

Town Council – July 28, 2005 @ 5:30 PM

Mayor Boothman called the Town Council meeting to order. The Town Council met in continued session for a joint meeting with the Town Planning Commission to hear public testimony regarding proposed 2005 revisions to the 2002 Comprehensive Plan, Development Regulations and the Comprehensive Land Use Map, including an Airport Overlay District.

Councilmembers present: Brooks, Emery, Gillette, Jones, & Rosenfeld (arrived late)
Planning Commission members present: Arnold, Coyne, Cross, Gilson, Illg, Iverson, & Serna
Others present: Town Administrator Fitch, Attorney Eaton, Land Use Administrator Bertrand and Planning Commission Recording Secretary Zalmanek

Chair Coyne, called the Planning Commission meeting to order and requested roll call. Those present: Laura Arnold, Claudia Cross, Mike Coyne, Betty Gilson, Liz Illg, Jeff Iverson, and Karina Serna.

Public Hearing for the 2005 Revisions to the 2002 Comprehensive Plan

Planning Commission Chair Coyne deferred the chairmanship of the meeting to Planning Commission Vice Chair, Jeff Iverson.

Chair Iverson asked but did not receive any audience objections to his or any Planning Commission or Town Council members' participation in the public hearing. Chair Iverson asked the Planning Commission and Council standard public hearing procedural questions regarding personal interests; financial gain/loss; and fair and objectiveness. Negative answers were given regarding interests, financial gain/loss; and affirmative answers given in regards to being fair and objective.

At 5:36 PM, Chair Iverson opened the public hearing and asked Land Use Administrator Bertrand to describe the subject matter. Mr. Bertrand gave an outline of the proposed changes and described communications received since the distribution of the staff report dated 7/20/05. Mr. Bertrand entered into the record Exhibits A-G.

Town Administrator Fitch explained various corrections and revisions to said staff report as distributed.

Land Use Administrator Bertrand described the location and properties that have submitted requests to be reclassified during this Comprehensive Plan amendment process and the staff recommendations regarding each request.

- Guard Street properties near San Juan Island Library. Request by Kent Meeker. Request to be reclassified from professional services to commercial. Staff recommended denial.
- Park Street properties between Price and Marguerite Street. Request by William Pierson, Marian Weber, Gary & De Ette Bryant, and Ralph Long. Request to be

reclassified from single family residential to professional services. Staff recommended approval.

- Addition of Airport Overlay District. Request by Port of Friday Harbor. No staff recommendation given at this time.

At 5:46 PM, Chair Iverson opened the meeting to public input.

(All public input is on audio tape for this meeting. A brief summary of public input is below. For a more extensive written description of public testimony, exhibits received, and discussion held, please refer to the Planning Commission minutes for this meeting.)

Greg Hertel, Port of Friday Harbor Commissioner, announced that the Friday Harbor Airport underwriters, the Federal Aviation Administration (FAA), have advised the Port not to support the Airport Overlay District as proposed. Mr. Hertel elaborated that the FAA does not support the Washington State Department of Transportation's (WSDOT) methodology regarding zoning for safety around airports.

At 5:49 PM, Chair Iverson asked that public input be limited to five minutes and in an effort to facilitate the public hearing in an efficient manner, Chair Iverson asked for public input concerning only the Guard Street reclassification request.

Kent Meeker, San Juan County resident, spoke in favor of the Guard Street properties reclassification request from professional services to commercial.

Attorney Eaton described process and procedures in regards to the differences between a reclassification change to the Comprehensive Plan Map and a rezone request to the Land Use Map. Mr. Eaton explained how the Comprehensive Plan Map is used for long range future planning, whereas the Zoning Map controls the current use of property.

At 5:58 PM, Ron Vincelle, Friday Harbor, spoke against the Guard Street properties reclassification request.

Paul Dossett, Friday Harbor, spoke against the Guard Street properties reclassification request.

No further comments regarding Guard Street were offered. Chair Iverson opened comments in regards to the Park Street reclassification request.

De Ette Bryant, property owner on Park Street, spoke in favor of the Park Street properties reclassification request from single family residential to professional services.

At 6:07 PM, hearing no further comments regarding Park Street, Chair Iverson opened public comments in regards to the proposed Airport Overlay District.

Ed Foster, representative from the Catholic Archdiocese in Seattle, indicated that the Friday Harbor Catholic Church, Saint Francis, is currently involved with facility planning

and requested any decision regarding said proposed District be delayed 90 days. Mr. Foster entered a petition into the record; Exhibit H.

Norma Barrett, St. Francis parishioner, commented on the shortness of the public notice given; the Catholic Church's community character; and asked that the decision regarding an Airport Overlay District be delayed for 90 days or dismissed entirely.

Stephanie O'Day, Friday Harbor, opposed the single family/industrial split zone of property located on Mullis Street within the proposed Airport Overlay District and submitted a map of said property on Mullis, Exhibit I (Clerk's note: Exhibit I was later disqualified by Attorney Eaton for entry). Ms. O'Day suggested deleting proposed language in the Airport Overlay District in regards to limiting indoor assemblies that have occupancy above 40 people per acre. Ms. O'Day asked Mr. Bertrand to explain grandfathered uses and the balancing of interests.

Land Use Administrator Bertrand explained that the WSDOT came to Friday Harbor and gave a presentation regarding an Airport Overlay District with the Town Council and Port Commissioners in attendance. Mr. Bertrand explained the different options available on how to implement zoning that discourages incompatible uses near the airport. Mr. Bertrand explained how the "grandfathered clause" would affect several churches and schools within the proposed Airport Overlay District.

Walt MacGinitie, San Juan County resident, opposed the proposed Airport Overlay District.

Greg Davis, Friday Harbor resident, objected to the map submitted by Stephanie O'Day because he felt it related to a previous public hearing that has been closed.

Attorney Eaton indicated he needed time to review said map and determine whether or not it was relevant to the present public hearing.

Bob Nieman, San Juan County resident, asked that the Catholic Church's request for a delay be granted.

Richard Hobbs, San Juan County resident, stated appreciation for the work done by staff.

Kris DayVincent, San Juan Historical Museum, commented that the inadequate timeframe between receipt of the public notice and the public hearing did not leave enough time to investigate the impacts of the proposed Airport Overlay District to said Museum. Ms. DayVincent asked for additional time to reflect on further questions.

Howard Schonberger, San Juan County resident, encouraged delaying the decision and giving the public more time to investigate.

David Eden, St. David Episcopalian Church, supported a delay and indicated that the 40 people per acre proposed restriction would impact the Episcopalian Church because it has grown 300% in recent years

Steve Simpson, Port Director, admitted that the Port of Friday Harbor did encourage the Town to get involved with an Airport Overlay District, but the Port's concern was noise, not safety. Mr. Simpson stated that the Friday Harbor Airport is not a general aviation airport, but a non-hub primary airport. Mr. Simpson explained that airport safety is controlled by the FAA, and safety zones have already been established at Friday Harbor Airport and more safety zones are not necessary. Mr. Simpson encouraged joint planning between the Town and Port regarding an Airport Overlay District. Mr. Simpson entered letters from the Washington Airport Managers Association, marked Exhibit J.

Margaret Hall, Friday Harbor resident, opposed said proposed District and commented that the San Juan Community Theatre did not receive a notice regarding the public hearing. Ms. Hall opposed the devaluing of the property within said District.

Mike Carlson, San Juan County resident, stated that because the Friday Harbor Airport is not a general aviation airport, but a non-hub primary airport, he felt the Town had latitude to do nothing at this time.

Nancy Tiederman, San Juan County resident, supported delaying a decision so that more time could be taken to consider the implications of the restrictions within said District.

At 6:49 PM, Greg Hertel, Port Commissioner, explained the Port of Friday Harbor's position regarding surrounding airport zoning and allowable uses and asked the Town to eliminate safety zoning restrictions.

Valerie Turner, San Juan County resident, stated that testimony has been given that an Airport Overlay District is not needed due to safety issues, and that anyone you builds or buys near an airport should be aware of the noise issue. She asked what prompted this proposal.

Bruce Hoeller, San Juan County resident, questioned whether or not the Town has considered compensating property owners for the downzoning of their land, should this District be adopted.

Attorney Eaton, responding to Greg Davis' objection regarding Exhibit I that was entered by Stephanie O'Day, deemed that said Exhibit was not relevant to tonight's public hearing and therefore should not be admitted into the record and should be disregarded by the Planning Commission and Town Council.

At 6:56 PM, Chair Iverson asked for additional non-repetitive public input. None was forthcoming. Chair Iverson opened the public hearing to Council and Planning Commission questions.

Councilmember Brooks inquired about the impacts to the Town if an Airport Overlay District was not adopted. Land Use Administrator Bertrand responded that there would be no impact to the Town. Attorney Eaton elaborated that a delay of a decision regarding said issue was essentially a vote in opposition to approve said District within this year's Comprehensive Plan amendment process, as a delay would put the Town outside of its September deadline to pass amendments to the Comprehensive Plan. Following clarification by Councilmember Brooks, Attorney Eaton responded that, in his legal opinion, the Town has no obligation to adopt an Airport Overlay District.

Commissioner Arnold inquired if the Town would have exposure with the Growth Management Hearings Board for being out of compliance with state laws if said District was not adopted. Attorney Eaton responded that he felt the Town had sufficient public input against said District to support the Town not adopting or delaying an adopting regarding an Airport Overlay District, should that decision be made.

Commissioner Illg asked the difference between a general aviation airport and a non-hub primary airport. Attorney Eaton pleaded lack of knowledge. Commissioner Coyne asked Port Director Simpson to answer said inquiry. Mr. Simpson explained the differences between the two airport designations.

At 7:03 PM, Commissioner Illg asked Mr. Simpson to summarize the history of accidents at the Friday Harbor Airport. Mr. Simpson answered that since the new airport was built in 1986 to FAA standards there has not been any serious accidents.

Commissioner Cross asked which set of laws, FAA or state law, would have priority over the other. Attorney Eaton indicated he did not know, but would investigate further. Mayor Boothman asked Attorney Eaton to also investigate whether or not Friday Harbor Airport was subject to the state laws regarding Airport Overlay Districts because it was not a general aviation airport.

At 7:06 PM, hearing no further comments from the public, members, or staff, Chair Iverson closed the public input portion of the meeting.

Mayor Boothman declared the Town Council portion of the meeting adjourned.

Gary G. Boothman, Mayor

Kelle Wilson, Town Clerk