

PORT COMMISSION MEETING – July 9, 2003

The Port of Port Townsend Commission met in regular session at the Quilcene Yacht Club, Quilcene, WA.

Present: Commissioners – Beck, Pirner and Sokol
Auditor – Taylor
Facilities Manager – Pivarnik
Operations Manager – Radon
Attorney – Harris (joined at 1:45 PM)

Absent: Executive Director – Crockett

I. CALL TO ORDER: The meeting was called to order at 1:00 PM.

II. APPROVAL OF AGENDA:

Upon motion of Commissioner Pirner, the Agenda was unanimously approved as amended as follows:

The deletion of the following:

- V. Old Business Item
- B. Monthly Guest Moorage

Reordering Old Business Items as follows:

- A. Airport Master Plan Update
- B. Comprehensive Scheme Update

The addition of the following:

- VI. New Business Item
- C. Andy Mackey Family Music Festival

III. CONSENT AGENDA:

- A. Approval of Minutes – 6/25/03
Approval of Minutes – Special Meeting held July 3, 2003
- B. Approval of Warrants
#28311 through #28339 in the amount of \$30,158.29
#28340 through #28347 in the amount of \$34,314.36
#28348 through #28400 in the amount of \$64,366.33
#28199 as Voided Warrant
- C. Write-Off Register

Upon motion of Commissioner Pirner, the Consent Agenda was unanimously approved as amended.

IV. PUBLIC COMMENTS (not related to Agenda): None

V. OLD BUSINESS:

- A. Airport Master Plan Update

Mr. Pivarnik noted that at each meeting from now through adoption, Staff intends to provide the Commission with updates on the two planning processes. He distributed to Commissioners the 3rd Revision of the Airport Layout Plan (ALP) for review, which has also been sent to the Federal Aviation Administration (FAA). He noted that the drawing shows proposed hangar locations, incorporates the Aero Museum and shows changes since the last revision – alternate septic drain field, delineation of wetlands, wellhead protection area, and potential industrial development. In meeting with consultants, Staff expressed their desire to get the Airport Master Plan adopted within the next two months. It was originally thought that the County Comprehensive Plan amendments and the Airport Master Plans could be adopted at the same time. However, as this now appears impractical, the goal should be getting the Master Plan adopted by the Commission and the FAA, which could provide information needed to develop a sub-area plan to take to the County Planning Commission.

Regarding the Port's proposed County Comprehensive Plan amendment, he

presented a draft of a letter to the County and reviewed specific statements that reflect a change in the Port's position on proposed amendments.

Regarding the noise overlay zone, the Port would like the County to establish a zone that reflects the noise contour area of the 55 Day-Night Average Sound Level (DNL). Maps of the airport area would be put on the County's GIS website, so that they may be easily accessed by citizens. The maps would include a disclaimer stating that JCIA is a community airport for civil aviation. The County and Port would send a joint letter of notification to every property owner within that 55 DNL area. The County would notify the Port of any change in property ownership, so that new property owners would also receive such notification. There would also be a disclosure statement in all development applications other than those for single-family residence. There would be no postings at title companies or realty offices. Language addressing the nuisance issue would remain in the UDC, similar to that regarding the mineral resource lands overlay. The County would notify the Port for comment only on development applications other than single-family residential in the 55 DNL area. Based on public safety concerns, the Port will encourage the County to establish conditional use asterisks for mobile home parks, co-housing, residential care facilities, etc. in accordance with the Washington State Department of Transportation (WSDOT) aviation manual. The letter also states that the Port would like the "essential public facility" land to become the zoning district rather than the existing overlay. This would mean that it would be a separate table on the use chart. They are not asking that any additional land be included in the airport area nor are they asking for the rezoning of any lands for other uses. This might be done in the 2004-05 Comprehensive Plan amendment.

Commissioner Sokol suggested the adoption of the most recent 50-55 DNL map delineation from Bucher Willis Ratliff. He clarified that today's update by Staff is a negotiated result of the Port's Growth Management Act appeal, the point of which is to formalize what is currently permitted within the UDC and the Comprehensive Plan.

Referring to Page 2 of the letter where it says, "the County would notify the Port for comment only of all development applications..." Commissioner Pirner asked what kind of comments the Port would make. Mr. Pivarnik provided several examples, such as how putting a golf driving range near the airport with night lights might interfere with the airport lights confusing pilots.

Gabe Ornelas, representing People for a Rural Quimper (PRQ), argued that this letter seems to reflect change related to the title issue. Those living within the 55 DNL might be concerned that in 5-6 years, the 55 DNL could be lowered to 50 DNL and that they would be impacted by that change. There is cynicism among some residents that accepting the letter would limit them to certain conditions. Commissioner Beck noted that any amendments to the Uniform Development Code would have to go through a public process. Commissioner Sokol said the map to which the Port is referring is the projection to 2023 based on Bucher Willis Ratliff's projection of types of aircraft, mix, etc. for the 20-year master planning effort. The 55 DNL is probably closer now, but its size could increase over the 20 years of operations.

Mr. Ornelas, asked if the UDC sentence which says "normal operational noise emanating at the airport would not be considered a nuisance" would still be applicable. Commissioner Sokol affirmed this. Mr. Ornelas expressed concern that property owners in the 55 DNL receiving a letter would be at a disadvantage, because they should know that any noise within "normal" airport operations cannot be considered a nuisance. Commissioner Sokol said he believes it would be highly unusual for people to sue over normal occurrences, such as planes flying in and out of the airport – but people can sue over anything.

Mr. Ornelas said that "normal" might eventually mean UPS flights at 3:00 AM, something that might understandably disturb the neighbors. Commissioner Sokol said you must consider the capabilities of the airport and the FAA restrictions, but UPS currently uses the airport, so that would not be an entirely new use. The airport is also part of the national transportation system. It is in operation 24-

hours a day.

Tom McNerney asked if “normal” is not what would fit within the 55 DNL. Isn’t 55 DNL the definition? A DNL of 60-75 would change the definition of “normal.” The Commission concurred. Commissioner Sokol noted that the 55 DNL is based on the types of airplanes that currently use the airport. Large aircraft are unable to use this runway. Use would be deemed normal within the scope of a general aviation airport with a 3,200 foot runway, with a certain width and certain load-bearing capacity.

Mr. Ornelas asked to clarify that if someone receiving the 55 DNL disclosure would be put at a disadvantage if they wanted to go to court years down the road. The Commission said they could not provide legal advice.

Tom Blazey, a resident on Ridgeview Drive, said many are concerned about the Port’s plans for the airport. Many came to this area because Port Townsend and the vicinity are unique – tranquil and beautiful. They do not want any large-scale development that would spoil that. By large scale, he means a great increase in airport and flight activity, developing industrial sites, and extending the airport 200 feet. Today’s article in the *Peninsula Daily News* gave him the impression that there were a lot of plans for expansion. Commissioner Sokol noted that the newspaper article referred to the Comprehensive Scheme, not the Airport Master Plan. He noted that the FAA would not permit a non-precision approach or an expansion of the runway that would otherwise exceed the capability of the airport. Commissioner Beck provided background about the placement of the current airport, noting that the location was deliberately chosen because it was stuck between two roads and to expand that would be practically impossible.

Mr. Blazey asked the Commission to clarify that the Port anticipates no expansion in activity at all at the airport. Commissioners responded in the negative. They explained that over time the number of base aircraft would continue to increase as people move to the area, build a house, and wish to have facilities to do their business and for traveling. Mr. Blazey said that judging from the newspaper, the Port has extensive plans on expanding everywhere and that this is something to which the Port looks forward. Commissioner Sokol explained the development of the three alternatives (no change, some change, and major change) that are part of the Comprehensive Scheme. He invited Mr. Blazey to attend the Comprehensive Scheme open house today at 3:00. Mr. Radon provided Mr. Blazey a copy of ALP, and noted that the master plan is a long-term planning document that depicts future buildout up to 20 years. It looks at the capacity of the land and where structures would be placed if there were demand for such. Even though the Port cannot anticipate the demand, it needs to plan to accommodate such growth given its mission of economic development.

Commissioner Pirner also differentiated between the Airport Master Plan and the Comprehensive Scheme as was covered in the newspaper article. He stressed the importance of updating the plan document, to correct outdated information as well as to allow the Port to invest in improvements. Recognizing that change will occur, Tom Blazey suggested the plan be approached extremely carefully so as not to destroy the unique qualities of the area.

Referring to the noise overlay notification, Gloria Bram asked that if the County is not responsible for notifying the Port of developers of single-family residences, who is responsible for notifying the builders or potential buyers in the noise overlay area. The Commissioners responded that if the developer owns the property, they would have received a joint letter from the County and Port notifying them they are within the 55 DNL. Property owners and buyers maintain the responsibility for exercising due diligence or a real estate agent might inform them, but there would not be any notice to title.

Commissioner Beck moved to direct the Executive Director to finalize the letter to the County. The motion carried by unanimous vote.

Mr. Pivarnik noted that the next phase would be for the County Planner to meet with Port Staff to help draft the proper language for the UDC appeal.

Gloria Bram also asked about the reasoning behind the closure of the west access to the airport – off Highway 20 – to public use. She believes that any industrial/commercial expansion would make keeping these roads open critical, especially for emergency use. Commissioners and Mr. Pivarnik responded that the reasons they would be closed relate to the safety issue of someone driving onto the runway and to the fragility of the wetlands.

B. Comprehensive Scheme Update

Mr. Pivarnik reviewed that there have been three open houses to date, including roughly 100 citizens reviewing plans and strategies. He reviewed that today marks the beginning of the 21-day SEPA and Environmental Impact Statement (EIS) scoping process, which was to include a public meeting to precede the regular Commission meeting on July 23rd. Although this meeting was scheduled to be in the Tri-Area (the night of the Port's regular meeting), at the request of the Mayor and other citizens from the City of Port Townsend, it would now be held at the Point Hudson Marina Room in Port Townsend. Public comments would need to be specific to environmental issues. After this process, the consultants would draft an EIS, which should be complete by August 1. On August 13, the Port Commission would review all public comment and select a proposed alternative on which the Port should do a full SEPA review, after which the SEPA process would begin. It is hoped that by the end of November the Commission would have enough information to adopt the Comprehensive Scheme of Harbor Improvements. All of the EIS and SEPA information is listed on the Port website.

VI. NEW BUSINESS:

A. Operations Report Month of June 2003

Mr. Radon noted that there was not much headway made in June – current activity levels remain. The one exception is that RVs are clearly going to be strong this summer. In the Boat Haven, nightly guests are still down by about 200. Daily and annual ramp fees are just under \$6,500, compared to the budgeted amount of \$3,500. Due to aggressive efforts by Staff to assign permanent slips, wait-list numbers have been significantly down. Staff has found that many on the wait-list are not ready for the slips and have been dropped to the bottom. Bookings in the shipyard have been good.

Commissioner Pirner noted that the Point Hudson Marina and RV Park report reflects that two hundred slips are out of service due to a number of wide boats occupying two slips. He noted that the revenue would be greater if there were slips to fit these boats.

B. Legislative Topic

Mr. Pivarnik reported that the WPPA has called a July 16 meeting of all committee chairs to discuss legislative action for the next year. As chair of the Marina Committee, Mr. Crockett is soliciting Commission input. Commissioner Sokol suggested there be legislative recognition that Ports have special mandated missions and that they are entities controlling their own destiny through zoning in accordance with the Growth Management Act and the Shoreline Master Plan. Ports in other states have more authority within their jurisdiction to take action that furthers their mission.

Based on the Commission's discussion this morning, Mr. Harris suggested the next topics be land use and noise ordinance issues, which affect what the Port can do on its property.

C. Andy Mackey Family

Mr. Pivarnik noted that Andy Mackey is organizing a Family Music Festival for July 26-27 at Memorial Field. Having been unable to arrange for banner placement through the City he has asked the Port to allow him to put his banner

on the fence by the brewery. Staff is supportive of this idea. The Commissioners spoke favorably of the impacts of Mr. Mackey's many programs on area youth.

Commissioner Pirner moved to direct Staff to allow the placement of a banner on Port property advertising the Family Music Festival event. During discussion, there was some concern about setting a precedent for other events. It was also felt that this event should fall under the City's sign guidelines of a community-based events. **Commissioner Pirner amended his motion to include that similar requests would need to come before the Port Commission. The motion carried by unanimous vote.**

VII. STAFF COMMENTS:

Mr. Taylor:

The Jefferson County Fly-In is scheduled for July 19-20. As in the past, the Port will offer a 10-cent per gallon reduction in fuel. He noted that fuel sales are up by about 15% over last year.

Mr. Radon:

Regarding the account from last month's write-off register, Staff reported that the man in question became hostile to female employees. Since he had money to pay the rest of the account, he was allowed to leave without paying his chain-up fee. Mr. Radon believes Staff made the right call, without other Operations Staff present to provide back-up support. Staff is still investigating the incident with Oceanside Services and the vessel and crew who damaged the power pedestal. It is believed the two situations might involve the same individual.

VIII. PUBLIC COMMENT: None

IX. COMMISSIONER COMMENTS:

Commissioner Beck:

He thanked the Port for having the meeting in Quilcene.

Commissioner Pirner:

Arrow Marine Services sent a letter complimenting Port Staff on their recent visit while participating in the Armed Forces JLOTS exercise on Indian Island.

Commissioner Sokol:

The Port's recent presentation to the Chamber made him realize what an exceptional Staff – from top to bottom – the Port has assembled.

The Point Hudson Water Walk project would be submitted to Rotary International as the 2005 Rotary Centennial project. He has also been working with the incoming Rotary President to define the project. Staff has met with City Planners about necessary permitting.

Regarding the fact that the Point Hudson buildings have been included on the Washington Trust for Historic Preservation's top ten list of most endangered old buildings, he said he had responded in writing that he believed that this determination was made based on an untruth. Their response was that the Port would remain on this list until it chose not to demolish any buildings.

X. NEXT MEETING:

Wednesday, July 23, 2003, the regular Commission meeting would begin immediately following the EIS Scoping Meeting, which is set for 7:00 PM in the Point Hudson Marina Room, Port Townsend, WA. Mr. Pivarnik noted that the consultant would be present to facilitate the scoping meeting, which would be to hear public comment.

XI. EXECUTIVE SESSION:

At 2:15 PM, the Commission recessed into Executive Session for approximately ten minutes to discuss real estate issues, with no expected decision.

XII. ADJOURNMENT:

The meeting was adjourned at 2:25 PM, there being no further business to come before the Commission.

ATTEST:

President

Secretary

Vice President