

**PLANNING COMMISSION  
REGULAR MEETING  
CITY HALL – COUNCIL CHAMBERS  
June 21, 2011**

**ROLL CALL:** **Present:** Keith Fakkema, Gerry Oliver, Kristi Jensen, Jeff Wallin, Greg Wasinger and Jill Johnson. **Absent:** Bruce Neil. **Staff Present:** Development Services Director, Steve Powers; Associate Planner, Melissa Sartorius; City Engineer, Eric Johnston and Project Engineer, Joe Stowell.

Vice Chairman Fakkema called the meeting to order at 7:30 p.m.

**MINUTES: MS. JENSEN MOVED, MR. WASINGER SECONDED, MOTION CARRIED TO APPROVE THE April 26, 2011 MINUTES AS PRESENTED.**

**PUBLIC COMMENT:** No comments.

**SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT – CITY OF OAK HARBOR  
MULTIMODAL FACILITY PROJECT– Public Hearing**

Ms. Sartorius reported that State law (RCW 90.58) gives local government authority to administer the Shoreline Master Program (SMP) and the SMP gives Planning Commission the authority to make a recommendation on substantial development permits to City Council.

Ms. Sartorius presented background associated with the project, the purpose of the SMP and what it means. Ms. Sartorius noted that public notice was done in accordance with City Code. A Mitigated Determination of Nonsignificance (MDNS) was issued October 13, 2003. The SEPA decision covered the entire project and the original checklist and MDNS from 2003 applies; no adoption or changes are needed per WAC 197-11-600(4)(a). All applicable mitigation measures in checklist and MDNS apply and the applicable mitigation measures are listed at the back of the staff report as conditions. Ms. Sartorius noted that one public comment was received and provided it to the Commissioners (attached to these minutes as PC Attachment 1).

Ms. Sartorius displayed the site plan showing details of what the proposal includes: a new multipurpose building including restrooms, a picnic shelter, plaza area, parking including loading/drop-off area, widened trail and then paved overlook. The existing restrooms and picnic shelter will be demolished. Simulations were displayed of what the exterior of the building will look like at different angles as well as the interior which will have capacity for 90 people. Ms. Sartorius noted that the applicant has submitted an updated site plan that changed the number of parking spaces from eleven to twelve parking spaces.

Ms. Sartorius stated that the Shoreline Management Act (SMA) and the SMP are intended to preserve the shoreline environment/respect property rights and preserve or enhance public access to the shoreline and pointed out that the improvements are to an existing facility and a long established park. The improvements will not encroach further into the shoreline area and no impacts to the shoreline environment are anticipated.

Ms. Sartorius detailed compliance with applicable sections of the SMP, recreation policy and regulations and concluded that the project consists of improvements landward of the ordinary high water mark but still within the shoreline area regulated by the SMP. SEPA review was conducted and it was determined that the original environmental assessment and determination made in 2003 still applies. The proposal is consistent with the SMP by meeting all adopted

standards for a recreation use within the shoreline and meeting all other applicable shoreline use policies. Ms. Sartorius recommended approval of the Shoreline Substantial Development Permit with conditions in the Findings of Fact.

### Discussion

Mr. Oliver asked what would happen to the Fred Flintstone car and where the capital funds would come from for repairs and replacement. Mr. Stowell indicated that the car would remain as is. Mr. Powers noted that the section Mr. Oliver was referring to with regard to the capital funds for repairs and replacement is referring to the capital replacement program for the in-water portion of the project. For the park structure, the capital replacement program is to some degree already embodied in the Parks budget albeit very small and perhaps sometimes not sufficient to cover all our facilities but there is already some thought as to how to budget for routine maintenance of the facility. Mr. Powers also noted that the Council is charged with making the budgetary decisions and the Planning Commission's role this evening is to determine whether the project is consistent with the Shoreline Master Program requirements.

Ms. Johnson commented that one of the review criteria mentioned is how the project would impact neighbors and that the use is consistent with its current use. Ms. Johnston pointed out that the facility was called a meeting space which is a different use than there is in that location now and she asked if there were limited uses or hours of operation. Mr. Powers stated that at this stage the building has the potential to have events or activities but there has been no policy established by the City Council for how that space will be used yet. How the space will be used will be a different conversation that the City Council and the community will be involved in sometime in the future.

Ms. Johnson felt that saying that there would be no impact on the neighbors without knowing what the building will be used for is a leap of faith based on information that the Planning Commission doesn't have.

Mr. Powers indicated that it is within the Planning Commission's purview to add a condition of approval if the Planning Commission feels there is an issue related to making a recommendation as to whether or not the project is consistent with the goals of the Shoreline Master Program. As far as a change in activity, in staff's view point, we are talking about restroom facility and picnic facilities. Yes there is an interior space, keeping in mind that the interior space was originally designed to be the waiting area for the pier which was part of the multimodal program. How that space may be utilized in the interim remains to be seen.

There was additional discussion about the original intent of the multimodal program and additional questions about the cost and where the funds come from. Mr. Stowell said that the engineer's estimate for construction is \$1,040,000. Mr. Johnston explained that the funds come from the Federal Government through the Federal Transportation Administration (FTA) grant and the General Fund.

Mr. Fakkema opened the public hearing at 7:58 p.m.

**Gray Giordan** (651 SE Bayshore Drive) asked the following questions:

1. What is the amount of the grant?
2. What is the proposed rental fee?
3. Why does the ticket building or meeting building enjoy a better view placement than the picnic structure?
4. How much natural surface currently exists and how much after the proposed changes?

5. Have the engineer's estimated costs for City projects ever run over the estimated budget?

Mr. Giordan also thanked Ms. Johnson for her question about unintended consequences. Mr. Giordan believed that there would be unintended consequences. He was a little disturbed to find out that the building is really for the pier and the ferry. He felt that it would be a long time before the pier would be built and that current park users won't see any benefit. Mr. Giordan referred to his e-mail documenting repair and maintenance issues in Windjammer Park and pointed out that the Parks Department does a great job but there are a lot of buildings. Mr. Giordan felt that the proposed building would be better positioned in Windjammer Park where there are two roads with access. Mr. Giordan wanted to defend Flintstone Park as a relatively unimproved space.

**Billy Cook** (651 SE Bayshore Drive) commented that she uses the park and she also agreed with Ms. Johnson about the unknown and there is much more serious study that must be done. Now the park is a quiet, peaceful little park. Ms. Cook didn't think there was enough room for a seaplane, ferry and a pier. Ms. Cook spoke of unintended consequence from actions taken by the City that have affected her condominiums just down the street.

**Steve Bonner** (651 SE Bayshore Drive) pointed out that the capacity of the building is for 90 people but there are only 12 parking spaces.

Seeing no further public comment Mr. Fakkema closed the public hearing at 8:07 p.m.

Mr. Fakkema asked if staff would respond to the questions asked during the public comment period.

Mr. Powers referenced past events to give those present context about previous efforts in bringing the multimodal facility about. Mr. Powers spoke about the tremendous amount of public discussions and actions by the City Council that played into the design. Mr. Powers noted that if the City were in financial position to build the project what would have already happened based upon the approvals from 2003. There would have been the construction of a pier, the construction of the building to serve the users of the park and the transit facility. Use by the transit facility is part of the reason the City received the funding for the uplands portion of the project from the FTA. Those funds cannot be used at another location as was suggested. The funds are transportation dollars to be used on Phase I of the multimodal facility.

The site plan design decisions were previously made in 2000 and once authorization was given by City Council to go forward with building plan design staff worked very hard not to go backward in time and re-examine those design decisions that were previously made because it wasn't a wise use of public funds to go back and reinvent the design. The positioning of the structures on the park was hammered out a number of years ago through a public process.

The project as proposed would benefit the users of Flintstone Park and not just the eventual users of the City's municipal pier. Staff believes that the members of the community will benefit from more modern bathroom facilities, better parking and a better separation between the waterfront trail from the existing asphalt parking area and a better section of trail through the area.

With respect of budget and public works projects, for some time our engineers have been very conservative in their estimates and the actual costs of the projects have been considerably

below the estimate. This is not to say that sometimes things don't change. Mr. Powers didn't believe that there was any reason to believe that this would change for this project.

Mr. Stowell spoke to the question about change in natural surface versus impervious surface. There will be an additional 11,300 square feet of impervious cover due mostly to the pathway parking area and around the building itself.

Mr. Powers spoke to the question about the number of parking spaces. The facility is located in the downtown and there is a substantial amount of on-street parking within the Bayshore area and the City's park-and-ride lot is available on Dock Street and the facility is adjacent to the transit station. One of the things that was of paramount importance to the Pier Committee when they were originally working on the design was that they didn't want it to be a large parking lot which was going to serve only those users of the pier, they wanted to hold onto the park space recognizing that people in the community use the park.

#### Discussion

Mr. Wasinger thought that the picnic tables should be in a more prime location and asked if the positioning could be changed. Mr. Powers said that Planning Commission could recommend changes to the site plan but to be specific so that the intent and meaning is well understood by the Council. Mr. Powers noted that this is a complete permit package and staff is working towards spending the Federal dollars that were obligated some time ago and there is full engineering and full site plan and building plans but until there is a Shoreline Substantial Development Permit there is no project.

Ms. Jensen asked how much the grant was. Mr. Powers said that the grant was slightly over one million dollars but the actual funding that we receive is just above \$800,000. \$200,000 is the City's responsibility to match the grant.

Ms. Johnson asked staff to explain the process of how the City got to the point where there is a project ready to go but there are members of the Planning Commission that still have questions about elements of the project. Mr. Powers said that our Code allows for the City to make a concurrent submittal for a site plan, civil plan and building plans and process them through the review process. In this case the City is both the applicant and the reviewing agency. Secondly, we were basing our work on the previously approved shoreline development permit from 2003 and this design is very consistent with that permit approval. Mr. Johnston also noted that the project has been vetted through the Parks Board on more than one occasion and the process and development of the plans and specifications has also been presented to the Public Works Standing Committee. Mr. Johnston pointed out the Helen Chatfield-Weeks is the Chair of the Parks Board and was also significantly involved with the development of the pier project and has been engaged with the project for a very long time.

Ms. Johnson asked if there were any questions from the Planning Commission that were unfamiliar questions that were vetted in the Parks Board or that were asked at Public Works. Mr. Johnston said no, but the question about the use of the facility is hard to answer because we don't know. It still has to go through the Parks Board and the City Council as to how the building will be used. Staff believes that the use will be similar to the other buildings at Windjammer Park such as church, family, or community events. Mr. Johnston also pointed out the need for maintenance on the current building and that the original restrooms were built in the 1980's and there have been significant security concerns with the restroom facility, so the facility was designed with that in mind, to help control the security concerns. The orientation of

the structure was to make it more visible from the street to avoid those illicit activities that can occur in parks.

Mr. Wasinger asked if the restrooms would be accessible from the inside of the building as well as the outside. Mr. Johnston said that they are only accessible from the outside.

Ms. Jensen indicated that she was having a hard time moving the permit forward without knowing how building was going to be used. Mr. Powers reminded the Commissioners that they are being asked to make a decision as to whether the project is consistent with the Shoreline Master Program. The project is a recreation improvement in an existing recreational facility. The question about how a facility may be used is an excellent question and it is one that the City Council will also be engaged in but the activities are not dissimilar to the activities to the space that we have in our other major waterfront park known as Windjammer Park.

There was continued discussion by the Commission about uneasiness regarding the possible uses of the new building facility and the possible adverse impacts on neighboring property owners. Mr. Powers noted that the facility is defined as a restroom facility, picnic facility, a meeting space and a public viewing space and those are the four main activities that would occur on the site and those are consistent with the recreational goals and policies within the Shoreline Master Program and they are consistent with other uses we have within the shoreline environment. A separate issue is how that interior space may eventually be utilized if it is utilized in a fashion different than our existing spaces are used today. Planning Commission would have to find that the meeting space is not consistent with the regulation and would have to further find that that means that the project isn't consistent with all of the recreational goals and policies.

Ms. Johnston asked if what staff is saying is that the use of that facility is governed by regulations within the Parks Department. Mr. Powers said yes, absent any change in those regulations by the City Council which would be part of another public process. Mr. Powers suggested that the Planning Commission could add or modify the draft Findings of Fact to specifically address their concern about the building's use.

The location of the picnic area was discussed further. Mr. Wasinger said that he understood why the picnic area was located closer to the street for policing and to prevent illicit activities in the picnic area.

Mr. Wallin asked when the grant expires. Mr. Johnston indicated that there is some time before the grant expires but that the FTA has the expectation that the facility will be under construction later this year.

Mr. Fakkema asked if the permits are looked at by any higher authority than the City. Mr. Powers explained that the permits get circulated for comment to the State Department of Ecology and they have the opportunity to comment on mitigation measures that the City imposes on itself. As a general rule the City is harder on itself just to be sure that we don't have any conflicts of interest. Mr. Powers commented that it is typical for cities to undertake public works projects and that puts the city in the role of permit applicant and reviewing agency. There is also a 30 day appeal period that allows for individuals to appeal Councils decision to Ecology.

There was discussion about whether the Parks Department could afford to maintain the facility. Mr. Johnston pointed out the questions as to whether the Parks Department could afford to maintain the facility in its current state or whether they can afford to maintain improvements in

Windjammer Park or Fort Nugent Park etc., is a difficult problem and oftentimes a struggle for people to understand how we can build new facilities and not maintain or replace other facilities within the City. When new improvements go in maintenance cost go down over a period of time and as improvements age the maintenance costs go up. It is a fair assessment that there are significant maintenance needs in the Parks Department. There are dollars that are specifically set aside for capital improvements that cannot be used for maintenance or could not be used until the Legislature changed the law this year.

Mr. Wasinger asked how long the construction project would take. Mr. Johnston said it would take about four months.

**ACTION: MS. JOHNSON MOVED, MR. OLIVER SECONDED, MOTION CARRIED BY A VOTE OF 4 IN FAVOR AND 1 OPPOSED TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT FOR THE CITY OF OAK HARBOR MULTIMODAL FACILITY PROJECT SO LONG AS THE FACILITY IS USED FOR PURPOSES CURRENTLY IN LINE WITH THE CITY'S PARKS AND RECREATION POLICIES.**

**ACTION: MS. JOHNSON MOVED, MR. OLIVER SECONDED, MOTION CARRIED BY A VOTE OF 4 IN FAVOR AND 1 OPPOSED TO ADOPT THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION OF PLANNING COMMISSION WITH THE FOLLOWING REVISIONS:**

**ADD TO THE LAST SENTENCE IN SECTION E UNDER CONCLUSIONS OF LAW, "SO LONG AS THERE IS LANGUAGE LIMITING THE USE OF THE FACILITY TO USES AND PURPOSES CURRENTLY IN LINE WITH THE CITY'S PARKS AND RECREATION POLICIES" AND ADD ADDITIONAL RECOMMENDATION NUMBER 5 TO STATE, "THE FACILITY SHOULD BE USED FOR PURPOSES CURRENTLY IN LINE WITH THE CITY'S PARKS AND RECREATION POLICIES".**

**ADJOURN: 8:50 p.m.**

**Melissa Sartorius**

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**From:** Dee and Gray Giordan [giordan@comcast.net]  
**Sent:** Monday, June 20, 2011 12:11 AM  
**To:** Melissa Sartorius  
**Subject:** Comments regarding the Flintstone Park proposal  
**Attachments:** 2011 park proposal.pdf

Dear Melissa Sartorius,  
Please accept this email and slide presentation as my comments regarding the proposed changes at Flintstone Park. I may call to verify receipt and proper operation of the presentation.  
Sincerely,  
Gray Giordan  
<http://giordan.dotphoto.com>

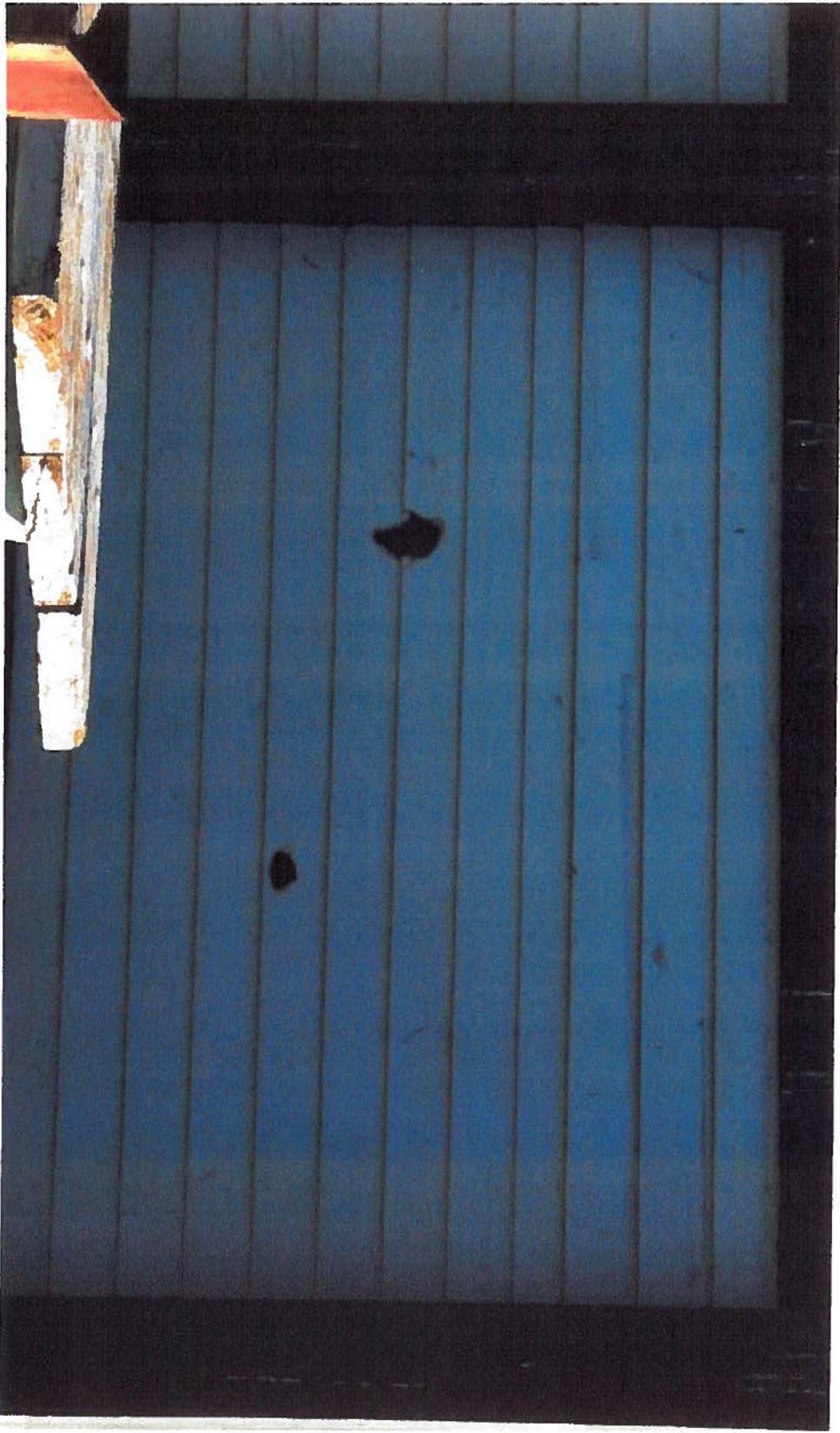
**RECEIVED**  
**JUN 20 2011**  
**CITY OF OAK HARBOR**  
**Development Services Department**

# Windjammer Park Facilities

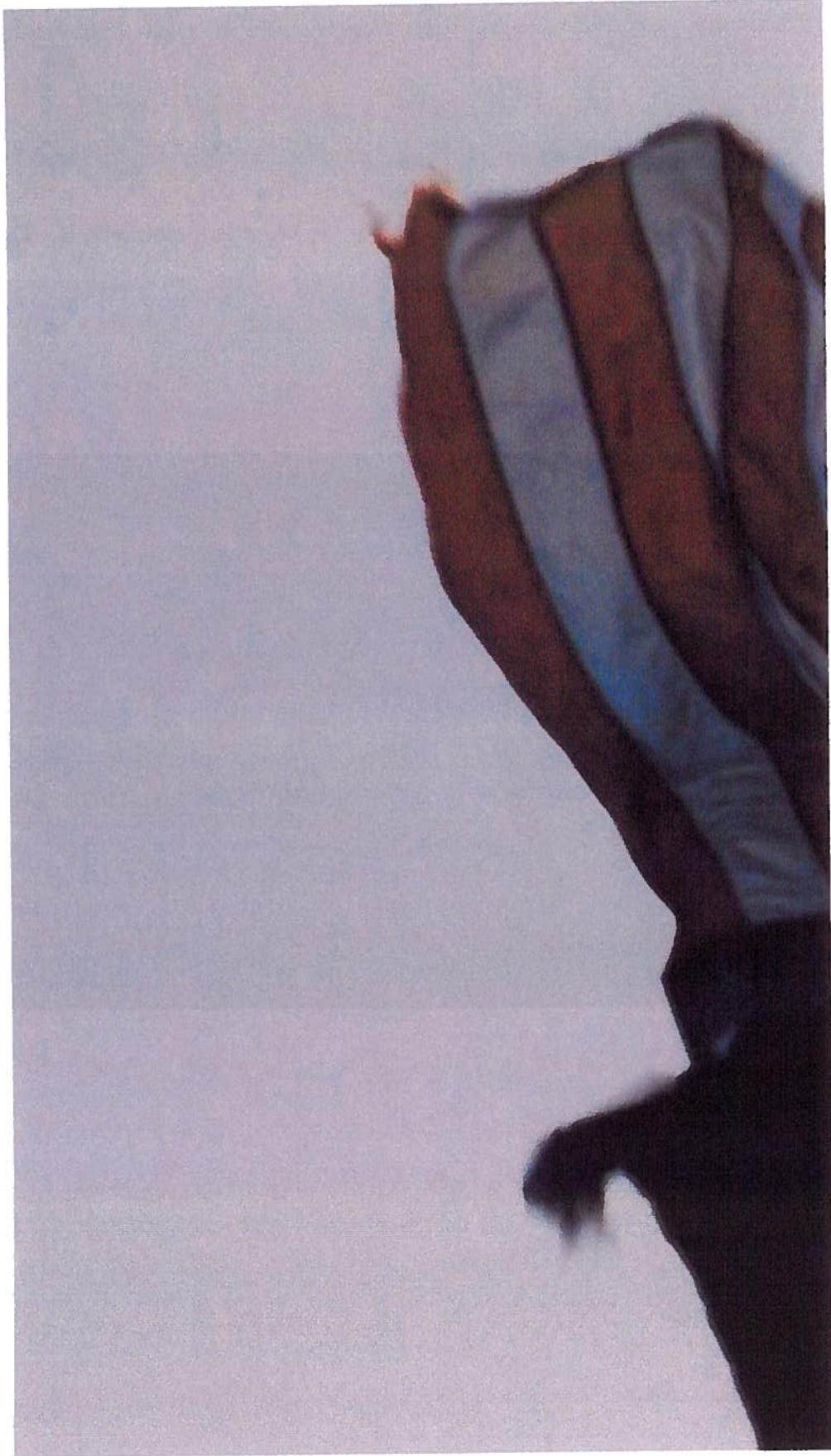


# Windjammer Park picnic tables

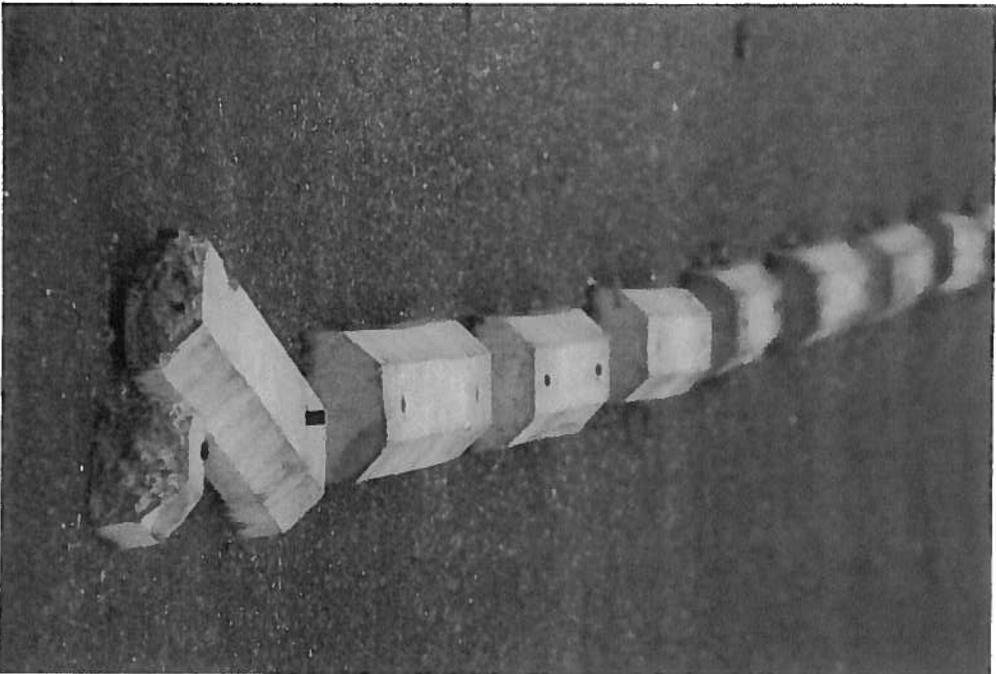
- Damaged Siding



# Frayed flags



# Less than 2 years old



# Broken Chimney



# Flashing failure and rot aren't pretty



# Flashing and roof failure



**Bandaid has failed. How long will  
rest of the roof last?**



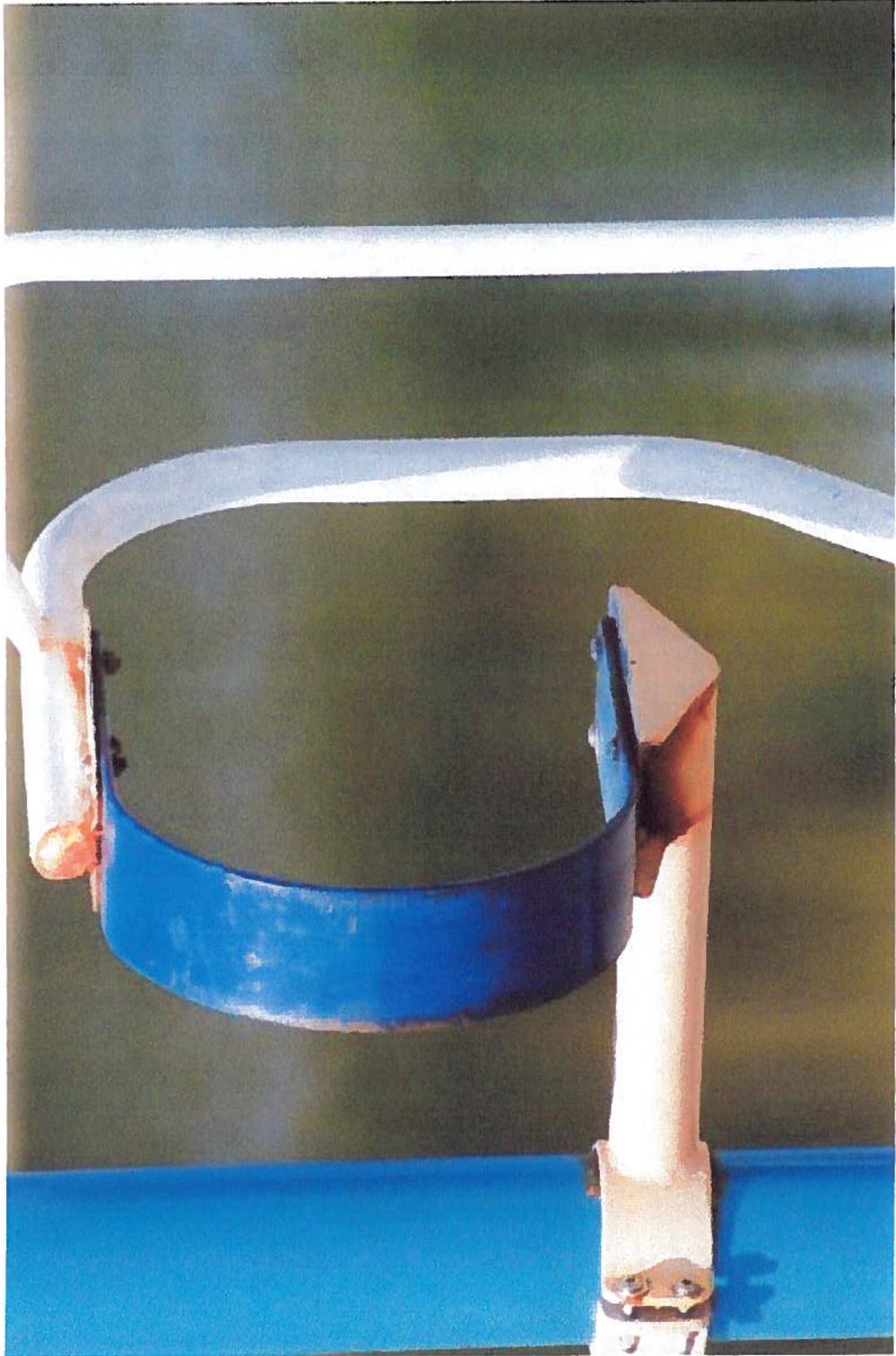
# Windjammer Park item 11



# Dangerous tilted walkway



# Tension spring will fail under load



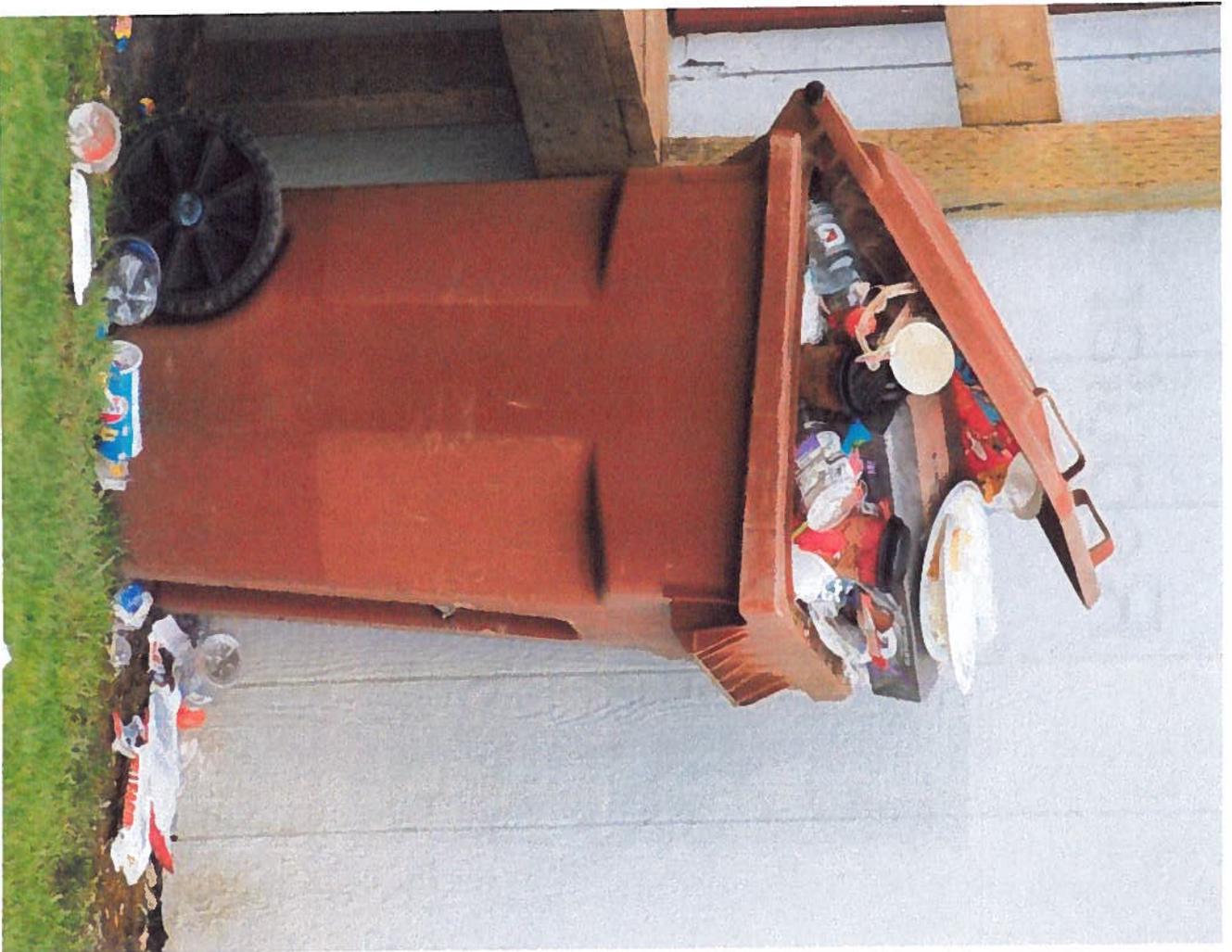
# Unexpected maintenance



# Regular maintenance



How many are  
there?



**Built with tax dollars, not maintained  
using tax dollars then demolished  
with tax dollars.**



**Yes you can  
see thru that  
support post.**



Do these work?

