were present.

**EXCUSED ABSENCES**

**Moved by Myhr, seconded by Peterson, to excuse Councilman Lichter, due to family matters. Motion carried unanimously.**

Clerk, Ann Larson, brought to the Council's attention that she was scheduling a meeting on Orcas Island, on August 12, 2008, to address Orcas Village, the Eastsound Sewer and Water Plan, and the Petition for Orcas Annexation. Mr. Rose interjected that this would leave no cushion in binding the annexation issue over to the November ballot. Ms. Larson pointed out that the issue was also on the June 24<sup>th</sup>, 2008, agenda, for discussion, and to invite public comment. She then provided an update on the Request for Proposal (RFP) for scanning software, stating that a decision had been made and scanning of proceedings would begin as soon as the system was in place. Council Department Assistant, Maureen See, provided an update on committee appointments to fill three vacancies, and provided draft letters of appointment to the Council. Discussion followed regarding finding unbiased committee members to cover the broad spectrum of committee work. Mr. Rosenfeld said he is still seeking a representative from the Town of Friday Harbor for the Planning Commission. Council schedules, upcoming meetings, agendas, Minutes, and posting thereof were reviewed.

Council Chair Rosenfeld reported that he and Mr. Knapp attended the Waldron Community Meeting to address their concerns, and provided a list of issues. Mr. Ranker got consensus from the Council on wording for the Ferries Initiative that he would be presenting to the Coastal Counties Caucus (CCC). Mr. Myhr reported on a Hearings Examiner (HEX) ruling, regarding a small parcel on Lopez, which was appealed to the Shoreline Hearings Board, and suggested Randall Gaylord, Prosecuting Attorney, provide a briefing to the Council on this matter. He also suggested a letter of recognition from the Council to Jayne Davis who is leaving WSF for the private sector. Mr. Knapp suggested the Council consider the increasing need for public transportation for the islands. Mr. Peterson commented on the stormwater issue and Mr. Cory asked about public participation. Ms. Larson pointed out that this item is also scheduled for June 24, 2008, for public input. Discussion followed regarding the continuation of the LTAC award to the SJI Visitor's Bureau. Information Services (IS) Manager, George Johnson, reported and received direction on his upcoming Video Conferencing proposal. Mr. Ranker said he would be revisiting the Ferry Priorities at the CCC meeting, adding that they may be instituting a fare increase, calling it a "fuel surcharge."

**RECESS** - At 12:06 p.m., Council Chair Rosenfeld recessed the meeting until 10:00 a.m., Tuesday, June 17, 2008.

**Tuesday, June 17, 2008 - Council Hearing Room – Legislative Building, FH**

**CALL TO ORDER**

Council Chair Rosenfeld called the meeting to order at 10:02 a.m. Council members Kevin Ranker, Rich Peterson, Gene Knapp, Bob Myhr, and Alan Lichter; County Administrator (CA), Pete Rose; Clerk to the Council, Ann Larson; Deputy Clerk, Lisa Brown; and interested members of the public were present.

The flag salute was conducted.

**EXCUSED ABSENCES**

## **NEW EMPLOYEE INTRODUCTIONS**

Christine Miller, departing SJC Fair Director, introduced Rev Shannon as the interim SJC Fair Director, pending position posting and the public hiring process. Mr. Shannon addressed the Council and provided information regarding his production experience, including 10 years of planning the Bumbershoot event. The Council welcomed Mr. Shannon and thanked Ms. Miller for her contributions to the community.

## **CITIZEN ACCESS TIME**

Nancy DeVaux, Housing Bank Commission, spoke regarding the Buck Property Annexation. She thanked the Council for supporting this project and their willingness to work expeditiously with the Town of Friday Harbor for progress last week. She provided a letter sharing her concern regarding the impact on the Buck family if the annexation does not occur.

## **ANNOUNCEMENTS/SCHEDULE CHANGES**

### **APPROVAL OF MINUTES**

Moved by Lichter, seconded by Knapp, to approve the Minutes of **June 2 & 3, and 9 & 10, 2008**. Motion carried.

### **CONSENT AGENDA**

Moved by Myhr, seconded by Lichter, to approve the **Final Consent Agenda of June 17, 2008**, as follows:

#### **A. Resolutions/Ordinances:**

1. A Resolution appointing Lisa Brown as Deputy Clerk of the County Council.

#### **B. Contracts/Agreements:** (No items.)

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

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

#### **E. Appointments:** (No items.)

#### **F. Correspondence:** (No items.)

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

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

Motion carried unanimously.

## **ACTION AND DISCUSSION ITEMS**

### ORDINANCES/RESOLUTIONS:

**RES. NO. 50-2008-** (Refer to Consent Agenda of June 17, 2008, for details of action taken.)

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

### COUNCIL DISCUSSION/UPDATES/OTHER ACTION ITEMS:

### COUNCIL MEMBER UPDATES

Mr. Knapp circulated documents regarding input on the Hearing Examiner (HEX) Ordinance. He then referenced the border crossing issue and the press's determination to continue the hype. Mr. Ranker's impression, after conversations with reporters from the Los Angeles and Seattle Times, is that since there has not been much publicity on the issue lately, reporters are seeking excitement and hype. He called Deputy Chief Border Patrol (BP) Agent Joseph Giuliano who reported the BP made 12-16 checks in April and only three in May and did not foresee that reversing. Mr. Ranker commented that it is still a concern of our citizens.

Mr. Lichter provided an update on the Islands Trust Council meeting on Galiano Island. Guy Dauncey, author and Canadian citizen, who deals with climate change and global warming, gave a presentation Wednesday evening.

Thursday morning both groups had discussions about exploring specific projects connected with global warming and peak oil, with potential for helping our vulnerable island communities, that will continue through the course of the coming year to exchange information and research, and next year select one or two projects to “commit to action.”

Mr. Ranker announced that he would be leaving in less than half an hour to attend the annual WSAC meeting.

#### COUNTY ADMINISTRATOR COUNCIL BRIEFING

1. Mr. Rose, County Administrator, provided a briefing on the Stormwater Regulation, explaining that an approach to the process, including review, state regulations, public participation, and timelines will need to be determined now that this item has been added to the annual docket for this year. Discussion followed regarding simplification of the Code and application process, how Community Development & Planning (CD&P) staff might assist applicants in arriving at the best possible scenario for their situation, and the necessity to have the code speak to our “rural” area. Mr. Rose reported that he was forming a staff team with Adina Cunningham, Deputy Director, as the lead. Mr. Rose, Mr. Henrickson, and Mr. Gaylord answered questions from the Council and members of the public also provided input. Amanda Azous, who reported that she is assisting the cities of Tacoma and Seattle to update their stormwater manuals, cautioned the Council that whatever is arrived at needs to have the Department of Ecology’s approval, adding that SJC is not a “rural” county with most parcels being five acres or less.

**Moved by Knapp, seconded by Peterson, at 10:48, to approve Mr. Ranker’s departure and excuse his absence to attend the WSAC meeting. The motion carried unanimously.**

#### DISCUSSION – Parcel Assessment Change Request [Noxious Weed Board Program and Five Year Budget Report]

Present: Amanda Azous, Chair Noxious Weed Control Board; and Richard Lee, Noxious Weed Field Coordinator. Ms. Azous introduced Mr. Lee and gave a presentation of the noxious weeds found in San Juan County and an overview of the Noxious Weed Board’s (NWB) notification and eradication efforts. She also explained the need for additional funding and presented a five year budget proposal for Council consideration. Council discussion followed, with Ms. Azous and Mr. Lee answering questions from the Council as they arose. Mr. Rose explained that this is the “first touch,” and that an ordinance would need to be considered through public process to authorize a tax increase.

#### PUBLIC HEARINGS

**11:15 a.m.** - A public hearing was held to consider an Ordinance amending building fees for Owner/Builder Permits. Present: Full Council, with the exception of Mr. Ranker; Ron Henrickson; Community Development and Planning (CD&P) Director; Rene Beliveau, (CD&P) Department Director/Building Official; Pete Rose, County Administrator (CA); Ann Larson, Clerk to the Council; Lisa Brown, Public Hearings Specialist; and interested members of the public. Mr. Henrickson presented his Staff Report and the proposed ordinance. Mr. Henrickson and Mr. Beliveau answered questions from the Council. Public Testimony was opened, submitted, and closed. Council discussion followed, including additional questioning of Staff regarding the impact on owner builder permits in the “over 2500sf” category. Deliberations were held and the following action was taken:

**Moved by Lichter, seconded by Knapp, to adopt the Ordinance amending Ordinance 49-2007 Regarding Building Fees for Owner/Builder Permits, Reactivation of Expired Permits, and Clerical Services. Motion carried with Peterson opposed.**

**11:45 a.m.** - A public hearing considering the Hearings Examiner Ordinance and Rules of Procedure was continued from June 10, 2008. Present: Full Council, with the exception of Mr. Ranker; Randall Gaylord, Prosecuting Attorney; Pete Rose, County Administrator (CA); Ann Larson, Clerk to the Council; Lisa Brown, Public Hearings Specialist; Bill Nielsen, Hearing Examiner; and interested members of the public. Mr. Gaylord presented his Staff Report and reviewed the Ordinance before the Council, then invited Mr. Nielsen to comment. They answered questions from the Council. Public testimony was opened for the Ordinance portion of the hearing. Public testimony was submitted and closed. Discussion following was favorable with the exception of the inclusion of the reference to “Exhibit A, Hearing Examiner Rules,” and whether the ordinance should be adopted prior to Exhibit A. Discussion regarding the Hearing Examiner Rules followed. Mr. Nielsen objected to

the inclusion of the Affidavit of Prejudice provision and what he believed to be excess structure. Public Testimony was opened regarding Exhibit A. The majority of the attorneys present were in favor of the “red-line/strike-out” version of the “Dufford Rules” submitted by Carla Higginson, although there were concerns regarding jurisdiction on a remand, document submittal deadlines for both parties, and public participation on “site-visits.” Due to time constraints, Mr. Lichter recommended continuation of the Public Hearing. Mr. Rosenfeld inquired if there were additional public comments and several attorneys indicated that they wanted more time. Mr. Gaylord suggested since this was a contested issue that the stakeholders hold a roundtable to resolve the issues and bring the Rules of Procedure back for consideration at a later time, keeping the “Dufford Rules” in place in the meantime. Mr. Rosenfeld then closed public testimony. Deliberations were held and the following action was taken:

**Moved by Peterson, seconded by Knapp, to adopt the Ordinance Amending Sections Hearing Examiner Provisions in Title 2.22 of the SJC Code to Ensure Consistency with the San Juan County Charter and State Law and Adopting Rules of Procedure for the Hearing Examiner, minus the adoption of RULES OF PROCEDURE, and reference to Appendix A, which will be deliberated at a future date. The motion carried unanimously.**

**COUNTY ADMINISTRATOR UPDATE - Briefing on Rech property on Lopez island.**

John Cain, Deputy Prosecuting Attorney, provided an update on the decision of the Shoreline Hearings Board to uphold the HEX determination on an appeal, filed by Mr. and Mrs. Rech, regarding a small parcel of waterfront property they purchased as “unbuildable,” but are seeking variances in order to build on it. He added that they still may attempt an appeal to Superior Court, but isn’t aware of any basis under which they could do so.

**EXECUTIVE/CLOSED SESSIONS**

**12:45 p.m.** – (Commenced at 1:06 due to time constraints.) Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 15 minutes, regarding Real Property Acquisition pursuant to the provisions of RCW 42.30.110(1)(b). Participants: Jon Shannon, Director of Public Works. The session ended at 1:25 p.m. for an actual session time of 19 minutes. No action was taken.

**ADJOURNMENT** - Moved by Lichter, seconded by Myhr, to adjourn the meeting at 1:25 p.m. Motion carried unanimously. The next regular meeting was scheduled for Monday, June 23, 2008, continuing Tuesday, June 24, 2008, with the Council meeting on Orcas Island.

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**COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON**

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Howard Rosenfeld, Chair  
District 3, Friday Harbor

ATTEST: Clerk of the Council

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Gene Knapp, Vice-Chair  
District 5, Orcas East

By: \_\_\_\_\_  
Lisa Brown, Deputy Clerk

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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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Bob Myhr, Member  
District 6, Lopez/Shaw