

**PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
April 22, 2014**

ROLL CALL: Present: Keith Fakkema, Ana Schlecht, David Fikse, and Bruce Freeman
Absent: Sandi Peterson, Greg Wasinger and Kristi Jensen
Staff Present: Development Services Director, Steve Powers; Senior Planners, Cac Kamak and Ethan Spoo

Chairman Fakkema called the meeting to order at 7:35 p.m.

PUBLIC COMMENT:

None present for comment.

MINUTES: MR. FREEMAN MOVED, MR. FIKSE SECONDED, MOTION CARRIED TO APPROVE THE FEBRUARY 25, 2014 MINUTES AS PRESENTED.

2014 COMPREHENSIVE PLAN AMENDMENT – SCENIC VIEWS – Public meeting

Mr. Kamak presented the staff report summarizing the actions taken to-date regarding the scenic views study initiated in 2012 which began with a public outreach effort that solicited photos from citizens on scenic views within Oak Harbor. Criteria were developed to assist in the selection of views for preservation which led to the selection of 9 potential views for preservation. Over the next few Planning Commission will begin considering draft regulations/guidelines tailored specifically for each view.

Planning Commission Discussion

Commissioners asked staff if there were any mechanisms in place now should a development or redevelopment application be submitted today. Staff indicated that the Shoreline Master Program has a section on scenic views which would apply to properties within 200 feet of the Ordinary High Water Mark. For properties outside of that there are no regulations for scenic views today other than a general requirement in site plan chapter of the Municipal Code regarding impact on views. Mr. Fikse cautioned against restricting property owner rights and pushing business out of the business districts.

MARITIME USES – Public meeting

Mr. Kamak presented the staff report that presented background on the Maritime land use designation which was adopted in 2012 to foster development on lands adjacent to the Marina. Since zoning regulations are necessary to implement the intent of the Maritime land use designation, the Planning Commission discussed the basic framework for zoning regulations in early in 2013. Staff's next step is to draft regulations for Planning Commission review in May.

Planning Commission Discussion

Mr. Freeman asked staff to provide a map of the Marina area showing the property lines and what areas the City owns and State owns to help with their discussion about future redevelopment possibilities and zoning regulations.

MEDICAL MARIJUANA – Public meeting

Mr. Powers presented the staff report presenting background information on medical marijuana related uses. The City Council imposed a six-month moratorium on the establishment of medical marijuana dispensaries, collective gardens and the licensing and permitting thereof.

The Council voted to extend the moratorium on February 4, 2014 to await results of the pending legislation which sought to align the recreational marijuana law with those for medical marijuana but the 2014 Legislative session concluded without any such alignment. The lack of action at the State level has left Oak Harbor and other communities without any clear legislative direction to consider. Mr. Powers noted that recently the State Court of Appeals upheld the City of Kent's prohibition of collective gardens, ruling that collective gardens are not legal under Washington's current law. But it is likely that the ruling will be appealed to the State Supreme Court.

Mr. Powers welcomed Planning Commission's preliminary thoughts and stated that staff's goal is to present additional information to the Planning Commission's May meeting.

ADJOURN: 8:30 p.m.

Minutes submitted by: Katherine Gifford