

## **How well do the Port's FAQs answer the questions posed by the public for the Commissioners to answer?**

At a public forum held on June 21st, 2007 at Washougal High School, sponsored by Concerned Citizens In Action, many questions were generated from the comments of the nearly 200 local citizens in attendance. It is important to understand that these questions are those of the general public, and are only being relayed to the Port Commissioners by CCIA. We promised those attending that we would do our best to obtain answers to their questions from the Camas-Washougal Port Commissioners. These were condensed down to 19 questions that were formally presented to the Commissioners at their regular meeting on July 16th, with the request to have answers ready at their regular meeting on August 22nd.

The Commissioner's response was to have staff members attempt to answer the request in the form of a Frequently Asked Questions list. The following analysis is our best effort to glean answers to the public's questions from this FAQ list. The only question that was directly answered was **B**: "Would the commissioners be interested in a vote to find out what the majority of the public wants for their waterfront?" The answer was **NO**. There were 3 questions that were poorly or partially answered, 12 questions that were not answered although the FAQs touched on relevant issues, and 4 questions that were not addressed in any way in the FAQs.

The FAQ list demonstrates that the Port would like to better educate the public. We are pleased to know that the Port shares our interest in better informing the public. However, we think the Port's FAQ list falls short of this goal. We have indicated in our analysis which questions appear to remain unanswered or only partially answered. We are requesting direct answers to the 18 questions we think have not been properly or completely answered. We are asking for time on the September 17<sup>th</sup> regular Port meeting agenda to receive the Commissioner's complete answers to the public's questions. If the Port believes that their FAQ list does in fact answer certain of these questions, we ask that a workshop be held to allow those particular questions to be explored in an open forum.

The Public's Questions - **A** through **S**

Answers from the Port's FAQs – (1) through (24)

CCIA - was the question answered? in **RED**

- comments on FAQ answers in **BLUE**

- recommendations for a better Port answer in **GREEN**

**A:** How do the commissioners justify turning this publicly owned land over to private developers for profits instead of maintaining the current public uses?

Poorly answered.

(1) Over the last 20 years, the Port of Camas-Washougal has studied and reviewed waterfront uses and improvements to its properties on the waterfront. The Port's ultimate goal for the waterfront is to showcase a community asset, increase recreational opportunities, preserve its rich historical heritage, create jobs and stimulate the local economy. The studies are greatly exaggerated as to their support for this scale of development and do not reflect a need to allow private developers to have control of the public land on our waterfront

(3) RiverWalk on the Columbia LLC put together an extensive proposal. This proposal has not been offered to the public for review, even after a public records request.

Group is comprised of developers with local business experience. Their local record is not good and does not provide a reason to turn public land over to them, especially without an open bid process.

RiverWalk proposal established a good starting point to begin discussions with the WAC citizen representatives. The WAC committee was proposed about a year after signing the option agreement, and cannot be a reason to turn public land over to private developers.

(5) Private money needed for development on this scale. Allows the developers to maximize their investment with residential and commercial activities. Net proceeds will be shared equally between both entities. Does the public want this? What are net proceeds?

The question recognizes that the Port's land in the marina area is not "underused". The boat launch and associated parking, the marina, and Parker's Landing Historical Park comprise most of the public land in this area and are heavily used. Converting this area to provide for private commercial and residential use will certainly diminish the public uses that have been established over recent decades. How do the Commissioners justify this?

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**B:** The public would like to put this to a vote. They would like to decide if this project is something they want. Since this proposed project is larger than previous projects and requires a much larger financial commitment, would the port commissioners consider allowing the public to place this on a ballot? Would the commissioners be interested in a vote to find out what the majority of the public wants for their waterfront?

Directly answered.

(9) No. The Port is governed by an elected board of three commissioners, whom you have entrusted with the responsibility to set policy and direction. They seem to be saying that, once elected, they can do anything they want free from public scrutiny and without the need for the public's approval. For decisions of this magnitude public opinion should be actively sought out. The commissioners need to remember that they were elected to work in the public interest as they make decisions about public assets and our area's future.

**C:** The public expressed concerns about using public money to fund the feasibility study before finding out if this is a direction they want to go. What has been spent to date, do you have detailed itemized expenditures for what has been currently spent as well as what will be spent, and how much of that is included in public records?

Not answered.

(10) All port public records are available for inspection. They are saying we should search out the answer from public records. Public records requests by CCIA have not resulted in a clear answer to this question.

To answer this question the Port needs to provide a detailed itemization of all expenditures related to the RiverWalk proposal, including but not limited to, costs for planning, researching other developments, costs related to the due diligence process, WAC committee costs, contracted employees brought in to facilitate or promote the proposal, website entries and mailings promoting the proposal, rezoning efforts, cost's for efforts to change WSDOT plans for Hwy 14 to better fit Riverwalk's plans, attorney fees, etc. Also, what accounting can the Commissioners provide showing the cost sharing with RiverWalk during the feasibility study phase?

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**D:** The public is concerned about loss of public access, with this being the most utilized portion of public lands that is unencumbered by the railroad. What will you do to keep or increase public and recreational access, as is stated in the Shorelines Management Act of 1971?

Not answered.

(5) The Port will retain ownership of public lands, and monitor them in the public interest as mandated by the Port's mission to promote economic vitality and recreational opportunities. The Port envisions increased public access with public trails, green spaces, and historic and view preservation, in addition to its current parks and marina uses. While maintaining public ownership, management will be by the developers for up to 80 years. The option agreement does not define the Port's right to control any management activities.

(12) We are still in the preliminary stages of drafting the master plan. WAC's recommendations ..... are involved in drafting the master plan. The Port supports the WAC's recommendation to give a high priority to the marina facilities and ease of access for the boating public. The Port's conceptual plans show a diminished or eliminated boat launch ramp and associated parking. No assurance is given that the marina will remain usable and affordable for local residents. Will the public be allowed to view and comment on the master plan prior to submitting to Washougal City Council or signing of a long term land lease with the developers?

(14) The Port of Camas-Washougal adheres to local, state, and federal regulations with all port development. Port commissioners remain committed to preserving and enhancing the natural environment as stated in the Washington State Shorelines Management Act. This does not say what they will do, only that they will do it. They will follow the law.

This question is related to question A and a direct answer would explain how public access and recreational use would be maintained or increased while converting the area to commercial and residential use. How will the Port, based on the commissioners' knowledge of the Shorelines Management Act of 1971, accomplish these things?

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**E:** What do the commissioners know about the projected profit from this project? How much of this profit will come from the citizens of Camas and Washougal? This is in reference to the possible need to use taxes for purchase of property, the costs to get the property pad ready, and other concerns regarding costs the public must cover.

**Not answered.**

(4) Upon completion, net proceeds for the development will be equally shared between RiverWalk and the Port. **When is completion? How do they define net proceeds?**

(8) Not at this time. **Tax increase not at this time? When will it be proposed? What do they know about the costs to provide pad ready sites? What do they know about the projected profit?**

**A direct answer would offer projections of profit, a definition of the net revenues to be divided equally by the Port and RiverWalk, and directly answering the question regarding whether or not there will be a tax increase, as well as an estimate of time for this to occur.**

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**F:** The public is requesting what the commissioners think is the actual profit to the developers vs. what the public will eventually see as a gain or advantage for them?

**Not answered.**

(4) Upon completion, net proceeds from the development will be equally shared between RiverWalk and the Port. **When is "completion"? How do you define "net proceeds"? What plans do the Port Commissioners have regarding the use of these "net proceeds"?**

(7) Leasehold excise taxes are collected by ports and sent to Washington State; a portion of the tax receipts is returned to the local cities, county, schools and municipalities. **Local schools and other jurisdictions get a much smaller portion of leasehold tax than property tax. This is not an advantage to the public.**

The Port is interested in increasing jobs, promoting economic vitality, and improving recreational opportunities for the local community. **Commissioner Hargrave has stated that RiverWalk should make a profit because they are the ones investing the most money. Advantage to the public seems to be a lower priority.**

**Undefined net revenues are to be divided equally by the Port and RiverWalk. The Commissioners need to explain their understanding of what this profit will be. When do they expect this proposed development to start showing a profit they can share? What advantage does this provide for the public that is likely to lose current uses of the waterfront?**

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**G:** The public is concerned about the cost to acquire additional private property. What are the projected property purchase costs to acquire enough land for the entire 65 acres? Will there be a raise in taxes to pay for this?

**Not answered.**

(8) Not at this time. **But they may raise taxes soon! And what will the cost be to purchase land and provide pad ready sites for the developers?**

(23) In addition to using tax receipts and operating revenues to fund major improvements, capital projects may be funded in the following ways:

**Bonds** - General obligation bonds are repaid with property taxes.

**Grants** - Ports may accept a variety of grants or gifts. As state and federal funding dwindles for capital projects, the tax base becomes increasingly important to secure the bonding capacity which often require local matching funds.

**IDD Levy** - The Port District Act authorized a tax levy system to finance each port district. [This answer implies increased property taxes for most funding options.](#)

[A direct answer to this question would give a dollar amount for the projected cost to acquire additional property and a straight answer regarding possible property tax increases to fund the acquisition.](#)

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**H:** The public is asking why they were not considered first in this venture before partnering with the developers. What about a totally public option being considered first?

**Not answered.**

(3) RiverWalk on the Columbia, LLC, took the initiative to put together a fairly extensive proposal for the Port, and presented an intriguing opportunity to partner with the Port. The development group is comprised of developers with local business experience. The RiverWalk proposal featured many elements from past studies. [The extensive proposal, if it exists, has not been included in response to public records requests. The developer's local record is not good and does not warrant their position with the Port ahead of the public. Including elements from past studies should not position the developers ahead of the public, which commissioned the studies through its Port.](#)

(5) Private-public partnerships can offer key advantages for many successful major projects due to escalating development costs, increased land-use regulations, and limited public funds available for larger multi-million dollar projects. The proposed mixed-use environment will allow the developers to maximize their investment with the residential and commercial activities. [Why didn't they ask the public what they wanted? Do they want their Port to use a private-public partnership to use public waterfront for private profit and to get around land use regulations?](#)

[A direct answer here would not only say that private money was needed for a development of this scale, but why the commissioners committed to this type of project without public knowledge or input. The public may have preferred development on a scale that would not require private profit to drive the process. Why wasn't the public consulted first?](#)

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**I:** Will the commissioners support the use of eminent domain or condemnation to acquire additional private property as was described in the Option Agreement signed in November of 2005?

**Not answered.**

(11) Not at this time. [It was their original plan but the Port may be restricted by recent action by the legislature.](#)

[A direct answer would be either \*\*yes\*\* or \*\*no\*\*.](#)

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**J:** How will the commissioners guarantee that the boating public will have adequate boat trailer parking? Four lanes require at least 200 spaces, and we currently have 135. Will there be enough boat trailer parking throughout the several phases of development? Some of the conceptual drawings show no boat trailer parking at all, and another shows

boat trailer parking being added in the future, about 5-6 years. Is this what the commissioners want? Will the commissioners guarantee at least the current level of boat trailer parking for the 6 to 8 years of development? Has the Port started the permit process for a new boat launch and trailer parking?

**Not answered.**

(12) We are still in the preliminary stages of drafting the master plan to be able to determine the *exact* size and location of the marina services. **No guarantee of adequate boat trailer parking during or after the years of development activity.**

Several questions are included together here. An affirmative answer would state that the Port would guarantee that the public would have access to current or increased boat trailer parking during any construction in the area and into the future. This would have to be within reasonable proximity to the boat ramp. Once again, has the Port started the permit process for a new boat launch and trailer parking?

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**K:** The public has expressed concern about the need for this development to be “economically feasible”, and the public also is concerned about the value of the public’s recreational use and access or availability to this natural and valuable resource from now and into the future. How do the commissioners view the value of this area? How do they see this in regards to a legacy for future generations? How will they guarantee the public will continue to have access to this public land into the future?

**Poorly answered.**

(1) Goals for the waterfront redevelopment include:

Develop a compelling waterfront plan that contributes to the economy.

Improve the connections and access to historical and cultural ties.

Engage the public in the plan development.

Preserve or enhance the natural environment.

Public recreational use and access is not mentioned in the Port’s response. Private development uses that make more money seem to be the priority. Public access to much of the public waterfront area is likely to be limited to visiting the commercial businesses taking up much of the area, or visiting any friends you may have that live in the upscale condos.

The Commissioners should include increased public access and recreation as high priorities in their goals, as indicated by public response and WAC recommendations. How would they insure that their plans could achieve this goal?

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**L:** What is the reason to bring in a “general manager” (referring to Scot Walstra) at this late date? The public is wondering when consideration of “every question” will be done and answered before moving forward with this project? Will the commissioners leave time for deliberation of all public concerns before giving the “green light” to this project?

**No answer!**

The first question is straight forward. The recent removal of Sheldon Tyler only increases the public’s curiosity regarding this.

The second part is a reflection of all of the unanswered questions that still exist regarding this proposal. The Port sponsored a “public forum” on the RiverWalk proposal

in July 2006 at Washougal High School. No answers were provided. Those in attendance left with more questions than they had when they arrived. The Port held an open house at the Port office in March 2007. The “concepts” displayed provided few answers and again raised more questions. Questions directed to the Port Commissioners seldom get a response. So the question is, with the expiration of the option period rapidly approaching, where are you now in this process, how will you consider the public’s concerns and how do you intend to answer the public’s questions prior to taking any more steps forward in your process?

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**M:** The public has expressed concern that the process for environmental and archeological protections has not begun. What is being considered in regards to protecting the Shoreline and Columbia River in regards to this project? What will be the steps taken?

Poorly answered.

(14) The Port of Camas-Washougal adheres to local, state, and federal regulations with all port development. **They will not do anything illegal? This doesn’t answer the question.**

(15) The next steps involve the development of the Master Plan and a Master Development Agreement, which are anticipated to be ready for review before the end of the year. The WAC and the public will have an opportunity to review these concepts. Future next steps, if all conditions of the agreements are met, would potentially involve a range of activities from land acquisition to permitting to final design and engineering. **The Port may use the WAC endorsement and the incomplete master plan for the remaining weeks prior to the expiration of the option agreement. The ground lease agreement would likely be signed before then. There is legitimate concern that everything will show up at the last minute, or after the fact, giving no time for public review before the Port takes their next steps in this process.**

The question relates to the public concern for environmental and archeological protections. The Port should provide an answer detailing the anticipated steps to protect these resources.

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**N:** What is the commissioners understanding of the 50/50 profit split with the developers? How much are they expecting and how will these profits be used?

No answer!

The term "net revenues" is not defined in the option agreement. What is the Commissioner's understanding of this term and how did they arrive at this understanding? What amount of revenue does the Port expect to receive over what period of time and how do they propose to use this income?

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**O:** How will the City of Camas be involved in this project? How will they benefit?

Not answered.

(6) This proposed project will complement the current economic growth in the downtowns of Camas and Washougal. It will give people from surrounding cities and states another great reason to make the trip to our cities and spend more time in our

community. The vision is to establish this waterfront community as a destination point, enhancing our gateway to the magnificent Columbia River Gorge. Many business leaders in the existing downtown areas believe RiverWalk could kill Camas and Washougal's downtown areas.

Since over 60% of the Port's constituents live in the Camas area, yet all of the proposed development is in Washougal, how will Camas be involved? How will they benefit?

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**P:** There still is confusion about the type of taxes and the amount of tax infusion into our local schools, cities, services, and libraries. What is the understanding of the commissioners regarding the taxes to be made from this project? How do you arrive at these numbers and can you explain them in plain language for the public?

Not answered.

(7) The Port anticipates a mix of leasehold excise, property, sales, and hotel-related taxes to be generated from this proposed waterfront redevelopment project. Port tenants in the state of Washington pay a leasehold excise tax of 12.84 percent of their rent, as determined by the Washington State Department of Revenue to be comparable to the amount paid in property taxes. Leasehold excise taxes are collected by ports and sent to Washington State; a portion of the tax receipts is returned to the local cities, county, schools and municipalities. In addition to leasehold and property taxes, the developers project an increase in the receipt of sales tax as well as tourism dollars for the local economy. The Port of Camas-Washougal also anticipates an increase to the total assessed valuation of the port district, which would result in lowering the overall tax rate for the local homeowner. Local schools and other jurisdictions get a much smaller portion of leasehold tax than property tax. This is a key part of the question. The commissioners show no evidence that they understand this issue. They have offered only wild estimates of projected revenue in the past and offer no plain language explanation of how any tax revenue would be distributed.

An answer to this would show that the Commissioners understand this important issue and are willing to give a detailed explanation that everyone interested can understand.

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**Q:** The public is concerned about the local retail space that remains unfilled, and this project increasing the amount of current retail space. What will the commissioners do to get retail space filled?

No answer!

The Commissioners have said that this is the responsibility of RiverWalk. Consideration of the competition this development would give to existing commercial space, and the importance that this development be needed and successful if it proceeds are responsibilities that the Commissioners should not delegate to private developers. A direct response would be to present a plan for recruiting businesses, which would include any partnership with local chambers, city governments, and business development groups, as well as the commissioners understanding of the need for supporting local businesses that choose this project to locate.

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**R:** The Public is asking what the commissioners understand about the Option Agreement. Can they slow down the process and delay signing a lease/contract until concerns can be

addressed and questions can be answered? Can the Port “back out” of this agreement?

No answer!

In answering this question, the Commissioners should show that they understand what they signed and assure the public that they have their constituent's interests foremost in their priorities. Have they allowed themselves the ability to take the necessary time to truly consider the public's concerns? What mechanism do they have to get out of this agreement if they find it is not in the public interest?

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**S:** The public is concerned about protecting and preserving Parkersville Landing and Marina Park. Over 1000 signatures were obtained on petitions to do this, and the public is asking if CCIA plans to present these to the Port. Do the commissioners plan to protect and preserve the entire National Historical Site?

Not answered.

(13) With the completion of a preliminary master plan, we will have a better understanding of the footprint of the historical park. The Port supports the WAC's recommendation to incorporate the historical significance in the design as outlined in the WAC's final report. How large and where will the park be? This answer does not insure that the entire 3.88 acre Historic Site will be protected or that any remnant will remain in its current location.

The Port has never committed to preserving all 3.88 acres of the Parker's Landing Historical Park. Here is an opportunity for them to assure the public that they do value the National Historic Site as much as the public does.

**The FAQ list raises these additional questions.**

- (a) Port is sharing the cost of a feasibility study with RiverWalk, committing \$200,000.00 in public funds to this effort. We assume the feasibility study would be completed prior to going forward with the Master Plan. When will the Commissioners share the details and conclusions from the site assessments and feasibility study with the public?
- (b) How do you explain the timing of completion of the Master Plan, “ready for review before the end of the year”, and the expiration of the option agreement in early November? We ask the Port Commissioners not to sign a long term ground lease prior to completion and public review of the Master Plan. We ask the Port Commissioners not to sign an extension of the Option Agreement with RiverWalk without adequate notice giving time for public input to be considered.