

**Oak Harbor Planning Commission  
Regular Meeting Minutes  
January 26, 2016**

**1. Roll Call**

Present:

Commissioner Greg Wasinger  
Commissioner Sandi Peterson  
Commissioner Jes Walker-Wyse  
Commissioner Cecil Pierce

Staff Present:

Cac Kamak, Senior Planner  
Dennis Lefevre, Senior Planner  
Brad Gluth, Civil Engineer

**2. Approval of Minutes - December 8, 2015**

**Motion:** Commissioner Jes Walker-Wyse moved to approve the December 8, 2015 as presented. Motion seconded by Commissioner Sandi Peterson, majority approved.

VOTE: Motion majority approved 4 - 0

AYES: Greg Wasinger, Sandi Peterson, Jes Walker-Wyse, Cecil Pierce

NOES: None

**3. Public Comment**

Hal Hovey was called to speak. Mr. Hovey spoke about the major projects agenda item questioning the Capital Improvements Plan approval sequence. He also asked that staff take a finer look at the Capital Facilities Plan and the Transportation Plan and keep only the projects that we need on the list and not keep projects on the list just because they have been on the list for years.

**4. ANNUAL REPORT TO CITY COUNCIL - Public Meeting**

Mr. Kamak noted that OHMC Section 18.04.070 requires the Planning Commission to make an annual report to the City Council. Mr. Kamak reviewed the report and asked the Commission if they wished to add any recommendations to the City Council. Planning Commissioners asked if their previous recommendation to fully staff the Planning Commission had been resolved. Mr. Kamak indicated that the Planning Department was fully staffed. Planning Commissioners indicated that they had no other recommendations for 2015.

**Motion:** Commissioner Sandi Peterson moved to forwarding their annual report to City Council as presented. Motion seconded by Commissioner Cecil Pierce, majority approved.

VOTE: Motion majority approved 4 - 0

AYES: Greg Wasinger, Sandi Peterson, Jes Walker-Wyse, Cecil Pierce

NOES: None

**6. LOW IMPACT DEVELOPMENT UPDATE – Public Meeting**

Dennis Lefevre displayed a PowerPoint presentation (Attachment 1) and introduced City Civil Engineer Brad Gluth. Mr. Lefevre summarized the history of the national and statewide stormwater regulations, Washington's response, where our city stands with our stormwater permit, how we envision some of the changes that will occur with the new permit and what the next steps are.

Brad Gluth provided an in depth look at the new LID requirements and noted that the LID requirements have evolved from allowing LID practices to requiring LID practices. Mr. Gluth read the definition of LID and pointed out that, in simple terms, it means that low impact development requires that most stormwater stay on site. Mr. Gluth reviewed the LID methods available to process stormwater on site. Mr. Gluth also pointed out some of the long term impacts on the City such as the impact on public infrastructure if LID measures on private property fail, operations and maintenance will require additional staff and specialized equipment, inspection/enforcement will require additional inspections by the City to enforce restrictive covenants related to LID measures and native vegetation retention, increased recordkeeping and reporting will require additional staff. Mr. Gluth also noted that it will be difficult to enforce native vegetation retention and ongoing maintenance of pervious surfaces and rain gardens on private property.

Planning Commissioners asked staff how stormwater is currently being treated, what are other peer cities experiencing, whether fee increases would be needed, whether a home owner that is replacing a drive way would be required to replace it using pervious systems and what is the failure rate for LID pervious surfaces. There was some discussion about the Habitat for Humanity homes and other projects that have incorporated pervious surfaces. Planning Commissioners expressed concern about costs and enforcement.

**5. 2016 COMPREHENSIVE PLAN UPDATE – Public Meeting**

Cac Kamak displayed a PowerPoint presentation (Attachment 2) and reviewed the proposed changes to the Land Use Element which include generalized Land Use Goals and Policies, generalized Land Use Map, neighborhoods are expanded and districts are based on neighborhood character, street patterns, construction era and use characteristics, challenges and opportunities are included. Mr. Kamak opened the floor for additional feedback. Planning Commission had no further feedback and complimented Mr. Kamak on keeping the Commission well informed and making sure the Commission understands everything.

**7. MAJOR PROJECT SCHEDULE – Briefing**

Cac Kamak shared the schedule and addressed Mr. Hovey's public comment about a decision being made on the Capital Improvement Plan in March. Mr. Kamak clarified that there will be no decision on the Capital Improvement Plan but information will be shared and the public discussion will begin in March.

The meeting was adjourned at 9:30

Katherine Gifford  
Development Services  
Admin Assistant



# LOW IMPACT DEVELOPMENT

## NPDES PHASE II PERMIT REQUIREMENTS

Planning Commission  
January 26, 2016



## MEETING PURPOSE

- History of Stormwater regulations
- Washington's response
- Oak Harbor's stormwater permit – past and present
- Changes to our community
- Code amendment project
- Next steps



## HISTORY OF NPDES PHASE II PERMITS

1972 Clean Water Act (33 USC §1251 et seq.)

- Establishes structure for regulating discharges of pollutants into the waters of the US and regulating quality standards for surface waters
- CWA authorizes national system for permitting wastewater discharges
- National Pollutant Discharge Elimination System (NPDES) permit (storm water)
- Administered by EPA
- EPA has delegated permitting authority to States



## WESTERN WASHINGTON PHASE II MUNICIPAL STORMWATER PERMIT

- WA Department of Ecology is the implementing agency for WA state permits
- Permit regulates municipal stormwater systems:
  - Cities within a census-defined urban area
  - Bubble Cities
    - Located outside census-defined Urban Area
    - Population greater than 10,000
    - Required additional evaluation
  - Oak Harbor was Bubble City
    - Required to obtain a Phase II Permit
    - Shellfish habitat
    - Potential Bull Trout habitat
    - Military presence



## WESTERN WASHINGTON PHASE II MUNICIPAL STORMWATER PERMIT

- Oak Harbor = Small MS4 (municipal separate storm sewer system)
  - Oak Harbor is the only agency in Island County required to operate under an NPDES Phase II permit
- First NPDES Phase II Permit in 2007
- DOE re-issues permits every 5 years



## NPDES PHASE II PERMIT

- NPDES Phase II Permit includes requirements for:
  - Public education and outreach
  - Public involvement and participation
  - Illicit discharge identification and elimination
  - Controlling runoff from new development, redevelopment and construction sites
  - Pollution prevention and operations and maintenance for municipal operations

**RECENT PERMIT CHANGES RELATED TO LOW IMPACT DEVELOPMENT**

- 2007-2012 Permit:** Oak Harbor had a legal requirement to "allow" for LID practices
- 2009 (Modification to 2007-2012 Permit:** WA State Pollution Control Hearing Board found that WDOE must "require" jurisdictions (under Phase II Permit) to implement LID "whenever feasible."
- Most recent Permit (August 1, 2013)**
  - S5.C4(f)(i):** No later than December 31, 2016, permittees "shall" review, revise and make effective their local development-related codes, rules standards, or other enforceable documents to incorporate and "require" LID principles and LID best management practices (BMP's)

**LOW IMPACT DEVELOPMENT WHAT IS IT?**

"Low impact development" means a storm water management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic pre-development hydrologic functions. (Chapter 12.30.040(45)OHMC)

**LOW IMPACT DEVELOPMENT**

In simple terms:  
 Low impact development requires that most stormwater stays on site.

**LOW IMPACT DEVELOPMENT**

- Generally include:**
  - Reduced amount of hard surface
    - Reduced roadway width
    - Smaller building footprints
  - Pervious Surfaces
    - Asphalt
    - Concrete
    - Pavers
  - Rain Gardens & Bioretention
  - Native Vegetation Protection Areas
  - Dispersion of stormwater into protected native vegetation areas
  - Smaller Lot Sizes

**LOW IMPACT DEVELOPMENT**

- May also include:**
  - Green Roofs
  - Minimal Excavation Foundations
  - Rain Water Harvesting

**REDUCED WIDTH ROADS**

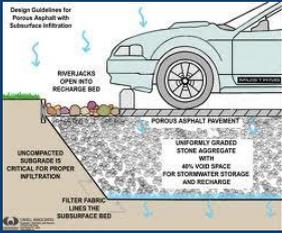


**SMALLER BUILDING FOOTPRINTS**



A photograph of a small, green, gabled-roof cabin or shed situated in a wooded area with tall trees and greenery.

**PERVIOUS PAVEMENTS**



**Design Guidelines for Pervious Asphalt with Subsurface Infiltration**

BIWELLOCKS OVERLAP RECHARGE BED

PERVIOUS ASPHALT PAVEMENT

UNCOMPACTED SUBGRADE IS CRITICAL FOR PROPER INFILTRATION

FILTER FABRIC LINES THE SUBSURFACE BED

UNIFORMLY GRADED STONE AGGREGATE WITH APPLICABLE SPACE FOR STORMWATER STORAGE AND RECHARGE

A cross-section diagram of a pervious pavement system. It shows a car on top of a porous asphalt pavement layer. Below the asphalt is a recharge bed of uniformly graded stone aggregate. A filter fabric lines the bottom of the stone aggregate, which sits on an uncompact subgrade. Arrows indicate water infiltration from the pavement through the stone and filter fabric into the subgrade.

**PERVIOUS CONCRETE**



Two images illustrating pervious concrete. The left image shows a hand holding a square piece of pervious concrete, with water dripping through the holes. The right image shows a circular area of pervious concrete on a driveway, with water being poured onto it and quickly soaking through.

**PERVIOUS ASPHALT**



A photograph of a large paved area, likely a parking lot or driveway, showing a section of pervious asphalt. A small orange traffic cone is placed on the pervious section.

**PERVIOUS PAVERS**



Two images illustrating pervious pavers. The left image shows a single pervious paver being tested with water being poured over it. The right image shows a grid of pervious pavers laid out on a surface.

**GRAVEL & GRASS GRIDS**



Two images illustrating gravel and grass grids. The left image shows a close-up of a black plastic grid filled with gravel. The right image shows a completed installation of a gravel and grass grid in a parking lot area, with grass growing through the grid.

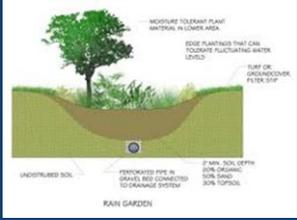
**GRAVEL & GRASS GRIDS**



**GRAVEL & GRASS GRIDS**



**RAIN GARDENS & BIORETENTION**



**RAIN GARDENS & BIORETENTION**



**NATIVE VEGETATION PROTECTION**



**GREEN ROOFS**



## GREEN ROOF SECTION

Green Roofs: Green Roof System utilizing a 300 mm deep growing media layer, suspended base and drains.

1. Sloped "trough" for drainage cell
2. Waterproofing membrane
3. Drainage
4. Filtered sand
5. Growing media

## MINIMAL EXCAVATION FOUNDATIONS

## RAIN WATER HARVESTING

## OAK HARBOR'S RESPONSE TO LOW IMPACT DEVELOPMENT "TREND"

- 2007 - Awarded technical services grant from Puget Sound Partnership to identify barriers to LID implementation
  - AHBL Consulting
- December 2011 - City adopts Ordinances 1613-1617 amending OHMC to incorporate LID
  - Chapter 14.17 Street Design Standards
  - Chapter 19.44 Parking
  - Chapter 19.46 Landscaping and Screening
  - Chapter 21.60 Residential Design Standards
- Code language is generally incentive-based or voluntary
  - Exception: mandatory in some cases such as native vegetation areas and LID parking

## OAK HARBOR COMPREHENSIVE PLAN SUPPORTS LOW IMPACT DEVELOPMENT

**Environmental Element:**

- Goal 2 - To encourage alternative methods of resource protection and stewardship
- Policy 2.h - *The City should provide incentives to utilize Low Impact Development techniques* for new development and redevelopment projects that will further promote resource protection and stewardship. Such incentives may include density credits, street width and/or parking requirement reductions, stormwater fee credits, landscape/park requirement credits, and/or expedited permit review processing. The City should also provide educational materials through pamphlets or web links to the public to educate the public on low impact development.

## SO NOW WHAT?

Current NPDES Phase II Permit (August 1, 2013):

- **SB.C.4(f)(1): No later than December 31, 2016**, permittees **"shall"** review, revise and make effective their local development-related codes, rules, standards, or other enforceable documents to incorporate and **"require"** LID principles and LID BMP's.
- Intent of revisions **"shall"** be to make LID the **"preferred and commonly-used"** approach to site development
  - Revisions **"shall"** be designed to minimize impervious surfaces, native vegetation loss, and stormwater runoff in all types of development situations
- Permittees **"shall"** conduct a similar review and revision process, and consider the range of issues, outlined in Integrating LID into Local Codes: A Guidebook for Local Governments (Puget Sound Partnership, 2012)

**LID CODE UPDATE AND INTEGRATION TOOLKIT (DOE)**

Six steps to LID Integration:

- Step 1 - Assemble the project team (Core; staff experts; stakeholders)
- Step 2 - Understand general topics to address (12 major topics; sub-topics; considerations)
- Step 3 - Review existing codes/standards "gap analysis"
- Step 4 - Amend existing codes/develop new codes "fill gaps"
- Step 5 - Public review and adoption process
- Step 6 - Ensure successful implementation (internal/external training; application; maintenance; enforcement)

**IMPACT ON CITY PROJECTS**

- Potential to increase project cost
- May require additional land
- Increased O&M

**NORTH RESERVOIR PROJECT**



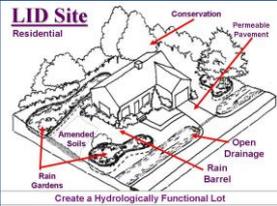
**IMPACT ON DEVELOPMENT**

- Subdivisions



**LONG TERM IMPLICATIONS PRIVATE PROPERTY**

- Restrictive covenants on single lots
  - Must maintain LID measures
  - May limit ability to add or change features on the property
- Property owner required to maintain LID measures
  - Requires knowledge and tools
    - Rain gardens
    - Pervious pavement/concrete
- Possible easement/right of entry for periodic inspections



**LONG TERM IMPLICATIONS CITY**

- City Infrastructure
  - New projects
    - Must use LID Measures
    - Impacts on public infrastructure if LID measures on private property fail
- Operations and Maintenance
  - Requires additional staff
  - Requires specialized equipment
- Inspection/Enforcement
  - May require additional inspections
  - City to enforce restrictive covenants related to LID measures
    - Native vegetation retention - very difficult to enforce
    - Ongoing maintenance of pervious surfaces and rain gardens - very difficult to enforce
  - Increased recordkeeping and reporting
  - Requires additional staff



## LONG TERM IMPLICATIONS CITY

- **Development Review**
  - Additional review
    - Certified Stormwater Manager
- **Planning**
  - UGA sizing impact?
  - Affordable housing impact?
- **Budget**
  - Increased costs for staffing and equipment
  - Rate implications
- **Staff investigating opportunities to reduce impacts to Oak Harbor**
  - Prairie environment (Garry oak)
  - Rainfall is Less than Seattle – dispersion ratios



## RESOURCES

- **Association of Washington Cities**  
<http://www.awcnet.org/TrainingEducation/LowImpactDevelopment.aspx>
  - LID Overview
  - Tools and Resources
  - Videos
    - LID Code Webinar for Electeds
- **Department of Ecology**  
<http://www.ecy.wa.gov/programs/wq/stormwater/municipal/LID/Resources.html>



## QUESTIONS

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# 2016 Comprehensive Plan Update

## Land Use Element



Meeting Title  
1/26/2016

## Land Use Element

- What is new with this update?
  - Generalized Land Use Goals and Policies
  - Generalized Land Use Map
  - Neighborhoods
  - Challenges and Opportunities



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## Land Use Element

- **Goals and Policies**
  - 20 goals to 5 goals
  - Goals that are easy to understand and remember
  - More general policies
    - Manage change
    - Bridge gaps
    - Foundation for implementing codes
  - Remove policies that are not land use related
  - Eliminate redundancies



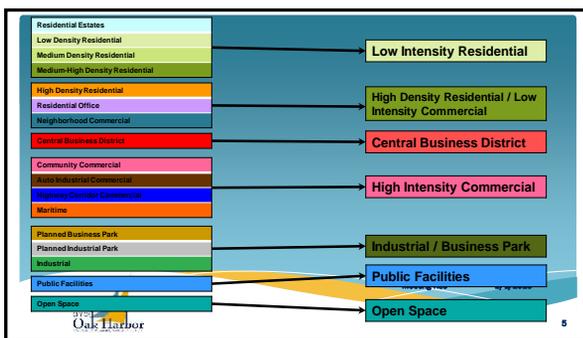
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## Land Use Element

- **Generalized Land Use Map**
  - Shifting away from the one-to-one ratios of land use and zoning
  - Seventeen land uses to seven land use
  - Several zoning districts implementing a single land use category
    - Ex – R4, CN and RO implements the High Intensity Residential/Low Intensity Commercial (Hi-Lo)
  - Rezoning possible without a Comprehensive Plan amendment
  - Less time consuming
  - Will still involve a public hearing process
  - Change does not impact current uses or zoning on the property



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## Land Use Element

- **Neighborhoods**
  - Increase from existing 6 neighborhoods to 13
  - Districts based on neighborhood character, street patterns, construction era and use characteristics
  - Implements current goals
  - Good foundation for future efforts
  - Identifies challenges and opportunities unique to each neighborhood



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## Land Use Element

- **Challenges and Opportunities**
  - New section to identify unique challenges related to land use
  - Identify challenges and leave solutions open based on circumstances
  - Can be improved upon with amendments
- **Currently identified**
  - Growth needs
  - SR 20
  - Low Impact Development
  - Old Town/Downtown development
  - Industrial and Business Parks
  - Home-based Businesses and Accessory Dwelling Units
  - Garry Oaks
  - Aging Neighborhoods
  - Midway Boulevard Redevelopment



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## Land Use Element - Outline

- Introduction
- Existing Conditions – Historical influences
- Land Use Distribution – descriptions, land use map
- Land Use inventory – stats – acres
- Twenty-year Land Use needs - projections
- Land Use Goals and Policies
- Challenges and Opportunities
- Neighborhoods – map, descriptions, and challenges and opportunities
- Other Land Use measures – GMA requirements



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## Planning Commission - Discussion

- Review Goals and Policies
- Any suggestions on the Generalized Land Use Map
- Neighborhoods – thoughts to capture
- Challenges and Opportunities – any additional ones to add



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## Planning Commission - Discussion



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