



PLANNING COMMISSION

AGENDA

December 9, 2014

ROLL CALL: FAKKEMA _____ WASINGER _____
 PICCONE _____ PETERSON _____
 FREEMAN _____ SCHLECHT _____
 PIERCE _____

1. *Page 4*
Approval of Minutes – November 25, 2014

2. **Public Comment** – Planning Commission will accept public comment for items not otherwise on the agenda for the first 15 minutes of the Planning Commission meeting.

3. *Page 12*
DRAFT COUNTYWIDE PLANNING POLICIES – Public Hearing
The Countywide Planning Policies (CWPP) are policy statements adopted by Island County and the jurisdictions within intended to establish a countywide framework from which county and city comprehensive plans are developed. Adoption of the CWPP is required by the Growth Management Act and they are being revised as part of the 2016 update to the Comprehensive Plan. Staff will continue the discussion with the Planning Commission on the current status of this project. Planning Commission may make a recommendation to City Council.

4. *Page 47*
2015 COMPREHENSIVE PLAN AMENDMENT – Public Meeting
The process for the annual amendments for the 2015 Comprehensive Plan Amendment cycle was initiated in October with a notice to the newspaper. Applications for sponsored amendments are due on December 1, 2015. A major portion of 2015 will be dedicated to updating the Comprehensive Plan for the 2016 major update. Staff will continue the discussion with the Planning Commission on potential amendments for the 2015 Comprehensive Plan amendment cycle.

5. *Page 66*
MARITIME USES – Public Meeting
The City’s Comprehensive Plan was amended in 2012 to include Maritime Uses as a land use category. The lands adjacent to the Marina are now designated as Maritime. Staff will discuss a framework for creating zoning regulations for this land use category with the Planning Commission.

MINUTES

November 25, 2014

**PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
November 25, 2014**

ROLL CALL: Present: Keith Fakkema, Sandi Peterson, Greg Wasinger, Mike Piccone and Cecil Pierce
Absent: Ana Schlecht and Bruce Freeman
Staff Present: Development Services Director, Steve Powers; Senior Planner, Cac Kamak and Associate Planner Ray Lindenburg

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

MINUTES: MS. PETERSON MOVED, MR. PIERCE SECONDED, MOTION CARRIED TO APPROVE THE OCTOBER 28, 2014 MINUTES AS PRESENTED.

PUBLIC COMMENT:

None.

DRAFT COUNTYWIDE PLANNING POLICIES – Public Meeting

Mr. Powers displayed a PowerPoint presentation (PC Attachment 1) while summarizing the background, key concepts and detailed descriptions of the Draft Countywide Planning Policies document sections.

Discussion

Planning Commissioners questioned staff about County and City tax implications, the collaborative process between the County and cities, County enclaves within the City, annexation and the tentative schedule.

2015 COMPREHENSIVE PLAN AMENDMENT – Public Meeting

Mr. Kamak reported that the Growth Management Act allows amendments to Comprehensive Plans only once a year. Oak Harbor starts the process in October with an advertisement in the news paper calling for applications from the public for land use changes referred to as sponsored amendments. The deadline for submitting an application is December 1st. Mr. Kamak stated that a preliminary docket is compiled each year with input from the public and Planning Commission. Then the Planning Commission forwards the docket with a recommendation to City Council. The City Council reviews it and approves a final docket before March 31st. Then the docket items work their way through the Planning Commission through June and July, at the end of August the State is notified of the Comprehensive Plan amendments, State environmental impact analysis is done in September, Planning Commission's public hearing for adoption of the amendments is held in October and the City Council holds their public hearing in November/December to adopt the amendments.

Mr. Kamak explained that there are three types of amendments; sponsored, mandated and discretionary. Sponsored amendments come from the public and are typically land use changes. Mr. Kamak stated that he has spoken with three individuals but amendment applications haven't been submitted yet. Mandated amendments are State required updates and take priority. This year the facility plan for the wastewater treatment plant is a mandated amendment because of the location of the facility and the plans related to that were created as a facility plan as an amendment to the Sewer Comprehensive Plan. The Capital Improvement Plan is considered a mandated amendment. Discretionary amendments are not mandated by

the State but are amendments such as the scenic views study. There are no discretionary amendments this year primarily because we are starting the 2016 update which will require updating many elements within the Comprehensive Plan and will require many policy decisions throughout the year.

Mr. Kamak asked Planning Commissioners if they have any issues that they would like to address that could potentially be addressed on one of the Comprehensive Plan elements. Mr. Kamak noted that there were some items that were discussed in previous years and discarded because the Planning Commission thought those items weren't time sensitive enough. Mr. Kamak suggested that Planning Commissioners think about the docket and discuss potential docket items at the December 9th meeting.

Discussion

Planning Commissioners asked staff to provide a list of discretionary amendments that were discussed the previous year.

ADJOURN: 8:33 p.m.

Minutes submitted by: Katherine Gifford

DRAFT

GMA PLANNING: COUNTYWIDE PLANNING POLICIES



CITY OF
Oak Harbor
WHIDBEY ISLAND, WASHINGTON

City Issues

12/2/2014

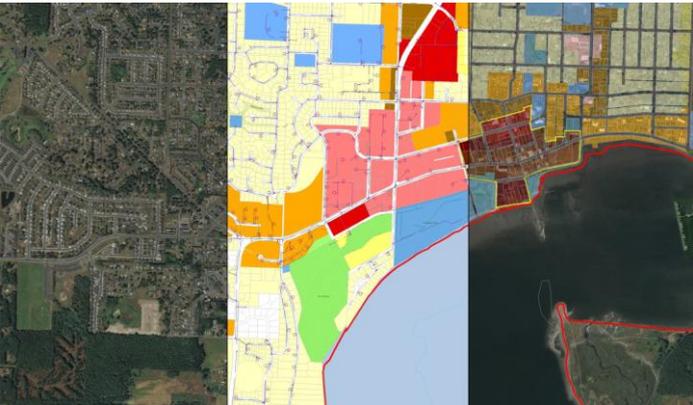


COUNTYWIDE PLANNING POLICIES

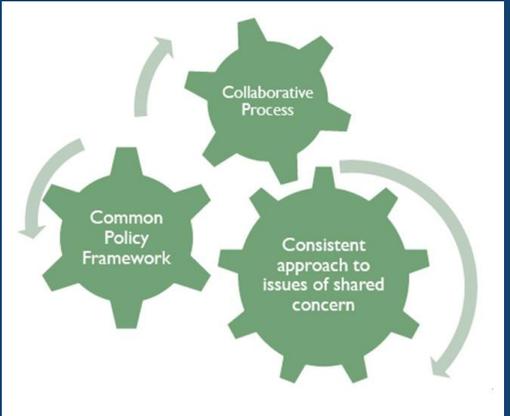
- Required by GMA
 - Guide and coordinate issues of regional significance
 - Guide intergovernmental planning efforts
 - Implement GMA planning goals
 - Ensure actions of local government agencies are coordinated and consistent with one another



COUNTYWIDE PLANNING POLICIES

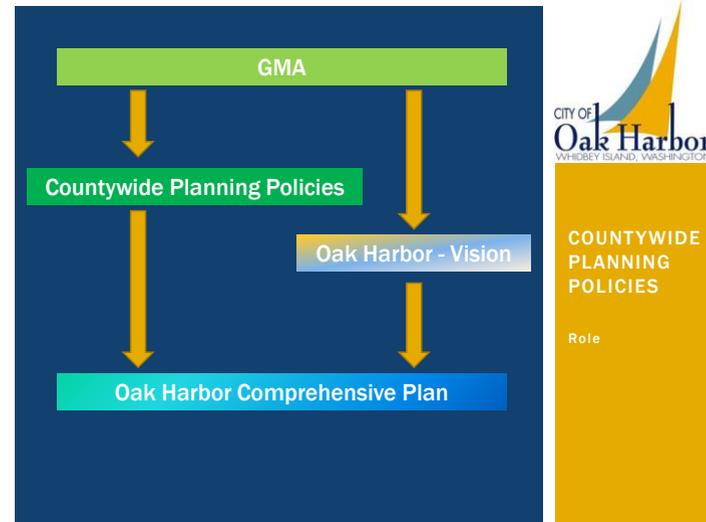


Key Concepts



COUNTYWIDE PLANNING POLICIES

Purpose



CITY OF Oak Harbor
WHIDBEY ISLAND, WASHINGTON

COUNTYWIDE PLANNING POLICIES

- Draft document sections
 1. General Provisions
 2. Countywide Planning Goals
 3. Countywide Planning Policies
 4. Administration and Implementation

CITY OF Oak Harbor
WHIDBEY ISLAND, WASHINGTON

COUNTYWIDE PLANNING POLICIES

1. General Provisions
 - Purpose
 - Applicability
 - Government Agency
 - Special Service Districts
 - Definitions
 - Used in the interpretation and application of the CWPP



COUNTYWIDE PLANNING POLICIES

2. Countywide Planning Goals

- Intergovernmental coordination
- Joint City and County Planning
- Public Participation
- Urban Growth Areas
- Urban Development
- Rural Development
- Public Services
- Urban Services
- Facilities of Countywide or Statewide Significance
- Transportation
- Affordable Housing
- Economic Development
- Critical Areas
- Historic Preservation
- Water Resources
- Climate and Natural Disasters
- Public Health



COUNTYWIDE PLANNING POLICIES

3. Countywide Planning Policies

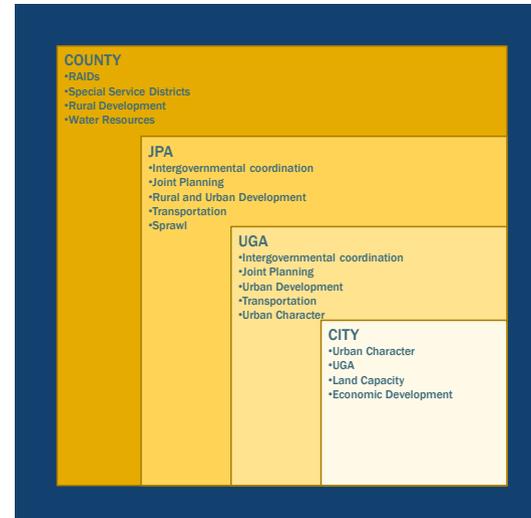
- General Provisions
- Joint Planning Area Policies
- Urban Growth Areas
- Urban Development
- Rural Development
- Public Facilities and Services
- Facilities of Countywide or Statewide Significance
- Transportation
- Housing
- Land Use and Public Health
- Economic Development and Employment



COUNTYWIDE PLANNING POLICIES

4. Administration and Implementation

- Countywide Planning Group
- Procedures for Adopting and Amending CWPP
- Population Projections and Land Capacity Analysis (*key concepts*)
- Monitoring and Reporting Procedures



COUNTYWIDE PLANNING POLICIES

Purpose



COUNTYWIDE PLANNING POLICIES

- Discussion of draft CWPP
 - Systematic
 - Intended to draw out PC comments & questions
 - Tonight's goal: General Provisions through JPA policies



COUNTYWIDE PLANNING POLICIES

1. General Provisions
 - Purpose (pg. 1)
 - Applicability (pg. 1)
 - Government Agency
 - Special Service Districts
 - Definitions (pg. 2)
 - Used in the interpretation and application of the CWPP



COUNTYWIDE PLANNING POLICIES

2. Countywide Planning Goals (pg. 5)

- Intergovernmental coordination
- Joint City and County Planning
- Public Participation
- Urban Growth Areas
- Urban Development
- Rural Development
- Public Services
- Urban Services
- Facilities of Countywide or Statewide Significance
- Transportation
- Affordable Housing
- Economic Development
- Critical Areas
- Historic Preservation
- Water Resources
- Climate and Natural Disasters
- Public Health



COUNTYWIDE PLANNING POLICIES

3. Countywide Planning Policies (pg. 7)

- General Provisions
- Joint Planning Area Policies
 - Urban Growth Areas
 - Urban Development
 - Rural Development
 - Public Facilities and Services
 - Facilities of Countywide or Statewide Significance
 - Transportation
 - Housing
 - Land Use and Public Health
 - Economic Development and Employment



COUNTYWIDE PLANNING POLICIES

■ Tentative schedule

- PC meetings and hearing ~ Nov/Dec/Jan
- CC meetings and hearing ~ Jan/Feb/March
- Staff coord. with Island County ~ ongoing

Public participation encouraged

DRAFT
COUNTY-WIDE
PLANNING POLICIES

Public Hearing

Memo

TO: Planning Commission
FROM: Steve Powers, Development Services Director
CC: File
DATE: 12/4/2014
RE: Draft Countywide Planning Policies

Staff will continue discussing the draft Countywide Planning Policies (CWPP) with the Planning Commission. The discussion will focus on the next one or two sections of the document: 3.3 Urban Growth Areas and 3.4 Urban Development. The Commission may want to focus their review of the draft on those two sections. Staff will of course answer questions and take feedback on any section in the document.

On a procedural note, this item was advertised as a public hearing. Staff believes it is premature to open on a hearing on this item and will request the Commission treat this as a public meeting only.

Please feel free to contact me if you have any questions.

Thank you.

Countywide Planning Policies

1. General Provisions

1.1 Purpose

The Washington State Growth Management Act (GMA) requires that cities and counties adopt comprehensive plans. The GMA further requires that counties adopt Countywide Planning Policies (CWPPs) (RCW 36.70A.210 & WAC 365-196-305) to guide and coordinate issues of regional significance. The following goals and policies are intended to guide intergovernmental planning efforts, fully implement the planning goals identified in the GMA, and ensure that the actions of local government agencies within Island County are coordinated and consistent with one another.

1.2 Applicability

Any Government Agency or Special Service District within Island County that conducts planning activities or provides Public Services shall be subject to the goals and policies identified in these CWPPs; specifically:

1. No Government Agency or Special Service District shall adopt or enforce a Planning Policy or Development Regulation which is contrary to the goals and policies identified in this plan.
2. No Government Agency or Special Service District shall construct a public facility, or provide Public Services, in a manner which is contrary to the goals and policies identified in this plan.
3. These policies are intended to apply only to areas of overlapping jurisdiction or concern where a high level of intergovernmental coordination is called for, and should not be construed to otherwise reduce, diminish, or supersede those planning and land use powers reserved exclusively for the Municipalities or the County by Washington State law.
4. These policies shall only apply to Special Service Districts if either; (a) both the County and the Special Service District enter into an inter-local agreement making these policies applicable to the Special Service District; or, (b) amendments to the GMA make these policies applicable to, or allow these policies to be applicable to Special Service Districts.

1.3 Definitions

The following definitions shall be used in the interpretation and application of the CWPPs.

1. Agency, Government: The County government of Island County, a Municipality within Island County, or a department or agency of the State of Washington.
2. County: The County government of Island County. This term is used throughout this document to differentiate between the government and jurisdictional limits of the government of Island County, and the geographic area encompassed by Island County. See “Island County”.
3. Development Regulation: Controls placed on development or land use activities by the County or Municipalities, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.
4. Facility of Statewide or Countywide Significance: Those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW [47.06.140](#), regional transit authority facilities as defined in RCW [81.112.020](#), state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW [71.09.020](#).
5. Future Planning Area: An area immediately outside of, and adjacent to, a Non-Municipal Urban Growth Area. Future Planning Areas are designated by the County to reserve areas which may be necessary for future urban growth and to protect land which has been identified as having long term rural significance such as critical areas, key entrance roads, and areas of historical significance. Broadly, such areas are intended to provide an opportunity for long term planning beyond the normal twenty year planning horizon.
6. Joint Planning Area (JPA): Areas immediately outside of, and adjacent to, Municipal Urban Growth Areas. JPAs are jointly designated by the County and Municipalities to reserve areas which may be necessary for future urban growth and to protect land which has been identified as having long term rural significance such as critical areas, key entrance roads, and areas of historical significance. Broadly, such areas are intended to provide an opportunity for long term planning beyond the normal twenty year planning horizon.
7. Municipality or Municipal: A legally incorporated or duly authorized association of inhabitants of a limited area for local government or other public purposes. For

purposes of interpreting this document, “Municipality” or “Municipal” is intended to refer to the current incorporated jurisdictions in Island County (Coupeville, Langley, and Oak Harbor) as well as any city or town incorporated after the establishment of these policies.

8. Planning Area: Four Planning Areas have been established in Island County for purposes of long term planning, population forecasting, and data analysis. The four Planning Areas include: Camano Island, North Whidbey, Central Whidbey, and South Whidbey. The specific boundaries of these areas are delineated on maps maintained by, and on file with, the County Planning Department.
9. Planning Goals, or Planning Policies: Statements, goals, and specific policies expressed in the Growth Management Act, Countywide Planning Policies, or a comprehensive plan adopted by the County or a Municipality.
10. Rural Area: As used in this document the term “Rural Area” is intended to refer to all of the land area in Island County outside of established Urban Growth Areas. Generally Rural Areas are intended to facilitate agriculture, forestry, and other resource dependent uses and activities which depend on rural resources and lands. Other uses may be permitted in the Rural Area when consistent with the County’s definition of Rural Character.
11. Rural Character: Refers to patterns of land use and development established by the County in the Rural Element of the Island County Comprehensive Plan. For purposes of interpreting this document, the definition of Rural Character shall be the definition contained in the Island County Comprehensive Plan.
12. Service, Public: include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other services provide by Government Agencies, Special Service Districts, or private entities which serve a number of individuals, households, or broad geographic areas.
13. Service, Rural: Those Public Services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services are those services necessary to support development which is consistent with the definition of Rural Character and do not include storm or sanitary sewers, except as otherwise authorized by RCW [36.70A.110\(4\)](#).
14. Service, Urban: Those Public Services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with Rural Areas.

Urban Services are intended to accommodate and facilitate Urban forms of development consistent with the policies expressed in the comprehensive plans adopted by Municipalities.

15. Special Service District: Independent governmental units that exist separately from local governments to provide public services to limited areas using public funds, including but not limited to sewer and water districts, fire districts, and school districts.
16. Sprawl: Scattered, poorly planned Urban Development that occurs particularly in urban fringe and Rural Areas and frequently invades land important for environmental and natural resource protection. Generally sprawl is neither Urban nor Rural in character and occurs at densities too high to maintain Rural Character, but too low to provide the full range of social, economic, and cultural amenities typically associated with cities and towns. Sprawl is also characterized by forms of development which are difficult or costly to serve with high quality Urban Services
17. Urban Character: Refers to a pattern of Urban Growth characterized by a high concentration of economic, social, and cultural amenities, as well as a full range of housing types and densities. Each Municipality in Island County has adopted a Comprehensive Plan which is expressive of their desired urban form and character.
18. Urban Development, Urban Growth: A pattern of growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW [36.70A.170](#).
19. Urban Growth Area (UGA): Areas within which urban growth is encouraged and outside of which growth can occur only if it is consistent with Rural Character and not urban in nature. In Island County UGAs have been established around each Municipality. In addition a UGA has been established around Freeland in recognition of its existing pattern of Urban Development.
20. Urban Growth Area, Municipal: Each Municipality in Island County has been included in an Urban Growth Area and is responsible for developing a comprehensive plan in compliance with the GMA and the County Wide Planning Policies developed jointly by the County and Municipalities. For purposes of interpreting this document a Municipal Urban Growth Area shall mean an Urban Growth Area associated with an incorporated Municipality. Municipal Urban Growth Areas are subject to the Planning Goals and Policies set forth in the comprehensive plans adopted by the Municipalities.

21. Urban Growth Area, Non-Municipal: An area characterized by an extensive pattern of Urban Development which was established prior to the adoption of the GMA and which does not include an incorporated Municipality. In Island County, a Non-Municipal Urban Growth Area has been established around the unincorporated area of Freeland in recognition of an existing pattern of development. The Freeland Non-Municipal Urban Growth Area is subject to the Planning Goals and Policies set forth in the County's Comprehensive Plan and the Freeland Subarea Plan.
22. Urban Growth Boundary (UGB): The line which separates designated Urban Growth Areas from the surrounding Rural Areas. The UGB is intended to preserve Rural Character in Rural Areas and prevent low-density sprawling development by focusing and encouraging Urban Growth in designated Urban Growth Areas.

2. Countywide Planning Goals

Island County and the municipalities have identified the following goals as being of countywide concern. These goals are intended to provide a foundation for the CWPPs.

1. Intergovernmental coordination: The County, the City of Langley, the Town of Coupeville, the City of Oak Harbor, State Agencies, and Special Service Districts, will work together to address issues of regional, or countywide importance in a coordinated fashion. Proactive communication and coordination will improve the quality of planning activities and reduce the likelihood of disputes.
2. Joint City and County Planning: Decisions regarding Joint Planning Areas, Urban Growth Areas, areas for future UGA expansions, and areas of Long Term Rural Significance will be made by the County and Municipalities in a cooperative fashion.
3. Public Participation: Island County citizens will be involved in the planning process and public comments will be considered by the County and Municipalities before making planning decisions involving issues of countywide concern.
4. Urban Growth Areas: All decisions regarding the designation of new Urban Growth Areas, adjustments to existing Urban Growth Areas, population forecasting, and the allocation of populations to Urban Growth Areas will be made using clearly stated and rational criteria.
5. Urban Development: The social and economic vitality of Island County's cities and towns will be reinforced by ensuring that Urban Growth occurs only within designated Urban Growth Areas and that uses and densities that are not appropriate in Rural Areas are accommodated in an organized and rational fashion.

6. Rural Development: Island County's unique rural atmosphere and lifestyle will be protected from sprawling low density development and inappropriate uses; also, rural land use plans will ensure that permitted development is consistent with the availability of Rural Services and resources.
7. Public Services: Adopted land use and economic development plans will be reinforced and supported by Public Service and infrastructure investments. Decisions on infrastructure investments and the provision of Public Services will be made in a way which strengthens and reinforces adopted Planning Goals and Policies.
8. Urban Services: In order to protect and enhance the quality of life enjoyed by the residents of Island County's Municipalities, and Urban Growth Areas, Urban Development will be provided with high quality Urban Services. The Municipalities will work to provide services at a level that promotes and fosters Urban Development in a manner consistent with their adopted Planning Goals and Policies. Urban Services will not be provided outside of Urban Growth Areas to protect Island County's Rural Character and prevent scattered Sprawling development patterns which are inefficient and costly to serve.
9. Facilities of Countywide or Statewide Significance: In recognition of the fact that some uses are difficult to site, but may be regionally significant or essential, the County, Municipalities, and State agencies will work together to develop consistent policies and regulations governing, but not prohibiting these facilities.
10. Transportation: Island County should be served by an efficient, well connected, multimodal transportation system. Transportation plans, spending decisions, and regulations will be consistent with, and reinforce adopted land use and economic development plans.
11. Affordable Housing: Opportunities for affordable housing will be provided throughout Island County and a full range of housing types and densities will be permitted in Island County's Urban Growth Areas and Municipalities in order to ensure that the supply of new housing is consistent with demand.
12. Economic Development: Develop a coordinated and diverse economic base that provides employment opportunities and improves the wellbeing of all economic segments of Island County's population. The County and Municipalities will consider economic development broadly by incorporating Planning Policies throughout their planning documents that are supportive of a coordinated economic development strategy.
13. Critical Areas: The County and Municipalities will work together to ensure that Planning Policies, and Development Regulations designed to protect Island County's natural resources and critical areas are consistent with one another.

14. Historic Preservation: Preserve and protect cultural resources as well as lands, sites, and structures that have historic or archaeological significance.
15. Water Resources: Protect the long term viability of Island County's drinking water supply and the rights of Island County's existing residents by ensuring that allowed densities and land uses are consistent with known and /or verifiable water supplies.
16. Climate & Natural Disasters: In order to avoid unnecessary and costly infrastructure work and to avoid exposing Island County residents to unnecessary risk, the County and municipalities will work proactively to prepare for, and if necessary, adapt to the impacts of changing climate patterns and natural disasters.
17. Public Health: Promote the health of people of all ages and abilities by adopting policies and regulations that encourage safe, healthy habits through the communities we plan, build, and preserve.

3. Countywide Planning Policies

The following policies are intended to facilitate the realization of the countywide goals identified above. These policies are further intended to guide the development of County and Municipal comprehensive plans and Development Regulations where such plans and regulations involve issues of countywide concern.

3.1 General Provisions

1. Municipalities shall be responsible for establishing long range plans, Planning Policies, and Development Regulations for managing growth, development, and land use within designated Municipal Urban Growth Areas. The Municipalities shall also be exclusively responsible for permitting activities and land use regulation within the incorporated portions of designated Municipal Urban Growth Areas.
2. The County shall be responsible for permitting activities and land use regulation within unincorporated portions of designated Municipal Urban Growth Areas; however, the County must coordinate with the associated Municipality to ensure that any new uses authorized by a County permit or Development Regulations are consistent with the Municipality's Planning Goals and Policies, as well as any applicable Countywide Planning Policies.
3. Growth and development within Non-Municipal Urban Growth Areas shall be planned for, managed, and regulated by the County.

4. The County and the Municipalities should coordinate where appropriate, the development and implementation of long-range plans for youth services, senior services, fire protection, police services, air quality, transportation, solid waste, public and private utilities, and environmental plans such as watershed and storm-water planning.
5. Growth and development outside of Urban Growth Areas shall be planned for and managed by the County, except that planning within Joint Planning Areas shall be conducted jointly by the County and the Municipalities as described below in section 3.2.

3.2 Joint Planning Area Policies

1. For each Municipal UGA, the County and the Municipality associated with the UGA shall collaboratively designate a Joint Planning Area (JPA). The County and Municipality shall also collaboratively produce a long term conceptual plan for the Joint Planning Area as follows:
 - a. Three broad overlay designations shall apply within JPAs as follows; Potential Growth Area (PGA), Long Term Rural Significance (LRS), and Undesignated (UD). A JPA need not contain all three designations, provided the designations assigned are consistent with the criteria discussed below.
 - b. Designate areas appropriate for future Urban Growth Area expansions. Land shall be assigned a JPA overly designation of Potential Growth Area (PGA) if it is already characterized by Urban Development, served by Urban Services, particularly sanitary sewer, or is determined by the Municipality and the County to be the most logical and cost effective location to accommodate future Urban Growth Area expansions. Land which meets the criteria for an LRS designation shall not be assigned a JPA overlay designation of PGA.
 - c. Designate areas of Long Term Rural Significance (LRS) which have important environmental, aesthetic, or cultural values; or which have been designated for agricultural or forestry uses. Lands which are reflective of the values listed above should be assigned a JPA overly designation of LRS. At a minimum, all lands which have been assigned a County Comprehensive Plan designation of Rural Agriculture (RA), Commercial Agriculture (CA), or Rural Forest (RF) shall be assigned an LRS designation along with any other lands which may be within contiguous blocks of RA, CA, or RF land. In addition, lands which are extensively constrained by critical areas, flood hazards, or tsunami hazards should be assigned an LRS designation.

- d. Provide a buffer of land between the UGA or lands designated as Potential Growth Areas, and lands which have been assigned a comprehensive plan designation of Commercial Agriculture (CA), Rural Agriculture (RA), or Rural Forest (RF). This buffer area shall be assigned a JPA overlay designation of LRS.
 - e. All other lands within a JPA not designated as PGA or LRS should be assigned a JPA overlay designation of Undesignated (UD).
2. The County shall adopt the LRS, PGA, and UD designations as Comprehensive Plan overlay designations which will apply in addition to any underlying comprehensive plan designations.
3. The County may adopt a Future Planning Area around the Freeland Non-Municipal Urban Growth Area and assign overlay designations similar to those discussed above.
4. A conceptual JPA plan should be prepared by each Municipality in Island County consistent with the above criteria, the Planning Goals and Policies expressed in this document, and any applicable County Planning Goals and Policies. The County and Municipalities should then work together to resolve any concerns prior to final adoption by the County.
5. Proposals to modify a UGA or Joint Planning Area may be made by a Municipality or the County. Modifications to JPA plans shall be subject to the procedures and criteria identified above and should generally only be made during the periodic update cycle mandated by the GMA.
6. During each periodic update, the County and Municipalities should establish a schedule for the completion of JPA plans, or modifications to JPA plans. If a Municipality fails to prepare a JPA plan within the agreed upon timeline, the County shall take action to prepare and adopt a JPA plan.
7. For lands assigned a designation of Potential Growth Area (PGA), the County shall adopt Planning Policies and Development Regulations which limit or restrict development which could interfere with the efficient utilization of such lands for future Urban Development. The County shall also adopt comprehensive plan policies and Development Regulations which provide Municipalities notification of significant development proposals (such as land divisions, site plan approvals, and major transportation projects) within the JPA, and shall provide the affected Municipality with the ability to comment on such proposals.
8. For lands assigned a designation of Long Term Rural Significance (LRS), the County shall adopted comprehensive plan policies and Development Regulations which protect the environmental, aesthetic, or cultural values of such lands.

3.3 Urban Growth Areas

Consistent with the provisions of RCW 36.70A.110, a Municipal Urban Growth Area has been established around each Municipality. A Non-Municipal UGA has also been established in Freeland in recognition of the fact that Freeland is already characterized by Urban Development. Existing UGAs may only be modified when it can be demonstrated that the proposed modification is consistent with the following policies. The following policies are intended to implement countywide planning policies 2.1, 2.2, 2.4, and 2.5 as well as GMA planning goals 1, 2, and 4.

1. The review of a UGA for possible expansion is a significant undertaking. In general urban growth areas should only be expanded or modified during the periodic review and update required by RCW 36.70A.130; however, it is recognized that exceptional or unforeseen circumstances may necessitate modifications outside of the scheduled update cycle.
2. Urban growth areas shall only be expanded if necessary to accommodate a 20 year supply of buildable land as required by RCW 36.70A.110, and only after a demonstration of the following:
 - a. Population or employment growth has exceeded, or will exceed, the projections identified in the comprehensive plans adopted by the Municipality and the County; and
 - b. Development within the existing UGA is achieving or exceeding the residential densities or commercial intensities designated in the Municipality's comprehensive plan; and
 - c. The Municipality has considered alternative measures such as increasing the densities allowed within the existing UGA or altering the allowed uses designated in their adopted land use plan, and discussed such alternatives with the County. In determining the viability of such alternative measures, the Municipalities may consider a full range of economic, social, and real estate market factors; and
 - d. A current land capacity analysis has been completed in a manner consistent with the methodology included in Appendix "A" which shows that the current UGA does not contain a 20 year supply of buildable land as required by RCW 36.70A.110.

3. If it is determined that an expansion or modification of a UGA is necessary, land shall be considered for inclusion within the UGA in the following order:
 - a. Land with a JPA overlay designation of PGA.
 - b. Land with a JPA overlay designation of UD which is not extensively constrained by critical areas and which does not contain significant flood or tsunami hazard areas.
 - c. Land with a JPA overlay designation of LRS and an underlying County comprehensive plan designation of Rural (R) which is not extensively constrained by critical areas and which does not contain significant flood or tsunami hazard areas.
 - d. Land with a JPA overlay designation of LRS and an underlying County comprehensive plan designation of Rural Agriculture (RA) or Rural Forest (RF) which is not extensively constrained by critical areas, and which does not contain significant flood or tsunami hazard areas.
4. Land which is extensively constrained by critical areas, or which is designated as resource land of long term significance and is identified by a County comprehensive plan designation of "Commercial Agriculture" (CA) shall be considered the absolute lowest priority for inclusion within a UGA and shall only be included within a UGA upon a demonstration of the following:
 - a. After a thorough consideration of all other reasonable measures the UGA must be expanded in order to relieve a critical shortage of buildable land; and,
 - b. No other land exists which can reasonably be added to the UGA.
5. Under no circumstances shall a UGA be expanded into a designated tsunami or flood hazard area, unless this land is assigned an extremely low intensity comprehensive plan designation such as park or open space.
6. Urban Growth Areas may be reduced in size if:
 - a. Revised population estimates or allocations indicate that that the existing UGA is larger than necessary to accommodate a 20 year supply of buildable land.
 - b. Densities within the UGA have been increased such that the UGA is larger than necessary to accommodate a 20 year supply of buildable land.
 - c. It is determined that Urban Services including public sewer and water cannot reasonably be provided to the area included in the proposed UGA

reduction. Any UGA reduction proposed on the basis of this criterion shall ensure that any population currently allocated to the area included in the proposed reduction is redistributed elsewhere within the UGA, or to another UGA.

7. Urban Growth Areas may be modified by simultaneously including and excluding land so that the total area of the UGA is not altered, provided that:
 - a. Land shall be considered for inclusion based on the criteria expressed in policies 3.3.3, 3.3.4, and 3.3.5 above; and
 - b. Land shall not be removed from the UGA if it is already characterized by Urban Development, permits have been issued authorizing Urban Development, or Urban Services have been extended into the area.
8. Generally UGAs should only be enlarged or modified during the periodic update process; however, UGAs may be modified outside of the periodic update process if necessary to accommodate major and unanticipated fluctuations in Island County's population, or if necessary to accommodate a large employer or institution which cannot reasonably be accommodated within an existing UGA. In such instances, a UGA may be enlarged or modified if it can be demonstrated that the enlargement or expansion is consistent with one of the criteria enumerated below. For purposes of interpreting these policies "the start of the planning period" shall be interpreted to mean the date on which the most recent periodic update was completed.
 - a. Population growth in the UGA since the start of the twenty year planning period equals or exceeds fifty percent of the population capacity allocated to the UGA at the start of the planning period; or
 - b. Employment growth in the UGA since the start of the twenty year planning period equals or exceeds fifty percent of the employment capacity allocated to the UGA at the start of the planning period; or
 - c. Written notification is provided by the Department of Defense, or other reliable and verifiable information is obtained, indicating that prior to the next periodic update cycle, base staffing will increase in a manner which would result in population growth equal to or exceeding fifty percent of the population capacity allocated to the UGA at the start of the planning period; or
 - d. An opportunity is presented to bring a large scale business, industry, institution, or other significant economic opportunity to Island County, and the County and Municipality agree that there is no suitable land available inside the current UGA.

9. UGA modifications outside of the period update cycle may be proposed by a Municipality, the County, or an individual. Modifications proposed by Municipalities or individuals shall be submitted to the County in a manner consistent with the County's procedures for comprehensive plan amendments and placed on the County's annual review docket. Modifications proposed by individuals shall not be approved by the County unless the modification is supported by the legislative authority of the affected Municipality.
10. For any proposed UGA modification a current land capacity analysis shall be prepared and shall utilize the procedures described in Appendix A. The land capacity analysis should be conducted by the jurisdiction initiating the UGA modification. When a UGA modification is proposed by an individual the land capacity analysis should be conducted by the County.

3.4 Urban Development

The following policies have been adopted to ensure that Urban Development occurs only within designated Urban Growth Areas, and that Urban Growth is orderly, compact, contiguous and adequately served by Urban Services. These policies are intended to implement countywide planning goals 2.4, 2.5, and 2.8 as well as GMA planning goals 1, 2, and 12.

1. Urban Development shall not be permitted outside of designated UGAs.
2. Each Municipality shall prepare land use plans, Planning Policies, and Development Regulations for their UGA. These plans, Planning Policies, and Development Regulations shall be used to regulate development activities within the incorporated boundaries of the Municipality. For land within a Municipal UGA but outside the incorporated boundaries of a Municipality, the County's Planning Policies and Development Regulations shall apply until such time that the land is annexed. Upon annexation the Municipality's plans and regulations shall apply.
3. Urban Development shall be expressive of Urban Character. Planning Policies and Development Regulations should be adopted by the County and the Municipalities to ensure that Urban Development is not wasteful of land or resources, and that Urban Development proceeds in an orderly contiguous fashion.
4. Planning Policies and Development Regulations shall be adopted which require that new development, including subdivisions, short subdivisions, site plan approvals, and building permits for new homes and commercial or industrial buildings within a designated UGA be served by public sewer and water. Development Regulations may be adopted which allow variances or waivers to be granted from this requirement in situations where public sewer and water cannot be provided economically due to topographical constraints or an inability to obtain the approval of intervening land owners.

5. The construction or installation of new private wells and septic systems within Urban Growth Areas should be strongly discouraged and only allowed through a variance or waiver as described above in policy 3.4.4. When permitted, these systems should be considered an interim solution until public sewer or water service can be provided.
6. The Municipalities and County agree that the percentage of growth occurring within UGAs should be increased between each periodic update cycle. The Municipalities and the County should work to foster, promote, and accommodate additional housing and job growth within existing UGAs and shall adopt policies to accomplish this objective.
7. Under no circumstances shall a Municipality annex land outside an Urban Growth Area.
8. Each Municipality should include specific policies to guide the incorporation process in their comprehensive plans. Such policies should ensure that land recently added to an UGA is not incorporated until the expiration of any appeal periods or proceedings associated with the UGA expansion have lapsed or been resolved. Such policies shall also ensure that annexation ordinances contain language which makes Municipal Planning Policies and Development Regulations applicable to the area being annexed immediately upon annexation.
9. It is recognized that Urban Growth and development should be regulated by the Municipalities. Accordingly, the following policies are intended to facilitate and encourage the annexation of land outside of existing Municipal boundaries but within designated Municipal UGAs. These policies are also intended to ensure that Urban Development occurs in a logical, incremental, and rational fashion, and to prevent the County from authorizing development within a Municipality's UGA which forestalls or frustrates future Urban Development or the realization of the Municipality's comprehensive plan:
 - a. Land outside of existing Municipal boundaries but within a designated Municipal UGA shall be assigned a County comprehensive plan designation of Urban Holding "UH" until such time that it is annexed by a municipality. Once the annexation process is complete, the Municipality's Planning Policies, zoning designations, and Development Regulations shall be used to regulate development.
 - b. Island County will support the incorporation of Non-Municipal Urban Growth Areas and provide technical assistance as needed.
 - c. In allocating projected growth to UGAs, priority should be given to Municipal UGAs over Non-Municipal UGAs within the same planning area.

- d. The County shall adopt Planning Policies and Development Regulations which prohibit Urban Development in areas subject to an Urban Holding designation, including land divisions at urban densities and site plan approvals for Urban Development, provided that minor redevelopment, remodeling, and improvements may be permitted in areas designated UH which are characterized by existing Urban Development.

3.5 Rural Development

1. All development outside of UGAs shall be consistent with the County's definition of Rural Character.
2. Allowed land uses in the Rural Areas should primarily be agricultural or residential in nature. In order to support the economic and social vitality of existing cities and towns, non residential, non agricultural uses in Rural Areas should be limited to small scale home businesses and non residential uses which are directly related to, and supportive of, agricultural uses. Certain limited small scale recreation and tourist uses may also be appropriate in Rural Areas. The County shall adopt Planning Policies and Development Regulations to ensure that the intent of this policy is carried out.
3. In establishing allowed densities and uses in Rural Areas, the County shall consider the long term availability of known and /or verifiable water supplies, the general suitability of the area for on-site septic systems, the presence of geologically unstable areas, and the presence of flood or tsunami hazards.
4. The County shall plan for the timely and efficient provision of Rural Services.
5. In general, public facilities and buildings should not be located in Rural Areas unless their function or service area requires that they be located outside of a UGA.
6. The Municipalities and the County have agreed that the percentage of growth occurring within UGAs should be increased consistent with the allocations identified in Appendix "B". The County shall adopt Planning Policies and Development Regulations in order to achieve this objective.

3.6 Public Facilities and Services

1. No new Urban Services and facilities shall be provided or extended outside of Urban Growth Areas. In particular sanitary sewer systems may not be extended outside of existing UGAs unless necessary to respond to a documented public health hazard caused by existing development which cannot be remedied in any other reasonable way.

2. Public Services and facilities shall be provided in a manner which is consistent with, and helps to implement all aspects of locally adopted comprehensive plans and Development Regulations.
3. Public Services and facilities shall not be provided in a manner which is contrary to locally adopted comprehensive plans and Development Regulations.
4. Within UGAs, provisions must be made to ensure that necessary Urban Services are available or in place prior to, or concurrent with Urban Development.
5. Consistent with GMA requirements, locally adopted comprehensive plans and Development Regulations shall specifically identify how Urban Services will be provided throughout designated UGAs.
6. With respect to services or facilities of regional significance, Municipalities and the County should coordinate capital facilities planning and funding within UGAs.
7. The County and the Municipalities shall work together to implement, enforce, and update the Coordinated Water System Plan and any associated Planning Policies or Development Regulations.
8. In general, public facilities and buildings should not be sited in Rural Areas. In evaluating the appropriate location for public buildings and facilities, sites should be considered in the following order of preference:
 - a. Sites within existing Municipalities.
 - b. Sites outside of existing Municipalities, but within a designated UGA.
 - c. Sites outside of an existing Municipality, or UGA, but within a designated Limited Area of More Intense Rural Development (LAMIRD).
 - d. Sites in Rural Areas, but only when it can be shown that the Public Service requires a location in a Rural Area due to its unique operational characteristics or service area requirements.

3.7 Facilities of Countywide or Statewide Significance

The County and the Municipalities are required by the GMA (RCW 36.70A.200) to include provisions in their comprehensive plans and Development Regulations addressing essential public facilities. On a statewide basis such facilities are defined as including: airports, state education facilities, state or regional transportation facilities (as defined in RCW 47.06.140), regional transit authority facilities (as defined in RCW 81.112.020), state and local correctional facilities, solid waste handling facilities, inpatient substance abuse facilities, mental health facilities, group homes, and secure commodity transition facilities (as defined in RCW 71.09.020).

In order to ensure full compliance with the GMA requirement outlined above, the following policies are intended to guide the designation, location, expansion, and modification of essential public facilities.

1. The County and Municipalities shall ensure that their Planning Policies and Development Regulations contain policies and procedures allowing for, and governing facilities of statewide or countywide significance.
2. The County and each Municipality should establish a process through their comprehensive plans or Development Regulations for identifying and regulating the location and development of essential public facilities. These policies and regulations should, at a minimum, include:
 - a. A process for determining whether or not a given facility or service meets the definition of an essential public facility.
 - b. A process, including specific criteria, for evaluating alternative locations.
 - c. Provisions to ensure that the environment, and public health and safety are protected.
 - d. If the facility is located in a Rural Area: provisions to ensure that, to the extent possible, the facility is consistent with the County's adopted definition of Rural Character.
3. To the extent possible, essential public facilities should be located in a manner which is consistent with, and supportive of adopted land-use, transportation, and economic development plans.
4. Essential public facilities shall be located within a UGA unless it can be conclusively demonstrated that a rural location is the most appropriate location based on the specific characteristics and operational needs of the facility. Mere convenience or expediency shall not be sufficient to demonstrate compliance with this requirement.
5. Essential public facilities located outside of a UGA should be self contained and should not require the extension or provision of Urban Services. In the event that it is absolutely necessary to extend Urban Services to allow for the establishment of an essential public facility that would otherwise be impossible to establish, Urban Services shall be provided in a manner which precludes further extension or connections in the intervening areas. In such instances, the extension of Urban Services shall not be used to provide service to Rural Development or to justify future UGA expansions.

6. The County and Municipalities shall not preclude the establishment or provision of an essential public facility when proposals for such services or facilities are consistent with these policies, as well as any Planning Policies and Development regulations adopted by the County or Municipalities regulating essential public facilities.
7. The County and municipalities shall collaboratively review proposals for essential public facilities in unincorporated Municipal UGAs.

3.8 Transportation

1. The transportation element of the County's comprehensive plan should include Urban Growth Area components to ensure consistency among planning jurisdictions. All transportation planning, including that of Federal or State agencies, and Port Districts, should be jointly and cooperatively developed, adopted and implemented through coordinated and collaborative planning efforts.
2. The County and Municipalities should each actively participate in multi-county, multi-jurisdiction, regional transportation planning, including planning for Washington State Ferries.
3. The County and Municipalities will cooperate in the analysis of and response to any major industrial, retail, commercial, recreation, or residential development proposal that may impact the transportation systems in Island County.
4. The capacity of the transportation system must be planned, built, and managed to meet planned land use densities in UGAs.
5. The planned transportation system should be implemented in a coordinated and cost effective manner utilizing a fair and sufficient method of funding.

3.9 Housing

In order to meet the need for affordable housing and to accommodate the housing needs for all economic segments of the population, the County and Municipalities will consider the following policies in the development of locally adopted comprehensive plans:

1. A wide range of housing development types and densities throughout Island County should be encouraged and promoted to meet the needs of a diverse population and provide affordable housing choices for all;
2. Manufactured home parks at urban densities, should be located within UGAs and or unincorporated rural centers;

3. Multi-family housing should be located within UGAs and/or unincorporated Rural Centers;
4. The County and Municipalities should provide appropriately zoned lands and/or location criteria to assure the inclusion of multi-family housing and manufactured home parks within UGAs and should provide for other types of housing for individuals with special needs throughout the county.
5. The comprehensive plans of the County and the Municipalities should consider the following housing policies:
 - a. Development of boarding houses, single-room occupancy housing, scattered site housing, and accessory housing such as elder cottages, guest houses, and/or attached apartments;
 - b. Establishment of a public/private housing trust fund to provide loans and grants for development of low to moderate income housing and housing for persons with special needs;
 - c. Identification of publicly owned properties, excluding those designated as Resource or Critical Lands, that could serve as possible sites for development of affordable low income or senior housing; and
 - d. Identification of regulatory relief actions such as inclusionary zoning, density bonuses for the development of lower-cost housing or in-lieu payments into a housing trust fund, forgiveness of impact or mitigation fees for low-income housing as authorized under the GMA or priority permit process treatment of housing developments intended for or including affordable housing.
6. It is intended that provisions for affordable housing will be required elements of the economic development and comprehensive plans of the County and Municipalities.

3.10 Land Use & Public Health

Access to clean air and water, healthy food, affordable housing, adequate transportation, and opportunities for physical activity, are all key factors that contribute to a positive quality of life. The Growth Management Act (GMA) encourages the availability of affordable housing, efficient multimodal transportation systems, retaining open spaces, enhancing recreational opportunities and requires communities to plan for bicycle and pedestrian transportation and physical activity. Therefore, it is the policy of the County and the Municipalities that the following policies should be considered when developing or revising local comprehensive plans and development regulations:

1. Roadway systems should be planned, built, and managed to encourage alternative transportation modes to the single-occupant vehicle. Transportation systems should support active, independent mobility for users of all ages and abilities, including children, youth, families, older adults, and individuals with disabilities. Each jurisdiction should encourage:
 - a. Use of public transportation,
 - b. Development of linked on-street bicycle routes and pedestrian and bicycle corridors;
 - c. Adequate pedestrian facilities; and
 - d. Provisions for connections between different modes of transportation.
2. Development within Urban and Urban Growth Area (UGA) boundaries should encourage enhanced community access and promote healthy active lifestyles through:
 - a. A dense mix of land uses;
 - b. Well connected street grids;
 - c. Non-motorized access to transportation
 - d. Appropriate pedestrian and bicycle facilities that allow for safe travel; and
 - e. Regionally connected trail systems
3. A countywide system of non-motorized trails should be established in accordance with the Island County Non-Motorized Trails Plan. Trail development should be completed through regional collaboration and prioritize linking multi-modal transportation, schools, urban development, places of employment, and recreational facilities.
4. Residents should have adequate access to “open space” areas. Open spaces include land which contains natural areas, habitat lands, natural drainage features, and/or other environmental, cultural and scenic resources. Such land should be preserved and provided to residents for recreational use when appropriate. Open spaces should be linked to non-motorized transportation and public transportation.
5. Residents should have access to healthy food choices. Consideration should be given to establishing land use patterns and Development Regulations that support such access. Land use and Development Regulation amendments should consider the potential to remove existing barriers to healthy food choices,

if they exist. Home and community gardens within UGAs should be encouraged and supported through design and permitting processes.

6. Access to affordable housing influences, and is influenced by, residents health. Housing services should be planned with collaboration of health and economic development expertise. Development of multi-family affordable housing should be encouraged near major employment opportunities, public services including healthcare, public transportation, retail providing healthy food options, and open spaces such as parks and trails.

3.11 Economic Development & Employment

To ensure future economic vitality, broaden employment opportunities, and meet the needs of projected growth while retaining a high-quality environment, the County and the Municipalities have determined that the following policies shall guide local economic development planning efforts:

1. Economic growth should be encouraged within the capacities of the County's natural resources, public services and public facilities;
2. The Economic Development Element of the Island County Comprehensive Plan and the comprehensive plans of the Municipalities should, at a minimum:
 - a. Consider the goods, services and employment requirements of existing and projected population;
 - b. Identify the land use, infrastructure, transportation, and labor market requirements of businesses which have the highest probability of economic success in Island County and the least negative impact on the quality of life;
 - c. Based on citizen input, existing land use patterns and local capacity (geographic environmental and other considerations), determine areas suitable for retail, commercial and industrial uses; and
 - d. Encourage expansion of the tax base to support the infrastructure and services required to support a growing or changing population.
3. Future retail, commercial, and industrial development should be encouraged in urban or commercial centers as identified in the comprehensive plans adopted by the County and the Municipalities.
4. Land use regulations and infrastructure plans of the County and Municipalities should be amended or developed in a manner that supports economic development elements of locally adopted comprehensive plans.

5. Economic development in each of Island County's Planning Areas should proceed in a coordinated, but independent fashion consistent with locally adopted comprehensive plans and development regulations.
6. The County, Municipalities and Port Districts should work collaboratively to address issues of intergovernmental coordination and overlapping responsibility.

4. Administration and Implementation

The purpose of this section is to ensure that the Countywide Planning Policies are administered jointly in a collaborative fashion by the County and Municipalities.

4.1 Countywide Planning Group

1. A Countywide Planning Group (CPG) shall be formed for the purpose of discussing and coordinating countywide planning issues. This group shall be comprised of representatives from planning departments of Coupeville, Island County, Langle, and Oak Harbor.
2. The CPG shall meet at least two times each year or more frequently as needed.
3. Matters of overlapping concern or jurisdiction should be discussed by the CPG before being advanced for legislative approval by the County or Municipalities.

4.2 Procedures for Adopting or Amending Countywide Planning Policies

1. The Countywide Planning Policies shall be reviewed, updated, or amended as needed during the periodic update and review cycle required by RCW 36.70A.130, provided that any amendments or updates are consistent with the requirements of the GMA.
2. Amendments to the Countywide Planning Policies may be made outside of the normal periodic update cycle if necessary to address unforeseen or unanticipated events which must be addressed prior to the next periodic update cycle. In such instances, revisions may be proposed by a Municipality or the County and should be drafted jointly by the CPG prior to being advanced to the legislative bodies representing Coupeville, Island County, Langle, and Oak Harbor.
3. At least two years before the periodic review deadline established by RCW 36.70A.130 the CPG shall begin a series of meetings to discuss necessary review and update requirements of countywide importance.
4. If necessary amendments or updates are identified during the CPG meetings they shall be forwarded to the BOCC for consideration. If the BOCC makes a decision to adopt the proposed revisions, they shall only become effective when

ratified by the majority of legislative bodies representing Coupeville, Island County, Langley, and Oak Harbor.

4.3 Population Projections and Land Capacity Analysis

1. As part of the periodic review process required by RCW 36.70A.130, the CPG shall review and/or revise the 20 year population projection.
2. In reviewing the 20 year population projection, the CPG shall utilize the medium series projection range issued by the Washington State Office of Financial Management (OFM) as a base, or starting point. The CPG shall then analyze the assumptions used in the development of OFM's forecasting model. In those instances where OFM's assumptions differ from locally observed conditions or trends, adjustments shall be made to the medium series projection.
3. Once a general consensus has been reached by the members of the CPG, the CPG's population projection recommendation shall be forwarded to the Island County Planning Commission and the Board of Island County Commissioners (BOCC) for consideration. Based on the Planning Commission's recommendation, the BOCC shall either adopt the 20 year population projection developed by the CPG or refer the matter back to the CPG for further work.
4. If the BOCC makes a decision to move forward with the population projection developed by the CPG, they shall do so by adopting a resolution identifying the population projection to be used. This resolution shall state that the population projection decision shall only become final when ratified by the majority of legislative bodies representing Coupeville, Island County, Langley, and Oak Harbor.
5. After the BOCC has adopted a population projection, the CPG shall develop a plan for allocating the projected population growth to each of Island County's Planning Areas. This regional allocation process should be based on past growth trends, demographic characteristics, economic conditions, and housing market data.
6. After the regional allocation process described above is completed, the CPG shall divide each regional allocation into an urban component and a rural component, the urban component of each regional allocation shall then be assigned to the UGAs.
7. For each UGA, a land capacity analysis shall be performed to determine if the UGA has sufficient capacity to accommodate the projected growth in population and jobs. The land capacity analysis shall be conducted by the jurisdiction responsible for the UGA and shall utilize the procedures described in Appendix A.

8. If, based on the results of the land capacity analysis described above, it is determined that a UGA does not have sufficient capacity to accommodate 20 years of population and job growth, the UGA may be expanded as necessary to accommodate the anticipated growth, provided that any proposed expansion shall be consistent with the applicable criteria contained in section 3.3 of these policies.
9. If, based on the results of the land capacity analysis described above, it is determined that a UGA has significantly more capacity than is required to accommodate 20 years of population and job growth, the UGA may be reduced in size if requested by the jurisdiction responsible for the UGA, provided that any proposed reduction shall be consistent with the criteria enumerated in section 3.3.6.

4.5 Monitoring and Reporting Procedures

1. In order to facilitate future analysis the County and Municipalities will maintain development records which include:
 - a. The number of housing units permitted and constructed annually. This information shall be collected and maintained in a manner which makes it possible to differentiate between new “additional” units and replacement units.
 - b. The number of land divisions approved, the size of the parcel divided, the number of new or additional lots created through each division, the gross and net density achieved by each division, and the quantity of land used for public purposes within each division.
 - c. The number of multi-family development projects approved, the number of units contained within each development, the density achieved by each development, and the maximum density permitted in the zone where each project is located.
 - d. The square footage of new commercial or industrial buildings permitted and constructed. This information should be collected and maintained so that it is possible to calculate the floor area or site coverage ratios of each development.
2. The data described above should be provided to Island County Planning Department by the end of January each year for the purpose of maintaining an accurate buildable lands inventory. Following the receipt of this information the County should produce an annual report summarizing development trends in Island County and distribute this report to the Municipalities and Special Service Districts as appropriate.

Appendix A: Buildable Lands Procedures

Abbreviations & Definitions:

1. Critical Area Constraint Factor (CF): A number representing the percentage of RAID or UGA land which is presumed to be constrained by critical areas, and therefore less likely to be available for development.
2. Development Potential (DP), Non-Residential & Multi-Family Residential: The number of acres available for non-residential and multi-family residential development in each industrial, commercial, mixed use, and multi-family zone. In this analysis, DP is used as a subtotal to express the gross capacity of vacant or re-developable parcels before the Total Development Potential is calculated.
3. Development Potential (DP), Single-Family Residential: The potential number of lots or dwelling units which can be created by dividing or developing vacant or partially vacant parcels in zones which permit single-family residential development. In this analysis, DP is used as a subtotal to express the gross capacity of vacant or partially vacant parcels before the Total Development Potential is calculated.
4. Partially Vacant Parcel (PVP): A partially vacant parcel is a parcel which contains an existing dwelling unit but which is at least twice the minimum lot size required by the zone in which it is located.
5. Public Purpose Land (PPL): Includes land required for such things as streets, drainage facilities, and parks/open space.
6. Re-Developable Parcel (RP): A parcel zoned for non-residential uses or multi-family residential uses that has the potential to be redeveloped and used more intensively. Parcels zoned for non-residential or multi-family residential uses are considered re-developable if they have an improvement to land value of less than 1:2 based on Assessor's parcel data.
7. Total Development Potential, Non-Residential & Multi-Family Residential (TDP): The total gross quantity of land available for multi-family or non-residential development before land is subtracted to account for public purposes and critical areas. The sum of the development potential of all vacant parcels and re-developable parcels for each commercial, industrial, multi-family, and mixed-used zoning designation.
8. Total Net Capacity (TNC): The total net capacity of each single-family, multi-family, industrial, commercial, and mixed use zone after land is subtracted for public purposes and critical areas. Total Net Capacity is expressed in acres for multi-family and non residential zones, and dwelling units or lots for single-family zones.

9. Total Development Potential, Residential (TDP): The total gross number of lots or dwelling units which could be created by dividing and/or developing all vacant and partially vacant parcels available for single-family development before land is subtracted to account for public purposes and critical areas. The sum of development potential of all vacant parcels and partially vacant parcels for each single-family zoning designation.
10. Undevelopable Parcel (UP): Parcels which are not likely to be available for development because they are owned by a charitable organization, institution, or governmental entity. Undevelopable parcels shall be identified based on Assessor's parcel data. Parcels which are tax exempt based on Assessor's parcel data shall be considered undevelopable.
11. Vacant Parcel (VP): A parcel which is either vacant or has an improved value of less than \$4,000 based on Assessor's parcel data. Parcels which contain a mobile or manufacture home shall not be considered vacant even if they have an improved value of less than \$4,000.

Assumptions:

1. Employment Density: For commercial and industrial lands the following assumptions should be used:
 - a. Commercial, UGA: 17 employees per acre
 - b. Industrial: 9 employees per acres
2. In RAIDs and UGAs, 15% of available land will be needed for public purposes.
3. Re-Development Factor: It is assumed that 50% of multi-family, commercial, and industrial parcels with an improvement to land value of less than 1:2 will be available for redevelopment during the planning period (20 years from the date of the most recent periodic update).
4. Household Size: For the 2016 periodic update an average household size for Island County of 2.36 was employed. This figure was based on data from the 2010 census. For each subsequent periodic update, the most current census data should be employed.

Rural Analysis Steps:

1. Identify all parcels within a RAID or UGA and exclude these parcels from further analysis.

2. Separate parcels by zoning category and identify lands zoned park/open space, special review district, airport, or any other designation which does not allow for residential development. These parcels should be excluded from further analysis.
3. For each zoning designation, identify all undevelopable parcels (UP) based on tax classification. Parcels which are publicly owned or tax exempt (parks, schools, churches etc.) should be considered undevelopable and excluded from further analysis.
4. For each zoning designation, calculate the development potential of all vacant parcels (VP). The development potential of vacant parcels is determined by dividing the parcel area required by the minimum lot size allowed in the zone and rounding down. For example, a 17 acre parcel in the Rural zone could be divided into three five acre parcels ($17/5 = 3.4$) and accommodate three dwelling units.
5. For each zoning designation calculate the development potential of all partially vacant parcels (PVP) by dividing the parcel area by the minimum lot size, rounding down and subtracting one to account for the existing dwelling unit. For example a 17 acre parcel in the Rural zone with an existing home on it could be divided into three five acre parcels and two *additional* homes could be constructed on the resulting parcels. [$(17/5 = 3.4) - 1 = 2.4$].
6. For each zoning designation determine the total development potential (TDP) by adding the results from steps four and five together. This step allows the total build-out capacity for each, non-RAID, rural zoning designation to be determined (in dwelling units).
7. As a final step, add the resulting TDP figures for each zoning designation together to determine the total development potential for areas outside of RAIDs and UGAs. This step will allow the total build-out capacity of the rural area (excluding RAIDs) to be determined (in number of dwelling units).

In order to determine the number of people which can be accommodated, the dwelling unit totals from steps six or seven can be multiplied by the average household size for Island County. The average household size should be determined using the most recent census data available.

RAID Analysis Steps:

General Steps

1. Identify all parcels which are either located within a UGA or outside of a RAID. Exclude these parcels from further analysis. These parcels should be excluded from further analysis.
2. For each zoning designation, identify all undevelopable parcels (UP) based on tax classification. Parcels which are publicly owned or tax exempt (parks,

schools, churches etc.) should be considered undevelopable and excluded from further analysis.

3. Separate residential RAIDs from nonresidential RAIDs by zoning designation. Residential RAID parcels should be analyzed separately from non-residential RAID parcels as described below.
4. Determine the critical area constraint factor for each RAID by combining all critical area GIS layers, calculating the number of acres constrained by critical areas within each RAID. The result is a critical area constraint factor for each RAID.

Determining the Capacity of Residential RAID Zones

1. For each residential RAID zoning designation calculate the development potential of all vacant parcels (VP). The development potential of vacant parcels is determined by dividing the parcel area by the minimum lot size allowed in the zone and rounding down.
2. For each residential RAID zoning designation calculate the development potential of all partially vacant parcels (PVP). For purposes of this analysis, a partially vacant parcel is a parcel that is at least two times as large as the minimum lot size allowed by the zone. Calculate the development potential of all partially vacant parcels (PVP) by dividing the parcel area by the minimum lot size allowed in the zone and rounding down and subtracting one in order to account for the existing dwelling unit.
3. For each residential RAID zoning designation determine the total development potential (TDP) by the results of steps one and two together. Next determine the amount of land needed for public purposes and deduct an appropriate amount of land. Finally, apply the critical area constraint factor and deduct an appropriate amount of land. This step allows the total net capacity (TNC) for each residential RAID zoning designation to be determined (in dwelling units).
4. Add the resulting TNC figures for each residential RAID zoning designation together to determine the total development potential for all residential RAID zones. This step will allow the total combined net capacity of residential RAID zones to be determined (in number dwelling units).
5. In order to determine the number of people which can be accommodated, the dwelling unit totals from steps three or four can be multiplied by the average household size for Island County. The average household size should be determined using the most recent census data available.

Determining Capacity of Non-Residential RAID Zones

1. For each non-residential RAID zoning designation identify all vacant parcels (VP). Once all of the vacant parcels have been identified, calculate the total combined acreage of these parcels. The resulting number is the non-residential development potential of all vacant parcels (in acres) for each non-residential RAID zoning designation.
2. For each non-residential RAID zoning designation identify all re-developable parcels (RP). A parcel should be considered re-developable if the parcel data indicates that the improvement value to land value ratio is less than 1:2. Once all of the re-developable parcels have been identified, calculate the total combined acreage of these parcels. The resulting number is the non-residential development potential of all re-developable parcels (in acres) for each non-residential RAID zoning designation. As a final step, deduct 50% in order to account for the re-development factor.
3. For each non-residential RAID zoning designation determine the total development potential (TDP) by adding the results of steps one and two together. Next determine the amount of land needed for public purposes and deduct an appropriate amount of land. Finally apply the critical area constraint factor and deduct an appropriate amount of land. This step allows the total net capacity for each non-residential RAID zoning designation to be determined (in acres).
4. Add the resulting TNC figures for each non-residential RAID zoning designation together to determine the total development potential for all non-residential RAID zones. This step will allow the total combined build-out capacity of non-residential RAID zones to be determined (in acres).

UGA Analysis Steps:

General Steps

1. Sort parcels by zoning or comprehensive plan designation using Assessor's parcel data and/or any other applicable information.
2. For each UGA, identify all the undevelopable parcels in each zoning designation. Undevelopable parcels should include land which is tax exempt (parks, schools, churches and public facilities). These parcels should be excluded from further analysis.
3. For each UGA, compile all available critical area mapping information and merge these layers into a single layer to determine the total quantity of constrained acreage in each zoning designation. Calculate the percentage of land area within each UGA that is constrained by critical areas by comparing number of acres constrained by critical areas to the total number of acres in each UGA. This calculation will result in a critical area constraint factor for each UGA.

4. Based on available zoning or comprehensive plan information, sort all parcels into four groups as follows: (a) parcels zoned for single family home development (freestanding homes, townhomes, or other forms of individual lot development); (b) parcels zoned for multifamily development (apartments, condominiums, mobile home parks, and other forms of multi-unit per parcel development); (c) commercial and mixed use zones; and (d) industrial zones. Each of these groups should then be analyzed separately as described below.

UGA Capacity - Single Family Zones

1. For each single-family zoning designation calculate the development potential of all vacant parcels (VP). The development potential of vacant parcels is determined by dividing the parcel area by the minimum lot size allowed in the zone and rounding down. When Planning Policies or Development Regulations specify both a minimum and maximum density, both should be calculated to produce a range.
2. For each single-family zoning designation calculate the development potential of all partially vacant parcels (PVP). For purposes of this analysis, a partially vacant parcel is a parcel that is at least two times as large as the minimum lot size allowed by the zone. Calculate the development potential of all partially vacant parcels (PVP) by dividing the parcel area by the minimum lot size allowed in the zone and rounding down and subtracting one in order to account for the existing dwelling unit. When Planning Policies or Development Regulations specify both a minimum and maximum density, both should be calculated to produce a range.
3. For each single-family zoning designation determine the total development potential (TDP) by adding the results of steps one and two together. Next determine the amount of land needed for public purposes and deduct an appropriate amount of land. Finally, apply the critical area constraint factor for the UGA and deduct an appropriate amount of land. This step allows the total net capacity for each single-family zoning designation in the UGA to be determined (in dwelling units).
4. Add the resulting TNC figures for each residential single-family zoning designation in the UGA together to determine the total development potential for all single-family zones in the UGA. The result of this step will be the total combined capacity of all single-family zones in the UGA (in number dwelling units).
5. In order to determine the number of people that can be accommodated in the UGA's single-family zones the dwelling unit totals from steps three or four can be multiplied by the average household size for Island County. The average household size should be determined using the most recent census data available.

UGA Capacity – Multi-Family Zones

1. Identify all vacant parcels zoned for multi-family residential development. Determine the development potential of these parcels by multiplying the acreage of the parcels by the density permitted in the zone. For zones with both a minimum and a maximum density, calculate the development potential at both the minimum allowed density and the maximum permitted density.
2. For all areas designated for multi-family residential identify the parcels which can be redeveloped. In order to be re-developable, a parcel should have an improvement to land value ratio of less than 1:2. Determine the development potential of these parcels by multiplying the acreage of the parcels by the density permitted in the zone. As a final step, deduct 50% in order to account for the redevelopment factor. For zones with both a minimum and a maximum density, calculate the development potential at both the minimum allowed density and the maximum permitted density.
3. For each multi-family zoning designation determine the total development potential (TDP) by adding the results of steps one and two together. Next determine the amount of land needed for public purposes and deduct an appropriate amount of land. Finally, apply the critical area constraint factor for the UGA and deduct an appropriate amount of land. This step allows the total net capacity for each single-family zoning designation in the UGA to be determined (in dwelling units).
4. Add the resulting TNC figures for each multi-family residential zoning designation in the UGA together to determine the total development potential for all multi-family zones in the UGA. The result of this step will be the total combined capacity of all multi-family zones in the UGA (in number dwelling units).
5. In order to determine the number of people that can be accommodated in the UGA's multi-family zones, the dwelling unit totals from steps three or four can be multiplied by the average household size for Island County. The average household size should be determined using the most recent census data available.

UGA Capacity – Commercial & Mixed Use Zones

1. For each commercial or mixed use UGA zoning designation identify all vacant parcels (VP). Once all of the vacant parcels have been identified, calculate the total combined acreage of these parcels. The resulting number is the commercial and mixed used development potential of all vacant parcels (in acres) for each non-residential commercial and mixed use zoning designation.
2. For each commercial or mixed use UGA designation identify all re-developable parcels (RP). A parcel should be considered re-developable if the parcel data

indicates that the improvement value to land value ratio is less than 1:2. Once all of the re-developable parcels have been identified, calculate the total combined acreage of these parcels. As a final step, deduct 50% in order to account for the redevelopment factor. The result, is the development potential of all re-developable parcels (in acres) for each commercial or mixed use UGA zoning designation.

3. For each commercial or mixed use UGA zoning designation determine the total development potential (TDP) by adding the results of steps one and two together. Next determine the amount of land needed for public purposes and deduct an appropriate amount of land. Finally apply the critical area constraint factor and deduct an appropriate amount of land. This step allows the total net capacity for each commercial or mixed use UGA zoning designation to be determined (in acres).
4. Add the resulting TNC figures for each commercial or mixed use UGA zoning designation together to determine the total development potential for all commercial or mixed use UGA zones. This step will allow the total combined build-out capacity of commercial or mixed use UGA zones to be determined (in acres).
5. In order to determine the number of jobs which can be accommodated in commercial or mixed use UGA, the acreage totals from steps three or four can be multiplied by the average commercial employment density.

UGA Capacity – Industrial Zones

1. For each industrial UGA zoning designation identify all vacant parcels (VP). Once all of the vacant parcels have been identified, calculate the total combined acreage of these parcels. The resulting number is the development potential of all vacant parcels (in acres) for each industrial UGA zoning designation.
2. For each industrial UGA designation identify all re-developable parcels (RP). A parcel should be considered re-developable if the parcel data indicates that the improvement value to land value ratio is less than 1:2. Once all of the re-developable parcels have been identified, calculate the total combined acreage of these parcels. As a final step, deduct 50% in order to account for the redevelopment factor. The result is the development potential of all re-developable parcels (in acres) for each industrial UGA zoning designation.
3. For each industrial UGA zoning designation determine the total development potential (TDP) by adding the results of steps one and two together. Next determine the amount of land needed for public purposes and deduct an appropriate amount of land. Finally apply the critical area constraint factor and deduct an appropriate amount of land. This step allows the total net capacity for each industrial UGA zoning designation to be determined (in acres).

4. Add the resulting TNC figures for each industrial UGA zoning designation together to determine the total development potential for all industrial UGA zones. This step will allow the total combined build-out capacity of industrial UGA zones to be determined (in acres).
5. In order to determine the number of jobs which can be accommodated in commercial or mixed use UGA, the acreage totals from steps three or four can be multiplied by the average industrial employment density.

DRAFT

2015
COMPREHENSIVE PLAN
AMENDMENT

Public Meeting

**City of Oak Harbor
Planning Commission Report**

Date: December 9, 2014
Subject: Comprehensive Plan
Amendments – Discussion of
items for 2015 Docket

FROM: Cac Kamak, AICP
Senior Planner

PURPOSE

The purpose of this memo is to discuss items that are currently tracking to be on the Preliminary Docket for Planning Commission and City Council consideration. The memo also provides information on items that were considered in the past by Planning Commission for inclusion in the Preliminary Docket.

BACKGROUND

RCW 36.70a.130(2)(a) specifically states that revisions to the comprehensive plans should be considered no more frequently than once every year (some exceptions apply). Therefore, Oak Harbor has adopted a review process that allows Comprehensive Plan amendments to be considered annually. The process is codified under OHMC 18.15.

Every year, the Planning Commission reviews items to be considered for the Preliminary Docket before it is formally considered with a public hearing at the January Planning Commission meeting.

Discussion

As you are aware, the 2016 major update to the Comprehensive Plan is underway and is expected to be completed by June 2016. Although strides have been made in many areas such as the Countywide Planning Policies, Buildable Land Analysis, Population Demographics etc., the results of the work are yet to be discussed and finalized. Most of that will be done in 2015 along with the review of policies that will guide Oak Harbor's growth over the next 20 years. 2015 will be a busy year for the Planning Commission since it is the steward of Oak Harbor's Comprehensive Plan amendment and update process. The Planning Commission can anticipate holding public hearings for many of the 2016 updates in 2015. Decision/adoption by the City Council regarding some of these amendments can be taken 2015. However, the major decision/adoption for the 2016 Update will be taken in June of 2016.

The items that are currently on track for the 2015 Comprehensive Plan preliminary docket are:

- 2016 Updates to the Comprehensive Plan - *Mandated*
 - Land Use Element
 - Population and Projections
 - Land Use inventory
 - Population densities and Building intensities
 - Updates to Critical Areas
 - Housing Element
 - Inventory and analysis on existing housing
 - Projected housing needs based on projections

- Sufficient land for housing
 - Policies regarding manufactured home
 - Transportation Element
 - Update the Transportation Plan
- Capital Improvements Plan update - *Mandated*
- Facility Plan for the wastewater treatment plant – *Mandated*
- Land Use change from Low Density Residential to Medium Density Residential for 3 lots on SW 3rd Avenue (R132034884830, R132034884940, and R132034885060) – *Sponsored Amendment*

Currently there are no discretionary items tracking for the 2015 Comprehensive Plan Amendments. The Planning Commission, at its last meeting, expressed interest in reviewing some of the discretionary items that were discarded in the past. Attached to this memo are reports and minutes from Planning Commission meetings that discussed these items.

**City of Oak Harbor
Planning Commission Report**

Date: January 24, 2012

Subject: 2012 Comprehensive Plan
Amendments – Preliminary
Docket

FROM: Cac Kamak, AICP
Senior Planner

PURPOSE

This report presents the preliminary docket for the 2012 Comprehensive Plan amendments. The preliminary docket is intended to review ideas generated by the community, Planning Commission, City Council and the Director of Development Services on the amendments to pursue in 2012. The City Council is required by OHMC 18.15.040(8) to finalize the docket before the end of March.

AUTHORITY

The City is required by the Growth Management Act (GMA) to adopt a comprehensive plan and to review and revise it pursuant to RCW 36.70A.130. Oak Harbor Municipal Code Chapter 18.15 prescribes the process for considering Comprehensive Plan amendments. The code requires the Planning Commission to hold a public hearing, review the preliminary docket and make a recommendation to the City Council.

BACKGROUND

The process for the 2012 Comprehensive Plan Amendments was initiated in October 2011 with a call for applications. The call for applications provides the community an opportunity to have direct input into the amendments that should be considered for 2012. The deadline for the applications was December 1st in accordance with OHMC 18.15.040 (2). No applications were received. Suggestions for amendments were also discussed at the November 22, 2011 Planning Commission meeting. The Planning Commission had a few suggestions that are discussed further below.

The preliminary docket compiled after the December 1 deadline was advertised in the local newspaper in accordance with OHMC 18.15.040 (6).

DISCUSSION

Items placed on the docket will fall into one of three categories. These categories are Sponsored, Mandated and Discretionary and are defined in OHMC 18.15.050.

Sponsored Amendments

Sponsored amendments are requests for changes initiated by the public through an application process. The most common amendments are land use changes. This year the city did not receive any applications. However, there is a request for a land use change this year. Since it is initiated by the Director of Development Services it is listed under the Discretionary amendments.

Mandated Amendments

Mandated amendments are changes that are either required by the State, GMA or by OHMC. The mandated amendments identified for 2012 are listed below.

Capital Improvements Plan (CIP)

The Capital Improvements Plan is updated annually as part of the Comprehensive Plan amendment cycle. The updates to the Plan reflect the most recent and accurate information available. This normally includes updates to reflect consistency with adopted plans, updates to revenues and expenditures provided by the Finance Department, and any changes to schedules or project costs.

Shoreline Master Program (SMP) Update

This update is required by RCW 90.58.080. The city received a grant to update this plan and the process is currently underway. The City Council is expected to review and approve the update concurrent with the other 2012 amendments. The Department of Ecology reviews the SMP after City Council approval and provides the final approval of this Plan.

Comprehensive Plan Update 2015

This is the ongoing work that will lead to an update of the Comprehensive Plan in 2015 as required by RCW 36.70A.130. This is listed on the docket to track progress and identify opportunities for public involvement as well as coordination with other agencies on data related to population demographics, land use and capacities. No action is expected on this item for 2012.

Discretionary Amendments

Discretionary amendments are changes that the community desires to see in the comprehensive plan that are not mandated by the State or other agencies. This year the Planning Commission has suggested a few ideas to consider. These have been discussed further below. The Director of Development Services has also added an amendment for consideration under this section.

1. **Revisit the Commercial Lands Inventory done in 2006 and proactively look for opportunities to increase the inventory of commercially designated lands, including those available for large scale commercial enterprises.** (*Planning Commission*)
 - “Large scale” would have to be defined with a minimum size expectation. The last request for a large scale development was in 2006 for 33 acres.
 - Undeveloped commercial lands are still available along SR 20 in Oak Harbor
 - Approximately 13.75 acres in 3 lots under one ownership was rezoned for Community Commercial in 2008 along Goldie Road west of NE 16th Avenue
 - The commercial lands inventory will need to be updated to determine the need and quantity for additional commercial lands
 - Related Comprehensive Plan Goals and Policies
 - Land Use - Goal 14 - To strengthen and enlarge the commercial economic base of the community by promoting the

development of facilities that provide a competitive and stimulating business environment.

- **14.a** Locate different types of commercial uses in a manner that is consistent with existing traffic patterns and public facilities, and is compatible with nearby and adjacent land uses.
- **14.b** Promote the development of clustered commercial facilities that will accommodate high traffic-generating uses. Large single sites are preferred over *ad hoc* strip commercialization.
- **14.g** Promote commercial infill development.
- **14.i** Create a Midway Boulevard Revitalization Overlay District to actively promote new and infill commercial and mixed use development and enhance the sense of place for this traditional commercial corridor. Flexible development standards, such as raising the height limit, allowing development to extend to the street, parking requirement reductions or others, and financial incentives, such as tax breaks, business improvement districts, public/private partnerships or others, should be used to support revitalization. The City should take an active role in creating strong unifying amenities within the public realm that complement the Overlay District objectives.
- **14.j** Before designating new commercial areas of sufficient size to accommodate larger shopping centers and retailers, determine the level of public support through broad-based public consultation.

2. **Review the non-enterprise funded projects listed in the City's Capital Improvement Plan which currently includes projects such as but not limited to Windjammer Park Redevelopment, Municipal Pier, Special Events Center, etc. and determine their current relevance and need.** (*Planning Commission*)
- Implementation of projects in this list has been based on funding opportunities and less on the assigned priorities
 - Changes can be discussed as part of the annual mandated update to the Capital Improvements Plan
 - Some of the projects placed on the list are from other approved plans.
 - Related Comprehensive Plan Goals and Policies
 - Capital Facilities - Goal 2 - Implement capital facilities projects in accordance with the funding policy priorities of Oak Harbor.
 - **2.a** Program and prioritize City capital improvements for consistency with the Comprehensive Plan. The City's capital improvement funding priorities should be:
 - 1. Urgent projects which cannot reasonably be postponed including, but not limited to, those reconstruction, upgrading or new construction projects which are needed to protect public health, safety and welfare.
 - 2. Reconstruction, major maintenance or expansion of the City's existing infrastructure in order to provide for service to the existing community.

- 3. New projects where the need or demand for service already exists.
- 4. Expansion projects in partially developed or developing areas where demand is anticipated as a result of, or in preparation for, future growth.

3. **Review if the current Comprehensive Plan goals and policies adequately identify and protect view corridors within the City.** (Planning Commission)

- View Corridors are identified in Map 3 of the Parks, Recreation and Open Space Element in the Comprehensive Plan.
- There is existing language in the Comprehensive Plan for protection of viewsheds and corridors.
- Related Comprehensive Plan Goals and Policies
 - Urban Design Element - Goal 5 - Protect viewsheds and view corridors: Discussion - The City of Oak Harbor defines viewsheds as a panoramic view from a single location. Significant viewsheds include views of Mt. Baker, Mt. Rainier, Cascade mountain range, Olympic mountain range, Oak Harbor Bay, Maylor Point (especially wooded and tidal flat areas) and Saratoga Passage. The view corridors and viewsheds within the City should be identified and accurately mapped at a useable scale so they can appropriately guide development.
 - Policy: 5.a Consideration of building impacts on viewsheds and view corridors shall be exercised in all developments, and mitigation measures shall be applied to protect existing views.
Discussion: The City may incorporate policies and guidelines to protect these resources, such as developing: a unified bulk program for building envelopes; performance based zoning; and, density bonuses as development incentives.
- Current zoning regulations for height limitations in the Central Business District are a result of a view study done in 1999. There is specific language in the code for additional review of buildings in the CBD that would like to exceed height limitations specifically to protect views (OHMC 19.20.320.8(d)).
- The existing code language was used in the recent past to evaluate the Flemmings Project proposed in the Central Business District. Though this project was not implemented, the review shaped the design to protect views from SE Jensen Street.

4. **Review if the current Comprehensive Plan goals and policies adequately protect the City from the proliferation of signs.** (Planning Commission)

- Current codes on signs are based on existing goals and policies in the comprehensive plan
- The sign code determines the number and type of signs that are permitted based on frontage, size of buildings, number of businesses etc.
- The existing code also addresses temporary signs
- Related Comprehensive Plan Goals and Policies
 - Land Use – Community Identity - Goal 1 - To respect the "small town" heritage of Oak Harbor while enhancing the unique character of its neighborhoods and districts with development that is fitting with the City's future as a regional center.

- **1.d** Business-related signs, both temporary and permanent, should serve the needs of the business owner and public to identify business locations but should not proliferate in a manner whereby the sum of all signs detracts from a positive aesthetic experience of the City’s commercial areas.
 - **1.e** Signage standards should promote design sensitivity to the context in which signs are placed and scaled to both the mass of the building and the location of the sign on the lot.
 - Urban Design – Goal 5 - Protect viewsheds and view corridors
 - **5.c** Free standing business signs should be consistent with the speed limit of roadways, and the character of land use districts.
- Sign regulations are enforced on a complaint basis
5. **Shoreline Master Program Amendment and Land use change for properties (R13201-160-0920, R13201-072-1040 and R13201-067-1150) located on SE Catalina Drive south of Pioneer Way (map attached). This item would consider various land use designations, potentially even an overlay zone, with the intended goal to permit a variety of uses to promote upland improvements adjacent to the Marina including options for industrial uses such as Nichols Brothers Boat Builders. The current land use designation is Public Facilities.**
(*Planning Director*)
- Based on recent interest in the community to provide opportunities for water related industries to locate in Oak Harbor along the shoreline
 - Continuing to implement the Marina Redevelopment Plan that recommends upland improvements with uses that support water recreation and the marina.
 - This Shoreline Master Program *Amendment* is different that the Shoreline Master Program *Update*. The *amendment* will follow a different timeline and will be ahead of the *update*.

OHMC 18.15.070 establishes the criteria to review the Comprehensive Plan Amendment Docket. The attached table provides the applicability of the criteria to the proposed preliminary docket.

RECOMMENDATIONS

1. Conduct the public hearing.
2. A separate vote on each of the amendments to formulate a recommendation to the City Council

Attachments:

- Attachment 1 - Map of area proposed for land use changes
- Attachment 2 - Docket items and criteria

**PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
January 24, 2012**

ROLL CALL: **Present:** Bruce Neil, Keith Fakkema, Jeff Wallin, Gerry Oliver and Jill Johnson-Pfeiffer.

Absent: Greg Wasinger and Kristi Jensen.

Staff Present: Senior Planner, Cac Kamak and Associate Planner, Melissa Sartorius.

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

MINUTES: MR. FAKKEMA MOVED, MR. OLIVER SECONDED, MOTION CARRIED TO APPROVE THE NOVEMBER 22, 2011 MINUTES AS PRESENTED.

PUBLIC COMMENT:

Richard Everett (651 SE Bayshore Drive) asked how to go about raising the issue of light pollution and get the City motivated toward improving the light pollution that exists in the City. Mr. Everett is a member of the local astronomy club (Island County Astronomical Society). He said the lights from Bayshore Drive and Pioneer Way make it difficult to see the sky at night. He offered to share information from the National Dark Sky's Association about how to deal with planning future projects so that they integrate newer style lighting that are in the proper bandwidth and shine downward.

Mr. Kamak said that the City currently has code language that addresses lighting. The code currently states that all parking lot lights should be downward facing and should have enough shields so that the light pollution doesn't go to neighboring properties. Mr. Kamak indicated that anything that goes through the permitting process has to follow the lighting guidelines but there may be projects that were completed before the current code was in place.

Mr. Kamak said the most effective way for Mr. Everett to get the City to respond to his light pollution concerns was to go through the application process that the City has for considering new code amendments.

2012 COMPREHENSIVE PLAN AMENDMENT DOCKET – Public Hearing

Mr. Neil reported that the Planning Commission will conduct a public hearing on the preliminary docket for the 2012 Comprehensive Plan amendment process. Planning Commissioners evaluated several discretionary items at their November 22, 2011 meeting and will make their final recommendation to the City Council as to which discretionary items should be placed on the 2012 Comprehensive Plan Amendment Docket.

Mr. Neil opened the public hearing.

Mr. Kamak reviewed the annual Comprehensive Plan amendment process which entails forming a preliminary docket with all of the ideas that have come forward. The preliminary docket goes through Planning Commission review which is what the Commission is doing tonight. Then the docket goes forward to City Council for review. When Council adopts the docket it becomes the Comprehensive Plan amendment work program for the staff to take on that year. Docket items are analyzed and researched and presented to Planning Commission for discussions April through August. At the end of August the information is compiled and sent to the State for a 60-day review period. At the end of the review period the State provides

Planning Commission
January 24, 2012
Page 1 of 9

feedback and then the items go back the Planning Commission for final recommendations to the City Council.

Mr. Kamak described the types of amendments that can be placed on the docket as follows:

Sponsored Amendments

Sponsored amendments are requests for changes initiated by the public through an application process. The most common amendments are land use changes. This year the city did not receive any applications. However, there is a request for a land use change this year. Since it is initiated by the Director of Development Services it is listed under the Discretionary amendments.

Mandated Amendments

Mandated amendments are changes that are either required by the State, GMA or by OHMC. The mandated amendments identified for 2012 as follows:

Capital Improvements Plan (CIP)

The Capital Improvements Plan is updated annually as part of the Comprehensive Plan amendment cycle. The updates to the Plan reflect the most recent and accurate information available. This normally includes updates to reflect consistency with adopted plans, updates to revenues and expenditures provided by the Finance Department, and any changes to schedules or project costs.

Shoreline Master Program (SMP) Update

This update is required by RCW 90.58.080. The city received a grant to update this plan and the process is currently underway. The City Council is expected to review and approve the update concurrent with the other 2012 amendments. The Department of Ecology reviews the SMP after City Council approval and provides the final approval of this Plan.

Comprehensive Plan Update 2015

This is the ongoing work that will lead to an update of the Comprehensive Plan in 2015 as required by RCW 36.70A.130. This is listed on the docket to track progress and identify opportunities for public involvement as well as coordination with other agencies on data related to population demographics, land use and capacities. No action is expected on this item for 2012.

Discretionary Amendments

Discretionary amendments are changes that the community desires to see in the comprehensive plan that are not mandated by the State or other agencies. This year the Planning Commission has suggested a few ideas to consider. The Director of Development Services has also added an amendment for consideration under this section.

The five proposed discretionary amendments and information for consideration for each proposed docket item are listed below (Planning Commission discussion follows each preliminary docket item):

- 1. Revisit the Commercial Lands Inventory done in 2006 and proactively look for opportunities to increase the inventory of commercially designated lands, including those available for large scale commercial enterprises. (*Planning Commission*)**

Information for Consideration:

- “Large scale” would have to be defined with a minimum size expectation. The last request for a large scale development was in 2006 for 33 acres.
- Undeveloped commercial lands are still available along SR 20 in Oak Harbor.
- Approximately 13.75 acres in 3 lots under one ownership was rezoned for Community Commercial in 2008 along Goldie Road west of NE 16th Avenue.
- The commercial lands inventory will need to be updated to determine the need and quantity for additional commercial lands.
- Related Comprehensive Plan Goals and Policies are listed in the staff report.

Planning Commission Discussion

Ms. Johnson-Pfeiffer asked if we would be looking at properties outside of the UGA. Mr. Kamak said that the scope of this project would have to be determined, meaning that if “large scale” means 10 acres we can look at 10 acre parcels in the City if “large scale” means 30 acres we know that there are no 30 acre parcels in the City and we would have to look for the best place outside of the City.

Ms. Johnson-Pfeiffer asked when the next UGA process would be. Mr. Kamak said that we would be doing another capacity analysis in 2015 because the new population projections will be in and the County will be doing this as well. It is the County’s decision as to whether the UGA boundary is expanded or not.

Mr. Johnson-Pfeiffer reasoned that if “large scale” means 10 acre parcels we have some 10 acre parcels in our existing boundary. If we are talking about larger parcels then we have to have the UGA conversation which comes around in 2015 so it seems premature to have this item on the docket right now.

Mr. Fakkema agreed with Ms. Mr. Johnson-Pfeiffer reasoning.

2. Review the non-enterprise funded projects listed in the City’s Capital Improvement Plan which currently includes projects such as but not limited to Windjammer Park Redevelopment, Municipal Pier, Special Events Center, etc. and determine their current relevance and need. (*Planning Commission*)

Information for Consideration:

- Implementation of projects in this list has been based on funding opportunities and less on the assigned priorities.
- Changes can be discussed as part of the annual mandated update to the Capital Improvements Plan.
- Some of the projects placed on the list are from other approved plans.
- Related Comprehensive Plan Goals and Policies are listed in the staff report.

Planning Commission Discussion

Mr. Oliver asked; if we feel it necessary to build up the waterfront to help with tourism is there something the Planning Commission could do to spur that? Mr. Kamak said that those thoughts could be brought up during this discussion and even if those ideas don’t make it on the list it will trigger a process to consider those types of projects.

Ms. Johnson-Pfeiffer asked if the prioritization was done by Council or the Planning Commission and whose responsibility it was to prioritize the projects. Mr. Kamak said the prioritization was initially done by the Council with the funding in mind but staff could ask the Council if they would like the Planning Commission to make a recommendation for prioritizing the projects.

Ms. Johnson-Pfeiffer commented that the Council is accountable to the citizens, not the Planning Commission, so priority setting is a Council function versus a Planning Commission function. Mr. Kamak said the Planning Commission is an advisory body so the Commission could make recommendations to the Council. Planning Commission public hearings gather comments from public which reveal the public interest and provides and additional criteria for review to the City Council other than just dollars and cents.

3. Review if the current Comprehensive Plan goals and policies adequately identify and protect view corridors within the City. (*Planning Commission*)

Information for Consideration:

- View Corridors are identified in Map 3 of the Parks, Recreation and Open Space Element in the Comprehensive Plan.
- There is existing language in the Comprehensive Plan for protection of viewsheds and corridors.
- Related Comprehensive Plan Goals and Policies
 - Urban Design Element - Goal 5 - Protect viewsheds and view corridors:
Discussion - The City of Oak Harbor defines viewsheds as a panoramic view from a single location. Significant viewsheds include views of Mt. Baker, Mt. Rainier, Cascade mountain range, Olympic mountain range, Oak Harbor Bay, Maylor Point (especially wooded and tidal flat areas) and Saratoga Passage. The view corridors and viewsheds within the City should be identified and accurately mapped at a useable scale so they can appropriately guide development.
 - Policy: 5.a Consideration of building impacts on viewsheds and view corridors shall be exercised in all developments, and mitigation measures shall be applied to protect existing views.
Discussion: The City may incorporate policies and guidelines to protect these resources, such as developing: a unified bulk program for building envelopes; performance based zoning; and, density bonuses as development incentives.
- Current zoning regulations for height limitations in the Central Business District are a result of a view study done in 1999. There is specific language in the code for additional review of buildings in the CBD that would like to exceed height limitations specifically to protect views (OHMC 19.20.320.8(d)).
- The existing code language was used in the recent past to evaluate the Flemming Project proposed in the Central Business District. Though this project was not implemented, the review shaped the design to protect views from SE Jensen Street.

Planning Commission Discussion

Ms. Johnson-Pfeiffer pointed out the condominium development at the intersection of Scenic Heights Street and SR-20 which blocked a significant view corridor to the harbor. She asked if there was code language that dealt with that development. Mr. Kamak said that the zoning code has height limitations and there was a study done in 1999 for the downtown where they

tied balloons on buildings to a certain height and they went to various places within the view corridors to see if they could see the balloons. This study resulted in the 35 foot height limitation in the downtown. There are some clauses for allowing a building height of a maximum of 55 feet if certain conditions are met. Mr. Kamak added that he wasn't sure if this study included Scenic Heights but most of the zoning districts have been based on the study and even the industrial districts have a height limitation of 35 feet.

Ms. Johnson-Pfeiffer indicated that view corridors are important because once they are built up you can't get them back. As more focus is put on building up the waterfront we need to understand the potential consequences further inland to the town. She wanted to make sure that we don't wake up 20 years from now and lament that we used to be able to see the water from our town and now only a few can. The condominiums on Scenic Heights and SR-20 have diminished a prominent view corridor. Now when you enter Oak Harbor from the south the first impression of the community after coming off of a very rural drive down the Island is a highly intense development feel the minute you enter our community and that can't be changed now.

Mr. Kamak said that this is a classic example of balancing property development rights and protecting the public interest. On one hand we look for infill development and higher density and everybody wants Oak Harbor to be more dense and not to sprawl so we are looking at more density and when we go with more density, especially if we expect our population to increase, we are looking at how much more we can squeeze into a limited space and usually it is to build higher and that is why the height limitation is capped to try and do exactly what Ms. Johnson-Pfeiffer is trying to do. At this point do we want to say that we what to go lower, if so, what does that mean for the community? There is also zoning which comes into play. The zoning for the parcel that the condominiums were built is R-4 which carries a higher density. The discussion turned to how zoning has been done historically nationwide and how it has evolved. The movement has been from completely separating uses to now mixing uses to reduce sprawl. Therein comes the challenge between people living and working in the same zoning district.

Mr. Wallin and Mr. Oliver suggested that there needs to be a community discussion and a review of the zoning for the City which becomes a larger discussion than just view corridors.

Ms. Johnson-Pfeiffer said, in the context of view corridors, if the corridors were mapped out and clearly defined and adopted wouldn't the fallout be laying the view corridor over the top of the zoning map, and if there was any zoning that would hinder a view corridor then that would trigger a conversation about rezoning. Ms. Johnson-Pfeiffer went on to say that knowing what the County is saying about density and this pressure to have density it is not just about how much building you can put on the land but also where does your eye go for relief. Where are the views that our eyes naturally go to that offer some relief from this urbanization? If we map those view corridors and adopt them and say that these are the things that we as a community prioritize in terms of visual relief and say don't build here because this is a community priority to preserve this community view. Mr. Kamak said that we could do that but that does come with laying it on top of properties in a city that is already zoned for a particular density. Ms. Johnson-Pfeiffer went on to say that she believed there were property owners who are in APZ zones now who owned property for years who had to deal with that reality. This is a hard conversation but I

sure get it and I respect property rights but at the same time I'm also a community member who feels I should be able to see something and it should not always necessarily be someone's right to over develop an area or live in a community that is being told by a county that we have to overdevelop an area. If we don't clearly identify the corridors and document the community value for preserving the views we have nothing to defend our position from the pressure to urbanize. Mr. Kamak reiterated that the 35 foot height limit is based on that limitation and view corridors have been mapped along public properties and right-of-ways. For example, as you approach Oak Harbor from the north by the Best Western you can see the Olympic Mountains, that is noted as a view corridor. We can do that from public venues like parks and public right-of-ways. Ms. Johnson-Pfeiffer said that she understood the protection of private property rights but if we are a community the pushes forward a value of tourism, quality of life and all of these intangible things that we have written in the Comprehensive Plan and then we are going to develop at urban densities that cut off those connectivity points, which one are we going to be? Are we going to work toward water connectivity and be this waterfront community? If that is a core value then I think we have to have preservation of those values. Or if we are going to say we've got to be dense we don't want any sprawl, we have to pack them in then the consequence is going to be a loss of water connectivity. Going back to the development on Scenic Heights and SR-20 it might be 35 feet but when that other building goes up you are going to have a hard time telling me that any consideration was given to a view corridor at that corner and we have lost that connectivity to the water under the existing view corridor language that we have now. Mr. Kamak said that we have goals and policies that give importance for protection but how it transfers to implementing code is the question. So we have goals to protect view sheds and what we have currently in implementing that are the zoning regulations. So what the Planning Commission should consider in moving this forward on the docket is if the current code language is not sufficient to protect the view corridors then the code is what we should look at. If the code language is not sufficient then we should look at having more regulations or a higher regulation in order to protect view corridors before they are lost and then we have to identify the view corridors first as well as other view corridors than what is currently in our Comprehensive Plan and the properties that would be impacted.

4. Review if the current Comprehensive Plan goals and policies adequately protect the City from the proliferation of signs. (*Planning Commission*)

Information for Consideration:

- Current codes on signs are based on existing goals and policies in the comprehensive plan.
- The sign code determines the number and type of signs that are permitted based on frontage, size of buildings, number of businesses etc.
- The existing code also addresses temporary signs.
- Sign regulations are enforced on a complaint basis.
- Related Comprehensive Plan Goals and Policies are listed in the staff report.

Planning Commission Discussion

There was discussion as to how this item was raised for inclusion on the preliminary docket and whether this issue could be studied in conjunction with the temporary sign code revision that is currently underway.

5. **Shoreline Master Program Amendment and Land use change for properties (R13201-160-0920, R13201-072-1040 and R13201-067-1150) located on SE Catalina Drive south of Pioneer Way (map attached). This item would consider various land use designations, potentially even an overlay zone, with the intended goal to permit a variety of uses to promote upland improvements adjacent to the Marina including options for industrial uses such as Nichols Brothers Boat Builders. The current land use designation is Public Facilities. (Planning Director)**

Information for Consideration

- Based on recent interest in the community to provide opportunities for water related industries to locate in Oak Harbor along the shoreline.
- Continuing to implement the Marina Redevelopment Plan that recommends upland improvements with uses that support water recreation and the marina.
- This Shoreline Master Program *Amendment* is different that the Shoreline Master Program *Update*. The *amendment* will follow a different timeline and will be ahead of the *update*.

Mr. Neil asked for public comment.

Billie Cook (651 SE Bayshore Drive) commented on proposed docket item to review the non-enterprise funded projects listed in the City's Capital Improvement Plan. Ms. Cook asked the Commission consider Windjammer Park and the Bayshore Drive alignment that is currently in the Comprehensive Plan as well as fixing the intersection at Bayshore Drive and City Beach Street. The intersection has become much worse since the traffic has increased due to Pioneer Way becoming a one-way street. She hoped that the Bayshore Drive alignment would be placed as a high priority on the list. Ms. Cook also raised the need for upgrades to the existing restroom and the picnic shelter in Flintstone Park. She said that the park is very nice and highly used but the facilities are falling apart.

Mr. Neil encouraged Ms. Cook to continue attending meetings and providing comments as this process moves forward.

Mr. Neil closed the public hearing.

MOTION: MR. WALLIN MOVED, MR. FAKKEMA SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL PLACE ALL THREE MANDATED AMENDMENTS ON THE 2012 COMPREHENSIVE PLAN DOCKET. MOTION CARRIED.

MOTION: MR. OLIVER MOVED, MR. WALLIN SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL REMOVE THE REVIEW OF COMMERCIAL LANDS INVENTORY FROM THE 2012 COMPREHENSIVE PLAN DOCKET. MOTION CARRIED.

MOTION: MS. JOHNSON-PFEIFFER MOVED TO REFER REVIEW OF THE NON-ENTERPRISE FUNDED PROJECTS LISTED IN THE CITY'S CAPITAL IMPROVEMENT PLAN BACK TO THE COUNCIL FOR FURTHER CLARIFICATION ON PLANNING COMMISSION ACTION.

Planning Commission Discussion

Ms. Johnson-Pfeiffer asked if the item could be referred back to the Council to ask if they wanted the Planning Commission to prioritize the list or not. Mr. Kamak said that it would be appropriate to recommend the review of the non-enterprise funded projects list for the docket and whether prioritization happens at the Planning Commission or the Council either way the list can be looked at.

MS. JOHNSON-PFEIFFER WITHDREW THE MOTION.

Mr. Neil asked Mr. Kamak if the Planning Commission recommends that the non-enterprise project list be reviewed will staff also ask for direction as to whether the Council would like the Planning Commission to review the list. Mr. Kamak said that staff would pose the question to Council and the Council would also have the minutes of the Planning Commission's discussion.

MOTION: MS. JOHNSON-PFEIFFER MOVED, MR. FAKKEMA SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL REMOVE THE REVIEW OF THE NON-ENTERPRISE FUNDED PROJECTS LISTED IN THE CITY'S CAPITAL IMPROVEMENT PLAN FROM THE DOCKET.

Planning Commission Discussion

Mr. Fakkema said that the reason for his second lies more in how much more work can staff absorb. It appears that looking at the list isn't going to change anything other than a possible revamping of the priorities which he believed Planning Commission has no responsibility or authority for. Mr. Fakkema wondered how much work should be put into what he believed would be a wasted effort.

Ms. Johnson-Pfeiffer agreed with Mr. Fakkema's sentiments and believed that it was not the appropriate year for this conversion.

Mr. Oliver said that Mr. Kamak said that he thought it would be appropriate to put this on the docket.

Mr. Kamak said that from a staffing analysis perspective he thought that this was one of the discretionary items that staff could accomplish with the update of the Capital Improvement Plan.

VOTE ON THE MOTION: MS. JOHNSON-PFEIFFER, MR. FAKKEMA AND MR. OLIVER VOTED IN FAVOR OF THE MOTION. MR. WALLIN OPPOSED. THE MOTION CARRIED.

MOTION: MR. OLIVER MOVED, MS. JOHNSON-PFEIFFER SECONDED, A MOTION TO RECOMMEND THAT THE CITY COUNCIL PLACE THE REVIEW OF WHETHER THE CURRENT COMPREHENSIVE PLAN GOALS AND POLICIES ADEQUATELY IDENTIFY AND PROTECT VIEW CORRIDORS WITHIN THE CITY ON THE 2012 COMPREHENSIVE PLAN DOCKET.

Planning Commission Discussion

Mr. Fakkema commented that there are zoning restrictions, height restrictions and setback restrictions in place. All of which impact persons property and if we further restrict development rights we could open ourselves to a lawsuit. Mr. Fakkema said he sympathized with Ms. Johnson-Pfeiffer's sentiment but our real recourse is to buy the property as a City. We need to

have a mechanism to acquire property to protect views. What we have in place is all the protection that we can do at present so he would not be in favor of keeping this item on the docket.

Johnson-Pfeiffer stated that she just wanted to know clearly what the view corridors are and she didn't feel that we knew clearly enough what the view corridors are.

VOTE ON THE MOTION: MS. JOHNSON-PFEIFFER, MR. WALLIN AND MR. OLIVER VOTED IN FAVOR OF THE MOTION. MR. FAKKEMA OPPOSED THE MOTION CARRIED.

MOTION: MR. OLIVER MOVED, MR. FAKKEMA SECONDED, A MOTION TO RECOMMEND THAT THE CITY COUNCIL REMOVE FROM THE 2012 COMPREHENSIVE PLAN DOCKET THE REVIEW OF THE CURRENT COMPREHENSIVE PLAN GOALS AND POLICIES FOR ADEQUACY IN PROTECTING THE CITY FROM THE PROLIFERATION OF SIGNS. MOTION CARRIED.

MOTION: MS. JOHNSON-PFEIFFER MOVED, MR. WALLIN SECONDED, A MOTION TO RECOMMEND THAT THE CITY COUNCIL PLACE THE SHORELINE MASTER PROGRAM AMENDMENT AND LAND USE CHANGE FOR PROPERTIES LOCATED ON SE CATALINA DRIVE SOUTH OF PIONEER WAY ON THE 2012 COMPREHENSIVE PLAN DOCKET.

Planning Commission Discussion

Mr. Oliver asked if the intent was to make the marina area more recreational as well as providing more opportunities for economic growth. Mr. Kamak said that the idea is to make it convenient for someone who thinks that there is a market there to invest there. As it stands now they would have to go through a zoning change.

Mr. Oliver asked if a mobile commercial entity (e.g. kayak rental) could set up there as the code is written now. Mr. Kamak said that the code may not directly permit that but there is room for interpretation because Public Facility zoning allows recreational uses so as long as the entity is recreation related it might be allowed as a temporary use. If a building permit for construction is needed then it would be looked at differently.

Mr. Oliver asked if Nichols Brothers could do what they want to do as the code is written today. Mr. Kamak said no.

Mr. Fakkema asked, if from the Nichols Brothers standpoint, is it a temporary concept or are they thinking about a permanent concept. Mr. Kamak said that he didn't have accurate or full information but from what he has heard they have a current contract that is for about seven or eight years. In that seven or eight year will they get additional contracts, we don't know.

VOTE ON THE MOTION: MOTION CARRIED UNANIMOUSLY.

ADJOURN: 9:15 p.m.

2012 Preliminary Docket Items and Review Criteria

| Criteria provided in OHMC 18.15.070 (2) | Mandated Updates | | | Discretionary Updates | | | | |
|--|---|---|---|---------------------------------------|--|---|---|---|
| | Comprehensive Plan 2015 (continued) | Capital Improvements Plan | Shoreline Master Program Update | Commercial Lands | Non-Enterprise Project List - CIP | Signs | View Corridors | SMP and Land Use Changes – Marina Uplands |
| (a) The proposed amendments are consistent with Growth Management Act and the Countywide Planning Policies. | ✓Yes Mandated (RCW 36.70A.130) | ✓Yes Mandated (RCW 36.70A.130) | ✓Yes Mandated RCW 90.58.080 | ✓Yes | ✓Yes | ✓Yes | ✓Yes | ✓Yes |
| (b) The proposal does not appear to contradict other elements, goals and policies within the Comprehensive Plan. | No contradictions | No contradictions | No contradictions | No contradictions | No contradictions | No contradictions | No contradictions | Currently not permitted in the SMP |
| (c) The proposal will implement or further existing goals and policies in the Comprehensive Plan. | ✓Yes Updates will keep the Comprehensive Plan in compliance with GMA | ✓Yes Updates will keep the Comprehensive Plan in compliance with GMA | ✓Yes Updates will keep the Comprehensive Plan in compliance with GMA | ✓Yes – based on scope of the study | ✓Yes | ✓Yes The current codes adequately address the goals and policies unless further refinement is required | ✓Yes The current codes adequately address the goals and policies unless further refinement is required | ✓Yes |
| (d) The proposal would correct an inconsistency within or make a clarification to a provision of the Comprehensive Plan. | NA | NA | NA | NA | The proposal will clarify community priorities | The proposal is to review for further refinement if necessary | The proposal is to review for further refinement if necessary | NA |

landscaping regulations), individual property rights and the possibility of hampering future growth, the Planning Commission rated the criteria and added additional criteria as follows:

| Proposed Criteria | Should the criteria be used Yes/No | Rating Score H = High M = Medium L = Low D = Deduct |
|---|---|--|
| View from public property | | H |
| View from streets | | |
| SR 20 | | M |
| Arterial | | M |
| Collector | | L |
| Local | | L |
| View from a pedestrian route | | H |
| View of a specific landmark | | H |
| The need to buy property | | D |
| The need for special zoning regulations | | D |
| Additional Criteria | | |
| Entry way views | | H |
| Waterfront connectivity | | H |

2013 COMPREHENSIVE PLAN AMENDMENT DOCKET – Public Meeting

Mr. Kamak explained that the Comprehensive Plan amendment process began with a call for applications to the public for land use changes referred to as sponsored amendments (no applications received so far). This year’s discretionary amendments include the Scenic View’s study which is a carryover from the 2012 Comprehensive Plan amendment docket. Since the scope of work for the 2016 major update to the Comprehensive Plan will involve about three years of work preparing for the update, staff is requesting that no other discretionary items be added to the docket. No action is required at this point. Staff will formulate the docket and present it to the Planning Commission at the December 11th meeting and return to the Planning Commission in January for action.

Mr. Powers noted that if the Planning Commission thinks that there is something that is absolutely critical for the community to tackle it is the Planning Commission’s prerogative to put that item on the docket and send it forward to the Council for consideration and action. The deadline for adding to the docket is December 3rd.

MARITIME USES

Public Meeting

CITY OF OAK HARBOR

TO: PLANNING COMMISSION
FROM: CAC KAMAK, SENIOR PLANNER
SUBJECT: MARITIME ZONING
DATE:
CC: STEVE POWERS, DEVELOPMENT SERVICES DIRECTOR

Purpose: The purpose of this memo is to introduce a draft of the zoning regulations for the Maritime Zoning District. The Maritime Land Use category was created with the 2012 Comprehensive Plan Amendments to accommodate water-dependent, and water-related industrial and commercial uses, on lands adjacent to the marina.

Background: In 2012, the Comprehensive Plan was amended to create a new land use category called “Maritime”. The intent of creating this new category was to provide an opportunity for maritime industrial and commercial uses to locate adjacent to the marina. To implement the intent of the new land use category, zoning regulations have to be crafted and adopted. A proposed draft for these regulations is attached to this memo. The draft includes the type of uses that would be permitted by right, ones that will need a conditional use permit, development regulations (area ratios, density, parking etc.) and other requirements.

Discussion: The draft zoning regulations, included with this memo, rely on key words and phrases within the intent statement for the Maritime designation to determine the permitted uses and development standards. Some of the key phrases are identified below:

- Accommodate high intensity water- related and water-dependent uses
- Clean industrial uses
- Commercial uses similar to uses permitted in the Central Business District
- Flexible standards for streets and parking
- Sufficient screening between industrial and commercial uses

Since the area designated as Maritime is adjacent to the shoreline, development in this area will require review against the Shoreline Master Program (SMP) regulations. Therefore, the draft regulations refer to the SMP to determine the uses that can be permitted within the Maritime zoning district. The SMP defines *water-dependent* uses as a use or a portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operation (eg. ship cargo terminals, ferry terminals, ship building, marinas, aquaculture, float plane services etc). A *water-related*

use is defined as a use or a portion of a use which is not intrinsically dependent on a waterfront location but whose economic vitality is dependent upon a waterfront location because of a functional requirement for a waterfront location or the use provides a necessary service supportive of a water-dependent activity and the proximity of the use to its customers makes its service less expensive or convenient. The SMP also defines *water-enjoyment*¹ uses. All of the above types of uses can be permitted in the Maritime district.

The intent statement of the Maritime designation includes “clean” as a description for industrial uses. This is a performance standard and can be included in the regulations to prohibit activity that has the potential for generating byproducts or waste that is discharged into the air or water within this district. The draft code includes some of these provisions under the “Conditions Governing Permitted Uses” section of the proposed code.

The intent of the Maritime zoning district also includes language expressing a need for a mix of commercial uses that will support the maritime industry. The language suggests commercial uses similar to the Central Business District (CBD). Although the list of uses permitted in the CBD is extensive, not all uses are appropriate for the Maritime district. One way to short list the uses is to include uses that have a low traffic impact since the intent statement also identifies traffic challenges in the area. Therefore, uses that are parking or space intensive such as theatres, furniture stores, schools etc. can either be prohibited or required to obtain a conditional use permit. Many specialty retail uses, such as antique shops, tailor shops, shoe repair etc, can also be either prohibited or conditioned. The current draft includes some novelty stores such as gift shops, hobby stores and other similar uses that may support water-related-oriented uses. Food and beverage establishments are also included since they support water-oriented-related uses and compliment all other uses in the area.

The Maritime Land Use should consider flexible standards for streets and parking as an incentive to foster development in the area. One of the major challenges in creating this land use category is the intersection of Pioneer Way, Catalina Drive and the security gate to the Seaplane Base. Since the proposed land uses in this area has the potential to generate traffic, creative solutions will need to be sought to address this issue. Creating flexible parking standards in this area is also intended to encourage the public to use the access provided by the waterfront trail with alternative modes of transportation.

Recognizing transportation challenges in this area, the intent statement indicates flexible parking standards and encourages the use of other modes of transportation. This can translate to various implementation strategies such as requirements for bicycle parking, eliminating parking requirements and limits on parking when provided.

¹ A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for the recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public’s ability to enjoy the physical and aesthetic qualities of the shoreline.

The intent statement also indicates the importance of screening between commercial and industrial uses. OHMC 19.46 addresses the landscaping and screening requirements and should be sufficient to mitigate the impacts of these uses on each other.

Since the intent statement makes a strong connection to the CBD district and the SMP, development regulation for setbacks, lot area etc. have been adapted into the draft for this district from those documents. Since the district is primarily geared towards industrial development, it would be wise to prohibit residential uses in this district. Permitting residential in this district can set it up for impacts that will be hard to regulate against.

The proposed draft also includes conditional uses for this district. Conditional uses are considered appropriate for a particular zoning district if they are able to mitigate or address some of the potential impacts that a use can have on the district and other uses. The impacts can range from traffic generation and parking to noise and light pollution. Conditional uses require a public hearing before the Hearing Examiner. The conditional uses that are currently included in the draft are conference centers, hotels and major utilities.

This purpose of this memo is to introduce the code to the Planning Commission for review, comment and suggestion. The code will also be shared with the Marina Advisory Committee for comment and suggestion. Since this is an amendment to the development regulations, a SEPA checklist will need to be prepared. A notice on these amendments is also required to be sent to the Department of Commerce. The public hearing to consider these regulations will likely be scheduled for the February Planning Commission meeting.

Attachments

- 1 Draft Maritime Zoning Regulations
- 2 Maritime Land Use Designation
- 3 Maritime Land Use Map
- 4 Central Business District Regulations
- 5 SMP Development Standards

19.20.900 Purpose and intent.

The purpose of this zoning district is to accommodate water dependent, water related and water enjoyment uses. These water dependent and related uses shall be clean industrial uses such as boat building, sail making, water dependent transportation, ware housing, and other uses that do not include processes that generate by products that needs to be discharged into the air or water. The intent of this district is to also accommodate commercial uses, to support and energize activity in this area. Since parking is limited in this area, the district should permit uses that are less dependent on automobiles, and promote the use of alternate modes of transportation. Considerations must be given to limit parking in this district to conserve land for buildings and activities.

19.20.905 Principal permitted uses.

In a maritime zoning district, the following are principal permitted uses:

Water-dependent uses such as:

- (1) Marinas
- (2) Yacht Clubs
- (3) Boat Launch ramps
- (4) Boat Repairs
- (5) Boat Storage
- (6) Ferry and Passenger Terminals
- (7) Float Plan facilities
- (8) Aquaculture
- (9) Sewer and storm outfalls
- (10) Boat building and related industry
- (11) Restoration activities

Water-related uses such as:

- (1) Warehousing of goods transported by water
- (2) Professional services serving water dependent activities
- (3) Marine hardware and retail store
- (4) Outdoor recreation outfitters

Water-oriented uses such as:

- (1) Mini-storage facilities related to the Marina
- (2) Offices that serve water dependent uses
- (3) Laundry facilities

Water-enjoyment uses such as:

- (1) Restaurants, cafes and food vendors
- (2) Bars, taverns and brew pubs
- (3) Gifts, hobbies, ice cream
- (4) Convenience store including groceries
- (5) Tours, visitor information centers
- (6) Governmental buildings and associated facilities
- (7) Transit terminals
- (8) Parks and open space

19.20.910 Accessory permitted uses.

Accessory uses are not primary uses and can be allowed along with other permitted accessory uses in a maritime district. The primary use shall be the largest use in a development or constitute 60% or more of the area. The following are accessory permitted uses:

- (1) Non water-oriented offices
- (2) Caretaker or security residences serving a permitted use
- (3) Utilities – accessory to permitted uses
- (4) Parking - accessory to permitted uses

19.20.915 Conditional uses permitted.

The following uses and their accessory uses may be permitted in a maritime district when authorized by the hearing examiner:

- (1) Conference Center;
- (2) Hotel and motel;
- (3) Transmission lines and other primary facilities

19.20.920 Uses prohibited.

The following uses are prohibited in the maritime zoning district:

- (1) Residential uses

19.20.930 Density provisions.

In the Maritime district the following density provisions apply:

- (2) Minimum lot area, no limitation;
- (3) Minimum lot width, no limitation;
- (4) Minimum lot depth, no limitation;
- (5) Maximum Height – 35 feet, 55 feet for water-dependent structures
- (6) Lots within 200 ft of the ordinary high water mark must meet the development standard requirements of the Shoreline Master Program.
- (6) Parking – There shall be no required parking for permitted and accessory uses. Bicycle racks shall be provided in accordance with the Design Guidelines and Regulations. If parking is provided, it shall not exceed the minimum required and shall meet the parking space size and access requirements of OHMC 19.44.110. Parking may be required for conditional uses. The number of parking spaces shall be determined by special studies and reduced to the minimum needed or available.

19.20.940 Conditions governing permitted uses.

All principal uses permitted outright in the Maritime district shall meet the following conditions:

- (1) Uses permitted in this district shall not include processes that generate by-products that need to be discharged into the air or water.
- (2) The use of property must not result in the creation of offensive odors and offensive or harmful quantities of dust, smoke, exhaust fumes, noise or vibration.
- (3) Landscaping and buffers between commercial and industrial uses shall be constructed and maintained in accordance with the provisions of OHMC Chapter 19.46.
- (4) Uses that are intended for storage or warehousing are not permitted to store material that are considered hazardous, toxic or environmentally damaging.
- (5) If located within 200 feet of the shoreline OHM, development standards established in the Shoreline Master Program shall be incorporated.
- (2) In the event that the requirements of this chapter contradict with the Shoreline Master Program, the more restrictive shall apply.

(3) Adhere to the Design Guidelines and Regulations

19.20.950 Site plan and design review required.

Site plan and design review shall be required as per Chapter 19.48 OHMC. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

DRAFT

Oak Harbor Comprehensive Plan

Excerpt on Maritime Uses

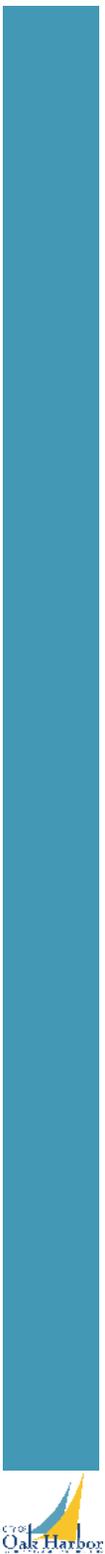
Maritime Uses. The City created this land use in 2012 to accommodate high intensity water related and water dependent commercial and industrial uses. This land use category and the Maritime designation in the Shoreline Master Program have similar intent. This land use would accommodate uses such as boat building, sail making, water dependent transportation ware housing and other clean industrial uses. This land use also accommodates commercial uses similar to the uses that are allowed in the Central Business District. The commercial uses are intended to draw residents and visitors to the area and enjoy the recreational facilities provided by the marina, Catalina Park and the Maylor Point trail. Commercial and industrial uses in this area will need to be sufficiently screened from each other. The Maritime Land Use should consider flexible standards for streets and parking as an incentive to foster development in the area. One of the major challenges in creating this land use category is the intersection of Pioneer Way, Catalina Drive and the security gate to the Seaplane Base. Since the proposed land uses in this area has the potential to generate traffic, creative solutions will need to be sought to address this issue. Creating flexible parking standards in this area is also intended to encourage the public to use the access provided by the waterfront trail with alternative modes of transportation.



Maritime District

PC ATTACHMENT 3

0 125 250 500 750 1,000 Feet



Central Business District (CBD)**19.20.300 Purpose and intent.**

The central business district (CBD) is intended to preserve and enhance the unique harbor location of the city's heritage with the character of the traditional center of social, cultural and retail activity. Mixed use developments, combining retail and visitor-oriented activities on the ground floor with office, retail and residential uses above, are required. Within the district, pedestrian-oriented activity is encouraged. Standards and design guidelines are adopted to enhance and maintain a pedestrian-friendly environment. Incentives are also provided to encourage the development of mixed use projects. Subdistricts CBD-1 and CBD-2 are created in order to provide for flexibility of residential development within specific areas of the central business district. Large surface parking lots are not encouraged. Shared clustered parking areas in the middle of blocks are allowed away from street frontages. Access driveways are to be kept at a minimum to promote safety and convenience of pedestrians. (Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.305 Principal permitted uses.

In a central business district (CBD, CBD-1 or CBD-2), the following are principal permitted uses (for the purposes of this district only, uses considered to be "retail" are denoted with an (R)):

- (1) Antique shop (R);
- (2) Artist's studios and supplies (R);
- (3) Bakery, retail only (R);
- (4) Bank;
- (5) Barber and beauty shops;
- (6) Bars (R);
- (7) Bed and breakfast inns subject to the following conditions:
 - (a) There shall be a full-time manager domiciled on the premises.
 - (b) Signs shall meet the requirements of OHMC 19.36.030.
 - (c) Bed and breakfast inns shall not be located in noise subdistrict C as that area is shown on the city of Oak Harbor's official zoning map.
 - (d) If exterior lighting is proposed for the bed and breakfast inn, it shall be downward directed so as not to impact adjacent properties.
- (8) Bed and breakfast rooms (residential or commercial) subject to the following conditions:
 - (a) A resident or manager is domiciled on site.
 - (b) Signs shall meet the requirements of OHMC 19.36.030.

(c) Bed and breakfast rooms (residential or commercial) shall not be located in noise subdistrict C as that area is shown on the city of Oak Harbor's official zoning map.

(d) If exterior lighting is proposed for the bed and breakfast room (residential or commercial), it shall be downward directed so as not to impact adjacent properties.

- (9) Bicycle shop (R);
- (10) Billiards and pool hall (R);
- (11) Blueprinting;
- (12) Bookstore (R);
- (13) Brew pub (R);
- (14) Camera and supply shop (R);
- (15) Clothes and apparel shop (R);
- (16) Cocktail lounge (R);
- (17) Coffee house (R);
- (18) Confectionery store (R);
- (19) Conference center;
- (20) Data processing facility;
- (21) Delicatessen (R);
- (22) Department store (R);
- (23) Dry cleaners;
- (24) Furniture shop (R);
- (25) Florist shop (R);
- (26) Gift shop (R);
- (27) Grocery store, neighborhood, provided gross floor area shall not exceed 12,000 square feet (R);
- (28) Hardware store (R);
- (29) Hobby shop (R);
- (30) Hotel and motel;
- (31) Ice cream shop (R);

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- (32) Interior decorator studio (R);
- (33) Jewelry store (R);
- (34) Leather goods store (R);
- (35) Music store (R);
- (36) Offices;
- (37) Office supply and equipment store (R);
- (38) Pet shop (R);
- (39) Pharmacy and drug store (R);
- (40) Photographic film processing and associated retail sales (R);
- (41) Photographic studio and supplies;
- (42) Photocopying;
- (43) Post office;
- (44) Printing shop;
- (45) Residential uses, provided:
 - (a) In the CBD district: mixed use sites with multiple street frontages may locate dwelling units on the ground level on any street frontages other than Pioneer Way;
 - (b) In subdistricts CBD-1 or CBD-2: dwelling units may be the primary use of the site;
- (46) Restaurant, including sidewalk cafe (R);
- (47) Schools for the fine arts;
- (48) Shoe repair shop (R);
- (49) Shoe store (R);
- (50) Sporting goods shop (R);
- (51) Tailor shop (R);
- (52) Tavern (R);
- (53) Taxi service;
- (54) Theater;
- (55) Tobacco shop (R);
- (56) Toy store (R);

- (57) Travel agencies;
- (58) Trophy shop (R);
- (59) Upholstery shop;
- (60) Variety store (R);
- (61) Visitor information center;
- (62) Other uses similar to those identified above and having equal or less impact on the purposes of this section. (Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.310 Accessory permitted uses.

In a central business district (CBD, CBD-1, or CBD-2), the following are accessory permitted uses:

- (1) A use customarily incidental and subordinate to a principal use permitted outright;
- (2) On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone; provided, that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210;
- (3) Television satellite dish reflectors, roof-mounted and within building setback lines not to exceed the height limitations and other standards as set out in OHMC 19.20.320; provided said height limitation may be increased when such height is permitted per OHMC 19.28.040 and 19.28.050. (Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.315 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in a central business district (CBD, CBD-1, or CBD-2) when authorized by the hearing examiner:

- (1) Coffee kiosk;
- (2) Dancehall;
- (3) Governmental buildings for administrative or protective services;
- (4) Health club;
- (5) Land reclamation with water-dependent marine development;
- (6) Parking lots or garages not in conjunction with permitted uses;
- (7) Places of entertainment and amusement, if conducted within a wholly enclosed building;
- (8) Private nursery school, kindergarten, or child day care center not qualifying as a home occupation on a legal lot; provided, there is established in connection therewith an outdoor play area having a minimum area of 1,000 square feet plus an additional 50 square feet for each child in excess of eight;
- (9) Public utility and communications facility;

(10) Transit terminals;

(11) Swimming pools or beaches, public or private;

(12) Other uses similar to uses permitted or conditionally permitted and normally located in the central business district; provided, that there shall be no manufacturing, compounding, processing or treatment of products other than that which is essential to the retail store or business where all such products are sold on the premises. (Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.320 Density provisions.

In CBD, CBD-1 and CBD-2, the following density provisions apply:

(1) Allowable density:

| District | Minimum | Maximum |
|----------|----------|---------|
| CBD | None | None |
| CBD-1 | 9 du/ac | None |
| CBD-2 | 13 du/ac | None |

(2) Minimum lot area, no limitation;

(3) Minimum lot width, no limitation;

(4) Minimum lot depth, no limitation;

(5) Minimum front yard, no limitation, except when opposite a residentially zoned property, then a 10-foot front yard is required. Front yard setback may also be increased to 10 feet if needed for traffic safety; front yard setback shall be provided so as to maintain a 12-foot sidewalk measured from the existing curb or future curb line;

(6) Minimum side yard, no limitation except when abutting a residentially zoned property, then 10 feet each. For corner lots, side yard may also be increased to 10 feet if needed for traffic safety;

(7) Minimum rear yard, no limitation except when opposite a residentially zoned property, then 10-foot rear yard is required or except when abutting a public street where the setback may be increased to 10 feet if needed for traffic safety;

(8) Maximum building height; 35 feet; except:

(a) In CBD: building height may be increased to 45 feet if ground floor retail space (as defined in OHMC 19.20.300) is developed in conjunction with a residential use;

(b) In CBD-2: building height may be increased to 45 feet for residential development (without a retail component);

(c) In CBD: building height may be increased to 45 feet for nonresidential uses or mixed use projects upon approval of the design review board and by providing additional urban amenities as defined in the Oak Harbor commercial and industrial design guidelines;

(d) In CBD: building height may be increased to 55 feet for nonresidential uses or mixed use projects upon approval of the design review board and by providing additional urban amenities as defined in the Oak Harbor commercial and industrial design guidelines. The design review board shall specifically review the proposed project and building height for its impacts on waterfront and mountain views and require reasonable mitigation as necessary;

(9) Maximum lot coverage, no limitation;

(10) Parking.

(a) Nonresidential Uses. There shall be no required parking for nonresidential uses; except, however, if parking is provided, it shall meet the parking space size and access requirements of OHMC 19.44.110;

(b) Residential uses shall provide parking per Chapter 19.44 OHMC, except that guest parking need not be provided. If guest parking is provided it shall meet the parking space size and access requirements of OHMC 19.44.110;

(c) Any parking provided beneath a permitted residential use shall be enclosed;

(d) No more than 50 percent of the gross floor area along pedestrian-oriented streets may be used for residential parking;

(11) Design Standards.

(a) Development shall be in accordance with the provisions of the Oak Harbor commercial and industrial design guidelines;

(b) Residential development shall have ground level access independent of nonresidential uses from an inside lobby, elevators and/or corridors, from an enclosed interior court, or from other separate access provisions;

(c) Nonresidential development along Pioneer Way, between SE City Beach Street and SE Midway Boulevard, shall meet the following standards:

(i) Ground-floor, nonretail development shall not comprise more than 50 percent of the lineal street frontage of the lot;

(ii) Window areas for nonresidential portions of a building's facades shall not be less than 40 percent or greater than 60 percent of the total facade area;

(iii) Conformance with the above standards shall be determined by using the design guideline applicability standards established under OHMC 19.48.040;

(d) Residential development in subdistrict CBD-1 or CBD-2 shall be under a planned residential development per Chapter 19.31 OHMC;

(e) Nonresidential development with building heights greater than 45 feet, as approved by the design review board, shall provide a minimum of 450 square feet of pedestrian-oriented space (as defined in the Oak Harbor commercial and industrial design guidelines) plus an additional 25 square feet for each vertical foot of building height above 45 feet;

(f) All buildings in the CBD greater than three stories must set back upper stories by at least 10 feet. (Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.325 Conditions governing permitted uses.

All principal uses permitted outright in a CBD, CBD-1, or CBD-2 district shall meet the following conditions:

(1) All business, service, repair, storage, or merchandise display shall be conducted within a wholly enclosed building, except for the following:

(a) Off-street parking and loading;

(b) Food and drink service in connection with cafes, restaurants or other eating establishments.

(2) The use of property must not result in the creation of offensive odors or offensive or harmful quantities of dust, smoke, exhaust fumes, noise or vibration.

(3) Landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter 19.46 OHMC. (Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.330 Site plan and design review required.

Site plan and design review shall be required as per Chapter 19.48 OHMC. (Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

C. Shoreline Development Standards

TABLE 2 – Summary of Shoreline Development Standards

| DEVELOPMENT STANDARD | Maritime | Urban Mixed Use | Shoreline Residential (Freund Marsh Residential sub Environment)^{12, 13} | Shoreline Residential Bluff Conservancy | Urban Public Facility | Conservancy | Aquatic |
|--|---|--|--|--|------------------------------|--------------------|----------------|
| Maximum Height¹ | 35 feet, 55 feet for water-dependent structures | 35 feet (CBD-1 and CBD-2), 55 feet (CBD) | 35 feet | 35 feet | 35 feet | 25 feet | N/A |
| Shoreline Setback^{2, 9, 11} | 50 feet ³ | 50 feet ⁴ | 50 feet ⁵ / 20 feet ¹⁴ | 50 feet ⁶ | 75 feet | 100 feet | N/A |
| Maximum Total Impervious Surface Coverage (Standard Applies to Entire Lot or Portion Thereof in Shoreline Jurisdiction) | 80% | 80% | 40% | 30% | 40%/80% ⁷ | 10% | N/A |
| Maximum Impervious Surface Coverage - Setback Zone 1 (VMZ)⁸ | 20% ³ | 0% | 0% | 0% | 0% | 0% | N/A |
| Maximum Impervious Surface Coverage - Setback Zone 2⁸ | 40% ³ | 20% | 20% | 0% ⁹ | 20% | 0% ⁹ | N/A |
| Minimum Lot Frontage and Width | N/A | N/A | 60 feet | 60 feet | N/A | N/A ¹⁰ | N/A |
| Minimum Lot Size | N/A | N/A | 7,200 SF | 7,200 SF | N/A | N/A ¹⁰ | N/A |

1. Height limits apply to all structures, except as noted. Development shall also be subject to the height limits established by the underlying zoning; in the event of a conflict between the standards contained in this SMP and in the underlying zone, the more restrictive shall apply. The height limit shall not apply to television antennas, chimneys, flagpoles, public utilities, and similar appurtenances. A height of more than thirty-five feet (35) can only be achieved in those environments where specifically permitted and if the applicant prepares a view corridor study consistent with the requirements of Chapter 3, Section B.6.c, Regulations 20-24. The view study must demonstrate that the proposal will minimize and mitigate impacts to views to the maximum extent feasible.

2. Water-dependent structures associated with a ecological restoration or interpretation, water-dependent uses and public access (i.e. ramps, piers, shoreline stabilization, bridges, viewing platforms, stairs, loading facilities

and similar structures) are not required to meet the minimum setback. However, where such development can be approved within the minimum setback, the placement of structures shall be limited to the minimum necessary for the successful operation of the use. In no case shall occupied structures not associated with a water-dependent activity be allowed within the minimum setback. Additionally, for development along marine shorelines designated as fish and wildlife habitat conservation areas under OHMC 20.25, the Shoreline Administrator may require a special study to evaluate potential impacts. If supported by such a study, the Shoreline Administrator may increase the Shoreline Setback to protect sensitive environmental resources, though the total setback shall not exceed 100 feet.

3. In the Maritime environment, water-dependent transportation, industrial, commercial and recreational development and uses may be allowed within the defined setback area. However, where such development can be approved within the minimum setback, the placement of structures and hard surfaces shall be limited to the minimum necessary for the successful operation of the use. In no case shall parking, primary buildings or general storage be allowed within the minimum setback.

4. New residential structures in the Urban Mixed Use environment shall adhere to this setback requirement unless existing development within 100 feet of both side property lines has a lesser average setback. In such cases, the minimum setback required shall be the average established by drawing a line between the closest point of the existing structures to the OHWM on either side of the subject property. However, in no case shall the minimum setback be reduced to less than 40 feet. At least 12 feet of the setback shall be dedicated to public access and recreational use (i.e. the Waterfront Trail).

5. New structures in the Shoreline Residential environment shall adhere to this setback requirement unless existing development within 100 feet of both side property lines has a lesser average setback. In such cases, the minimum setback required shall be the average established by drawing a line between the closest point of the existing structures to the Ordinary High Water Mark on either side of the subject property. However, in no case shall the minimum setback be reduced to less than 35 feet. This is intended to allow the minimum 30 foot Vegetation Management Zone and a 5 foot area for maintaining the structure, entrances, etc.

6. All new or expanded development in the Shoreline Residential Bluff Conservancy environment proposed within 100 feet of a designated steep slope or bluff shall be required to submit a critical areas report as part of development permit application, pursuant to Ordinance 1440 § 5, 2005, including a geotechnical analysis by a qualified professional. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by the geotechnical analysis. Please see additional geotechnical report requirements in Chapter 5, Section C.1.c and critical area report requirements in OHMC 20.28. In no case shall primary structures be located closer than 25 feet from the top of steep slope areas and bluffs. If application of the 50-foot standard shoreline setback would allow the construction of a structure within 25 feet of a steep slope area or top of bluff or within the setback recommended by geotechnical analysis, the more restrictive standard shall apply.

7. The 40% impervious surface coverage standard shall apply to Windjammer Park. The 80% impervious surface coverage standard shall apply to Flintstone Park.

8. Where impervious surfaces that exceed the limits noted are deemed necessary by the Shoreline Administrator to accommodate public access, a water-dependent use, a public utility or public transportation facility, such development shall be allowed in the setback (Zone 1 and Zone 2) provided it is the minimum necessary to accommodate the proposed use. Wherever practicable, pervious pavements and other low impact development techniques shall be used and mitigation consistent with Section 3.B.5.c shall be required. Vegetation clearing, planting and revegetation shall be governed by the provisions of Section 3.B.8 – Shoreline Vegetation Conservation. Specifically, landscaping and allowed development within setback areas shall conform to the standards in Section 3.B.8.c.4 and 5.

9. Setback areas within all shoreline environment designations are subject to the vegetation conservation requirements of Section 3.B.8.c, specifically regulations 6 and 7, which establish standards for Setback Zone 1 (Vegetation Management Zone) and Setback Zone 2. Within the Conservancy and Shoreline Residential Bluff Conservancy environments, both Setback Zones 1 and 2 are regulated as part of the VMZ.

10. No further subdivision is allowed in the Urban Conservancy environment.