

**PLANNING COMMISSION  
REGULAR MEETING  
CITY HALL – COUNCIL CHAMBERS  
June 23, 2015**

**ROLL CALL: Present:** Greg Wasinger, Bruce Freeman, Ana Schlecht, Cecil Pierce and Jes Walker-Wyse

**Absent:** Sandi Peterson and Mike Piccone

**Staff Present:** Development Services Director, Steve Powers; Senior Planners, Cac Kamak and Dennis Lefevre; Associate Planner Ray Lindenburg

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

**MINUTES: MS. SCHLECHT MOVED, MS. WALKER-WYSE SECONDED, MOTION CARRIED TO APPROVE THE MAY 26, 2015 MINUTES AS PRESENTED.**

**PUBLIC COMMENT**

None.

**HOMELESS ENCAMPMENT CODE AMENDMENT – Public Hearing**

Mr. Lefevre reviewed the background, formulation and review process of the homeless encampment regulations. Mr. Lefevre noted that the City Council recommended that the radius around a public transit stop should be  $\frac{3}{4}$  mile versus  $\frac{1}{2}$  mile.

**Planning Commission Discussion**

Planning Commission asked if there was a reason for the  $\frac{1}{2}$  mile radius around a public transit stop. Mr. Lefevre said that the discussion with the City Council related to the paratransit  $\frac{3}{4}$  radius through the ADA Program.

Chairman Wasinger opened the public hearing.

**Cynthia Hart** (North Whidbey Homeless Project) stated that she had reviewed the draft and her only concern was the population that they are hoping to help have criminal backgrounds and will not pass a background check which means that they are still on the streets. She stated that she didn't have an answer at this point but thought that this should be addressed.

Planning Commissioners discussed Ms. Hart's comment and noted that the background checks were specifically to cull out sex offenders and those who have warrants and not all criminal backgrounds.

**Jill Johnson** (Island County Commissioner) asked for clarification about the  $\frac{3}{4}$  mile radius and noted that Island County Public Health is the health department for all of Island County including the City of Oak Harbor. She anticipated that if there are homeless encampments there would be future conversations about enforcement and how it relates to public health.

Planning Commissioners asked if there were any problems with enforcement of public health standards in other cities. Mr. Powers stated that the city lacks the authority to bind another agency (Island County Public Health Department) and the homeless encampment will be required to demonstrate consistency with the appropriate public health standards. At this point we will monitor how the code works and if changes are needed we will establish different standards.

**Netsah Alinsky** (Food Forest) spoke in favor of the homeless encampment code.

Planning Commissioners asked if there was a need to include estimated number of homeless in the beginning of the ordinance since that number fluctuates. Mr. Powers said that the number was intended to demonstrate the need.

Chairman Wasinger closed the public hearing.

**MOTION: MR. PIERCE MOVED, MR. FREEMAN SECONDED, MOTION CARRIED TO RECOMMEND THAT THE CITY COUNCIL APPROVE ORDINANCE 1712 AS WRITTEN.**

**ZONING CODE AMENDMENT – Public Hearing**

Mr. Powers reported that this amendment was recommended by the Washington Cities Insurance Authority (WCIA) to update the definitions of ‘child day care center’ and ‘family day care provider’ to be consistent with current state law. They also recommended that the definition of ‘family’ be updated and a ‘reasonable accommodation’ section to be added to the code.

Chairman Wasinger opened the public hearing for public comment. Seeing none, Chairman Wasinger closed the public hearing.

Planning Commissioners asked when the ordinance was originally established with the original definitions and where the new language comes from. Mr. Powers said the definition of “family” has been in the code since he has been with the city (17 years). The “child day care center” was updated about 13 or 14 years ago to change the number of kids from 6 to 8 and then to 12. Mr. Powers said the definitions came straight out of the Washington Administrative Code (WAC) and the “family” definition was provided by the City Attorney. The simplest most straight-forward language was chosen for reasonable accommodation.

**MOTION: MS. WALKER-WYSE MOVED, MS. SCHLECHT SECONDED, MOTION CARRIED TO RECOMMEND THAT THE CITY COUNCIL APPROVE ORDINANCE 1739 AS WRITTEN.**

**MEDICAL MARIJUANA CODE – Public Meeting**

Mr. Lefevre displayed a PowerPoint presentation (Attachment 1) and discussed the state and federal medical marijuana background, current moratorium ordinances and recreational marijuana ordinance that the city has adopted and the land use implications of the code. Mr. displayed the following table to illustrate the land use implications.

<b>Legislation</b>	<b>Recreational</b>	<b>Medical</b>
I-502 (2012)	1,000 feet from public places	Does not apply
<b>19.22, OHMC (2014)</b>	1,000 feet from public places; only in PIP & I zones (production & process); C-4 & I zones (retailers). Retailers must be 1,000 feet from producers & processors.	Does not apply
<b>2SSB 5052 (2015)</b>	Does not apply	1,000 feet from public places; Cooperatives must be 1 mile from licensed retailer.

Mr. Lefevre also displayed maps showing the city and what the 1,000 foot buffer looks like when applied.

Mr. Lefevre asked the Planning Commission to discuss what restriction would be appropriate for medical marijuana producers, processors and retailers and what can/should we do with cooperatives. Mr. Lefevre also offered the following options:

1. Separate medical marijuana chapter in OHMC;
2. Combine recreational & medical regs. In OHMC;
3. Continue moratorium & monitor state/other jurisdictions

#### Planning Commission Discussion

The Planning Commissioners asked if there were any medical marijuana facilities in the city. Mr. Lefevre indicated that there were no medical marijuana facilities in the city.

There was some discussion about the recreational facilities in the city and questions about enforcement/inspections for cooperatives.

Planning Commission asked whether any jurisdictions that said “no” to medical marijuana. Mr. Lefevre said that he hadn’t found any. There was a question about whether there was a mandate to allow medical marijuana. Mr. Powers indicated that the courts have held that even though there is legislation at the state level that would allow recreational marijuana to be established in your community, local communities have the ability to make that local choice and say “no” if they choose. Now people are wondering if that same parallel will exist for the medical marijuana regulation.

Planning Commissioners asked if extending the moratorium would have any effect on whether people register and form cooperatives within the city limits. Mr. Lefevre explained that cooperatives won’t come into being until July 1, 2016. Mr. Powers said the benefit of the state establishing an effective date for the cooperatives was to give us time to make the transition. The reason we would extend the moratorium on collective gardens is to see if there is guidance coming from the organizations that we look to such as the Association of Washington Cities (AWC) and the Municipal Research and Services Center (MRSC).

Planning Commissioners asked what staffs thoughts are about combining recreational and medical regulations in the code. Mr. Lefever indicated there were a lot of parallels and he would be in favor of combining the two. Mr. Powers also stated he was leaning toward combining the two.

Planning Commissioners indicated that they would like more information on cooperatives and see some support from the community. Mr. Powers indicated that they could do some outreach. Planning Commissioners noted concern about the “moving target” created by the state actions. Planning Commissioners asked if there were any applications. Mr. Powers said there were none.

Planning Commissioners indicated that they would like more information and would likely recommend an extension of the moratorium.

#### **2016 COMPREHENSIVE PLAN UPDATE – Public Meeting**

Mr. Kamak displayed a PowerPoint presentation (Attachment 2) which presented a review of the Land Use Element and items discussed at the June 17<sup>th</sup> Planning Commission workshop which

included a reviewed each goal of the Land Use Element, discussion of its intent, initial thoughts, potential policies to further the particular goal and compared the element against the existing policies. The Planning Commission found that the goals seem repetitive, intent not clearly captured in some statements, goals and policies seem to have a gap, needs to be restructured and there was also discuss as to whether some of the goals apply City-wide versus area specific.

Mr. Kamak indicated that the next steps would be to address Growth Management Act (GMA) requirements, make a strong connection to the Vision, categorize the goals, ensure that policies support existing code, bridge gap between existing codes and expecting goal and that policies promote the goal.

Planning Commissioners commented that the workshop was helpful and that another workshop was appropriate.

**ADJOURN: 8:52 p.m.**

Minutes submitted by: Katherine Gifford

# Medical Marijuana Regulations

## *Code Amendment*



**Planning Commission**

**6/23/2015**

## Medical Marijuana

### Background

State & Federal positioning

### Current Ordinances

Moratorium & Chapter 19.22, OHMC

### Existing Land Use Implications

### Discussion/Direction



Planning Commission

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## Medical Marijuana

### Background:

- 1998 – Medical Use of Marijuana Act (I-692 = 69.51A RCW) permitted med. use of mari. by qualifying patients
- 2011 – Amends MUMA to MUCA (E2SSB 5073) authorized comp regulatory scheme, database, collective gardens, local regulation
- Federal response to E2SSB 5073  
WA state employees (DOH) not immune  
Gregoire veto of key sections
- 2012 – I-502 legalized recreational use of marijuana regulatory system (Liquor Control Board), producer/processor/retailer licenses, operational standards, conformance w/distance & local regs. Required
- Federal response – Cole Memo (2013)



## Medical Marijuana

### Background:

- 2015 – Cannabis Patient Protection Act (2ESSB 5052);
  - Changes Liquor Control Board to Liquor Cannabis Board;
  - Creates similar regulatory framework (recreational);
  - Database (qualifying patient protection);
  - Recreational marijuana (P,P & R's) may be endorsed;
  - Collective gardens repealed (7/1/16);
  - Cooperatives permitted (7/1/16)



## Medical Marijuana

### Current Oak Harbor Ordinances:

- Ordinance 1685 – Created Chapter 19.22 OHMC (Marijuana Related Uses) Addresses recreational use only.
- Ordinance 1666 – 6-month moratorium (med. mari. dispensaries/collective gardens (to 3/2014));
- Ordinance 1686 – Extends moratorium 6 months (to 9/2014);
- Ordinance 1692 – Extends moratorium 12-months (to 9/2015).



## Medical Marijuana

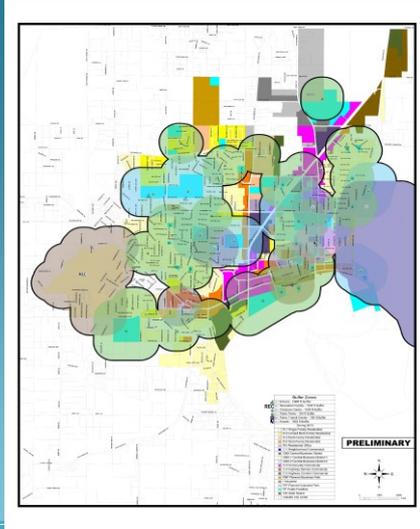
### Existing Land Use Implications:

Legislation	Recreational	Medical
I-502 (2012)	1,000 feet from public places	Does not apply
19.22, OHMC (2014)	1,000 feet from public places; only in PIP & I zones (production & process); C-4 & I zones (retailers). Retailers must be 1,000 feet from producers & processors.	Does not apply
2SSB 5052 (2015)	Does not apply	1,000 feet from public places; Cooperatives must be 1 mile from licensed retailer.



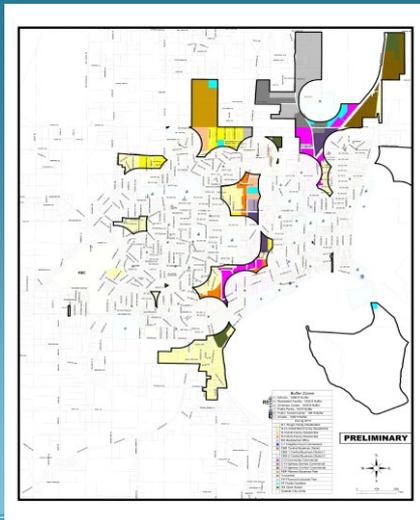
# Medical Marijuana

## Map 1



# Medical Marijuana

## Map 2



## Medical Marijuana

### Discussion:

- What restrictions would be appropriate for medical marijuana producers, processors, & retailers?
- What can/should we do with cooperatives?
- Options:
  - Separate medical marijuana chapter in OHMC;
  - Combine recreational & medical regs. In OHMC;
  - Continue moratorium & monitor state/other jurisdictions



# 2016 Comprehensive Plan Update

## Land Use Element



Planning Commission  
7/21/2015

# Oak Harbor's Comprehensive Plan

- Land Use Element
- Parks, Recreation and Open Space Element
- Housing Element
- Utilities Element
- Transportation Element
- Economic Development
- Urban Growth Areas
- Environment Element
- Capital Facilities
- Government Services Element
- Community Coordination



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# A typical Land Use Element

- Establishes the future growth of the City through population projections and demographic needs
- Systematic assessment of land potential – need for various districts and the basis for Land Use designations and zoning regulations
- Goals and Policies to regulate the physical development of land, neighborhoods and planning areas



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# A typical Land Use Element

- The [Canadian Institute of Planners](#) offers a definition that land-use planning means the scientific, aesthetic, and orderly disposition of land, resources, facilities and services with a view to securing the physical, economic and social efficiency, health and well-being of urban and rural communities
- The [American Planning Association](#) states that the goal of land-use planning is to further the welfare of people and their communities by creating convenient, equitable, healthful, efficient, and attractive environments for present and future generations



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# Land Use Element

A quick review of the existing element



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# Existing Structure

- Introduction
- Relationship to other Elements
- Distribution, Location and Extent of Land Uses
- Existing Conditions
  - Land Use Mix
  - Residential Uses
  - Commercial Uses
  - Industrial Uses
  - Public/Institutional uses
  - Military Uses



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# Existing Structure

- Economic and Demographic Projection
  - Population
    - Existing and projected employment
    - Housing need projection
- Future
- Land Use needs
  - Land Uses – All existing land use categories and special planning areas



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# Existing Structure

- Goals and Policies
  - CWPPP
    - JPA
    - Potential
  - City of Oak Harbor Goals and Policies
    - Community Identity
    - Residential Development
    - Industrial Development
    - Commercial Development
    - Public Facilities
    - Parks and Recreation
    - Essential Public Facilities
    - Property Rights
    - Built Environment



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## Existing Element

- + Good description of the trend
- + Snapshot statistics on population and employment
- + Delineated 6 neighborhoods
- + Land use comparisons to similar communities
- + Description of general land uses
- + Some projections
- + Description of land use categories
- + Goals are general

- Lack of overall direction
- No connecting statements to the vision
- No statement of findings with existing conditions
- Neighborhoods did not serve an extended function – no goals or defining direction
- Not clear why general land use categories and Future Land Use map categories
- Not clear how the broad categories for land use goals were selected
- Intent of the goals do not seem clear
- Policies don't seem to be furthering the goal as stated



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## June 17, 2015 Workshop

- Reviewed each goal of the Land Use Element
- Discussed its intent
- Discussed initial thoughts
- Potential policies to further the particular goal
- Compared it against the existing policies



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## June 17, 2015 Workshop

- Example – 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.

<p><b>Staff:</b></p> <ul style="list-style-type: none"> <li>• 3 diff statements</li> <li>• Small town? DT</li> <li>• Regional center – retail, services                             <ul style="list-style-type: none"> <li>• Transportation</li> </ul> </li> <li>• Unique Character - DG</li> </ul>	<p><b>PC:</b></p> <ul style="list-style-type: none"> <li>• Dutch, Windmill, tulips</li> <li>• Marine/Nautical</li> <li>• Applies to different areas</li> <li>• Seems conflicting</li> <li>• Design guidelines</li> </ul>	<p><b>Current Plan:</b></p> <ul style="list-style-type: none"> <li>• Pedestrian character</li> <li>• Streetscape</li> <li>• Less auto oriented</li> <li>• DG – pedestrian related</li> <li>• Sign standards</li> <li>• Revitalize DT</li> </ul>
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## June 17, 2015 Workshop

- Example – Goal 2 - To retain the character and visual identity of the Oak Harbor area.

<p><b>Staff:</b></p> <ul style="list-style-type: none"> <li>• Connected to Goal 1</li> <li>• Backdrop views, windmill</li> <li>• Windjammer Park</li> <li>• Mix of arch types</li> <li>• Waterfront Trail</li> <li>• Landmarks</li> </ul>	<p><b>PC:</b></p> <ul style="list-style-type: none"> <li>• Dutch, Windmill, tulips</li> <li>• Same as Goal 1</li> <li>• Marine, nautical</li> <li>• Churches and homes</li> <li>• Views</li> <li>• Jets, displays, Navy</li> </ul>	<p><b>Current Plan:</b></p> <ul style="list-style-type: none"> <li>• PRDs</li> <li>• View Corridors</li> <li>• Landscape ordinance</li> </ul>
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## June 17, 2015 Workshop

- Findings
  - Goals seem repetitive
  - Intent not clearly captured in some statements
  - Goals and policies seem to have a gap
  - Needs to be restructured
  - City-wide vs area specific



## 2016 Update – next steps

- Guidelines for reorganization
  - Address the requirements of the GMA
  - Establish a strong connection to the Vision
  - Categorization of the goals
    - City-wide vs area specific
    - Strong connections to the Vision statement
    - Simplify the language and make clear statements
    - Organize the goals to further the Vision
    - Relevant to the Element
    - Avoid redundancy
  - Policies
    - Support existing code
    - Bridge gap between existing codes and expecting goal
    - Policies to promote the goal.

