

**PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
October 23, 2012**

ROLL CALL: Present: Keith Fakkema, Greg Wasinger, Jeff Wallin, Kristi Jensen and Jill Johnson-Pfeiffer.

Absent: Gerry Oliver.

Staff Present: Development Services Director, Steve Powers; Senior Planner, Cac Kamak and Associate Planner, Melissa Sartorius.

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

Mr. Powers reminded the Planning Commission that Mr. Neil has resigned his position on the Planning Commission therefore it is necessary for the Planning Commission to elect a Chair and Vice Chair.

ELECTION OF CHAIR

ACTION: MS. JENSEN MOVED MR. WALLIN SECONDED, MOTION CARRIED TO ELECT MR. FAKKEMA AS PLANNING COMMISSION CHAIR.

ELECTION OF VICE CHAIR

ACTION: MS. JOHNSON-PFEIFFER MOVED MR. WALLIN SECONDED, MOTION CARRIED TO ELECT MR. WASINGER AS PLANNING COMMISSION VICE CHAIR.

MINUTES: MS. JOHNSON-PFEIFFER MOVED, MR. WASINGER SECONDED, MOTION CARRIED TO APPROVE THE SEPTEMBER 25, 2012 MINUTES AS PRESENTED.

PUBLIC COMMENT:

No comments.

2012 COMPREHENSIVE PLAN AMENDMENTS – Public Hearing

Mr. Kamak reported that the 2012 Comprehensive Plan amendments include the creation of a new “Maritime” land use category that would allow water-dependent, water-oriented and other related commercial uses on property adjacent to the marina. This topic was discussed at the August 14th Planning Commission meeting and the Planning Commission chose to designate a new “Maritime” land use category on the land use map. Mr. Kamak also noted that new language has been inserted in the Land Use element of the Comprehensive Plan that introduces the new land use category.

Mr. Kamak stated that amendments to the Comprehensive Plan also includes updates to the Capital Improvements Plan which was presented to the Planning Commission at the September 25th meeting. The third amendment item is to protect scenic views within the community. This item will likely continue into the 2013 amendments cycle.

Mr. Kamak provided the land use map that includes the new “Maritime” land use category (Attachment 1).

Planning Commission Discussion

Ms. Jensen asked what date the land use map was adopted. Mr. Kamak explained that we adopt the land use map every year.

Mr. Kamak recommended opening the public hearing and continuing this item to the November 27, 2012 meeting.

Mr. Fakkema opened the public hearing for public comment. Seeing none, Mr. Fakkema continued the public hearing to the November 27th Planning Commission meeting.

2012 COMPREHENSIVE PLAN AMENDMENTS – SCENIC VIEWS – Public Meeting

Mr. Kamak reported that the Planning Commission included this item on the 2012 Comprehensive Plan Docket with an interest to protect view within the community. This item will likely continue into the 2013 amendments cycle.

Mr. Kamak explained that the intent of this docket item was to identify existing desirable scenic views within the community and determine appropriate methodologies to eventually protect them. The Comprehensive Plan currently addresses scenic views in several locations. The Parks, Recreation and Open Space Plan that is incorporated by reference in the Comprehensive Plan, identifies a few scenic view corridors. The scenic views identified on the Parks, Recreation and Open Space Plan map are a transfer of information from the Open Space element of the Comprehensive Plan prior to its replacement by the goals and policies of the Park, Recreation and Open Space Plan in 2009. The identified scenic views are general and don't have specific regulations (codes) that would protect them.

The importance of protecting scenic views in Oak Harbor is also captured in goals and policy statements within the Urban Design section of the Comprehensive Plan.

Mr. Kamak reported that a public involvement exercise was conducted over the summer. All households in the City of Oak Harbor received a flyer in their utility bill that asked citizens to submit photographs from where they think there are scenic views. Staff received many photos but some of the pictures were of places not in Oak Harbor. Mr. Kamak displayed the photos for the Planning Commission and noted that the photos can also be accessed on the City's website.

Mr. Kamak explained that the next step will be mapping the views and narrow down some criteria that the Planning Commission can use to determine which of the scenic views are in the public interest to preserve.

Mr. Kamak asked the Planning Commission if there were other views that were not captured.

Planning Commission Discussion

Ms. Johnson-Pfeiffer mentioned the view on Pioneer Way which is currently a vacant lot where you can see the marina.

Mr. Fakkema said that we need to be mindful of private property rights. Mr. Kamak said that this would be where the criteria would be helpful. If the Commission feels strongly that the view should not come at the cost of property rights then that is something that can be included as a criterion.

Ms. Johnson-Pfeiffer asked if there was a percentage or proportion that a community of our size typically protects. Mr. Kamak said that the Commission can choose the number and there is no standard that is set.

Ms. Jensen commented that we also need to be careful not to tie our hands for future projects such as the pier and upgrades in Flintstone Park.

Mr. Fakkema asked if the view coming into Oak Harbor from the south where a multifamily housing unit is being constructed is essentially lost. Mr. Kamak said that the Commission could decide that. Where there is an investment already made the Planning Commission can study that further. The location to the west of that development, there is no development proposal so the Planning Commission could do several things such as a strategy to rezone the property or have setbacks to allow a narrow view corridor.

Mr. Kamak concluded the discussion stating that staff will come back to the Commission with the views corridors on a map and suggested criteria.

OHMC CHAPTER 17.24 SIDEWALKS, CURBS AND GUTTERS INSTALLATION – Public Meeting

Mr. Powers reported that this item was placed on the Planning Commissions agenda at the request of Mr. Wallin.

Oak Harbor Municipal Code (OHMC) Chapter 17.24, Sidewalks, Curbs and Gutters Installation, establishes the requirement that a building permit may not be issued for new construction, or for remodeling projects over a certain size, unless that project provides for sidewalks, curbs and gutters if none exists on the property. The property owner may request a deferral from compliance with this code chapter. The City Engineer is authorized to grant such deferrals as outlined in the code.

Most property owners, contractors and/or developers expect to provide sidewalks as part of a new construction project. The same is not always true when the project involves the remodeling or expansion of an existing use. This is especially true in residential settings, especially in those neighborhoods where sidewalks are not found. One on hand, the addition of sidewalks can add substantial cost to a project. On the other, sidewalks provide a safe place for pedestrians and it extends sidewalks to connect where we have missing links. Mr. Powers noted that just because you don't see a sidewalk doesn't mean that a requirement was missed. Most of the places where there are no sidewalks are in older neighborhoods and at the time they were built there was no requirement for sidewalks.

Planning Commission Discussion

Mr. Wallin questioned the 25% threshold for a residential remodel. He noted that a 60% threshold is used in other parts of the code related to fire protection. He also stated that for a small residential remodel the homeowner could be looking at installing a sidewalk including curb and gutter and possibly relocating light poles to get the sidewalk in. The other issue is the reliance on one person (City Engineer) to make a judgment call. Mr. Wallin provided an aerial photo of a home (Attachment 2) that was required to put in curb, gutter and sidewalk in an area where there were no other curb, gutter and sidewalks existed in the entire neighborhood so it was an isolated piece of sidewalk where it is unlikely that the rest of the sidewalk would be installed by neighboring homeowners. Mr. Wallin also mentioned the funeral home project on NE 16th Avenue where the road would need to be moved in order to accommodate the extension of the sidewalk that the funeral home was required to put in.

Mr. Powers said that Mr. Wallin raised some good points and that staff tries to avoid the “sidewalk to nowhere” situations. One of the things that could help are some criteria built into the code that get beyond the deferral side that says why something might be required. For instance, is it on a route that we have identified with the school district as a “Safe Routes to School”? If that is the case then that incremental approach to completing the sidewalk might make some sense. In cases in residential areas that are not designated as “Safe Routes to School” that might be a reason why a sidewalk wouldn’t be required for a residential project. Mr. Powers said staff could bring some suggested criteria for the Commission to consider. Mr. Powers also indicated that the 60% versus 25% is a good point and noted that the 60% threshold is not only in the Fire Code but also in the Building Code, and the Site Plan chapter. There is a uniformity argument that could be made in this case.

Mr. Fakkema asked if there was an appeals process for the City Engineer’s decision. Mr. Powers said there was and that the process is not as straightforward as what people would want to participate in.

Mr. Powers added that another valid point is the issue of the sidewalk improvement versus the domino effect that it might have on stormwater. On the east side of town where pavement stops, you may or may not have an open ditch system for storm drainage and it is next to impossible to put a sidewalk where it needs to be without fiddling with the drainage system. As soon as you touch the drainage system it almost always involves not only conveyance on the property but gets into downstream conveyance issues.

Ms. Jensen asked if there might be different areas that would be under different rules.

Mr. Powers said that was possible and that there are some areas of town where the community choice may be that there won’t be sidewalks due to the character of the community or that there are critical areas or that there are areas that the community would like to concentrate our formal pedestrian traffic and not worry about sidewalk in other areas. Another issue is neighborhood preference, for instance Ely Street, some have said we like the street the way it is and not to change it. Others say there is too much traffic high speeds and there are no sidewalks for safety. So there are divergent opinions to deal with.

Mr. Powers also noted the Transportation Plan identifies streets as collector streets and local streets and the City tries to focus sidewalks on collector streets. Mr. Kamak also noted that the Parks, Recreation and Open Space Plan also identifies areas in the City prioritized for pedestrian and trail type areas, those are areas around schools and downtown. Mr. Powers reminded the Commission of the Subdivision Code work that they did in which they looked at providing pedestrian connections between new neighborhoods and other adjoining neighborhoods or uses.

Commissioners agreed that the 25% threshold was low.

Mr. Powers said that was an easy fix and if nothing else that would narrow the subset of properties that we are dealing with.

Mr. Powers said that staff would gather more information and present that at a future meeting possibly January.

ADJOURN: 8:36 p.m.

**City of Oak Harbor
Future Land Use Map Designation Map
Adopted December 2012**

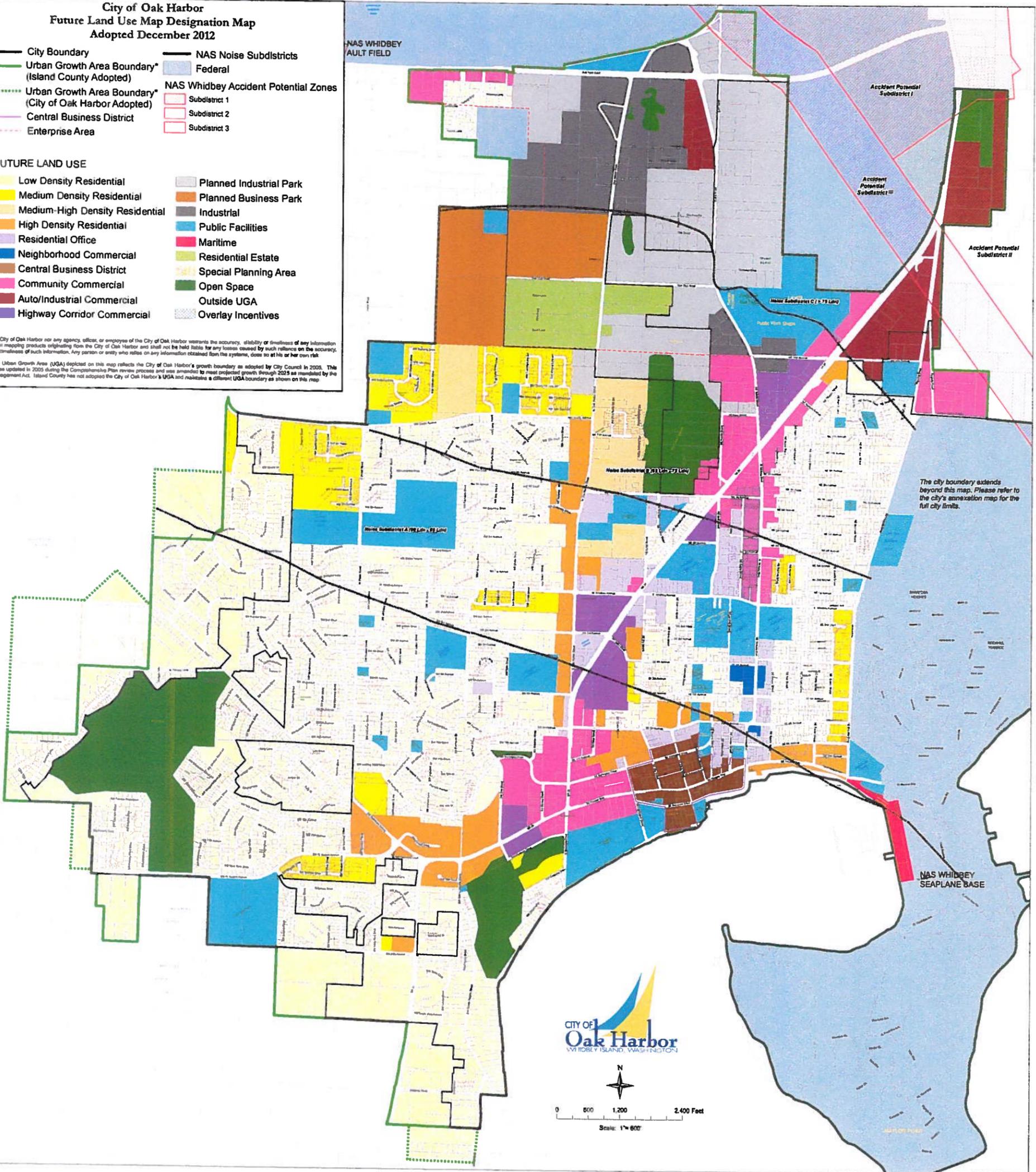
- City Boundary
- Urban Growth Area Boundary* (Island County Adopted)
- Urban Growth Area Boundary* (City of Oak Harbor Adopted)
- Central Business District
- Enterprise Area
- NAS Noise Subdistricts
- Federal
- NAS Whidbey Accident Potential Zones
- Subdistrict 1
- Subdistrict 2
- Subdistrict 3

FUTURE LAND USE

- Low Density Residential
- Medium Density Residential
- Medium-High Density Residential
- High Density Residential
- Residential Office
- Neighborhood Commercial
- Central Business District
- Community Commercial
- Auto/Industrial Commercial
- Highway Corridor Commercial
- Planned Industrial Park
- Planned Business Park
- Industrial
- Public Facilities
- Maritime
- Residential Estate
- Special Planning Area
- Open Space
- Outside UGA
- Overlay Incentives

Disclaimer: Neither the City of Oak Harbor nor any agency, officer, or employee of the City of Oak Harbor warrants the accuracy, reliability, or timeliness of any information contained in mapping products originating from the City of Oak Harbor and shall not be held liable for any losses caused by such reliance on the accuracy, reliability, or timeliness of such information. Any person or entity who relies on any information obtained from the systems, does so at his or her own risk.

*Note: The Urban Growth Area (UGA) depicted on this map reflects the City of Oak Harbor's growth boundary as adopted by City Council in 2005. The boundary was updated in 2005 during the Comprehensive Plan review process and was amended to meet projected growth through 2025 as mandated by the Growth Management Act. Island County has not adopted the City of Oak Harbor's UGA and maintains a different UGA boundary as shown on this map.



The city boundary extends beyond this map. Please refer to the city's annexation map for the full city limits.





Google earth

