



## SUMMARY OF THE MINUTES TOWN COUNCIL

**Thursday, March 6, 2014 – Council Chambers – Evening Session**

### CALL TO ORDER

Mayor Pro-tem Hushebeck 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; Position No. 4, Farhad Ghatan and Position No. 5, Barbara Starr.

Others Present: Town Administrator, Duncan Wilson; and Clerk, Amy Taylor. The Town Attorney was present by phone.

Treasurer, Wendy Picinich and Mayor, Carrie Lacher were absent. Councilmember Hushebeck acted as Mayor Pro-tem for the session.

### FLAG SALUTE

Mayor Pro-tem Hushebeck conducted the flag salute.

### ANNOUNCEMENTS/SCHEDULE CHANGES

Mayor Pro-tem Hushebeck announced that the agenda was revised to include business that was postponed from the afternoon session.

### PUBLIC ACCESS TIME

No public access was forthcoming.

### 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 5:35 p.m., Mayor Pro-tem Hushebeck opened the continued 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 proposed developer agreement. The subject property is approximately .98 acres in size and identified as Tax Parcel No. 351492004, located at 825 Argyle Avenue.

Mayor Pro-tem Hushebeck asked if any Councilmember wished to excuse themselves from participating. Council answered in the negative. There was no response to Mayor Hushebeck's inquiry if anyone objected to his or any Councilmember's participation in the public hearing process. Council responded in the negative to Mayor Hushebeck's inquiry regarding personal interest in the properties or issue. Council responded in the negative to Mayor Hushebeck'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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50 Mayor Pro-tem Hushebeck explained that the public testimony portion of the hearing was closed. New  
51 Exhibits received for public testimony prior to the hearing were entered as follows:  
52 X. Letter by Katie Loring, Skinner Law Offices, dated February 28, 2014; Y. Letter by Linda and Gary  
53 Thomsen dated February 21, 2014; Z. Letter by Joseph Miller dated February 28, 2014; AA. Letter  
54 by Doris Sumner dated February 28, 2014; and BB. Response to testimony by OJC Properties  
55 (Applicant) dated March 4, 2014. (No additional exhibits were entered during the course of the  
56 hearing.)  
57  
58 Mayor Pro-tem Hushebeck opened the hearing to Council deliberations.  
59  
60 Councilmember Monin stated that he found the application acceptable because the development  
61 agreement exceeds what was assured in the original staff report; and the Applicant is willing to abide  
62 by conditions to address community concerns. In addition, the Town Comprehensive Plan is a planning  
63 document (not a legally binding document) and the application with the proposed conditions fits the  
64 spirit of the Plan. Councilmember Monin stated that the rezone fits with the current transitional zone.  
65  
66 Councilmember de Freitas stated agreement with Councilmember Monin’s comments. Councilmember  
67 de Freitas added that change is difficult, however the development agreement sets boundaries on the  
68 unknowns and provides for other benefits.  
69  
70 Councilmember Ghatan stated that knowing what the development is going to be is better than not  
71 knowing.  
72  
73 Councilmember Starr stated that there were compelling arguments for approval and denial of the  
74 application. The Applicants met the burden of proof and the public have valid concerns regarding the  
75 neighborhood. Councilmember Starr stated that she was inclined to support the rezone but concerned  
76 about the conditions; and that further compromise was needed.  
77  
78 Mayor Pro-tem Hushebeck stated that the choices presented were either four SFR lots with no  
79 development control or an agreement that saves a historical building, garden and planned clustering.  
80 Mayor Pro-tem Hushebeck stated the he was inclined to approve the rezone because the request  
81 complies with the spirit of the Comprehensive Plan; demonstrates the burden of proof by the applicant;  
82 and complies with municipal code.  
83  
84 Councilmember Ghatan stated that the Council could amend the developer agreement to clarify  
85 setback language. Councilmember Monin stated that he was concerned and opposed to locking a  
86 parcel into a condition that may not fit our comprehensive planning in fifty years. Administrator Wilson  
87 clarified that restrictions are set on the property in perpetuity, however may be changed if the owner  
88 desired to go through the rezone process.  
89  
90 Councilmember Ghatan and Starr asked about requiring additional setbacks. Stephanie O’day,  
91 Applicant, identified the setbacks on the sitemap in relation to the neighboring houses and commented  
92 that the setbacks are greater than what is required in the neighborhood. Ms. O’day commented that  
93 the Lewis property is on the opposite side of the green space. Councilmember Monin commented that  
94 the Applicant has given more than fair concessions. Discussion and inquiry followed regarding an  
95 additional five foot setback. Councilmember Starr commented that she would rather see less open  
96 space in exchange for additional buffers. Councilmember de Freitas stated that the Council can only  
97 legislate over the property owner so far.  
98

99 **Moved by Monin, seconded by Ghatan, to conditionally approve Rezone Application No.**  
100 **63, a request for a zoning designation change from SFR to MFR, subject to the developer**  
101 **agreement and its revisions; and direct staff to prepare Facts and Findings and**  
102 **Conclusions of Law. Motion passed unanimously.**

103  
104 **Moved by de Freitas, seconded by Monin, to approve the development agreement for**  
105 **Rezone Application No. 63 with revisions (clarification language regarding 15’ setbacks).**  
106 **Motion passed unanimously.**

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108 **ACTION AND DISCUSSION ITEMS**

109 At 6:18 p.m., Administrator Wilson provided an update of the following:

- 110 • Flight Path Survey – The FAA has identified a Douglas Fir tree at the Town Shop to be  
111 removed.
- 112 • Vandalism – A reward fund has been created for the recent vandalism event.
- 113 • Blair Street – Town continues to gather property dedications for the project.
- 114 • Interagency Agreement – The State has provided a gratis agreement for an energy audit of  
115 Town. **Moved by Starr, seconded by de Freitas, to authorize the Mayor to execute an**  
116 **Interagency Agreement with the Department of Enterprise Services to furnish the**  
117 **necessary personnel and services to identify appropriate energy conservation**  
118 **measures and estimate cost savings. Motion passed unanimously.**
- 119 • Tourism Plan – A draft letter was distributed concerning the proposal from Roger Brooks for  
120 development of a Town Tourism Plan. **Council consensus that the letter adequately**  
121 **express Council concerns regarding the deliverable outlined in the proposal.**
- 122 • Spring Street Water Sewer Replacement Project – The construction is fifty percent finished.
- 123 • Blair Street Improvement Project – Town may be required to install new sewer instead of CIPP  
124 because of the depth of existing pipe.
- 125 • Linder Street Drainage Project – Public Works is designing drainage improvements for the area.

126  
127 **MINUTES**

128 Moved by Monin, seconded by de Freitas, to approve the minutes of February 20, 2014 as presented.  
129 Motion passed 4-0 with Starr absent.

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131 **CITIZEN RESPONSE**

132 No public comment was forthcoming.

133  
134 **FUTURE AGENDA ITEMS**

135 Council discussed the sustainable funding bill for Washington State Ferries.

136  
137 Councilmember Monin requested that the law enforcement contract rates be added to a future agenda.

138  
139 **ADJOURNMENT** – Hearing no further business and no objection, Mayor Pro-tem Hushebeck  
140 adjourned the meeting at 6:45 p.m. The next regular meeting is scheduled for Thursday, March 20,  
141 2014 at 12:00 p.m.

142  
143 \* \* \* \* \*

144 **These minutes were approved on March 20, 2014. The original document is retained by**  
145 **the Clerk in the Town Council’s permanent records. Attest: Amy Taylor, Town of Friday**  
146 **Harbor Clerk**