



## SUMMARY OF THE MINUTES TOWN COUNCIL

Thursday, January 4, 2018 – Council Chambers – Evening Session

### CALL TO ORDER

Mayor Ghatan called the regular session of the Town Council to order at 5:30 p.m.

### ROLL CALL

Councilmembers: Position No. 1, Steve Hushebeck; Position No. 2, Noel Monin; Position No. 4, Tim Daniels; and Position No. 5, Barbara Starr.

Position No. 3, Anna Maria de Freitas, was absent.

Others Present: Mayor, Farhad Ghatan; Town Administrator, Duncan Wilson; Land Use Administrator, Michael Bertrand; and Clerk, Amy Taylor.

### EXCUSED ABSENCE

Council unanimously excused the absence of Councilmember de Freitas.

### FLAG SALUTE

Mayor Ghatan conducted the flag salute.

### PUBLIC ACCESS TIME

No public access was forthcoming.

### PUBLIC HEARING

#### Rezone Application No. 70

At 5:35 p.m., Mayor Ghatan opened the public hearing for consideration of Rezone Application No. 70, a request by Matthew and Maureen Marinkovich for a zoning designation change from Single Family Residential to Multi-Family Residential.

The subject property is identified as tax parcel numbers 351456037. The parcel is located at 740 Park Street. The parcel is approximately .38 acres in size. The San Juan County Assessor's Office describes this parcel as Prices Addn. to FH Replat Lot 37A Sec 14, T 35N, R 3W, records of San Juan County, Washington.

Mayor Ghatan asked if any Councilmember wished to excuse themselves from participating. The Council answered in the negative. The Council stated that no conflicts of interest exist. The Council stated that they could hear the application in a fair and objective manner. Councilmember Daniels stated that he served on the Town Planning Commission during hearings for consideration of Comprehensive Plan Amendments. No other communications were placed on the record.

Mayor Ghatan requested that the Land Use Administrator, Michael Bertrand, present the staff report. In addition to testimony received prior to the hearing (Staff report attachments 4-9), Mr. Bertrand entered the following exhibits into the record:

- Exhibit A – Comments from Applicant received January 4, 2018;
- Exhibit B – Comments from Nate and Elise Strachila received January 4, 2018; and
- Exhibit C – Proposed site plan from Applicant received January 4, 2018.

Staff evaluation was that:

- A. The requested rezone is consistent with the Comprehensive Plan of the Town of Friday Harbor.
- B. The requested rezone is consistent with the Residential classification of the subject property shown on the Amended 2002 Comprehensive Plan Land Use Map.
- C. The Town Council has the authority under Section 20.08.030(c) of the Friday Harbor Municipal Code to review and act on land use rezones.
- D. The parcels immediately surrounding the subject property are primarily Single-Family Residential and one Professional Services parcel. When this parcel was platted years ago, a private road access easement was granted by the parcel to the south that borders Park Street. Changing the zoning to Multi-Family will increase traffic on this access road. The subject parcel borders an unopened alley on the north side that intersects with Marguerite Place, which could be opened up by the applicant to allow access to the property from the west.
- E. The advantage to approving the application is that the community needs more housing units. However, this location has its challenges, including increased traffic through a Single-Family lot and having a daycare to the west and east of the subject parcel could pose conflicts.

Staff recommendation was that based on the above analysis, if the Friday Harbor Town Council approves Rezone Application No. 70 they shall direct staff to prepare Facts and Findings and Conclusions of Law.

Administrator Wilson reiterated that the Applicant needed to provide burden of proof that a rezone was justified.

Mayor Ghatan invited the Applicants to make a presentation.

Matthew Marinkovich explained that the purpose of the request was to add 1-2 small rental units on the parcel. Mr. Marinkovich read his comments that were submitted as Exhibit A.

Maureen Marinkovich assured the Council that if approved, the homes would not be premanufactured. Ms. Marinkovich assured the Council that the homes would be well maintained.

At 6:03 p.m., Mayor Ghatan opened the hearing to public testimony.

Walter MacGinitie, 355 Kilsburrow Road, Owner of 730 Park Street, testified in opposition of the rezone. Mr. MacGinitie stated concerns that if approved, there could be no prediction to the nature or use of dwelling units that someone might install at 740 Park Street. Mr. MacGinitie’s comments were submitted as “Exhibit E”.

Administrator Wilson asked Mr. MacGinitie to clarify select remarks.

Ruth MacGinitie, 355 Kilsburrow Road, Owner of 730 Park Street, testified in opposition of the rezone. Ms. MacGinitie stated concerns regarding privacy, excessive use of the driveway (easement across 730 Park Street for a single family dwelling) and safety. Ms. MacGinitie's comments were entered as “Exhibit F”.

Mimi Wagner, Attorney, testified in opposition of the rezone on behalf of Walter and Ruth MacGinitie. Ms. Wagner summarized that no one is asking the applicant to prove in court that there is a housing shortage, but that the applicant needs to show that conditions have changed since the initial zoning in a way that justifies the rezone request. Ms. Wagner's comments were entered as “Exhibit D”.

Mayor Ghatan asked if there was additional public testimony. Hearing none, Mayor Ghatan opened the testimony portion of the hearing to Council questions.

Administrator Wilson inquired how many trips on the easement would be allowable if rezoned. Mr. Bertrand answered 8-10 trips per dwelling.

Mayor Ghatan inquired about the width of the easement. Mr. Bertrand answered a minimum of 30 feet wide. Mr. Bertrand noted that access potentially available from the alley is too narrow to constitute legal access.

Mr. Marinkovich addressed concerns stated by Walter and Ruth MacGinitie. Mr. Marinkovich stated that the home was for sale at one point; the units would add equity to the property; and that they were willing to address any concerns.

Ms. Marinkovich stated that the neighborhood is comprised of many mixed uses and that “professional services” could have many of the same impacts as multi-family zoning.

At 6:29 p.m., Mayor Ghatan closed the public testimony portion of the hearing and opened it to questions of staff.

Councilmember Daniels asked about the zoning prior to purchase of 730 and 740 Park Street by the MacGinitie or Marinkovich. Administrator Wilson explained that a non-residential designation would have still resulted in a rezoning decision by the Town Council.

Councilmember Monin asked if access could be established through the alley. Mr. Bertrand explained that legal access from Park Street would need to remain because the alley as currently platted would not be wide enough.

Councilmember Hushebeck commented on the unimproved and unopened alley.

Councilmember Starr requested that staff expand on its definition of “burden of proof”. Administrator Wilson cited recent case law.

Councilmember Hushebeck asked about the conditions of the driveway easement through 730 Park Street. Mr. Bertrand stated the easement is perpetual and was platted when the parcels were divided.

At 6:40 p.m., Mayor Ghatan reopened the public testimony portion of the hearing.

Mr. MacGinitie testified that he was assured by Town staff prior to purchasing the lot that 730 and 740 Park Street were zoned single family residential; and to the best of his understanding, the parcels would remain single family residential.

At 6:42 p.m., Mayor Ghatan asked if there was additional testimony from the staff, applicants or audience. Hearing none, the testimony portion of the hearing was closed. Mayor Ghatan opened the hearing to Council deliberations. Councilmembers took turns stating their opinions.

Councilmember Starr stated concerns regarding traffic and safety. Ms. Starr stated that 1) 24-30 vehicle trips per day cannot be mitigated; 2) Daycares in the vicinity pose safety concerns; 3) Multi-family residential zoning will upset the existing single-family zoning; and 4) No changes in circumstances have occurred to warrant a change in zoning. Councilmember Starr stated that the application did not meet the standard for approval. Councilmember Starr stated that she was not inclined to approve the rezone application.

Councilmember Monin stated that he was in agreement with Councilmember Starr’s reasons for denial. Councilmember Monin added that he did not want to create a precedence that would allow “islands of multi-family zoning” (non-contiguous zoning). Councilmember Monin stated that he was not inclined to approve the rezone application.

Councilmember Hushebeck commented that if approved, the rezone would create an unusual placement of multi-family zoning and potential for increased traffic. Councilmember Hushebeck stated that he could not support the application as presented for the variety of reasons previously stated and his own safety concerns.

Councilmember Daniels stated that the best use appears to be related to professional services, based on the existing designation provided in the Town Comprehensive Plan and zoning currently surrounding the parcel. Councilmember Daniels stated that he was not inclined to approve the rezone application.

**Moved by Monin, seconded by Star, to deny Rezone Application No. 70, a request for a zoning designation change from Single Family Residential to Multi-family Residential; and directed staff to prepare Findings of Fact, Conclusions of Law and Decision. Motion passed 4-0 with de Freitas absent.**

At 6:52 p.m., Mayor Ghatan closed the public hearing.

#### **ACTION AND DISCUSSION ITEMS**

##### Committee Liaison Assignments

At 6:53 p.m., Mayor Ghatan introduced discussion of Council liaison assignments for year 2018. The Council discussed which local boards, committees and councils they would represent. No action was taken. [*Clerk’s Note: Clerk Taylor will contact the respective boards by letter.*]

#### **APPROVAL OF MINUTES**

Moved by Starr, seconded by Hushebeck, to approve the minutes of **December 7, 2017 and December 21, 2017 as submitted**. Motion passed 3-0 with Daniels abstained.

#### **FUTURE AND NON-AGENDA ITEMS**

Administrator Wilson noted that he will be unavailable from January 29, 2018 through February 8, 2018.

#### **CITIZEN RESPONSE**

No citizen response was forthcoming.

**ADJOURNMENT** – Hearing no further business and no objection, Mayor Ghatan adjourned the meeting at 7:12 p.m. The next regular meeting is scheduled for Thursday, January 18, 2018 at 12:00 p.m.

**[Clerk’s Note: The regular meeting of January 18, 2018 at 12:00 p.m. was cancelled due to lack of a quorum.]**

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These minutes were approved on [date]. The original document is retained by the Clerk in the Town Council’s permanent records. Attest: Amy Taylor, Town of Friday Harbor Clerk