



SUMMARY OF THE MINUTES TOWN COUNCIL FRIDAY HARBOR, WASHINGTON

Thursday, July 19, 2007 – Town Council Chambers –Evening Session

CALL TO ORDER

The Town Council met in regular session with Mayor Jones presiding. Mayor Jones called the meeting to order at 5:30 p.m.

ROLL CALL

Council members: Gillette, Brooks, Balcomb-Bartok, and Emery.

Others Present: Mayor, David Jones; Town Administrator, C. King Fitch; Attorney, Don Eaton; and Clerk, Amy Taylor. Treasurer, Wendy Picinich was not present.

EXCUSED ABSENCES

Mayor Jones asked the Council if they wished to excuse Ms. Illg. Council unanimously approved her absence.

Mayor Jones conducted the flag salute.

PUBLIC ACCESS TIME

There were no public access items forthcoming.

PUBLIC HEARINGS/MEETINGS/WORK SESSIONS

Public Hearing – Vacation Application No. 21:

At 5:33 p.m., Mayor Jones opened the public hearing to consider Vacation Application No. 21, a petition by the Port of Friday Harbor (PFH) to vacate a portion of Court Street right-of-way.

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

Mayor Jones asked Land Use Administrator, Mike Bertrand to present the staff report. Mr. Bertrand reminded the Council that the vacation relates to the Public Hearing on June 21, 2007 regarding the Shoreline Management Substantial Development Permit Application No. 85 and SEPA Checklist No. 280; and, that development of the proposed building is subject to the approval of this application. He entered the following exhibits into the record: Exhibit A – Revised map depicting staff recommendation; Exhibit B – Enlarged conceptual drawing of the proposed building; and, Exhibit C – Map depicting proposed relocation of the existing sewer main. Mr. Bertrand explained Staff recommendations and conditions are as follows:

- Public and rooftop areas of the building proposal must be available to the public on a 24 hour basis to offset loss of public views, with the exception of occasional "event permits"; and
- An adequate 10 foot wide easement granted to, and approved by the Town, to allow pedestrian traffic from the existing stairway / sidewalk, through the area of the proposed parking lot to the right of way on Front Street; and

- 49 • PFH must relocate at their expense the existing 8 inch sewer main and dedicate to the Town a
50 20 foot wide utility easement prior to the issuance of any building permits; and
51 • PFH and Town will negotiate an appropriate value of said vacated land prior to the
52 relinquishment of any Town owned right-of-way; and
53 • PFH and American Legion Post 189 (Legion) will enter into a covenant/agreement for a
54 construction setback easement; and
55 • PFH will seek incentives with the Historical Preservation Review Board and conform to their
56 standards and guidelines.
57

58 Mr. Bertrand then introduced Marilyn O'Conner, PFH Representative.
59

60 Ms. O'Conner explained the PFH has reviewed and agrees to conditions as listed; however has three
61 points of concern. Ms. O'Conner expressed the PFH would like an exception made to the 24 hour
62 access to the rooftop and public viewing areas. She stated she has been talking with the Town
63 Administrator about the possibility of securing event permits for limited private use of the rooftop area.
64 The second issue was the cost of vacated land, noting the PFH rather invest as much funding as
65 possible into overall improvements. The third was the PFH's desire to explore a joint agreement with
66 the Town for long-term maintenance of the public areas.
67

68 Mayor Jones opened the public hearing to audience comments.
69

70 Misty Todd, owner of 151 West Street Project, was concerned that maybe a double-standard was
71 occurring in the vacation process commenting on her own experience when she applied for a vacation
72 for a portion of West Street.
73

74 Carla Higginson, Legal Counsel for the Legion, spoke in favor of the construction setback condition
75 citing examples by which "damages" to the Legion can be mitigated or eliminated.
76

77 Steve Simpson, PFH representative, commented on the agreement for construction setback; Ms.
78 Todd's statement; and assured the Council of the PFH's intent to have as much of the project available
79 to the public as possible.
80

81 No further public testimony was forth coming at this time.
82

83 Administrator Fitch and Mr. Eaton commented on the negotiation process the Town and PFH will
84 undergo. Mayor Jones opened the hearing to Council questions.
85

86 At the request Councilmember Emery, Administrator Fitch explained the spirit of the conversation with
87 Ms. O'Conner relating to event permits.
88

89 Councilmember Balcomb-Bartok sought clarification on construction setback easements vs. air-right
90 easements. Mr. Bertrand explained they were one in the same.
91

92 Councilmember Brooks inquired if a lease option in lieu of vacation had been explored; requested staff
93 to indicate the walking path on Exhibit B; identify where the sewer main originates from on Exhibit C;
94 and how the funds from the sale of the right-of-way will be allocated. Mr. Fitch explained the Town was
95 not approached with the option of leasing the right-of-way and that the funds will be allocated in
96 accordance with RCW 35.79.030. Mr. Eaton explained that while possible, a lease option was not
97 practical as the Town requires strict conditions on leases and the portion the Council is considering to
98 vacate is a dedicated street right-of-way which the Town has no intention of developing for its intended
99 purpose.
100

101 Councilmember Gillette addressed the differences between the West Street Project and the PFH
102 Proposal. He commented on parking availability and his desire to have the Town earmark funds to
103 develop a parking area or building.

104
105 At the request of Mayor Jones, Mr. Eaton listed the Council's options for this proposal and next steps
106 should they approve the application.

107
108 Mayor Jones asked for additional audience comments.

109
110 Ms. Higginson repeated the Legion's concern regarding the need for the construction setback
111 condition.

112
113 Ms. O'Conner commented on the PFH's long-term intention of constructing two-story parking over the
114 existing upper parking lot. She further commented the PFH has no intention to sell property and the
115 intent of the proposed building is to house U.S. Customs and accommodate PFH employee space
116 needs.

117
118 Steve Simpson added to Ms. O'Conner's comments stating the PFH does have a policy not to surplus
119 property and the current facilities are inadequate for their needs.

120
121 At 6:18, Mayor Jones closed the public input portion of the hearing, reserving the right to reopen if
122 needed, and opened Council deliberations. Mayor Jones requested Mr. Bertrand to repeat the
123 recommended conditions. Councilmembers took turn expressing their views of the application.

124
125 **Moved by Balcomb-Bartok, by seconded Emery, to adopt the staff report for Vacation**
126 **Application No. 21, a request to vacate a portion of Court Street right-of-way, subject to the**
127 **conditions listed above; and, direct staff to prepare Findings of Fact and Conclusions of Law.**
128 **Motion Passed Unanimously.**

129
130 Public Hearing – Rezone Application No. 54:

131 At 6:30 p.m., Mayor Jones opened the public hearing to consider Rezone Application No. 54, a request
132 by Dorothy and Katharine Sears for a zoning designation change from Single Family Residential to
133 Professional Services for tax parcel no. 351456027, located at 775 Park Street.

134
135 Mayor Jones asked if any Councilmember wished to excuse themselves from participating. Council
136 answered in the negative. There was no response to Mayor Jones' inquiry if anyone objected to his or
137 any Councilmember's participation in the public hearing process. Council responded in the negative to
138 Mayor Jones' inquiry regarding personal interest in the properties or issue. Council responded in the
139 negative to Mayor Jones' inquiry regarding personal gain or loss of financial benefit; and
140 communication with opponents or proponents regarding said permit. Council answered in the
141 affirmative regarding hearing and considering the matter in a fair and objective manner.

142
143 Mayor Jones asked Mr. Bertrand to present the staff report. Mr. Bertrand commented on the
144 Professional Services designation and requested to defer further comment until Council inquiry. Mr.
145 Bertrand introduced Christopher Hodgkins, Agent for the Proponents.

146
147 Mr. Hodgkins submitted a letter as Exhibit A, authorizing him to act as Agent. Mr. Hodgkins described
148 the parcel, neighboring businesses and the Sears' project of opening a private school.

149
150 At 6:32 p.m., Mayor Jones opened the public hearing to audience comments. Noting there were no
151 members of the public present.

152

153 Councilmember Emery inquired whether public transportation was available and if there would be an
154 impact to the neighborhood from increased traffic. Mr. Hodgkin's described the parking layout of the
155 parcel and that he believed an increase in traffic would be minimal.

156
157 Councilmember Balcomb-Bartok inquired why the Sears' were seeking to rezone the property after they
158 began the process of establishing the business. Mr. Hodgkins explained it was solely a timing issue
159 and that the parcel was the second choice for location. The property suddenly became available after
160 the Sears were unable to purchase a different property. On that basis, they submitted the application
161 for rezoning four days before the closing of said property. Councilmember Balcomb-Bartok thanked Mr.
162 Hodgkins for the explanation noting the importance of "not taking Step D before Step C."

163
164 Councilmember Brooks reviewed the surrounding zoning and the proper zoning for a school with Mr.
165 Bertrand.

166
167 At 6:55 p.m., Mayor Jones closed the public input portion of the hearing, reserving the right to reopen if
168 needed, and opened Council deliberations.

169
170 Councilmember Emery repeated concerns over traffic impacts in the neighborhood. There was no
171 other Council discussion.

172
173 **Moved by Gillette, by seconded Balcomb-Bartok, to adopt the staff report for Rezone**
174 **Application No. 54, a request for a zoning designation change from Single Family Residential to**
175 **Professional Services; and, direct staff to prepare Findings of Fact and Conclusions of Law.**
176 **Motion Passed Unanimously.**

177
178 Public Hearing – Rezone Application No. 55:
179 At 6:57 p.m., Mayor Jones opened the public hearing to consider Rezone Application No. 55, a request
180 by the PFH for a zoning designation change from the Commercial Zone to Public Services Zone for tax
181 parcel no. 351491902, located at 728 Airport Circle Drive.

182
183 Mayor Jones asked if any Councilmember wished to excuse themselves from participating. Council
184 answered in the negative. There was no response to Mayor Jones' inquiry if anyone objected to his or
185 any Councilmember's participation in the public hearing process. Council responded in the negative to
186 Mayor Jones' inquiry regarding personal interest in the properties or issue. Council responded in the
187 negative to Mayor Jones' inquiry regarding personal gain or loss of financial benefit; and
188 communication with opponents or proponents regarding said permit. Council answered in the
189 affirmative regarding hearing and considering the matter in a fair and objective manner.

190
191 Mayor Jones asked Mr. Bertrand to present the staff report. Mr. Bertrand described the property in
192 question and nature of the application. No exhibits were submitted. In response to Councilmember
193 Brooks, Mr. Bertrand explained that the change in zoning would provide consistent zoning in the area.
194 Mr. Eaton elaborated that the Town neglected to rezone this parcel with the other Airport parcels during
195 the previous updates to the 2002 Comprehensive Plan; and therefore, he was of the opinion the
196 request is consistent and appropriate. Mr. Bertrand noted that currently the Town may not consider any
197 requests for improvements to existing hangers or buildings on the parcel due to the lack of the
198 appropriate Public Service zoning.

199
200 Mayor Jones opened the public hearing to audience comments. No proponents or public were present.

201
202 At 7:08 p.m., Mayor Jones closed the public input portion of the hearing and opened Council
203 deliberations.

204
205 Councilmember Brooks commented that she agreed the zoning was appropriate. Council concurred.

206

207 **Moved by Gillette, by seconded Balcomb-Bartok, to adopt the staff report for Rezone**
208 **Application No. 55, a request for a zoning designation change from Commercial Zone to Public**
209 **Services Zone; and, direct staff to prepare Findings of Fact and Conclusions of Law. Motion**
210 **Passed Unanimously.**

211
212 **NON-AGENDA ITEMS**

213 Revision to Commercial Loading/Parking Signage to Include Taxis

214 Administrator Fitch cautioned the Council that this complex recurring issue will result in a broad and
215 publicly impassionate discussion. He encouraged the Council to read of FHMC Title 12 and decide
216 which forum they would like to follow. He explained that some of the issues are: what constitutes a
217 “taxi”; the intent of the request; and, weighing the needs of citizens vs. a private vender. He noted that
218 if the Town designated limited parking spaces for taxies, there would not be a sufficient number to
219 satisfy the need for all vendors. Discussion followed.

220
221 **CITIZEN’S RESPONSE**

222 Pamela Fitch expressed apprehensions, in relation to the July 19, 2007 afternoon
223 presentation/discussion, regarding public trails surrounding the Town’s watershed area. Noting that
224 Friday Harbor is expanding as an international checkpoint, she asked the Council to exercise prudence
225 as to who have access to our public drinking water supply.

226
227 **ADJOURNMENT** – Hearing no further business and no objection. Mayor Jones adjourned the meeting
228 at 7:18 p.m.

229 * * * * *

230 **These minutes were approved on August 2, 2007. The original signed document is retained by**
231 **the Clerk in the Town Council’s permanent records. Attest: Amy Taylor, Town of Friday Harbor**
232 **Clerk**