

PORT OF ANACORTES

Minutes-Special Meeting

June 2, 2011

The Port Commission of the Port of Anacortes held a Special Commission Meeting on June 2, 2011. The purpose of the meeting was for the Commission to continue discussions in regards to establishing a Port parking policy. The meeting was held in the Commission Meeting Room of the Port Main Warehouse Building, 1st & Commercial Avenue, Anacortes, Washington.

In Attendance: Commission President Rubin, Commission Vice President Mooney, Commission Secretary Niver, Commissioner Hopley, and Commissioner Short..

Also in attendance: Executive Director Hyde, Director of Finance & Administration Johnson, Director of Operations & Facilities Hachey, and Executive Assistant Lindsey.

CALL TO ORDER

At 4:02 P.M. Port Commission President Rubin called the Special Meeting of June 2, 2011 to order and announced the purpose of the Special Meeting. He explained he had called another special meeting following the Commission and staff discussions at the last meeting in which a Port parking policy was reviewed, with clarity still needed in regards to parking leased to others.

PUBLIC COMMENT PERIOD

Commissioner Rubin welcomed all in attendance and opened the floor for public comment pertaining to items on the special agenda.

1. Mr. Hal Rooks, 1219 10th Street, Anacortes, addressed the Commission. Mr. Rooks read from a prepared statement that will be attached to the approved version of these minutes. He noted that at their meeting of May 5, 2011 he had addressed the Commission regarding the need to prevent automatic renewal of parking leases which could essentially make them permanent. He applauded the Commission's most recent draft of proposed Resolution No. 1236 which imposed a requirement that lease renewals be brought to the Commission for review and vote. Mr. Rooks further noted that another related issue to be discussed would be the category of parking leased to others, since the draft resolution allowed the Executive Director to approve such leases without additional Commission input. He suggested that the Commission further amend the draft resolution so that leases in that category would also come before the Commission for approval. Mr. Rooks noted the Port had received two recent requests for parking leases. Since the requested lease would mean the operation of numerous shuttles through existing residential neighborhoods, he suggested the Port conduct a formal traffic study and an independent study and financial evaluation of any proposed business seeking a lease. He thanked the Commission for their consideration.

2. Mr. Ed Bradley, 1403 7th Street, Anacortes, addressed the Commission. Mr. Bradley thanked the Commission for taking public testimony at this meeting. He also read from a prepared

statement that will be attached to the approved minutes of this meeting. Mr. Bradley noted that his comments at former meetings had focused on the Anacortes Municipal Code for CM, CM1 and CM2 zones. He wished to extend his comments to include the Airport Zone as it related to public/private parking. Mr. Bradley quoted from AMC Chapter 17.39 dealing with the Aeronautical Zone, and subsections on permitted uses, permitted accessory uses, conditional uses, and off-street parking requirements. He noted that something other than a permitted use would have to be determined between the City and the Port.

3. Mrs. Virginia “Bunny” Heiner, 804 K Avenue, Anacortes, addressed the Commission. Mrs. Heiner quoted from Tenet One of the Port’s Mission Statement which states: “Be a responsible steward of the public resources, and operate in a manner which maintains a high level of public understanding and confidence in the Port’s activities.” She noted that the revised parking policy draft of May 5, 2011 honored both the Port’s requirement of responsible stewardship and of maintain a high level of public confidence. Mrs. Heiner further noted the May 5th draft not only demonstrated protection and responsibility for the public’s resources but also built public understanding and confidence. She requested the policy make public parking available only to businesses or activities directly adjacent to Port property in conformance with City Municipal Code and also within 1,000 feet of the business. Mrs. Heiner believed any other long term parking use would be a waste of public lands. A copy of Mrs. Heiner’s prepared remarks will be attached to the approved version of these minutes.

4. Mr. Joe Barns, 2107 11th Street, Anacortes, addressed the Commission. Mr. Barns stated he appreciated the Commission taking public comments regarding a parking policy. He thought the latest policy draft had some open issues that needed further consideration, notably the section on temporary parking. Mr. Barns inquired whether property was leased and it was necessary to make improvements to the property, would the applicant or the Port pay for those improvements? Likewise, he inquired if a lessee discontinued their use of the property would any improvements that were no longer needed by the Port or a new tenant have to be removed and the property restored to its former state, and if so, whose responsibility would that be? Mr. Barns noted security was not a big issue in for parking in the downtown area, but believed more security would be needed for parking leased at a more remote location, such as the airport. He questioned who would provide the added security, the hours it would be provided, and whether the Port or the lessee would be responsible.

5. Mr. Richard Storwick, 1510 9th Street, Anacortes, addressed the Commission. Mr. Storwick read from a prepared statement that will be attached to the approved version of these minutes. He noted that he had attended the Commission’s meeting in January where a parking policy was discussed and that he had addressed two concerns, first that parking would become increasingly valuable as a commodity for attracting marine and industrial business, and the specific parking restrictions in the City Municipal Code. Mr. Storwick observed that the Code required that parking be co-located and/or within 1,000 feet of the business it served. He noted that the business requesting property for parking from the Port would be located nearly 2 miles from Port property and cautioned granting this request would set what he termed a dangerous precedent. Mr. Storwick suggested the Commission insert a statement that all Port parking would conform to the Anacortes Municipal Code.

6. Ms. Farrah Ally, representing GEMS, LLC, of Anacortes, addressed the Commission. Ms. Ally noted that GEMS was in the process of developing their property along the Guemes Channel and supported all facets of the community as both a small local business and as residents who live and participate here. She noted that GEMS was a private self-supporting business that wished to be considered in a fair and equitable manner. She observed that many of the members of the public attending the meeting this evening were residents of the neighborhood where GEMS owned property. Ms. Ally noted that the owners of GEMS lived in that neighborhood as well. She explained that their business project would include an extensive environmental cleanup resulting

in the shoreline being significantly restored and open for public access. She noted that also to be considered were the economic development and family wage jobs the project would generate. Ms. Ally observed that the project met all tenets of the Port's Mission Statement.

Commissioner Rubin thanked all of the speakers for their comments, hearing no others, the floor was closed.

SPECIAL AGENDA

STUDY SESSION

Discussion Item: Port Parking Policy – Developing Criteria -

Commissioner Rubin explained the Commission's had met several times to discuss parking on Port property and the development of a Port parking policy. He opened the floor for discussion by the Commission and staff.

Executive Director Hyde asked for clarification of where the GEMS project would fall in the parking categories and priorities outlined in the current draft policy by the Commission. He noted that public access showed up in both the permanent and temporary use categories. Executive Director Hyde also noted the possibility of adding language about traffic impacts to the policy and of bringing another plan back to the Commission for approval as needed, considering the need for further detail.

Commissioner Rubin noted that the Port's 2008 Comprehensive Plan provided for parking for public access and polled the Commission on whether they considered that a permanent or temporary use.

Commissioner Short observed that parking highlighted in the Comprehensive Plan was primarily to give people access to marine areas and docks. He expressed concern with whether airport parking areas would need to be limited due to Federal Aviation Administration (FAA) funding, noting the Port does lease property to a non aviation related business at the Airport. Executive Director Hyde noted that the Port currently rents space at the airport to those who wish to park their RV's and cars on a monthly basis.

Commissioner Rubin observed that having the Executive Director bring back a detailed plan for Commission approval of each requested parking lease might not be in line with the Commission's governance philosophy. Commissioner Niver noted that the Commission should develop a general parking policy and then request that the Executive Director create a parking plan based on that policy and bring that plan back to the Commission. Commissioner Hopley agreed, noting that such a plan would include fees and as such it was appropriate for that document to come back to the Commission for final review. Commissioner Mooney pointed out that it would not be possible to provide parking to everyone who might request it.

Commissioner Short thought parking leases should be for property where there was a lease of adjacent operations, as was the case with Anthony's and the whale watch operations at the Boat Haven.

As regards Executive Director Hyde's mention of traffic impacts, Commissioner Niver believed that should be part of a parking plan performed by the Executive Director and not part of the policy created by the Commission. He thought the Port should remain consistent with its Mission Statement and with City codes.

In the question of a lack of clarity for parking leased to others, Commissioner Hopley noted it was important to distinguish between a policy and a plan that's developed from policy. He acknowledged the GEMS request for parking was the genesis of the discussion and noted the generic comments from the public were commendable. Although GEMS was inviting the Commission to look at the particulars, he felt it was important for the Commission to instead develop an overall policy first and leave regulations to the City, as the Port was not here to make judgment calls about liability or responses to law. Commissioner Hopley noted the GEMS proposal talked of a valet parking lot and it seemed to him that would have some traffic impacts. Any parking lease would also impact proposed use of Port property and call for review of proposed use. He wished to make it clear that such a review by the Commission would be limited to Port property as the Port was not a reviewer of the GEMS business or its economic impacts.

Commissioner Niver pointed out that these issues as regards permanent parking were addressed in the Comprehensive Plan. Commissioner Hopley noted that plans for parking leased to others should have a provision for the Commission to review temporary uses. Commissioner Rubin suggested language could be added to the proposed resolution to that effect. Commissioner Hopley noted that such language could limit Commission discussion to use impacts and benefits to Port policy.

Commissioner Niver believed that there was a difference between how the Commission and staff approached parking of this sort, with the Commission more concerned with a general policy for the community and the staff looking after the specific business aspects. He felt this was one area where the Commission could not delegate decisions to staff. He suggested removing "on a space available basis..." through "...1 year renewal". By doing so he believed Port staff would not have to interpret anything and also provide the public with an opportunity to weigh in while giving the Commission a chance to examine a proposed lease's possible impacts and verify potential benefits.

Commissioner Rubin requested any additional comments from the Commission.

Commissioner Short believed the 1,000 rule as noted in City Code made sense and that parking for a business should be within walking distance of that business. Commissioner Mooney agreed, noting the Port should also keep parking available for community needs such as the recent use of temporary parking by those taking a passenger only ferry from the Boat Haven while the Guemes ferry dock was being upgraded. Commissioner Niver observed that very situation, with parking needed for a temporary specific use, was what the policy should address. He noted that an alternative to the 1,000 foot rule was to have a parking plan. He gave as example the area near the marine terminal leased to T Bailey as a lay down area for staging items although their business was located at March Point. Commissioner Short noted T Bailey was doing business on Port property during that time.

Commissioner Hopley noted that there was not a large difference between the Commissioners on this point. He saw one advantage in that government should be somewhat predictable and less political in its approach to policy. He did not favor the 1,000 foot restriction as inflexible and noted valet parking could be worked out to consolidate and reduce traffic and that he would favor a lease plan that would lower impacts in residential areas.

Commissioner Rubin explained that the Nelbro company did that in the 1980's, using off-site parking at a remote lot with a shuttle since there was not enough parking available on streets and lots neat the plant.

The Commission discussed these points and the language of the proposed resolution for parking leased to others at additional length with Commissioner Hopley suggesting the addition of "subject to Commission approval as described below".

Commissioner Short voiced concern that the policy was not specific enough without the 1,000 foot restriction while Commissioner Hopley saw the Commission's role as not being a second City planning commission.

Executive Director Hyde noted that Port legal counsel Frank Chmelik had indicated the Port can select whomever it wishes to lease to. Commissioner Niver agreed, noting that Ports have special abilities as compared to other entities. Commissioner Hopley noted that these points were interpretations and that guidelines would indicate on what basis those decisions would be made.

Following additional discussion, Commissioner Hopley proposed the wording, "subject to Commission review of the impacts and benefits of the proposed use, subject to Commission approval." Commissioner Short felt this was still not definitive enough. Commissioner Rubin read the revised section four. Also under temporary parking, public access will be deleted and remain only in permanent parking.

Commissioner Hopley noted that he had proposed several times over the years that the Port consider providing a vehicle recharging station for electric vehicles and was a little concerned there wasn't any provision for that in this policy's list of priorities. After a brief discussion, Commissioner Niver suggested adding it in the last paragraph under Executive Director as a directed parking plan corresponding use, not in the policy itself. Commissioner Rubin suggested adding a station like that might be included in an update of the Comprehensive Plan, which met with the approval of Commissioner Hopley.

Commissioner Hopley noted that the Commission took the Open Public Meetings Act very seriously and acted openly in its deliberations. Although the result was not always smooth, he was nonetheless proud of the Commissions process. This brought a round of applause from the audience assembled.

PUBLIC COMMENT PERIOD

Commissioner Rubin opened the floor for a second public comment pertaining to items on the special agenda.

1. *Mr. Hal Rooks addressed the Commission for a second time. He inquired what the Commission expected to do in their evening meeting in regards to parking.*

Commissioner Rubin noted the Commission would vote on whether to approve the proposed parking resolution as modified in this meeting.

2. *Mr. Lonny Heiner, 804 K Avenue, Anacortes, addressed the Commission. He noted that his testimony of January 6th on the issue of parking leased to others stressed the need to consider leased land as a Port asset. He favored Commissioner Short's view of the 1,000 foot limit imposed by City code as a good compromise.*

3. *Mr. Ed Bradley, addressed the Commission a second time in support of municipal code compliance, believing this solved many issues.*

4. *Mr. Tom Glade, 210 Mansfield Court, Anacortes, addressed the Commission. Mr. Glade liked Commissioner Hopley's discussion of benefits and impacts. He noted that a parking lot's primary impact is traffic. He urged the Commission to place a bookend or limit to those projects that they did not consider of benefit to the Anacortes economy, and to not leave it to the City.*

5. *Mr. John L. Sullivan, 517 8th Street, Anacortes, addressed the Commission in support of Mr., Heiner's comments, and in support of Commissioners Mooney and Short.*

6. *Mrs. Diam Bradley, 1403 7th Street, Anacortes, addressed the Commission, noting that some of the solution could be found in the 3rd paragraph of the Port's Mission Statement as relates to the quality of life, and the needs and desires of residents.*

7. *Ms. Shahna Ally-Gard of GEMS addressed the Commission. She noted that those behind GEMS were a part of the Anacortes community and that she lived in a house above the old cannery which they wish to convert to a restaurant. Ms. Ally-Gard explained that traffic impact studies have already been completed and that GEMS could provide those results.*

8. *Mr. Joe Barns addressed the Commission for a second time, noting that the City's codes as regards business, permits and parking were already complete and should be considered by the Commission.*

9. *Ms. Anka Kolega, 2112 11th Street, Anacortes, identified herself as a 30 year Anacortes resident, and addressed the Commission. She believed following the 1,000 foot guidelines would be the easiest solution, otherwise she believed the Commission was opening the Port to other legal questions. Mrs. Kolega believed the Port should stick to Port uses placing a priority on the people and setting a strong precedent for the future.*

10. *Mr. Dave Ridgeway, 1502 8th Street, Anacortes, addressed the Commission. Mr. Ridgeway stated that when you make decisions there is a road way behind the decision and cautioned that if the Commission allowed certain projects to exist that are dependent on its leases, then the Commission was disrupting existing business.*

11. *Mrs. Susan Rooks, 1219 10th Street, addressed the Commission. She voiced approval of comments made by the Commission, in regards to parking, specifically Commissioner Short and Mooney, but noted that Commissioner Hopley, Rubin and Niver also had good input. She urged the Commission to consider the residents when examining a parking policy for property leased to others.*

12. *Ms. Brenda Lavender, 210 Mansfield Court, Anacortes, addressed the Commission. She spoke in favor of zero emission vehicles, and also in favor of the 1,000 limit. Ms. Lavender noted there was two ways to impose the 1,000 rule, one being that parking be within 1,000 feet of business or, if the Port had a parking plan, the City would then approve a parking plan.*

Commissioner Short explained the Commission has the ability to make regulations for Port property.

ADJOURNMENT

Having no other business to discuss at this time, Commissioner Rubin called for a motion to adjourn. Commissioner Niver moved to adjourn the special meeting. Commissioner Mooney seconded the motion. Commissioner Rubin called for a vote on the motion, which carried unanimously, and the Special Meeting adjourned at 5:55 P.M.

Attest:

Keith Rubin, President

Pat D. Mooney, Vice President

Ray Niver, Secretary

William L. Short, Commissioner

Steve Hopley, Commissioner

Julie Johnson Lindsey, Executive Assistant
June 2, 2011