

PORT DISTRICT OF SOUTH WHIDBEY ISLAND

Minutes of the Special Meeting:

Public Hearing on Comprehensive Scheme of Harbor Improvements 2007-2013

June 20, 2007

Freeland, Washington

Present at the meeting were:

Commissioner Geoff Tapert, Freeland
Commissioner Rolf Seitle, Langley
Commissioner Lynae Slinden, Clinton
Ed Field, Port Manager
Molly MacLeod-Roberts, Port Clerk

Rich Parker, Comp Scheme Fac./Ed.
Fred Lundahl, Whid. Is. Sea Kayakers (WISK)
Ed Severinghaus, WISK
Michael Nutt, Langley Resident
Diane Kendy, Langley Resident
Nancy Waddell, Maxwellton Community Club
Dave Hoogerwerf, Clinton Resident
Joel Shrut, Clinton Resident
Ed Young, WISK
Ken Biddle, WISK
Sue Ellen White, WISK
Dennis Gregoire, Comp Scheme Fac./Ed.
Jeff VanderFord, South Whidbey Record
Frankie Petitclerc, Langley Resident
Bill Swahlen, WISK
Drew Dixon, WISK
Mira Steinbrecher, WISK
Kelly Keith, Greenbank Resident

Absent: None

1. MEETING CALL TO ORDER:

The Special Meeting of the Port District of South Whidbey Island’s Board of Commissioners was convened on June 20, 2007, in the Community Building at the Trinity Lutheran Church in Freeland, WA. Commissioner Tapert, President, called the meeting to order at 7:07 p.m. As announced, this Special Meeting was designated as the Public Hearing for the Port’s draft “Comprehensive Scheme of Harbor Improvements, 2007-2013.”

2. REVIEW OF COMPREHENSIVE SCHEME:

Commissioner Tapert asked Rich Parker, Comp Scheme Facilitator/Editor to speak. Parker explained that this meeting was convened as a Public Hearing to discuss the draft Comprehensive Scheme for Harbor Improvements 2007-2013 (**EXHIBIT A**), and the Commissioners would be hearing and discussing comments from the public. Commissioner Tapert then asked each individual on the sign-in sheet if they had any comment.

A. Fred Lundahl, Whidbey Island Sea Kayakers (WISK): No comment.

B. Ed Severinghaus, Langley Resident: No comment.

C. Michael Nutt, Langley Resident: No comment.

D. Diane Kendy, Langley Resident: Kendy said she was concerned that the Port is going to easy on the float planes. She is leery of them and thinks noise ordinances should first be in place

E. Nancy Waddell, Maxwellton Community Club: No comment.

F. Dave Hoogerwerf, Clinton Resident: Hoogerwerf explained he was present to listen and see if he had any comment. The only area of concern he has is the process of deciding which parks are appropriate for overnight parking and overnight stays.

G. Comp Scheme and SEPA Process: In response to a question from the public, Parker explained that the Port is not prepared to respond to individual SEPA comments at this point. He said there will be a full SEPA-format response to comments issued in 7 days. After that, there is a 14-day window for appeal before the Comprehensive Scheme is to be adopted, on July 11, 2007 (tentatively). Waddell asked how the public would know about any changes made. Commissioner Tapert explained the Comp Scheme would be available on-line, or a hard copy could be obtained at the Port office. Dennis Gregoire, Comp Scheme Fac/Ed, suggested that since the Port had the addresses of all the public attending, copies of the response could be mailed to them. Commissioner Tapert agreed that anyone who had commented could receive a copy in the mail or via email, but the final distribution plan was not determined, as it was noted that website posting was more cost-efficient. Parker asked if there were any other questions about the process or comments from public. Parker went on to say there were comments from the Commissioners to be discussed, and this Public Hearing was their first official opportunity to present their comments to the public. Parker asked if Commissioner Tapert had any comments at this time; he said he did not. Commissioner Seitle said most of his comments had to do with form and grammar, and he didn't feel the need to go through every one of his comments during this hearing. Commissioner Slinden said she had received the list of Commissioners' comments that afternoon and she would like to have a separate Meeting in workshop format to discuss them. Commissioner Seitle agreed. Commissioner Slinden said this Hearing could be for public comments only and the Commissioners' comments could then be reviewed in a workshop Meeting prior to the next Regular Meeting on July 11, 2007. Parker said if a SEPA response is to be sent within the next 7 days, the Port Commission would need to have its workshop before then. Parker said any changes to the Comp Scheme would need to be addressed in the SEPA response. Dennis Gregoire said there is an appeal process that is somewhat undefined. He thinks the initial appeal goes back to the Port Commission. Parker and Gregoire explained the process further. Jeff VanderFord, South Whidbey Record, asked what the difference is between a Comp Scheme and a Comp Plan. Commissioner Tapert explained they are similar, but a Comp Scheme is consistent the RCWs specifically written for ports. Gregoire added that ports have total discretion with Comp Schemes, whereas cities and their Comp Plans do not, as cities are subject to the Growth Management Act (GMA). He said that the Port must comply with the city and county Comp Plans, but the Port process is not directly governed by the GMA process.

Commissioner Tapert asked if it would be feasible to have a discussion during the July 11 Regular Meeting on any potential Scheme changes resulting from public input and Commissioners' comments, and then plan on deferring the subsequent adoption of the revised Comp Scheme until the August Regular Meeting. He asked if a separate meeting was necessary. Commissioner Seitle said a separate meeting was needed. Port Manager Ed Field said it is important that all the public

comments from the Hearing as well as written comments be tabulated and reviewed by the Commissioners. Parker asked if the format he had submitted for public and Commissioner comments was acceptable, and the Port Commission said it was fine. After further discussion, the other Commissioners agreed with Commissioner Tapert's recommendation to conduct a Comp Scheme comment review session as part of the agenda for the July 11 Regular Meeting. To ensure that all Hearing attendees (and others) would have a full opportunity for comment, the Port Commission also agreed to extend the official period for public comment submittal for one additional week beyond the Hearing date (to June 27, 2007).

An unidentified resident asked where the list of improvements and projects in the draft Comp Scheme came from. Commissioner Slinden explained that there was a Comp Scheme Committee that had 3 members from each of the three districts in the Port District. The resident said he thinks some items on the list are in conflict with other projects. Commissioner Seitle explained the list contains items for existing facilities; they are not new projects. Commissioner Slinden asked if the resident could specify his concern. The resident said development of a Water District in Maxwellton was an example, since he said there is a water system there already that is negotiated with the County to provide water to Dave Mackie Park. Commissioner Slinden explained the Committee had come up with this concept as a *potential* project. She added that since the Port District only has 25% ownership of the park, it is unlikely that the Port would actually take action to create a water district on its own. The resident asked for explanation as to the status of the list, wondering if it was just a "strawman list of projects." Commissioner Slinden said it is essentially a "pick list". Commissioner Tapert explained that if a project is not in the Comp Scheme, the Port District cannot get funding for it; having a project listed in the Comp Scheme doesn't necessarily mean the project will happen in the six-year period, it just means that it could happen. For that matter, he said the Comp Scheme can be revised and amended over the next six years to include something that was forgotten or some project that came up after the Comp Scheme was adopted. Parker said the Comp Scheme would not need to be amended as long as the project met the goals and objectives of the Comp Scheme.

Commissioner Tapert said a Capital Improvement Program (CIP) would be included, noting that it would change from year to year, based on grants, other funding, etc. He said the Port Commission is committed to reviewing the CIP annually in conjunction with the budget process, so a potential project would first have to be in the Comp Scheme, and then annually the Port Commission could re-prioritize which project(s) would come first. There was discussion about separating the potential projects into an appendix. Ed noted that if the projects are separated out into an appendix and not included within the base Comp Scheme document, it might cause funding complications with grants, etc. He stated that the Inter-Agency Committee for Outdoor Recreation (IAC) is very specific about wanting to see a project within a Comp Scheme/Plan before funding, i.e. "if it's not in there, they won't send you money", and Dennis Gregoire concurred on the basis of his experience at the Port of Everett.

G. Nancy Waddell, Maxwellton Community Club: Waddell commented that the word "potential" could be used in front of the table title "Specific Site Improvements and Projects."

H. Unidentified Resident: He asked about the item titled, "Construct a Boat house/shelter," what is it, what form? Ed said one possibility would be a small yard that could be rental space for an individual or company for small non-motorized craft to be stored. The idea is that it would be a potential revenue source in areas where space allows. He emphasized all of these ideas came out of the Committee as possibilities, not certainties.

I. Michael Nutt: Nutt expressed concern about noise under Environmental Health and whether it was addressed in the Comp Scheme. Gregoire explained that whenever the Port Commission selects a

major project to complete, there is a detailed review process of design and public comment to determine community impact. Diane Kendy said she wants to see noise standards in place before all that. Commissioner Slinden explained that would have to come from the City of Langley because the Port District has no authority for ordinances. Parker noted that float planes are allowed to land anywhere in state water unless specifically regulated. Kendy said she thought San Juan County did not permit float planes. Jeff VanderFord of the South Whidbey Record explained that jet skis were banned, but float planes are okay everywhere. Kendy asked about the extent of state waters – “all the way to the shoreline?” Parker said float planes are allowed to go anywhere on open water and they can go right up on the beach. He added that the only way to control the float planes is to have a designated air strip for them, then you can regulate them.

J. Unidentified Resident: He referred to page 17 of Draft v6.2 of the Comprehensive Scheme, the bullet indicating “Re-evaluate the development potential of Whidbey Airpark for private, commercial and emergency flights.” He asked if an evaluation had been done previously. Commissioner Tapert said he believed there was a \$100,000 study done about 20 years ago with the FAA. There was insufficient public support and the Port abandoned that project. Sue Ellen White (WISK) said one of the Port District’s main missions is economic development and Porter Field is the only industrial development on South Whidbey. Another unidentified resident asked if this section of the Comp Scheme indicates another study will be done. Commissioner Slinden said it would depend on if it became a priority and the community needs/desires.

K. Unidentified Resident: He asked how the public could submit comments to the Port. Commissioner Tapert said residents could email or submit their comments in writing at the Port office or they could speak at this meeting.

L. Unidentified Resident: He said there seems to be a push for overnight facilities at the parks. Sue Ellen White, as a member of the Comp Scheme Committee, offered to explain. She said one economic engine for the Port is tourism, but boaters such as kayakers have no place to stay overnight on Whidbey Island. She said many don’t go come to Whidbey Island at all because of this, and go other places instead, but it is part of the Port’s economic mission to include marine access and recreation. Another resident who is a member of WISK explained that there is a great deal of interest in kayaking around Whidbey Island, but because there are no overnight facilities, many kayakers go elsewhere. He said if there were overnight facilities available, many would stay multiple days on the island, and he feels there is great potential for economic development. Commissioner Tapert said the Port had heard a lot of feedback indicating Whidbey Island is “not very friendly when it comes to non-motorized boating.” By including overnight facilities as a potential project, the Comp Scheme is trying to address that concern. Parker added that one of the objectives of the Comp Scheme Committee is to have cross-agency conversations, for example, with South Whidbey Parks and Recreation. Another member of WISK added drinking water should be made available for the non-motorized boaters as well. The unidentified resident (L) said although he thinks kayaks are great, he lives next to Dave Mackie Park and he is concerned that allowing overnight camping and overnight parking will also entice high school kids into the Park after hours. He said there have been a lot of problems with high school students at night in the Park, and there are not enough sheriffs down there as it is. Another unidentified resident said his group had discussed the situation and felt they had come up with a solution. He said there really is a need for overnight parking and a need for overnight camping, but they don’t need to be in the same place. The overnight parking could be at one Park where there is no overnight camping, and the overnight camping could be at a different Park where there is no overnight parking. He thinks the easy solution is to separate overnight parking from overnight camping. Commissioner Tapert said another option would be to allow people to purchase permits for overnight parking. Users would register their vehicle, indicate how long their vehicle would be parked there, and get a sticker for

their vehicle. Any vehicle without a sticker could be towed. The lot could also be closed dusk to dawn

M. Unidentified Resident: He asked if the projects listed in the Comp Scheme are going to be done or do they still have time and input to say “no, we don’t want this project.” Commissioner Slinden pointed out that the Port can’t afford to do everything in the Comp Scheme, so the Port Commission will have to prioritize. Commissioner Seitle explained the Port Commission is looking six years forward, and everything they think is important or might be important needs to at least be mentioned in the Comp Scheme, although certainly all projects cannot be accomplished.

3. PROJECT UPDATES:

A. Langley Marina: An unidentified resident asked about the situation with Langley Marina. Port Manager Ed Field noted that a letter from the State Auditor with an adverse finding regarding the recent Port-City InterLocal Agreement (ILA) had just been received this afternoon (**EXHIBIT B**). Commissioner Seitle said it is not the final determination. Ed said his understanding is that the City of Langley is also frustrated by the Auditor’s response and are discussing it at their Council meeting tonight. Commissioner Seitle said the City of Langley had declared the property as surplus, and based on his first reading of the letter, he said he doesn’t agree with it. Although it was noted that the letter apparently makes the ILA null and void, the Commission restated their commitment to proceed with the provisions of the ILA as mutually agreed with the City, and to further discuss how to proceed at the July Regular Meeting.

B. Update on Bush Point: Since no construction has started there yet, Ed said he again contacted WDFW project manager Kristen Kuykendall, and she indicated they were waiting for the pile hoops to be delivered from the contractor in Bellingham. Her plan is to install all the floats, along with the sheet piling around the bulkhead, and then with the floats in place, fabricate a steel plate that will go over the end of the existing bulkhead. Ed said they are planning to be done by July 4th (this year?).

4. ADJOURNMENT:

The meeting was adjourned at 8:22 p.m.

Approved:

Minutes prepared by:

Commissioner Geoff Tapert, Freeland

Edwin S. Field, Port Manager

Commissioner Rolf Seitle, Langley

Commissioner Lynae Slinden, Clinton

Exhibit A: Comprehensive Scheme of Harbor Improvements 2007-2013, Version 6.2
Exhibit B: WA. State Auditor letter, dated 6/19/07