

## GOVERNMENTAL SERVICES STANDING COMMITTEE

**Regular Meeting  
City Hall Conference Room  
November 9, 2010**

### **ATTENDANCE**

The meeting began at 8:00 a.m. with the following in attendance: Council members Campbell, AlMBERG and Palmer.

Others present: Mayor Slowik; Development Services Director, Steve Powers; Senior Planners, Cac Kamak and Ethan Spoo; Senior Services Director, Mike McIntyre; Harbormaster, Mack Funk and City Engineer, Eric Johnston. City Administrator, Paul Schmidt arrived later.

### **PUBLIC COMMENT**

None present for comment.

### **REVIEW OF OCTOBER 12, 2010 MEETING NOTES**

No questions or comments.

### **PLANNING**

#### **2010 Comprehensive Plan Amendments – Discussion**

Mr. Powers reported that the Planning Commission completed their work on the 2010 Comprehensive Plan amendments and Mr. Kamak will give the Governmental Services Committee a last briefing before going to the full Council.

Mr. Kamak reported 2010 Comprehensive Plan amendments included three land use changes, updates to the Capital Improvements Plan (CIP) and data collection for the UGA Capacity Analysis. The work done on the UGA capacity analysis will not result in any amendments this year.

Mr. Kamak summarized the three land use changes as follows:

- Scenic Heights Trailhead site – Land use change from Low Density Residential to Public Facilities
- Water Reservoir Site near Gun Club Road – Land use change from Planned Business Park to Public Facilities
- SE corner of SR 20 and Fakkema Road – Land use change from Auto/Industrial Commercial to Open Space

#### **Discussion**

There was discussion about the impact of a land use change from Auto/Industrial Commercial to Open Space and whether that property was included in the 2005 inventory. It was noted that there is a lot of Auto/Industrial Commercial lands that are vacant or underutilized so that particular land use category won't be significantly affected. Mr. Powers added that because of the APZ designation over that property there was already a limitation on the intensity of any development. Mr. Powers also stated that it was part of the 2005 discussion and was reviewed as part of the 2006 analysis under the limitations there were in place at that time.

Mr. Powers noted that all of the properties are owned by the City and that no applications were received for private land use changes.

Mr. Kamak reported that the next amendment cycle is opened and has been advertised.

Mr. Kamak summarized the updates to the Capital Improvement Plan as follows:

- Updates to the current and projected revenues
- Removal of projects that have been complete (e.g. Oak Harbor Street improvements)
- Updating the list of street projects to reflect the adopted Transportation Improvement Plan
- Updated project list for the water, sewer and the wastewater system
- Updates to project schedules

Mr. Kamak noted that excerpts from the updated CIP document were included in the agenda packet.

#### Discussion

There was discussion about the growth pattern demographics and when the 2010 Census information would be available. The Committee also asked about the status of the 2005 Comprehensive Plan amendments. Mr. Powers stated he would address that question at the Director's Comments portion of the agenda.

Mr. Powers added that the 2010 Comprehensive Plan amendments are tentatively scheduled to go before the City Council on December 7<sup>th</sup>.

#### **Marin Annexation – Introduction and Discussion**

Mr. Powers commented that this agenda bill is in draft form and may need further fine tuning. Mr. Powers reported that the Marin family submitted a letter of their notice of intent to commence annexation proceedings on September 21, 2010. State law says that the Council should meet with the applicant within 60 days of the City's receipt of the letter so the annexation request is scheduled before Council on November 16<sup>th</sup>. The Council has the following three tasks at the meeting:

1. Whether to accept the annexation as proposed; reject the annexation; or geographically modify the proposed annexation;
2. Whether it will require the simultaneous adoption of proposed zoning, and
3. Whether it will require the assumption of all or any portion of existing city indebtedness by property owners within the area to be annexed.

Mr. Powers noted that the bulk of the staff report focuses on whether or not the Council should modify the proposal. Mr. Powers indicated that staff believes that the Council should modify the proposal in order to be consistent with the Comprehensive Plan policy which says that the City should not to create any new County enclaves by virtue of the annexation process.

#### Discussion

There was extensive discussion about extending City services to the enclave area which are not up to city standards. Concern was expressed over the existing private septic systems in the enclave and its eventual conversion to a public system and financial impacts this will create for property owners and the City. Mr. Powers stated that it is important to see how the proponents do with the petition. If they are unable to get the enclave area to participate in the annexation it is a moot point, so staff has held off on the annexation issues and the impact analysis issues until we know what we are actually dealing with.

#### **Shoreline Master Program Update – Project & Public Participation Overview**

Mr. Spoo reported that the City Council approved a contract for \$20,000 with AHBL for consultant services. AHBL has provided the Phase 1 products which are the preliminary shoreline jurisdiction map and the public participation plan. Mr. Spoo summarized the Shoreline Management Act and the Shoreline Master Program as follows:

## Shoreline Management Act

- State law passed in 1971 and affirmed by voters in 1972
- Governs the use and development of shorelines of the state
- Three focal policies:
  1. Protect environmental resources of state shorelines;
  2. Preserve and enhance public access and enjoyment opportunities; and
  3. Give priority of uses that require a shoreline location.

## Shoreline Master Program

- Implements the Shoreline Management Act (SMA)
- Serves as City's and State's plan for managing shoreline areas based on science
- Establishes goals, policies and regulation for shoreline protection, use and development
- Establishes a plan for restoring shoreline in those areas where it has been degraded

Mr. Spoo explained that updating the SMP is necessary because DOE requires all SMP's to be updated based on new guidelines adopted in 2003. The City's current SMP does not meet new guidelines in terms of "no net loss" and restoration planning. Mr. Spoo explained that "no net loss" means that the ecological function and values of the shoreline remain in tact, which means that we have to make sure that our impacts to our shoreline are somehow offset by restoration planning efforts. This applies to our entire shoreline and not on a site-by-site basis. For instance, you may have an impact in one area of the shoreline but you may have restoration projects going on somewhere else that can mitigate for those impacts.

Mr. Spoo went on to review the major requirements of to the SMA, the local and State partnership in coordinating the SMP and where the SMP applies. Mr. Spoo stated that Oak Harbor has 12 miles of marine shorelines and associated wetlands and flood plains. The SMP applies to lands extending 200-feet landward from the ordinary high water mark (OHWM). Mr. Spoo stated that the SMP update does not take away existing private property, require existing shoreline homes to be relocated, require existing uses to be discontinued or apply retroactively. Mr. Spoo also reviewed the update process and timeline.

## Discussion

There was discussion about "no net loss" and whether the City could get credit for restoration efforts in Crescent Marsh and whether the new channel impacts shoreline erosion.

## **PUBLIC WORKS – ENGINEERING**

### **SE Pioneer Way Improvement Project – *Project Update***

Mr. Johnston detailed the project communication and management structure focusing on the Construction Team and the City Services Team. Mr. Johnston explained that the City Project Manger (Project Specialist) is a new position that Public Works has asked for in the budget. The Project Manager's role is to oversee projects and would manage the Construction Team and the City Services Team. If the City were to decide not to do the extended outreach, the City Project Manger would be the person to update the blog and be reactive to issues that may come up during the project. City Project Manger would also manage the public outreach group if the City decides to do the extended outreach. If the City budget is approved November 16<sup>th</sup> the new position would be advertised on November 17, 2010.

Mr. Johnston explained that the City Project Engineer is the more technical side of coordinating with the Construction Team. Russ Pabarcus had this role but retired at the end of September. Joe Stowell has replaced Russ as the City Project Engineer. The City Project Engineer will coordinate with the Construction Team which are the contracted outside support (Contractor, Construction Manager, Construction Engineer, Inspectors, Surveyor and Materials Testing). Staff anticipates

getting the Construction Manager on board about the same time that the contract is awarded in January. The surveyor will be brought in early December before the bidding of the project so that they can mark out where the back of the sidewalk are going to be in the final condition. That will give the contractor an idea of where the work will happen and the actual elevations of the sidewalks months before they are actually built.

Mr. Johnston talked about the estimated costs for the extended outreach anticipated for early December. The table provided in the agenda packet is the Cadillac plan (\$237,000) and staff has requested that EnviroIssues scale their efforts back. A contract with EnviroIssues is anticipated in early December. EnviroIssues will perform the City Communication line item, the City-Sponsored Outreach Events and coordinate with the Chamber of Commerce on any items which might be overlapping. Mr. Johnston stated dollar amount will come down and the funds are available for the public outreach.

Mr. Johnston reported that the 90% plans sets will be received from Perteet this afternoon and various coordination efforts are going on with various property owners and business owners regarding parking and public access issues.

### Discussion

There was discussion about whether the Construction Manager could incorporate the public outreach into their contract rather than contracting with a separate entity. The money saved could be used on overtime if the project takes longer which would be more detrimental to the business than having someone carry the message. It was noted that if the Construction Manager did the public outreach they would contract with a public outreach firm and there would be a markup for that service and City could lose the public outreach as a direct link and as the voice of the City. It was also pointed out that the City Council will decide on whether the extended outreach needs to be done and none of the extended outreach is required for the project to be done. If that were the case the Project Manager would be the person to call for questions and complaints. Typically, this is the way past projects have been done but sometimes certain projects require greater communication efforts. Staff feels that this project is one that needs greater communication.

There was also discussion about the long term marketing plan by the Chamber and that it should be more for the entire City rather than just for the Pioneer Way project.

There was discussion about the phasing schedule and that the driver is the utility undergrounding.

### MARINA

#### **Redevelopment Project Phase 2, Dredging – Project Update**

Mr. Powers reported:

- The pre-construction meeting was held. The pre-dredge survey has been done and the Corp meeting is scheduled for November 18<sup>th</sup> at 1:00 p.m. in Seattle.
- The DNR application and authorization to utilize open water disposal site has been submitted.
- The Corp wants the City to pay the entire \$50,000 mitigation payment to the Marine Resources Committee with this portion of the dredging. The City's question back to the Corp will be is that commensurate with the amount of dredging that we are doing?

### ADMINISTRATION

#### **Public Defender Administration Services Contract – Introduction and Discussion**

Mr. Schmidt reported that this item will be on the Council's November 16<sup>th</sup> consent agenda. This is a two-year contract which expires in December 2010. Two years ago the format was changed from a case-by-case basis to a flat retainer. This resulted in saving the City about \$40,000 to

\$45,000. The public defender contract now costs about \$96,000 a year plus \$1,400 for administration services which is a separate contract. There will be no increase in the contract.

### **Call for Artists for SE Pioneer Way Improvement Project – *Introduction and Discussion***

Mr. Schmidt reported that this item is a component of the Pioneer Way Improvement project and is being worked through the Arts Commission. The public art component is a sustainability component for Green Roads™ Pilot Project. At least a minimum of 1% of the total cost of the Pioneer Way Improvement project includes a public art component which is \$80,000. The Arts Commission is looking at four sites. Both ends of the project will have about \$30,000 of commissioned art and \$20,000 in the middle. Commissioned art means that it is original and not pre-constructed. The art theme is water (on, below, in and of).

#### Discussion

There was a question about what the economic benefit was to the City for doing the Green Roads™ Pilot Project. Mr. Schmidt stated that it was hard to quantify the economic benefit but that there was a sense of pride in the community and partially a concept for branding. Mr. Powers also noted that it is a way for the City to lead by example. Mr. Spoo added that it could also lead to businesses to locate on Pioneer Way. There was a suggestion there should be more of a connection and coordination with Council and the Arts Commission when choosing the art.

### **Development Services Director's Comments**

Mr. Powers updated the Committee on the status of the 2005 Comprehensive Plan process:

- The County Commissioners held their hearing on Oct 11<sup>th</sup> in which they formally rejected the Island County Planning Commission's recommendation to adopt the City's UGA proposal.
- The County Commissioners sent to their Planning Commission a modified proposal which eliminated any expansion of the City's UGA for residential growth and only included the expansion proposed for the industrial property at the NE corner of Ault Field Road and Old Goldie Road.
- The Island County Planning Commission is considering the modified proposal this morning. Mr. Kamak is attending the meeting to put on the record the City's continuing concerns and objections to this course of action.

#### Discussion

Committee asked what the City's recourse was if the County adopts the modified proposal the City would have the opportunity to appeal the decision on to the Growth Management Hearings Board. The City can submit a comment letter about the SEPA determination that has been issued on the modified proposal. When the appeal period starts the City will decide whether to file an appeal of the SEPA determination.

**NEXT MEETING:     December 14, 2010**

**MEETING ADJOURNED – 9:48 a.m.**