

PORT DISTRICT OF SOUTH WHIDBEY ISLAND
Minutes of the Public Hearing:
Amendment of Six-year Comprehensive Scheme 2007-2013
May 24, 2011
Clinton, Washington

Commissioners Present: Geoff Tapert (Freeland), Chris Jerome (Langley) and Curt Gordon (Clinton)

Others Present:

Port Staff: Ed Field (Port Manager), Dane Anderson (Port Finance Manager), and Molly MacLeod-Roberts (Port Clerk); **Clinton Residents:** Ed Jenkins, Jason Kalk, Marcia Monma, Clyde Monma, Bruce Buls, Doug Struthers, and Mikkel Hustad; and Brian Woloshin (Langley) and Wayne Morrison.

MEETING CALL TO ORDER: The Public Hearing on the Amendment of the Six Year Comprehensive Scheme of Harbor Improvements 2007-2013 was convened by the Board of Commissioners on May 24, 2011, in the Meeting Room at St. Peter's Lutheran Church located at 6309 Wilson Place in Clinton, WA. Commissioner Chris Jerome (President) called the Hearing to order at 7:00 p.m., followed by the Pledge of Allegiance.

As announced, the purpose of the Hearing was for the Commission to specifically consider amendment of the Comprehensive Scheme to address the following Potential Project Initiative (PPI) issues:

- Commercial kitchen
- Parking facility(s) in Mukilteo
- Surveillance cameras at Port facilities
- Cell tower installation and/or leases at Port facilities
- Business park development
- Funicular in Langley
- Deletion and/or revision of PPIs to reflect current conditions and applicability

The proposed changes to the "Potential Project Initiatives for 2007-2013" were provided to the public and the Commission for consideration and action (**EXHIBIT A**). Jerome noted that the proposed additions were in *italics* and proposed deletions were in ~~strike-through~~ font.

STAFF REVIEW OF PROPOSED CHANGES AND COMMISSION DISCUSSION: Dane Anderson, Port Finance Manager provided a brief review of each of the proposed items.

Under **Economic Development:**

- *Coordinate with emergency response agencies and local regional and national service providers to increase telecommunications capability and coverage regionally.*
- *Lead efforts to purchase land and develop a business/industrial within Port District boundaries.*

Anderson noted that contrary to what was reported in the local newspaper, the 11th bullet: "Re-evaluate the feasibility of marine fuel facility in the Port District" was **not** one of the proposed changes. That item will remain in the Comp Scheme, but under **Marine Access and Recreation** the item referencing fuel (~~Establish a marine fuel facility~~) would be removed as duplicative and therefore unnecessary.

- *Install surveillance cameras at Port District sites to enhance marine security and inform users of access and availability of facilities.* Anderson explained the item relates directly to the Port Security Grant application.
- *Coordinate with the Port of Everett, the City of Mukilteo and other agencies as necessary to develop tourist and visitor parking within walking distance of the Mukilteo Ferry Terminal.* Gordon suggested that there is no need to specify which entities the Port will coordinate with. Anderson agreed to change the wording to: *Coordinate with agencies as necessary....*

Under Economic Development, Jerome said, *“I would like to add back in some wording regarding the development of a commercial kitchen. Although there are specific issues around the USDA grant we applied for, I still feel it should be included as a goal.”* Anderson explained that since the Port doesn’t own the property at the Island County Fairgrounds where the proposed commercial kitchen would be, the Port can’t spend any money for it. The Commission agreed to add the following item under Economic Development:

- *Support development of a commercial kitchen within the Port District.*

Under **Environmental Stewardship:**

- ~~Support the Possession Point Estuary project as an ecological enhancement and in-mitigation efforts.~~ Anderson noted the item was already addressed under the previous Commission and determined unfeasible given the geography of the area per the study presented in 2010.

Gordon asked if Anderson believed that the 3rd bullet under Environmental Stewardship: *“Support local organizations actively engaged in efforts to educate the public about environmental stewardship”* was within the legal mandate of the Port if it doesn’t relate to either economic development or marine access. Anderson said he didn’t believe the Port could spend any money on it. Gordon believed that the bulleted item should be struck, saying, *“When we do development, we should continue to be sensitive and aware to environmental issues, and I believe that is stated in the Comp Scheme in more than one place. But to just blatantly state that we would support organizations actively engaged in efforts to educate the public doesn’t sound to me like something that is within the Port’s mandate.”* Jerome pointed out that the Port has supported Sound Waters University, and one of the reasons was because it brought a lot of visitors to the Island. Gordon said he could go along with that and he also agreed with the 4th bullet: *“Participate in and support the Island County Marine Resources Committee (MRC).”* He continued, *“I just think this one is very blatant. I know we’re going to redo the Comp Scheme, but since we’re here visiting these things, I’d like to suggest that it be struck now.”* Tapert said, *“I don’t feel that it’s all that important; all it says is support local organizations – it doesn’t say how or anything.”* Gordon explained, *“What bothers me is when people read through our Comp Scheme and then come in and tell us what we are and are not supposed to be supporting. I think some of the actual issues in our Comp Scheme don’t even reflect the legal mandate handed down by the State, and I think this is one of those ambiguous ones that just needs to go away. If someone wants us to support something and they can show that is of economic benefit, then they could bring it to us and we could consider it.”* Tapert agreed but felt it was somewhat innocuous. He added, *“The MRC, for example, has asked for support by allowing them to place interpretive displays, etc. at Port facilities, and I think that’s all this bullet is about.”*

Jerome suggested just adding on to it the following: *“...that otherwise meet or match Port goals and legal mandates.”* Port Operations Manager Ed Field suggested that it could be rephrased as specifically related to marine access and economic development (two of the Port’s mandates). The Commission agreed to change it to:

- *Support local marine access and economic development organizations actively engaged in efforts to educate the public about environmental stewardship.*

Under Marine Access and Recreation:

- ~~Increase shoreline access by enhancing facilities and opportunities for small non-motorized watercraft. Coordinate with local, regional, state and national parks agencies and other conservation organizations to increase and/or maintain shoreline access for recreational boaters.~~ Anderson explained the change was to broaden the initiative.
- Construct additional finger piers for small watercraft access.
- Establish or expand parking for boaters using small boat access.
- ~~Improve the grandstand at Dave Maekie Park.~~
- ~~Establish a marine fuel facility.~~ As noted earlier, item struck due to redundancy.
- ~~Enhance access to the upper trailhead of the Dorothy Cleveland Trail; include provisions for parking and/or water for hikers.~~ (This item was deleted after Public Hearing and Commission action for amendment of the Comp Scheme on October 20, 2010).
- ~~Revise the shoreline configuration to allow for reconnection of the marsh to tidal influence, thereby re-establishing an historic saltwater estuary at Possession Point. This could also involve expansion of the park to the north.~~ Redundant and removed due to study determination of non-feasibility.
- ~~Join Washington Water Trails.~~ Not necessary to include in Comp Scheme.
- *Coordinate with City of Langley and other organizations as necessary to enhance access from the Harbor at Langley to uplands parking facilities and business district.* Anderson noted that a funicular could be part of that coordination.

PUBLIC HEARING AND COMMISSION ACTION:

Bruce Bulls asked what “*Coordinate with emergency response agencies and local regional and national service providers to increase telecommunications capability and coverage regionally*” entails. Jerome explained that the purpose of the PPI list is to allow the Port to take the steps to move those initiatives forward. If it’s not in the Comp Scheme, we basically can’t do it. Bulls asked, “*Is this about putting in cell towers?*” Jerome said, “*Yes.*” Bulls said, “*Well, when you were talking about putting in a cell tower before, didn’t it need to be in the Comprehensive Plan then?*” Anderson explained that the RCWs (Revised Codes of Washington) and the current version of the Comp Scheme give the Port the broad authority to do it; this is just a little more defined. Bulls asked, “*So this gives the public a chance to comment on that possibility?*” Jerome and Anderson said that was correct. Bulls continued, “*So I am here opposing cell towers in neighborhoods where they don’t belong, such as at the top of the Dorothy Cleveland Trail. I can’t say increasing telecommunications is a bad idea, and it is probably something the Port should be involved with, but if this proposed change is a matter of greasing the skids and letting AT&T put a tower up behind the Monma’s house atop the ridge at Possession Beach Park, I think that is a bad idea. In general, a cell tower might be a good idea, but it needs to be a ‘win-win’. If you do it where you want to do it (at Possession) – it’s a ‘win-lose’, and I don’t think the Port as a public steward should impose a loss on those neighbors of the Park. I would oppose that location, but agree that the Port needs to coordinate and to increase telecommunications capacity. It just has to be done in an environmentally and publicly conscious way.*”

Mikkel Hustad introduced himself as the Pastor of St. Peter’s Church and a member of the Citizen’s Advisory Committee (CAC) that helped write the Port’s current Comp Scheme. He said, “*I should speak to the whole document rather than to each individual piece. I’m kind of stunned. In my professional work, I am often called on to interpret ancient documents and translate them into contemporary language. One of the things we take as a rule of thumb is to not re-translate, but to interpret anew. I don’t think any of us on the CAC thought that we were writing a document that was absolute, definitive and explicit. We got a lot of input from a lot of different government agencies and people, including having someone from the Port of Everett sort of advise us about Port work, etc. It was my belief that we were trying to express for the Commissioners an orientation. I was one of the most pro-business advocates on the CAC, but there were people in the group that said: Yes, but we also need to take into account environmental stewardship and marine access issues.*” Hustad said the initiative regarding the estuary at Possession was a good example –

if it had been determined feasible, the Port would have gained mitigation credits by helping the Native Americans develop a place for a salmon hatchery – a “win-win”. He explained, *“That’s why it was explicitly discussed in the Comp Scheme – because we saw it as a way of getting ahead – NOT that that was the 1st thing the Commission had to achieve or accomplish. It was simply an indication of an orientation that we were hoping to have happen. Some things like the airport was not of interest to many on the CAC, so I think they wanted to make that explicit, too. Some people were saying more access was needed for kayaks and less access for motorized boats, but it wasn’t saying one over or against the other – it was very much an indication of how we wanted to encourage the Commission to move forward.”*

Hustad continued, *“If you are saying you want to rewrite the Comp Scheme – to me that is an amazing thing. It would seem to be appropriate for you to ask the people who came together to write this document to kind of talk about how it can be changed. If the Comp Scheme is a legal guide and you can only do what is in it and can’t do other things – that was not the orientation that the CAC came to it with. I think,, for instance, what we did in the Comp Scheme did not preclude cell towers and it did not preclude trying to encourage business in Langley. It was identifying things we thought were important – access, stewardship, etc. And I do think environmental stewardship and encouraging environmental stewardship was very much in the hearts and minds of the people on that Committee. So I think to just wipe that out would be disingenuous to the work that was done, and would be a false representation of the CAC. I guess I have to question what is the purpose of having the citizens come together every six years to give an over-arching view of the Port, if it is simply to agree or disagree with certain aspects. I know that personalities come and go and change, but it is my sense that the Comp Scheme is more of a lasting testament to the will of the people than the give and take of economic and political expressions.”*

Gordon responded, *“That was nice and a great historical piece, and I respect the work that you and everybody did. But the Comp Scheme is due every 6 years and it is important that it is respected as a legal document. The other thing is, you are right, and it is unfortunate that you weren’t informed that when it comes to these specific items in the Comp Scheme, it is somewhat of a directing factor. The Port district is tied by its statutes, and when we do a Comp Scheme again, the process needs to start with educating the people that are involved from the citizenry of exactly what a port district is supposed to do. It needs to be clear that we’re not in the conservation business. As a matter of fact, there is a statute that says we can’t do that. We’re not in the parks business. I’m sensing that nobody sat down with the CAC and explained that you couldn’t consider those options. I think there might have been a different outcome if they had. Knowing that things change within a community, there is also a right and a statute to make changes, so we can be effective and follow exactly what our State statutes are asking us to do. I would really like these things to more specifically reflect exactly the role a port district is supposed to take in a community, and it’s not supposed to be a parks district or a conservation district.”*

Hustad said, *“Dennis Gregoire (who worked with the Port of Everett) talked to the CAC about the very stringent responsibilities that the Port Commissioners have in dealing with environmental laws, etc. and he had great appreciation for how difficult that is to do. One of the things he said to the CAC was that there are already all kinds of rules and laws on the books that we have to be aware of, so it wasn’t that the CAC’s task was to write new rules, it was simply to create a document that would help bridge the gap between where the people were and the responsibilities that the Commissioners had. The whole bit about raising awareness was intended to be a support for the Commission, to some degree to say: These laws are on the books and we’re already limited as to what we can do in terms of developing commerce.”*

Gordon said, *“I think of it a little differently. If you read through the statutes for port districts and you figure out which powers are available, then you get together as a community and figure out which ones are appropriate for us to use. You don’t dream up things that are outside those parameters and stuff them into the Comp Scheme.”*

Jerome said he'd like to point out that the part of the Comp Scheme being discussed today is the Potential Project Initiatives. The Comp Scheme also includes the Goals & Objectives, which the Commission is not proposing to change, and those govern the way in which the Port implements the project initiatives. He explained, *"What we're trying to do here is provide the possibility to initiate some projects that have been proposed or become feasible since the Comp Scheme was first written. In doing so, we will of course adhere to the Goals & Objectives of the Port which are unchanged."* He added, *"Part of the discussion we need to have tonight is: are the proposed changes running counter to or are they consistent with the Goals & Objectives? And I think it is important to note that Goal #1 is economic development."*

Hustad said he agreed with that entirely, but added, *"I would say that a majority of the people on the CAC were anxious about access. When it was determined that access to the uplands portion of Possession Park could not be improved, then it was appropriate for the Port to surplus it. I am for economic development, but marine access and environmental stewardship are also important to me and the rest of the CAC. The CAC felt it was important to lift up the work that is already being done in terms of environmental stewardship."*

Ed Jenkins referred to Hustad's comment about interpreting ancient documents and said to the Commissioners, *"For most of you, the Comp Scheme is an ancient document and you are re-interpreting it based on being elected by the people to be current with where we are today. It's a testament to the Port that we're having this meeting and revising this document to be current and relevant to today."*

Referring to Bul's comment about the cell tower at Possession being a "win-lose" situation, Jenkins said he could not agree with it. He added, *"The decisions reached by the Commission need to be for the whole of South Whidbey, and the ability of that cell tower to enhance communications (including emergency, etc.) makes it a very worthwhile project and I would support it 100%."*

Discussion of Proposed Amendment: *"Coordinate with emergency response agencies and local regional and national service providers to increase telecommunications capability and coverage regionally":*

Marcia Monma provided additional information she had gathered from the County about the standards for cell towers and a list of items she felt were relevant to the Possession property. Gordon interjected, *"Obviously if these items don't meet the County standards, they won't be allowed."* He asked, *"What would you like to discuss that relates specifically to the proposed changes to the Comp Scheme?"* Monma continued to talk about cell tower standards and cited a lawsuit won by a neighborhood over a cell tower causing loss of value to their homes. She also said that tall towers are becoming obsolete with technology changing. She concluded by saying that she gets perfect cell phone coverage in that area so the idea that a tower is needed there is ridiculous.

Clyde Monma read his prepared statement into the record (EXHIBIT B), which included reading aloud two sections from the Comp Scheme:

- From Page 13, Section IV. Recent Accomplishments and Current Conditions, Current State of Port Facilities: 5) Possession Beach Waterfront Park; and
- Page 52, Appendix, Resolution No. 92-5, 8.2 Definition of Prohibited Noises and 8.23 Liability.

With regards to the first bullet, Monma said he believed that *"...the Commissioners should either remove the entire reference to the Dorothy Cleveland Trail or acknowledge that the entire uplands part is indeed park and that the Port is obliged to maintain the Trail."* Gordon said he "totally agreed" that the reference should be removed.

Regarding the second bullet, Monma stated his belief that the Port Commissioners are “...obligated to investigate the potential noise impact of a cell tower, including back-up power generators, alarm systems, bird avoidance devices, and any other items causing noise exceeding the limit set by the Port.”

Monma listed actions that he and others will likely take “...until and unless the Port Commissioners resolve the issues related to the topic allowing a cell tower to be built anywhere on the properties owned by the Port within the Possession Beach Waterfront Park, including the entire uplands parcels which contain the Dorothy Cleveland Trail.” The listed actions included: 1) using every possible legal means to block, delay or otherwise impede any such actions by the Port, 2) rally support to block, delay or prevent funding for all other Port projects, initiatives and funding requests, 3) continue attending Port meetings to address these issues and speak during Public Comment to the full extent allowed, and 4) rally support against the election of any Commissioner to any public position. He said other options include pressing their case at the local, county and state levels, as well as any legal actions deemed to be appropriate.

Jerome asked if there were any additional comments on the item related to increasing telecommunications capabilities. Jenkins asked, “Does the sale of the uplands property at Possession have anything to do with the cell tower, or are these separate items that we’re talking about?” Tapert explained that adding the language regarding telecommunications applies to the Port in general and is not exclusive to the Possession property. Jerome said the sale of the property and the cell tower clearly are related. Jerome again asked if there were any additional comments on the item; there were none.

Rather than continue to go through all the proposed changes one by one, Jerome opted to follow Gordon’s suggestion instead and asked the public if anyone had any comment on any of the proposed items to be added or deleted to/from the PPIs as presented today and indicated by the use of either italics or strikethrough fonts on Exhibit A.

Jenkins said he had some general comments to make, and presented the Commission with copies of a 2-page document with a list of questions/requests for explanation about items currently listed as Potential Project Initiatives that are not part of the proposed changes (EXHIBIT C). He asked the Commission to spell out clearly what is meant by the Port’s tax and non-tax revenue sources and to define exactly what they consider market analysis, data collection and promotion of South Whidbey business opportunities. Jenkins also asked the Commission to elaborate on the following items: the re-evaluation of a marine fuel facility, flex cars and shuttle transportation. Jerome interjected and explained that this Hearing is to discuss specific issues with the proposed changes to the PPIs and other additions to the list of project initiatives. Jenkins argued that all the text on the handout should be up for discussion, including items not highlighted. Gordon told Jenkins, “I think these are valid questions and I would meet with you to respond to them, but I would like you to limit your comments to the deletions and additions proposed (as highlighted in Exhibit A) because that is what this Hearing is about.” Jenkins apologized for his misunderstanding what was to be discussed.

Jenkins said he 100% supported the item: *Lead efforts to purchase land and develop a business/industrial park within Port District boundaries.* He said it made absolute economic sense, and it’s something we need desperately on the Island to generate jobs – hopefully good, clean, family-wage jobs. He encouraged the Port to move ahead with all due speed on that.

Buls said, “I would concur that an industrial park could definitely be a proper addition to the community, but I would also caution that in order to make that happen, if you specifically liquidate other parts of the public property that you own (such as the Dorothy Cleveland Trail) in order to finance that, then I think that would be an inappropriate way of developing an industrial park. In other words, to just take something out of one pocket to put it in another with a public loss would be inappropriate.” Regarding environmental stewardship, Buls added, “When you say you are not in the conservation business, I would disagree. I think you are absolutely in the conservation business. You are the owners of a great deal of public property, and

if you're not in the business of taking care of it and environmental stewardship (it meets the public's idea of environmental stewardship), I think you're going up the wrong path." Jerome responded, *"I think what Gordon specifically referred to was public education about that matter. It's clear that the Port's Goals & Objectives and Potential Project Initiatives include environmental stewardship, as well as the Mission Statement."* Gordon added, *"I think the Port can be adequate environmental stewards as it pertains to all the projects we have, but I think you will find it is not within the Port's mandate to take Port dollars and use them for conservation. It is very specific in the statutes that we are not a conservation district. We will be good stewards of the environment as it pertains to the projects we have but we are not in the conservation business."*

Buls responded, *"I think everybody is in the conservation business, including you guys who are stewards of public space."* Jerome noted that is basically what the Comp Scheme says, but Buls continued, *"I think it's a priority, and my sense from you guys is that it is not the priority that it has been to the previous Commission and the public as represented by the Citizens Advisory Committee for the Comp Scheme. We're just here to up the ante on that part of it."*

Jenkins added his support for the commercial kitchen and parking facilities in Mukilteo, saying they would provide economic benefit. He also fully supported the proposed addition *"...to enhance access from the Harbor at Langley area to uplands parking facilities and business district."*

Buls said he fully supports the development of the South Whidbey Harbor as a marine facility with a fuel dock and more capacity. He said, *"It's absolutely up the right path for the Port and I encourage it entirely."*

Marcia Monma asked for information about the item related to surveillance cameras (what prompted it). Anderson explained that the Port is in a unique geographical area and owns facilities that overlook the shipping lanes of Puget Sound. The Port has taken the opportunity to apply for a Federal grant to help with the expansion of the South Whidbey Harbor and to install surveillance cameras at Port facilities that can be used to view the shipping lanes as well as the facilities themselves. Tapert noted that the cameras would also help with any vandalism issues and Field added that boat ramp users could utilize the web cameras to check launch conditions.

Jerome asked if there was any further public comment on the items. Jenkins said, *"Not on the specific items, but there are two items I would like to propose be added to the Comp Scheme."* The first item related to the 5th bullet under Economic Development, which reads: Undertake a market analysis including data collection and promotion of South Whidbey businesses." As written in his statement (Exhibit C), Jenkins requested that the Commissioners *"...add financial accountability to all Port projects, but especially to all grant money proposals (Application for Funds)."* *One thing shockingly lacking in virtually every Chamber project, festival event or scheme is data acquisition, market analysis, statistical record keeping and financial justification for expenditures of tax money."* Jenkins' statement listed issues he had with the majority of grant funding recently approved by the Port, including grants for the Uniquely South Whidbey Trade Fair, the Whidbey Island Writers Conference, Choochokam, the Clinton "future search" Visioning and Planning Project and especially the Historic Langley Sign. He believed that every application for Port funding/grants should be required to show: past VERIFIED attendance figures, a plan for statistical data gathering, an explanation of how the organization will gather information, how it determines the impact economically to the community, how it will use statistical information gathered to increase next year's benefit to the community if it applies for Port funds, and how specifically the event will provide some economic benefit to South Whidbey taxpayers.

Gordon suggested that Jenkins should review the Applications for Funds and then come back to a regular meeting and discuss that, but this Hearing is specifically for the proposed Comp Scheme amendments.

Jenkins said, "Okay, but it is a specific request for an adoption by the Port of specific criteria to be accountable for receiving Port funds."

Jerome asked if anyone else wished to speak on the proposed changes to the Potential Project Initiatives, and no one did. The Public Hearing was closed at 8:14 p.m.

ACTION: A Motion was made by Tapert and seconded by Gordon to adopt the proposed changes to the Comprehensive Scheme as presented, discussed and agreed upon at this Hearing, including the addition of the item related to support for a commercial kitchen. The Motion passed unanimously.

ADJOURNMENT: The meeting was adjourned at 8:15 p.m.

Approved:

Minutes prepared by:



Commissioner Chris Jerome, Langley



Edwin S. Field, Port Manager



Commissioner Curt Gordon, Clinton



Commissioner Geoff Tapert, Freeland

- Exhibit A: "Potential Project Initiatives for 2007-2013" (with proposed changes highlighted)
- Exhibit B: Clyde Monma's prepared comments
- Exhibit C: Ed Jenkins' prepared comments