



SUMMARY OF THE MINUTES TOWN COUNCIL

Thursday, February 20, 2014 – Council Chambers – Evening Session

CALL TO ORDER

Mayor Lacher 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. 3, Anna Maria de Freitas; and Position No. 4, Farhad Ghatan. Position No. 5, Barbara Starr was absent.

Others Present: Mayor, Carrie Lacher; Town Administrator, Duncan Wilson; Attorney, Adina Cunningham and Clerk, Amy Taylor. Treasurer Picinich was absent.

EXECUSED ABSENCE

Mayor Lacher asked if the Council wished to excuse the absence of Councilmember Starr. Council unanimously excused her absence.

FLAG SALUTE

Mayor Lacher conducted the flag salute.

PUBLIC ACCESS TIME

David Harsch, Historical Preservation Review Board Member, encouraged the Council to consider the proposed design and potential impact of the Downriggers site project on the community, and to work with the Port to identify an architectural vision that includes traditional building elements, those more in keeping with the uniquely interesting "brand" that is Friday Harbor. Mayor Lacher thanked Mr. Harsch.

PUBLIC HEARING

Rezone No. 63 – OJC Properties

[Clerk's Note: Video of this of this public hearing shall be available in accordance with State Retention Laws.]

At 5:39 p.m., Mayor Lacher opened the public hearing to consider Rezone Application No. 63 dated October 1, 2013; a request for a zoning designation change from single-family residential to multi-family residential by OJC Properties, Inc; AND public hearing to consider a development agreement associated with Rezone Application No. 63. The subject property is approximately .98 acres in size and identified as Tax Parcel No. 351492004, located at 825 Argyle Avenue.

Mayor Lacher asked if any Councilmember wished to excuse themselves from participating. Council answered in the negative. There was no response to Mayor Lacher's inquiry if anyone objected to her or any Councilmember's participation in the public hearing process. Council responded in the negative to Mayor Lacher's inquiry regarding personal interest in the properties or issue. Council responded in the negative to Mayor Lacher's inquiry regarding personal gain or loss of financial benefit. Council responded in the negative regarding communication with opponents or proponents regarding said application. Council answered in the affirmative regarding hearing and considering the matter in a fair and objective manner.

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49 At 5:41 p.m., Mayor Lacher asked if the proponents if they would like to comment. Stephanie O’day,
50 Applicant, provided a synopsis of the proposed development agreement; and entered Exhibit T
51 (Chapter 17.20 FHMC) into the record. Ms. O’Day stated that the parcel may be legally divided into
52 four single family lots and noted that the proposed agreement provides for a maximum of four
53 clustered homes, additional building setbacks, street improvements, and open space. Ms. O’day urged
54 the Council approve. Ms. O’day stated that the staff recommendation is consistent with the request by
55 OJC Properties and that the O’day family desires to develop the property sensitively and appropriately.

56
57 At 5:56 p.m., Mayor Lacher asked Land Use Administrator, Mike Bertrand, to present the staff report.
58 Mr. Bertrand entered no Exhibits into the record; described the staff evaluation and recommendation
59 pursuant to applicable municipal code.

60
61 Staff evaluation is that the application and development agreement be approved based on the
62 following criteria: 1) the request is consistent with the adopted 2002 Comprehensive Plan; 2) the
63 request is consistent with the residential classification of the subject property on the Amended 2002
64 Comprehensive Plan Land Use Map; 3) the proposal meets all criteria of the FHMC that are most
65 applicable to this proposal.

66
67 Staff recommends that the Council approve Rezone Application No. 63 along with a development
68 agreement that limits the density on this parcel to four dwelling units in addition to the existing
69 structures, and direct staff to prepare Findings of Fact, Conclusions of Law and Decision.

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71 At 5:59 p.m., Mayor Lacher opened the public hearing to Council questions. Mr. Bertrand and staff
72 answered questions regarding lot line restrictions and historical preservation.

73
74 At 6:09 p.m., Mayor Lacher opened the public hearing to audience testimony. Each testimony was
75 afforded three minutes. The following testimony was received:

- 76 1. Bonnie Potter, 822 Argyle Avenue, described care of the gardens.
- 77 2. Katie Loring, Law Offices of Skinner Law, stated that the applicant has not satisfied the burden
78 of proof to justify rezone. Ms. Loring urged the Council to deny the application and agreement.
- 79 3. Joseph Miller, 817 Argyle Avenue, stated opposition to the application. Mr. Miller submitted a
80 written statement for the record (Exhibit U).
- 81 4. Heidi Lewis, 823 Argyle Avenue, read a written statement into the record (Exhibit V) opposing
82 the application.
- 83 5. Sue _____, _____, stated opposition to the application.
- 84 6. Casey Baisch, Baisch Tree Service, testified that the trees located on the property are healthy.
- 85 7. Doris Sumner, 115 Grover Street, read a written statement (Exhibit W) opposing the
86 application.
- 87 8. Katie Loring, Law Offices of Skinner Law, stated that FHMC 17.66.040 (planned residential
88 development) is more appropriate situation for the property and that PRD requires greater
89 setbacks and vegetation buffers. Ms. Loring requested that the Town have Attorney
90 Cunningham review the proposed development agreement for specific issues.

91
92 At 6:38 p.m., Mayor Lacher asked if there was additional comments from Staff or the Applicant.

93
94 Land Use Administrator Bertrand commented that the parcel would not qualify for a planned residential
95 development; and that the parcel complies with current zoning and Town Comprehensive Plan.

96
97 Attorney Cunningham explained the deliberation and decision process; and what determining “burden
98 of proof” by the Council meant. Ms. Cunningham explained that includes showing that circumstances

99 for zoning have changed since the 1979 annexation. Mr. Bertrand described the zoning trend since the
100 light industrial property was zoned in 1979.

101
102 Ms. O’day commented on Ms. Loring’s testimony. Ms. O’day stated that development is inevitable, but
103 OJC Properties is willing to execute a developer agreement to preserve the aesthetic qualities of the
104 property.

105
106 Mayor Lacher asked the audience is there was additional public testimony.

107
108 9. Joe Miller inquired about the comments made regarding footage.

109 10. Heidi Lewis commented about the acreage of the property being less than one acre.

110
111 Mr. Bertrand commented that the staff reports and record regarding Rezone Application No. 63 clearly
112 state that the acreage of the lot is .98 acres.

113
114 At 6:50 p.m., Mayor Lacher asked the audience for additional non-repetitive testimony. Hearing none,
115 Mayor Lacher closed public testimony with the right to reopen; and opened the portion of the hearing
116 for Council deliberations.

117
118 Mayor Lacher requested that the Council consider continuance for deliberations on March 6, 2014 due
119 to Councilmember Starr’s absence. Councilmember Hushebeck stated that the issue was complicated,
120 emotional and worthy of additional deliberations. Councilmember Monin agreed and requested that
121 Council take advantage of Executive Session to discuss legal concerns. Councilmember de Freitas
122 concurred. Councilmember Ghatan stated that it was wise not to rush.

123
124 At 6:55 p.m., Mayor Lacher announced that the Council would be holding an executive session
125 regarding potential litigation in accordance with the provisions of RCW 42.30.110(1)(c); which was
126 estimated to last 15 minutes. Participants: Town Council, Mayor Lacher, Administrator Wilson,
127 Attorney Cunningham and Clerk Taylor. The session ended at 7:10 p.m. for an actual session time of
128 15 minutes. No actions were taken.

129
130 At 6:57 p.m., Mayor Lacher asked the Council if they wished to proceed with deliberations or continue
131 the meeting to a time certain.

132
133 **Moved by Hushebeck, seconded by de Freitas, to continue the public hearing, with written**
134 **public testimony open, until March 6th, 2014 at 5:30 p.m. Motion passed 4-0 with Starr**
135 **absent.**

136
137 Following inquiry from the Applicant and audience, Mayor Lacher explained that the verbal portion of
138 public testimony would remain closed; additional written testimony would be accepted until and close
139 on February 28th at 4:30 p.m.; and the Applicant would have an opportunity to respond to written
140 testimony.

141
142 **FUTURE AND NON-AGENDA ITEMS**

143 Mayor Lacher updated the Council on schedules for ferry related meetings.

144
145 Mayor Lacher added discussion of the Spring Street Landing Building to a future agenda.

146
147 Council consensus to schedule a joint meeting with the Port Commission to discuss the Spring Street
148 Landing project and Port’s Master Plan.

149

150 Mayor Lacher added discussion of the request by the Friday Harbor Food Bank to a future agenda.

151

152 **CITIZEN RESPONSE**

153 No citizen response was forthcoming.

154

155 **ADJOURNMENT** – Hearing no further business and no objection, Mayor Lacher adjourned the
156 meeting at 7:28 p.m. The next regular meeting is scheduled for Thursday, March 6, 2014 at 12:00
157 p.m.

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160 **These minutes were approved on March 6, 2014. The original document is retained by the**
161 **Clerk in the Town Council’s permanent records. Attest: Amy Taylor, Town of Friday**
162 **Harbor Clerk**