



PLANNING COMMISSION

AGENDA

January 28, 2014

ROLL CALL: FAKKEMA _____ WASINGER _____
 JENSEN _____ PETERSON _____
 FIKSE _____ FREEMAN _____
 SCHLECHT _____

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1. **Approval of Minutes – December 10, 2013**
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.

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3. **MARIJUANA RELATED USES – CODE AMENDMENT PROJECT – Public Hearing**
The public hearing on the draft code, establishing appropriate zoning and standards for marijuana related uses, was continued from the December 10, 2013 meeting. After accepting additional public testimony at this meeting the Planning Commission may close the hearing and make a recommendation to the City Council.

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4. **2014 COMPREHENSIVE PLAN AMENDMENT DOCKET – Public Hearing**
The Planning Commission will hold a public hearing on the Preliminary 2014 Comprehensive Plan Amendments Docket. The 2014 amendments include updates to the Capital Improvements Plan, continued work on the 2016 Update and amendments to the Future Land Use Map to correct the 2005 UGA boundaries based on Island County's actions. The preliminary docket also continues previous amendments such as the land use changes to 1000 SE City Beach Street and Scenic View Study. At the conclusion of the public hearing the Planning Commission will forward a recommendation to the City Council.

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5. **PUBLIC PARTICIPATION PLAN – Public Meeting**
A draft Public Participation Plan was provided to the Planning Commission in October 2013. The Planning Commission will discuss Public Participation Plan further at the January meeting. The Planning Commission will tentatively make a recommendation to the City Council on the Public Participation Plan at its February meeting.

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6. **YEARLY REPORT TO CITY COUNCIL – Public Meeting**
The Planning Commission will discuss and review their yearly report to the City Council. The yearly report is a summary of Planning Commission's accomplishments in 2013 and proposed work program for 2014.

MINUTES

December 10, 2013

**PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
December 10, 2013**

ROLL CALL: Present: Keith Fakkema, Sandi Peterson, Greg Wasinger, Kristi Jensen and Ana Schlecht
Absent: Bruce Freeman and David Fikse
Staff Present: Development Services Director, Steve Powers; Senior Planner, Cac Kamak

Chairman Fakkema called the meeting to order at 7:32 p.m.

PUBLIC COMMENT:

None present for comment.

MINUTES: MS. PETERSON MOVED, MR. WASINGER SECONDED, MOTION CARRIED TO APPROVE THE NOVEMBER 26, 2013 MINUTES AS PRESENTED.

MARIJUANA RELATED USES – CODE AMENDMENT PROJECT – Public Hearing

Mr. Powers displayed a Power Point presentation (Attachment 1) and provided the Planning Commission an updated version of the draft code (Attachment 2). Mr. Powers reviewed the progress to date and reported that the draft code was revised to add definitions from the Washington Administrative Code (WAC) and some definitions were revised to match the WAC definitions. Staff also revised how the distances from marijuana facilities are measured per the Liquor Control Board and some of the language was clarified. Mr. Powers also reviewed the community involvement methods, the schedule and stated that the goal is to complete this project before March 3, 2014 if possible. Mr. Powers asked the Commission to open the public hearing, accept public testimony, provide feedback and continue the public hearing to January 28, 2014.

Mr. Fakkema opened the public hearing. No one was present for comment.

ACTION: MS. SCHLECHT MOVED, MS. JENSEN SECONDED A MOTION TO CONTINUE THE PUBLIC HEARING ON THE MARIJUANA RELATED USES CODE TO THE JANUARY 28, 2014 MEETING. MOTION CARRIED.

Planning Commissioners had the following questions/comments:

- Page 81, item f, needs clarification as to the kind of odor are we referring to. Staff will look to the WAC for guidance and if guidance can't be found there staff will draw some language from the Oak Harbor Municipal Code that talks about noxious/nuisance odors.
- Page 5 of the draft code item number 14, are we eliminating all the examples of moving them to another area of the code? Mr. Powers indicated that sentence is verbatim from state law except for the examples. Staff feels it is best to stick with what the state definition is and not to limit ourselves to examples.
- Does the Washington state superintendent of public instruction recognize private schools? Mr. Powers said the law doesn't address the distinction between public and private schools. Staff will verify whether or not private schools are also recognized by the state superintendent of public instruction.

2014 COMPREHENSIVE PLAN AMENDMENTS – Public Meeting

Mr. Kamak reported that there were no applications for land use changes this year. The 2014 docket includes Capital Improvement Plan updates, continued work on the 2016 Comprehensive Plan updates, 1000 SE City Beach Street zoning change and the scenic view study. The docket will be advertised in January and the Planning Commission will be asked to forward a recommendation the City Council at the January 28th meeting.

ADJOURN: 7:56 p.m.

Minutes submitted by: Katherine Gifford

DRAFT

Marijuana Related Uses - Code Amendment Project

Planning Commission
December 10, 2013

Purpose

- Present revised draft ordinance
- Open public hearing
 - Accept testimony
- Continue hearing

Background

- October PC meeting
 - Info on medical and recreational marijuana laws presented
 - Moratoria ordinances
 - Preliminary map with 1,000 foot buffers from sensitive land uses
- November PC meeting
 - Revised map
 - Zoning code review
 - Initial draft

Revised Draft

- Definitions revised to match WAC
 - Example – child care center
- Added definitions from WAC
 - Example – elementary school
- Revised how distances measured per LCB
- Clarified language in places

Additional Items 
<ul style="list-style-type: none">• No changes to map• Principal, accessory and conditional uses provided to PC for C-4, PIP and I zoning districts

Schedule 
<ul style="list-style-type: none">• 12/10/13 <u>Planning Commission</u> – PC continues the public hearing• 1/22/14 <u>City Council</u> – Brief CC on PC work• 1/28/14 <u>Planning Commission</u> – Closes public hearing and makes recommendation to CC• 2/4/14 <u>City Council</u> – CC considers draft ordinance• 2/18/14 <u>City Council</u> – CC considers draft ordinance (if necessary)

Community Involvement 
<ul style="list-style-type: none">• Planning Commission meetings and hearings• City Council hearings• Provide written comments on SEPA checklist/decision• Provide written comments to staff• Call or talk to staff• Contact us!<ul style="list-style-type: none">– (360) 279-4511– spowers@oakharbor.org• Meeting notices<ul style="list-style-type: none">– http://www.oakharbor.org

Recommended Action 
<ul style="list-style-type: none">• Open public hearing• Accept testimony• Provide feedback to staff• Continue public hearing to January 28, 2014<ul style="list-style-type: none">– <i>Suggested motion: I move the Planning Commission continue the public hearing on the marijuana related uses code to the January 28, 2014 meeting.</i>

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY OF OAK HARBOR

WHEREAS, the voters of Washington State approved Initiative 502 (I-502) in November 2012 legalizing under State law the, taxing and regulating of the recreational use of marijuana, codified in Chapter 69.50 RCW ; and

WHEREAS, under I-502, the Washington State Liquor Control Board (LCB) was tasked with the responsibility to adopt the rules governing the licensing and operations of marijuana producers, processors, and retailers, and the rules went into effect on Nov. 16, 2013; and

WHEREAS, on August 29, 2013, the U.S. Department of Justice distributed a guidance memo to U.S. Attorneys regarding state implementation of recreational marijuana ballot measures and setting forth the federal government enforcement priorities, essentially acknowledging that as long as state regulation and enforcement is sufficiently robust and consistent with federal priorities, the federal government may choose not to interfere; and

WHEREAS, the 1,000-foot separations from sensitive uses required by I-502 and included in the adopted licensing rules are principally about protecting children, which the City Council and the citizens of Oak Harbor support; and

WHEREAS, the LCB has created three categories of state licenses and prohibits holders of a retail license from also holding a production or processing license;

WHEREAS, the Oak Harbor City Council finds that establishment of marijuana related uses without appropriate regulations could lead to negative secondary impacts to the community, including but not necessarily limited to:

1. Conversion of residential uses into cannabis cultivation and processing facilities removing valuable housing stock from the community.
2. Degraded neighborhood aesthetics due to shuttered-up homes, offensive odors, increased nighttime traffic, and parking.
3. Environmental damages from chemicals being discharged into surrounding and off-site soils, and into storm and sanitary sewer systems.
4. Risk of fire hazard due to overloaded service connections used to operate grow lights and fans.
5. Illegal structural modifications.
6. Criminal issues such as burglary, theft and property damage.

WHEREAS, an undue concentration of licensed marijuana facilities in the City of Oak Harbor could be detrimental to the quality of life of Oak Harbor residents and the economic well-being of the city; and

WHEREAS, in order to address secondary impacts of such businesses, the Oak Harbor City Council deems it to be in the public interest to establish zoning regulations related to state-

licensed marijuana facilities and to require all such facilities to obtain a City of Oak Harbor business license; and

WHEREAS, the intent to amend development regulations to allow state-licensed marijuana facilities and a SEPA Determination of Non Significance were noticed in accordance with eCity of Oak Harbor procedures and regulations; and

WHEREAS, a Determination of Non Significance was issued on _____

WHEREAS, the City of Oak Harbor Planning Commission held a public hearing on November 26, 2013, ~~and~~ December 10, 2013 and January 28, 2014 to consider this ordinance and forwarded a recommendation to the City Council; and

WHEREAS, the City of Oak City Council held a public hearing on _____, 2014 to consider this ordinance; and

WHEREAS, nothing in this Ordinance is intended, nor shall be construed, to authorize or approve violation of federal or state law; ~~and~~

NOW, THEREFORE, the City Council of the City of Oak Harbor do ordain as follows:

Section One. There is hereby added a new Chapter 19.22 to the Oak Harbor Municipal Code which shall have the following title and sections:

**Chapter 19.22
MARIJUANA RELATED USES**

Sections:

- 19.22.010 Purpose and Intent**
- 19.22.020 Definitions**
- 19.22.030 Locations Allowed**
- 19.22.040 Development Standards**
- 19.22.050 Non-conforming Use**

Section Two.

There is hereby added new Section 19.22.010 entitled “Purpose and Intent” to the Oak Harbor Municipal Code to read as follows:

The production, processing and retailing of marijuana is and remains illegal under federal law. Nothing herein or as provided elsewhere in the ordinances of the City of Oak Harbor is an authorization to circumvent federal law or provide permission to any person or entity to violate federal law. Only state-licensed marijuana producers, marijuana processors, and marijuana retailers may locate in the City of Oak Harbor and then only pursuant to a license issued by the State of Washington and only when in full compliance with the local regulations contained in herein. ~~The purposes of these provisions regulations are~~ is solely intended to acknowledge the enactment by Washington voters of Initiative 502 and state licensing procedure and to permit, ~~to,~~

but only to the extent required by state law, marijuana producers, marijuana processors, and marijuana retailers to operate in designated zones of the City. These provisions are intended to mitigate potential secondary impacts of marijuana related uses on nearby properties and the community and to promote the public health, safety and welfare through the application of appropriate locational criteria, zoning and development standards.

Section Three.

There is hereby added new Section 19.22.020 entitled “Definitions” to the Oak Harbor Municipal Code to read as follows:

- (1) “Child care center” means an entity that regularly provides child day care, preschool and early learning services for a group of children for periods of less than twenty-four hours licensed by the Washington state department of early learning under Chapter 170-295 WAC. ~~Child care centers include: Commercial Day Care, “Family Day Care” and “Day Nursery” entities.~~
- ~~(2) “Elementary school” means a school for early education that provides the first four to eight years of basic education and recognized by the Washington state superintendent of public instruction.~~
- ~~(23) “Game arcade” means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.~~
- ~~(34) “Library” means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.~~
- (45) “Marijuana” or ~~“Cannabis”~~ “marihuana” means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seeds of the plant which is incapable of germination.
- ~~(56) “Marijuana facility” means a state-licensed marijuana production, processing, or retail facility. ~~or a medical cannabis collective garden.~~ Marijuana facilities shall not be a home occupation as defined in OHMC 19.08 -Definitions and as authorized under OHMC 19.34.~~
- ~~(67) “Marijuana-infused products” means products that contain marijuana or marijuana extracts and are intended for human use. The term “marijuana-infused products” does not include useable marijuana.~~

- (78) “Marijuana processing facility” means an entity licensed by the State of Washington to process, package, and label usable marijuana and marijuana-infused products for sale at wholesale to marijuana retailers. A marijuana processing facility shall not be a home occupation as defined in OHMC 19.08 – Definitions and as authorized under OHMC 19.34.
- (89) “Marijuana processor” means a person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell usable marijuana and marijuana-infused products at wholesale to marijuana retailers.
- (910) “Marijuana producer” means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.
- (4011) “Marijuana production facility” means an entity licensed by the State of Washington to produce marijuana for sale at wholesale to marijuana processor licensees and to other marijuana producers. A marijuana production facility shall not be a home occupation as defined in OHMC 19.08 - Definitions and as authorized under OHMC 19.34.
- (4112) “Marijuana retailer” means a person licensed by the state liquor control board to sell usable marijuana and marijuana-infused products in a retail outlet.
- (4213) “Marijuana retail facility” means an entity licensed by the State of Washington to sell only usable marijuana, marijuana-infused products and marijuana paraphernalia to persons twenty-one years of age and older. A marijuana retail facility shall not be a home occupation as defined in OHMC 19.08 – Definitions and as authorized under OHMC 19.34.
- (4314) “Playground” means a public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government.
- (15) “Public park” means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government, or metropolitan park district. Public park does not include trails.
- (16) “Public transit center” means a facility located outside of the public right of way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers.

- (~~14~~17) “Recreation center or facility” means a supervised center that provides a broad range of activities and events intended primarily for use by including programming for persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government. ~~Examples include, but are not limited to, the John Vanderzicht Memorial Pool and Oak Harbor Boys & Girls Club.~~
- (~~15~~18) “Retail outlet” means a location licensed by the State Liquor Control Board for the retail sale of usable marijuana and marijuana-infused products.
- (19) “Secondary school” means a high and/or middle school: A school for students who have completed their primary education, usually attended by children in grades seven to twelve and recognized by the Washington state superintendent of public instruction.
- (~~16~~20) “Useable marijuana” means dried marijuana flowers. The term “usable marijuana” does not include marijuana-infused products.

Section Four.

There is hereby added new Section 19.22.030 entitled “Locations Allowed” to the Oak Harbor Municipal Code to read as follows:

- (1) State licensed marijuana producers and marijuana processors may locate in the city pursuant to the following restrictions:
- (a) Marijuana producers and marijuana processors must comply with all requirements of state law and the Washington State Liquor Control Board’s regulations.
 - (b) Marijuana producers and marijuana processors may locate only in the Planned Industrial Park or Industrial district(s).
 - (c) Marijuana producers and marijuana processors shall not locate on a site or in a building in which non-conforming production or processing uses have been established in any zone other than the Planned Industrial Park or Industrial district(s).
 - (d) Marijuana producers and marijuana processors shall not operate as an accessory to a primary use or as a home occupation.
 - (e) Marijuana producers and marijuana processors shall not locate within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade where admission to which is not restricted to persons aged twenty-one years or older. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the entities listed above.
- (2) State licensed marijuana retailers may locate in the city pursuant to the following restrictions:

- (a) Marijuana retailers must comply with all requirements of state law and the Washington State Liquor control Board’s regulations.
- (b) Marijuana retailers may locate only in the C-4 and Industrial district(s).
- (c) Marijuana retailers shall not locate in a building in which non-conforming retail uses have been established in any residential or office zone.
- (e) Marijuana retailers shall not operate as an accessory to a primary use or as a home occupation.
- (f) Marijuana retailers shall not locate within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade where admission to which is not restricted to persons aged twenty-one years or older. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the entities listed above.

Section Five.

There is hereby added new Section 19.22.040 entitled “Development Standards” to the Oak Harbor Municipal Code to read as follows:

- (1) Marijuana retail, processing and production facilities. In addition to the standards of the underlying zoning district and all other applicable Municipal Code regulations, all state-licensed marijuana facilities shall meet the following development standards:
 - (a) All facilities must be state-licensed and comply with all of the standards for state licensed marijuana facilities.
 - (b) No marijuana facility shall be allowed as a home occupation.
 - (c) The definitions set forth in RCW 69.50.101-.102, WAC 314-55-010 and OHMC Section 19.22.020 shall control. ~~In the event of conflict, the provisions of OHMC shall prevail.~~
 - (d) Location.
 - (i) No more than one facility shall be located on a single parcel.
 - (ii) Marijuana retail and processing facilities shall be located fully within a permanent structure designed to comply with the city building code and constructed under a building and/or tenant improvement permit from the city regardless of the size or configuration of the structure.
 - (iii) Marijuana production facilities shall be located:
 - (A) ~~Fully within~~ Within a permanent, fully enclosed structure designed to comply with the city building code and constructed under a building and/or a tenant improvement permit from the city regardless of the size or configuration of the structure; or
 - (B) In non-rigid greenhouses, other structures, or an expanse of open or clear ground fully enclosed by a physical barrier enclosed by a sight obscuring wall or fence eight (8) feet high.
 - (iv) Marijuana facilities shall not be located in a mobile structure or vehicle.
 - (v) No state-licensed marijuana facility shall be located within 1,000 feet of the perimeter of the parcel on which any of the entities listed below are located. The distance shall be measured as the shortest straight line distance from property line of the proposed building/business location to

~~the property line of the entities listed below in the manner set forth in WAC 314-55-050(10).~~

- (A) Elementary or secondary school (public or private);
 - (B) Playground;
 - (C) Recreation center or facility;
 - (D) Child care center;
 - (E) Public park;
 - (F) Public transit center;
 - (G) Library;
 - (H) Any game arcade which allows admission to persons under 21 years of age.
- (vi) No state-licensed marijuana retail facility shall be located within 1,000 feet of the perimeter of a parcel on which a state-licensed marijuana production or processing facility ~~or medical cannabis collective garden~~ is located. ~~nor shall a state-licensed marijuana production or processing facility be located within 1,000 feet of the perimeter of a parcel on which a state-licensed marijuana retail facility or medical cannabis collective garden is located.~~ The distance shall be measured as the shortest straight line distance from property line of the marijuana retail facility to the property line of the marijuana production or processing facility in the manner set forth in WAC 314-55-050(10).
- (e) No production, processing or delivery of marijuana may be visible to the public nor may it be visible through windows.
 - (f) Marijuana retail uses shall not include drive-throughs, exterior, or off-site sales.
 - (g) All fertilizers, chemicals, gases and hazardous materials shall be handled in compliance with all applicable local, state and federal regulations. No fertilizers, chemicals, gases or hazardous materials shall be allowed to enter neither a sanitary sewer or stormwater sewer system nor be released into the atmosphere outside of the structure where the facility is located.
 - (h) No odors shall be allowed to migrate beyond the interior portion of the structure where a marijuana facility is located.
 - (i) A City of Oak Harbor business license pursuant to Chapter 5.03 OHMC and a state license pursuant to Chapter 314-55 WAC shall be obtained prior to the start of operations of the facility.
 - (j) All facilities shall comply with Chapter 19.27 RCW, State Building Code Act and Title 17 B Buildings. Appropriate permits shall be obtained for all changes of use, tenant improvements, mechanical system improvements, electrical upgrades and similar work.

Section Five.

There is hereby added new Section 19.22.040 entitled “Non-conforming Uses” to the Oak Harbor Municipal Code to read as follows:

- (1) No use that constitutes or purports to be a marijuana producer, marijuana processor, or marijuana retailer as those terms are defined in this ordinance, that was engaged in that activity prior to the enactment of this ordinance shall be deemed to have been a legally

established use under the provisions of the Oak Harbor Municipal Code and that us shall not be entitled to claim legal non-conforming status.

Section Six. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.

Section Seven. Effective Date. This Ordinance shall be in full force and effect five days after publishing.

PASSED by the City Council this _____ day of _____ 2014.

CITY OF OAK HARBOR

SCOTT DUDLEY, MAYOR

Attest:

Approved as to Form:

Valerie J. Loffler, City Clerk

Grant K. Weed, Interim City Attorney

Published: _____

Marijuana Related Uses
Code Amendment Project

Public Hearing

City of Oak Harbor Planning Commission Report

Date: January 28, 2014
Subject: Marijuana Related Uses – Code
Amendment Project

FROM: Steve Powers, Development Services Director

PURPOSE

This report presents the draft ordinance pertaining to marijuana related uses for the Planning Commission's consideration.

BACKGROUND

Last month the Planning Commission reviewed the draft code and continued the ongoing public hearing to this month. Two questions to staff arose as a result of the Commission's review:

1. Is it possible to clarify what type of odor is referred to in Section 19.22.040(1)(h)?
2. Does the Washington State Superintendent of Public Instruction recognize private schools?

Several actions related to this code amendment project have occurred since last month's Planning Commission meeting. The State Attorney General issued an opinion that cities may ban marijuana related uses from locating within their boundaries. Coincidentally, legislation was introduced in Olympia that would prohibit cities from banning these uses. Two other bills were introduced that would in some fashion combine the regulatory schemes for medical and recreational marijuana.

DISCUSSION

Response to Questions Raised at December 10, 2013 meeting:

1. Is it possible to clarify what type of odor is referred to in Section 19.22.040(1)(h)?
WAC Chapter 355-14 does not provide any guidance on the control of odors. Presumably this type of regulation is left up to local jurisdictions. Oak Harbor's zoning districts include a general prohibition on properties being used in such a fashion as to create objectionable odors. The proposed regulations include a specific prohibition on odors emanating from the building containing the marijuana related use. This prohibition could be made more specific by referencing the those items listed in Section 19.22.040(1)(g) that could cause odors and referencing the activity itself. Staff revised the draft to include such additional language in Section 19.22.040(1)(h). The revised code, as found in Ordinance 1685, is Attachment 1 to this report.
2. Does the Washington State Superintendent of Public Instruction recognize private schools?

Washington statutes and regulations state that a "private school" is a non-public school

conducting a program consisting kindergarten and at least grade one of any of all grades one through 12. Minimum standards of health, safety and education are also defined. The State maintains a list of approved private schools. Four Oak Harbor private schools are on that list: Der Kinderhuis Montessori, North Whidbey Christian High, North Whidbey Kids' Academy (formerly Doodlebugs Academy) and Oak Harbor Christian School.

Recent Events

On January 16th, the Attorney General for the State of Washington released a formal opinion in response to the Liquor Control Board's (LCB) questions about city authority over the siting of marijuana business. The LCB asked if cities could ban such businesses or adopt regulations that could make it impractical for a business to locate. The Attorney General found that nothing in I-502 limited cities' authority in this area and affirmed that cities retain local land use and licensing authority.

It is important to note that an Attorney General's formal opinion is non-binding and, as the name implies, is just an opinion. Conversations are already taking place in municipal circles (i.e. the Association of Washington Cities, city attorney groups, etc.) as to the implications of this opinion. It is thought that cities that choose to use this opinion as justification to ban marijuana related uses will likely be subject to challenge by the industry. The legality of such a ban would ultimately be determined by the courts.

At approximately the same time as the release of the Attorney General's opinion, HB2322 was introduced. This bill would prohibit cities and counties from taking action to ban marijuana businesses and would penalize them by eliminating liquor revenue distributions. Other bills were also introduced. HB 2149 which implements many changes to medical marijuana to better align it with recreational marijuana was heard by the House Health Care and Wellness Committee. The Senate Health Care Committee heard two bills (SB 5887 and SB 6178), both of which address aligning the medical and recreational markets.

City Council Briefing

Staff briefed the City Council on the status of this project and on recent events at their January 22nd workshop. In response to recent events, staff outlined three courses of action to the Council:

1. Continue with the current work program of drafting and adopting regulations allowing recreational marijuana related uses in certain zoning districts and under certain conditions. Continue the moratorium on medical marijuana uses and activities in light of State efforts to align its regulatory structure with the recreational marijuana structure.
2. Stop working on the recreational rules and continue both moratoria until the State takes action on pending legislation.

3. Provide staff different policy direction for recreational marijuana in light of the Attorney General's opinion and continue the moratorium on medical marijuana.

The Council did not take any formal action on these options since they were meeting in a workshop. However, in general they seemed supportive of continuing with option 1.

CONCLUSION

In response to the passage of I-502, and with policy guidance from the City Council and Planning Commission, staff drafted a new chapter to the Oak Harbor Municipal Code that would establish the zoning regulations for marijuana related uses. By design the January meeting will mark the third installment of the Commission's public hearing on the draft. Even as State agencies and communities across the state seek to implement I-502, new information on this topic continues to emerge. Based upon all available information staff recommends the Planning Commission conclude the public hearing on the draft ordinance and forward a recommendation of approval to the City Council.

RECOMMENDATION

- Conclude public hearing.
- Recommend approval of Ordinance No. 1685

ATTACHMENTS

1. Draft Ordinance No. 1685

ORDINANCE NO. 1685

AN ORDINANCE OF THE CITY OF OAK HARBOR:

WHEREAS, the voters of Washington State approved Initiative 502 (I-502) in November 2012 legalizing under State law the, taxing and regulating of the recreational use of marijuana, codified in Chapter 69.50 RCW ; and

WHEREAS, under I-502, the Washington State Liquor Control Board (LCB) was tasked with the responsibility to adopt the rules governing the licensing and operations of marijuana producers, processors, and retailers, and the rules went into effect on Nov. 16, 2013; and

WHEREAS, on August 29, 2013, the U.S. Department of Justice distributed a guidance memo to U.S. Attorneys regarding state implementation of recreational marijuana ballot measures and setting forth the federal government enforcement priorities, essentially acknowledging that as long as state regulation and enforcement is sufficiently robust and consistent with federal priorities, the federal government may choose not to interfere; and

WHEREAS, the 1,000-foot separations from sensitive uses required by I-502 and included in the adopted licensing rules are principally about protecting children, which the City Council and the citizens of Oak Harbor support; and

WHEREAS, the LCB has created three categories of state licenses and prohibits holders of a retail license from also holding a production or processing license;

WHEREAS, the Oak Harbor City Council finds that establishment of marijuana related uses without appropriate regulations could lead to negative secondary impacts to the community, including but not necessarily limited to:

1. Conversion of residential uses into cannabis cultivation and processing facilities removing valuable housing stock from the community.
2. Degraded neighborhood aesthetics due to shuttered-up homes, offensive odors, increased nighttime traffic, and parking.
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WHEREAS, an undue concentration of licensed marijuana facilities in the City of Oak Harbor could be detrimental to the quality of life of Oak Harbor residents and the economic well-being of the city; and

WHEREAS, in order to address secondary impacts of such businesses, the Oak Harbor City Council deems it to be in the public interest to establish zoning regulations related to state-

licensed marijuana facilities and to require all such facilities to obtain a City of Oak Harbor business license; and

WHEREAS, the intent to amend development regulations to allow state-licensed marijuana facilities and a SEPA Determination of Non Significance were noticed in accordance with eCity of Oak Harbor procedures and regulations; and

WHEREAS, a Determination of Non Significance was issued on _____

WHEREAS, the City of Oak Harbor Planning Commission held a public hearing on November 26, 2013, ~~and~~ December 10, 2013 and January 28, 2014 to consider this ordinance and forwarded a recommendation to the City Council; and

WHEREAS, the City of Oak City Council held a public hearing on _____, 2014 to consider this ordinance; and

WHEREAS, nothing in this Ordinance is intended, nor shall be construed, to authorize or approve violation of federal or state law; ~~and~~

NOW, THEREFORE, the City Council of the City of Oak Harbor do ordain as follows:

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MARIJUANA RELATED USES**

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- 19.22.040 Development Standards**
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Section Two.

There is hereby added new Section 19.22.010 entitled “Purpose and Intent” to the Oak Harbor Municipal Code to read as follows:

The production, processing and retailing of marijuana is and remains illegal under federal law. Nothing herein or as provided elsewhere in the ordinances of the City of Oak Harbor is an authorization to circumvent federal law or provide permission to any person or entity to violate federal law. Only state-licensed marijuana producers, marijuana processors, and marijuana retailers may locate in the City of Oak Harbor and then only pursuant to a license issued by the State of Washington and only when in full compliance with the local regulations contained in herein. ~~The purposes of t~~These provisions regulations are is solely intended to acknowledge the enactment by Washington voters of Initiative 502 and state licensing procedure and to permit, ~~to,~~

but only to; the extent required by state law, marijuana producers, marijuana processors, and marijuana retailers to operate in designated zones of the City. These provisions are intended to mitigate potential secondary impacts of marijuana related uses on nearby properties and the community and to promote the public health, safety and welfare through the application of appropriate locational criteria, zoning and development standards.

Section Three.

There is hereby added new Section 19.22.020 entitled “Definitions” to the Oak Harbor Municipal Code to read as follows:

- (1) “Child care center” means an entity that regularly provides child day care, preschool and early learning services for a group of children for periods of less than twenty-four hours licensed by the Washington state department of early learning under Chapter 170-295 WAC. ~~Child care centers include: Commercial Day Care, “Family Day Care” and “Day Nursery” entities.~~
- ~~(2) “Elementary school” means a school for early education that provides the first four to eight years of basic education and recognized by the Washington state superintendent of public instruction.~~
- ~~(23) “Game arcade” means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.~~
- ~~(34) “Library” means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.~~
- (45) “Marijuana” or ~~“Cannabis”~~ “marihuana” means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seeds of the plant which is incapable of germination.
- ~~(56) “Marijuana facility” means a state-licensed marijuana production, processing, or retail facility. ~~or a medical cannabis collective garden.~~ Marijuana facilities shall not be a home occupation as defined in OHMC 19.08 -Definitions and as authorized under OHMC 19.34.~~
- (67) “Marijuana-infused products” means products that contain marijuana or marijuana extracts and are intended for human use. The term “marijuana-infused products” does not include useable marijuana.

- (78) “Marijuana processing facility” means an entity licensed by the State of Washington to process, package, and label usable marijuana and marijuana-infused products for sale at wholesale to marijuana retailers. A marijuana processing facility shall not be a home occupation as defined in OHMC 19.08 – Definitions and as authorized under OHMC 19.34.
- (89) “Marijuana processor” means a person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell usable marijuana and marijuana-infused products at wholesale to marijuana retailers.
- (910) “Marijuana producer” means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.
- (4011) “Marijuana production facility” means an entity licensed by the State of Washington to produce marijuana for sale at wholesale to marijuana processor licensees and to other marijuana producers. A marijuana production facility shall not be a home occupation as defined in OHMC 19.08 - Definitions and as authorized under OHMC 19.34.
- (4112) “Marijuana retailer” means a person licensed by the state liquor control board to sell usable marijuana and marijuana-infused products in a retail outlet.
- (4213) “Marijuana retail facility” means an entity licensed by the State of Washington to sell only usable marijuana, marijuana-infused products and marijuana paraphernalia to persons twenty-one years of age and older. A marijuana retail facility shall not be a home occupation as defined in OHMC 19.08 – Definitions and as authorized under OHMC 19.34.
- (4314) “Playground” means a public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government.
- (15) “Public park” means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government, or metropolitan park district. Public park does not include trails.
- (16) “Public transit center” means a facility located outside of the public right of way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers.

- (~~14~~17) “Recreation center or facility” means a supervised center that provides a broad range of activities and events intended primarily for use by including programming for persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government. ~~Examples include, but are not limited to, the John Vanderzicht Memorial Pool and Oak Harbor Boys & Girls Club.~~
- (~~15~~18) “Retail outlet” means a location licensed by the State Liquor Control Board for the retail sale of usable marijuana and marijuana-infused products.
- (19) “Secondary school” means a high and/or middle school: A school for students who have completed their primary education, usually attended by children in grades seven to twelve and recognized by the Washington state superintendent of public instruction.
- (~~16~~20) “Useable marijuana” means dried marijuana flowers. The term “usable marijuana” does not include marijuana-infused products.

Section Four.

There is hereby added new Section 19.22.030 entitled “Locations Allowed” to the Oak Harbor Municipal Code to read as follows:

- (1) State licensed marijuana producers and marijuana processors may locate in the city pursuant to the following restrictions:
- (a) Marijuana producers and marijuana processors must comply with all requirements of state law and the Washington State Liquor Control Board’s regulations.
 - (b) Marijuana producers and marijuana processors may locate only in the Planned Industrial Park or Industrial district(s).
 - (c) Marijuana producers and marijuana processors shall not locate on a site or in a building in which non-conforming production or processing uses have been established in any zone other than the Planned Industrial Park or Industrial district(s).
 - (d) Marijuana producers and marijuana processors shall not operate as an accessory to a primary use or as a home occupation.
 - (e) Marijuana producers and marijuana processors shall not locate within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade where admission to which is not restricted to persons aged twenty-one years or older. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the entities listed above.
- (2) State licensed marijuana retailers may locate in the city pursuant to the following restrictions:

- (a) Marijuana retailers must comply with all requirements of state law and the Washington State Liquor control Board's regulations.
- (b) Marijuana retailers may locate only in the C-4 and Industrial district(s).
- (c) Marijuana retailers shall not locate in a building in which non-conforming retail uses have been established in any residential or office zone.
- (e) Marijuana retailers shall not operate as an accessory to a primary use or as a home occupation.
- (f) Marijuana retailers shall not locate within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade where admission ~~to which~~ is not restricted to persons aged twenty-one years or older. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the entities listed above.

Section Five.

There is hereby added new Section 19.22.040 entitled "Development Standards" to the Oak Harbor Municipal Code to read as follows:

- (1) Marijuana retail, processing and production facilities. In addition to the standards of the underlying zoning district and all other applicable Municipal Code regulations, all state-licensed marijuana facilities shall meet the following development standards:
 - (a) All facilities must be state-licensed and comply with all of the standards for state licensed marijuana facilities.
 - (b) No marijuana facility shall be allowed as a home occupation.
 - (c) The definitions set forth in RCW 69.50.101-.102, WAC 314-55-010 and OHMC Section 19.22.020 shall control. ~~In the event of conflict, the provisions of OHMC shall prevail.~~
 - (d) Location.
 - (i) No more than one facility shall be located on a single parcel.
 - (ii) Marijuana retail and processing facilities shall be located fully within a permanent structure designed to comply with the city building code and constructed under a building and/or tenant improvement permit from the city regardless of the size or configuration of the structure.
 - (iii) Marijuana production facilities shall be located:
 - (A) ~~Fully within~~ Within a permanent, fully enclosed structure designed to comply with the city building code and constructed under a building and/or a tenant improvement permit from the city regardless of the size or configuration of the structure; or
 - (B) In non-rigid greenhouses, other structures, or an expanse of open or clear ground fully enclosed by a physical barrier enclosed by a sight obscuring wall or fence eight (8) feet high.
 - (iv) Marijuana facilities shall not be located in a mobile structure or vehicle.
 - (v) No state-licensed marijuana facility shall be located within 1,000 feet of the perimeter of the parcel on which any of the entities listed below are located. The distance shall be measured as the shortest straight line distance from property line of the proposed building/business location to

~~the property line of the entities listed below in the manner set forth in WAC 314-55-050(10).~~

- (A) Elementary or secondary school (public or private);
 - (B) Playground;
 - (C) Recreation center or facility;
 - (D) Child care center;
 - (E) Public park;
 - (F) Public transit center;
 - (G) Library;
 - (H) Any game arcade which allows admission to persons under 21 years of age.
- (vi) No state-licensed marijuana retail facility shall be located within 1,000 feet of the perimeter of a parcel on which a state-licensed marijuana production or processing facility ~~or medical cannabis collective garden~~ is located. ~~nor shall a state-licensed marijuana production or processing facility be located within 1,000 feet of the perimeter of a parcel on which a state-licensed marijuana retail facility or medical cannabis collective garden is located.~~ The distance shall be measured as the shortest straight line distance from property line of the marijuana retail facility to the property line of the marijuana production or processing facility in the manner set forth in WAC 314-55-050(10).
- (e) No production, processing or delivery of marijuana may be visible to the public nor may it be visible through windows.
 - (f) Marijuana retail uses shall not include drive-throughs, exterior, or off-site sales.
 - (g) All fertilizers, chemicals, gases and hazardous materials shall be handled in compliance with all applicable local, state and federal regulations. No fertilizers, chemicals, gases or hazardous materials shall be allowed to enter either a sanitary sewer or a stormwater sewer system nor be released into the atmosphere outside of the structure where the facility is located.
 - (h) No odors resulting from the use of those substances noted in 19.22.040(1)(g) or from the activities conducted within the structure shall be allowed to migrate beyond the interior portion of the structure where a marijuana facility is located.
 - (i) A City of Oak Harbor business license pursuant to Chapter 5.03 OHMC and a state license pursuant to Chapter 314-55 WAC shall be obtained prior to the start of operations of the facility.
 - (j) All facilities shall comply with Chapter 19.27 RCW, State Building Code Act and Title 17 Buildings. Appropriate permits shall be obtained for all changes of use, tenant improvements, mechanical system improvements, electrical upgrades and similar work.

Section Five.

There is hereby added new Section 19.22.040 entitled “Non-conforming Uses” to the Oak Harbor Municipal Code to read as follows:

- (1) No use that constitutes or purports to be a marijuana producer, marijuana processor, or marijuana retailer as those terms are defined in this ordinance, that was engaged in that activity prior to the enactment of this ordinance shall be deemed to have been a legally

established use under the provisions of the Oak Harbor Municipal Code and that us shall not be entitled to claim legal non-conforming status.

Section Six. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.

Section Seven. Effective Date. This Ordinance shall be in full force and effect five days after publishing.

PASSED by the City Council this _____ day of _____ 2014.

CITY OF OAK HARBOR

SCOTT DUDLEY, MAYOR

Attest:

Approved as to Form:

Anna Thompson, City Clerk

Grant K. Weed, Interim City Attorney

Published: _____

2014
Comprehensive Plan
Amendment
Preliminary Docket

Public Hearing

**City of Oak Harbor
Planning Commission Report**

Date: January 28, 2014
Subject: 2014 Comprehensive Plan
Amendments – Preliminary
Docket

FROM: Cac Kamak, AICP
Senior Planner

PURPOSE

This report presents the preliminary docket for the 2014 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 2014 for the Comprehensive Plan. The Planning Commission is required by OHMC 18.15.040(7) to make a recommendation to the City Council by January 31st of each year and 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 to amend the Comprehensive Plan begins in October with a notice to the newspaper soliciting applications for amendments. The applications normally received are from property owners that would like to change their land use designation. However, no applications were received for this year.

The Planning Commission deliberates on the amendments to consider in October and November each year. Since there are several items that carried over from last year and there is a substantial updates for the 2016 Comprehensive Plan along with updates to the Capital Improvements Plan (CIP) this year, the Planning Commission did not add any items to the 2014 preliminary docket. Land Use changes to city-owned property located at 1000 SE City Beach Street (old city shop site) still remains on the preliminary docket. The Development Services Director, as permitted by OHMC 18.15.030(d), has added an amendment to the Future Land Use map to correct the Urban Growth Area (UGA) to reflect the County's decision on the 2005 UGA amendments. The correction to the Future Land Use map is timely this year since the 2016 update may generate discussions on the UGA boundary depending on the growth allocation and the capacity within the existing UGA.

The preliminary docket was advertised in accordance with OHMC 18.15.040(6) prior to the Planning Commission's public hearing on January 28, 2014.

DISCUSSION

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

Criteria provided in OHMC 18.15.070 (2)	2016 Update	CIP	Future Land Use Map UGA corrections	Scenic Views Study	Land Use Changes (1000 SE City Beach Street)
(a) The proposed amendments are consistent with Growth Management Act (GMA) and the Countywide Planning Policies (CPP).	✓ Yes Mandated (RCW 36.70A.130)	✓ Yes Mandated (RCW 90.58.080)	✓ Yes Mandated (RCW 36.70A.110)	The study and the process is consistent with GMA and CPP	Considering the land use prior to zoning changes is consistent with GMA and CPP
(b) The proposal does not appear to contradict other elements, goals and policies within the Comprehensive Plan.	None identified	None identified	None identified	None identified at this time, however there is a potential that eventually there may be some opposing policies to discuss	None identified at this time
(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 The corrections will keep the Comprehensive Plan in compliance with GMA	The study will strengthen and implement some of the existing policies in Urban Design and may challenge some policies in Economic Development	Considering this land use change will be done within the context of existing goals and policies.
(d) The proposal would correct an inconsistency within or make a clarification to a provision of the Comprehensive Plan.	NA	NA	✓ Yes The correction to the map is to reflect the county's decision on the UGA	NA	NA

Criteria provided in OHMC 18.15.070 (2)	2016 Update	CIP	Future Land Use Map UGA corrections	Scenic Views Study	Land Use Changes (1000 SE City Beach Street)
(e) The proposed amendments have been clearly defined to determine a fairly accurate scope of work.	✓ Yes since it is mandated. The scope of work will be determined in 2013	✓ Yes	✓ Yes	✓ Yes	✓ Yes
(f) The proposed amendments respond to an expressed desire by the community.	NA	NA	NA	✓ Yes	This is a necessary action to consider
(g) The public interest would be best served by considering the proposal in the current year.	✓ Yes	✓ Yes	✓ Yes	✓ Yes	✓ Yes

The proposed preliminary docket for 2014 meets the established criteria in OHMC 18.15.070. The Planning Commission is recommended to review the proposed docket and make a recommendation to the City Council.

RECOMMENDATIONS

1. Conduct the public hearing.
2. Recommend that the City Council approve the proposed Docket for the 2014 Comprehensive Plan Amendments.

Public Participation Plan

Public Meeting

**City of Oak Harbor
Planning Commission Report**

Date: January 28, 2014
Subject: Public Participation Plan for the
2016 Comprehensive Plan
Update

FROM: Cac Kamak, AICP
Senior Planner

PURPOSE

This report presents the Public Participation Plan (PPP) for the 2016 Update to the Comprehensive Plan. Section 36.70A.140 of the Revised Code of Washington requires local governments to establish and broadly communicate to the public a Public Participation Plan (PPP) which identifies procedures providing for “early and continuous public participation” in the amendment of the Comprehensive Plan and development regulations implementing such plan.

BACKGROUND

Early and continuous public participation is at the heart of all actions related to the Comprehensive Plan. Oak Harbor’s Municipal Code 18.15 incorporates several requirements to keep the public informed on actions related to the comprehensive plan. The 2016 Update is considered a major update to the comprehensive plan and therefore a PPP that highlights the City’s process in keeping the public informed as well as noting the input opportunities may be beneficial to the public.

DISCUSSION

A draft Public Participation Plan (PPP) is attached to this memo for your review. The PPP identifies the Planning Commission as the primary body to consider the amendments and hold hearings. Planning Commission meetings are not only an effective way to obtain public input but it is also an effective way to disseminate information to the public because the meetings are recorded and rebroadcasted on Channel 10 public access television. Planning Commission meetings are played an average of five times a week till the next meeting is recorded and ready for broadcast. The rebroadcasting of the Planning Commission meeting is an effective way to keep transparency in the decision making process.

A dedicated webpage under the City’s website has been created to provide access to all the information that is related to the 2016 update in one place. This webpage will have links to Planning Commission reports related to the update. A dedicated email address 2016update@oakharbor.org has been created for easy public input and comments.

Other means of public input such as open houses, ad hoc committees, workshops, public displays, etc. have also been identified as outreach mechanisms. The decision to use these can be made based on the topic of discussion and the most effective way to gain public input on that specific topic.

RECOMMENDATIONS

The Planning Commission is requested to review the Public Participation Plan and provide input on how it could be improved. The PPP is tentatively scheduled for the February Planning Commission meeting for a recommendation to the City Council.

2013



Public Participation Plan

2016 Comprehensive Plan Update

Section RCW 36.70A.140 of Washington Statutes requires local governments to establish and broadly communicate to the public a Public Participation Plan which identifies procedures providing for “early and continuous public participation” in the amendment of the Comprehensive Plan and development regulations implementing such plan.



Introduction

Oak Harbor's Comprehensive Plan and development regulations need to be reviewed periodically and updated to reflect current laws, correct errors, input new data, and/or clarify intent.

Washington State's Growth Management Act (GMA) requires Oak Harbor to undertake this review and update its Comprehensive Plan and development regulations by June 2016.

As part of this update process, Section 36.70A.140 of the Revised Code of Washington requires local governments to establish and broadly communicate to the public a Public Participation Plan which identifies procedures providing for "early and continuous public participation" in the amendment of the Comprehensive Plan and development regulations implementing such plan.

The City recognizes the importance and necessity of the public involvement process. The City has several boards and commissions that serve in various capacities to foster public input, discuss complex issues, further goals and policies of adopted plans and make recommendations to the City Council. The Planning Commission of Oak Harbor serves as the hearing body for amendments and updates to the City's Comprehensive Plan and development regulations. The Planning Commission makes recommendations to the City Council who ultimately decides on the adoption of amendments and updates. All meetings of the Planning Commission and the City Council are open to the public and have dedicated time for public input on their agenda.

Goals and Objectives

The goal of the Public Participation Plan is to provide the public with complete information, timely public notice, full public access to key decision points, and support early and continuous involvement in the process. It is also the goal of the PPP to provide the public with sufficient information so that there is an understanding of the process, and opportunities to review and comment on updates before decisions are made. Public is defined broadly to include individual citizens, interest groups, trade groups, government agencies, utilities and service providers and businesses.

The City's current Comprehensive Plan and development regulations integrate public involvement into its decision making process. OHMC 18.15 outlines the requirements for public involvement during annual amendments to the Comprehensive Plan and OHMC 18.20 provides the regulations for public noticing for permit processes and other development regulated activities. Though the City will abide by all the existing requirements, this Public Participation Plan describes the steps it will take to involve the community in decisions regarding the 2016 Comprehensive Plan Periodic Update.

Stakeholders and Public Groups

The GMA does not specifically exempt any portion of a comprehensive plan or development regulation from being subject to review and evaluation. While some elements may not require

updating others may need to be updated based on changes to laws. The Department of Commerce has provided a checklist to help cities determine the portions of a comprehensive plan that needs to be updated. A review of the plan against this checklist provides a scope of the amendments necessary to comply with GMA.

The scope of the update will determine the involvement of key stakeholders and interest groups. It is beneficial to identify these groups and involves them early in the process. Some of the groups and individuals that could have a potential interest in public input and involvement opportunities are identified below. The list below serves as an initial identifier of interested groups and is not intended to exclude any groups from the process.

- Government agencies – state, county, school district, etc.
- NAS Whidbey Island
- Chamber of Commerce and other business groups
- Media – newspaper
- Organizations and individuals who have been notified of public hearings for major projects, or organizations and individuals who have submitted written comments on other major projects.
- Whidbey Environmental Action Network (WEAN)
- Skagit/Island Counties Builders Association (SICBA)

Information Access

All reports and documents generated for the 2016 Update to the Comprehensive Plan are available to the public for review. This information may be viewed at Oak Harbor's City Hall or online at the City's website www.oakharbor.org under the Development Services Department/Planning Division/Plans Under Progress tab.

Outreach Techniques

As mentioned earlier, the Planning Commission shall serve as the primary body to discuss, review and recommend changes to policies and regulations regarding the 2016 update. The Planning Commission meetings will be advertised on the City's website and in the local newspaper. Agendas for the Planning Commission meetings are noticed in the newspaper generally two weeks prior to the meeting date. Reports to the Planning Commission are posted on the City's website approximately five days before the meeting date.

The City maintains an active involvement in the local government access cable channel. All Planning Commission meetings are recorded and then played back on Channel 10 a minimum of 5 times a week until the next meeting. The rebroadcasting provides the public access to the process and information of key decisions during the review process.

The City's website www.oakharbor.org has links on the home page to the Planning Commission's agendas and reports. It lists the date of the next upcoming Planning Commission meeting on the calendar. The website also has an "Oak Harbor News" section on the homepage that will also be used to notice of any special meetings associated with the 2016 update.

The City's website also contains information on the 2016 update in the Development Services section under "Departments" tab on the homepage. It is under the "Plans Under Progress" section of the Planning Division. This section of the website will have access to reports, studies, and issue papers that are related to the update.

The Development Services Department maintains a list of interested groups and individuals that have expressed interest in Comprehensive Plan related issues since 2005. Notices of meeting related to the 2016 update will be mailed to them.

During the update process, various other methods of outreach may be used based on the kind of input that is most efficient and helpful to the issue under consideration. This can range from open houses, surveys, ad hoc committees, workshops, public displays etc.

Input Mechanisms

The City accepts input and comments from the public through a variety of means. Members of the public can visit with planners in the Development Services Department to make comments and provide input. Members of the public can also make comments by calling the Development Services Department at 360-279-4510. Written comments are the most effective way to get on record with the Comprehensive Plan update. Comments can be faxed to the City at 360-279-4519 or mailed to:

Development Services Department
Attn: 2016 Update
865 SE Barrington Ave
Oak Harbor, WA 98277

Public comments can also be emailed to a dedicated 2016 update email account – 2016update@oakharbor.org.

The public may also make verbal comments or submit written comments at Planning Commission meetings and City Council meetings. There is a dedicated time on the agenda for public input on general issues at these meetings. The Planning Commission and City Council generally entertain public comments when a particular Comprehensive Plan item is on the agenda for discussion, even if it is not scheduled for a public hearing.

Interested members of the public or a representative of a group, with expressed comments on a particular topic may request to serve on committees if one it activated.

Contact information

The primary contact for the update is provided below.

Senior Planner, Cac Kamak, AICP.
Development Services Division
Attn: 2016 Update
865 SE Barrington Ave
Oak Harbor, WA 98277

Email: 2016update@oakharbor.org
Website: www.oakharbor.org

Annual Report

to

City Council

Public Meeting

Memo

To: Planning Commission
From: Steve Powers, Director
CC:
Date: January 28, 2014
Re: Planning Commission Annual Report to City Council

Oak Harbor Municipal Code (OHMC) Chapter 18.04 establishes the Planning Commission and its responsibilities. A copy of that code chapter is attached to this memo for your reference.

OHMC Section 18.04.070 requires the Planning Commission to make an annual report to the City Council:

18.04.070 Yearly report of transactions and recommendations.

The planning commission, at or before its first regular meeting in February of each year, shall make a full report in writing to the city council of its transactions for the preceding year, with such general recommendations as to matters covered by prescribed duties and authority as may to it seem proper.

To assist the Planning Commission in meeting this code requirement, staff has taken the liberty of preparing a draft report. The draft lists the Commission's 2013 accomplishments and outlines the 2014 work plan. A section for recommendations to the City Council was created, but left blank. Staff will collect and compile any recommendations the Commission wishes to make at the January meeting and add them to the report.

The Commission may choose to forward the report to the City Council at the conclusion of this agenda item in January or could request staff bring it back for an additional review and comment at the February meeting. Once the draft is complete, staff will schedule the matter for an upcoming City Council meeting. We will be sure to inform the Planning Commission of the meeting date once it has been established. Your attendance and participation at that meeting would be greatly appreciated by staff and the City Council.

Recommended Action

- Forward the 2013 Annual Report to City Council for their information; or
- Schedule the report for additional review and comment at the February 25, 2014 meeting



City of Oak Harbor

Planning Commission's Annual Report to the City Council

2013



Photo from Scenic Views Study
Courtesy of Cac Kamak

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2013 Planning Commission Members

Keith Fakkema, Chair
Greg Wasinger, Vice Chair
Kristi Jensen
Dave Fikse
Bruce Freeman
Ana Maria Schlecht
Sandi Peterson

**Planning Commission's Annual Report to the City Council
2013**

Section 1: Accomplishments

Summary of 2013 Accomplishments

- Comp Plan Amendments
 - Sponsored Amendment
 - 1. Land use change for 1000 SE City Beach Street – continued to 2014
 - Mandated Items
 - 1. 2016 Comprehensive Plan Update – reviewed current policies and identify the scope and process for the update
 - Discretionary Amendments
 - 1. Scenic View Study continued from 2012 – seven views were selected for further analysis.

- Six-Year Transportation Improvement Program Update

- Six-Year Transportation Improvement Program amendment to include the Waterfront Trail in the TIP

- Code Amendments
 - Draft Zoning Regulations for Maritime Zone – began review of draft regulations
 - Electronic Message Center Sign Code Update – reviewed and forwarded recommendations for draft code establishing new regulations for EMC signs; including size, placement and brightness standards
 - Bed and Breakfast Code – reviewed and forwarded recommendations for draft code to allow bed and breakfast establishments within specific residential zones.
 - Night Club Ordinance – reviewed and recommended code amendment to regulate the size of nightclubs by occupancy limit and zoning districts
 - Marijuana Related Uses Code Amendment Project - review of preliminary research and draft code

- Economic Development Strategy - Reviewed strategy and forwarded recommendations to City Council

- Training
 - Growth Management Act 101 – Framework for Planning
 - Comprehensive Planning 101- The What, Why, and How of Local Plan-Making

- Annual Report to City Council
 - 2014 Planning Commission work program
 - Planning Commission accomplishments in 2013

**Planning Commission's Annual Report to the City Council
2013**

Section 2: 2014 Proposed Work Program

Proposed 2014 Work Program Schedule

Work Program Items	2014											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2014 Comprehensive Plan Amendment Docket												
2014 Comprehensive Plan Amendments												
Digital Signs Code Update												
Zoning Regulations for Maritime Zone												
2014 TIP Updates												
Comprehensive Plan Amendment 2013 Carryover – Scenic Views												
Comprehensive Plan Amendment 2013 Carryover - Land use change for 1000 SE City Beach Street												
Capital Facilities Plan/Capital Improvement Plan Update												
2016 Comprehensive Plan Amendments <ul style="list-style-type: none"> • Land capacity analysis • Revise Countywide Planning Policies 												
Marijuana Related Uses – Code Amendment Project												

Note: The above schedule is approximate and subject to change as necessary.

Description of 2014 Proposed Work Program Items

2014 Comprehensive Plan Amendment Docket

Review of any items on the Comprehensive Docket and consideration whether to propose any item as a potential amendment to the Comprehensive Plan.

Digital Signs Code Update

Continue work on amending OHMC 19.36 Sign Code for the purposes of providing language that reflects current technology.

Zoning Regulations for Maritime Zone

Continue review and discussion of draft zoning regulation for the Maritime zoning district that was created with the adoption of the 2012 Comprehensive Plan Amendments. The Planning Commission will discuss the types of uses to be accommodated in the Maritime zoning district along with any conditions or process to consider them by.

2014 TIP Updates

Updates to the 6-year Transportation Improvement Program and the Capital Improvement Plan Improvement Plan for adoption into the Comprehensive Plan

2014 Capital Facilities Plan/Capital Improvement Plan Updates

The Commission will consider amendments to the CFP and CIP to reflect current community and City project priorities and funding capacity.

Comprehensive Plan Amendment 2013 Carryover – Land Use Map Amend.

The Commission may consider a land use change for the City-owned property at 1000 SE City Beach Street. Action on this item is dependent on the City identifying a preferred future land use map designation.

Comprehensive Plan Amendment 2013 Carryover – Scenic Views

Continue the discussion of the Scenic View Study conducted in 2013. The Planning Commission narrowed the views for further analysis. The scenic views will be studied further and views that will impact private development will be specifically identified for further discussion with property owners. A final list of views and regulations to protect them will then be discussed for adoption.

Continue work in preparation of 2016 Comprehensive Plan Amendments

The Planning Commission will consider information related to and make recommendations on the land capacity of the Oak Harbor Urban Growth Area. The Commission will assist in reviewing and amending the County-Wide Planning Policies.

Marijuana Related Uses – Code Amendment Project

The Planning Commission will complete the review the draft code and make recommendations to the City Council.

**Planning Commission's Annual Report to the City Council
2013**

**Section 3: Planning Commission
General Recommendations to City Council**

Planning Commission General Recommendations to City Council

1.

**Planning Commission's Annual Report to the City Council
2013**

**Appendix: Planning Commission
2013 Action Details**

**DETAIL
2013
Planning Commission
Actions**

JANUARY

January 22, 2013

2013 COMPREHENSIVE PLAN AMENDMENT DOCKET – Public Hearing

The Planning Commission reviewed and discussed the 2013 Comprehensive Plan Amendments Docket. At the conclusion of the public hearing the Planning Commission forwarded a recommendation to the City Council.

Docket Items:

Land Use Changes (Sponsored Amendment)

The Development Services Director, as permitted by OHMC 18.15.030(d), has added a land use change request for city-owned property located at 1000 SE City Beach Street (old city shop site) to the preliminary docket. The City wishes to explore future uses for this property. As those uses are not likely to be residential (the existing land use designation is “High Density Residential”) a land use map amendment will be necessary.

Shoreline Master Program (Mandated Amendment)

The City Council adopted the Shoreline Master Program on November 20, 2012. The Shoreline Master Program will become official after the Washington Department of Ecology approves the plan. That approval is expected to occur during 2013. The Shoreline Master Program can then be incorporated into the Comprehensive Plan by reference. Incorporation into the Comprehensive Plan is a formality.

Scenic View Study (Discretionary Amendment)

This item was on the 2012 docket and is continued in to the 2013 amendment process. In 2012, the City and the Planning Commission gathered public input on this topic and identified approximately 27 views of interest. The Planning Commission also discussed methodologies to review the identified views and established criteria to evaluate them. The Planning Commission is currently narrowing down the views for further analysis.

2016 Comprehensive Plan Update (Mandated Amendment)

This item is a requirement for local governments such as Oak Harbor that are fully planning under the Growth Management Act. The original deadline for this requirement in accordance to RCW 36.70A.130 was 2012, but legislation was passed to extend the deadline to 2016. This item will revisit all the elements of the Comprehensive Plan such as Land Use, Housing, Capital Facilities, Utilities, Transportation, Economic Development, Parks and Recreation, Public Facilities etc. This item will span multiple years leading up to adoption in 2016. The scope of work for this item in 2013 will be to review the current policies and identify the scope and process for the update.

ACTION: MS. JENSEN MOVED, MR. WALLIN SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE 2013 COMPREHENSIVE PLAN AMENDMENT DOCKET AS PRESENTED. MOTION CARRIED.

2012 COMPREHENSIVE PLAN AMENDMENT – Scenic Views – Public Meeting

The Planning Commission continued the discussion of the Scenic View Study from its last meeting. The scenic views were rated at the last meeting and the Planning discussed them further and selected the following views for further analysis:

Northbound SR 20 – Scenic Heights to Erie
Waterfront Trail – Windjammer Park
Waterfront Trail – Flintstone Park
Bayshore Drive – Dock to Midway
Pioneer Way – Midway to Regatta
Pioneer Way – Ireland to Midway
Regatta Drive – SE 8th to Pioneer Way
Southbound SR 20 and NE 16th Ave
Dock Street – Barrington to Bayshore

ELECTRONIC MESSAGE CENTER SIGNS CODE UPDATE – Public Meeting

Staff facilitated continued discussion with the Planning Commission regarding the regulations for electronic message center signs contained in OHMC 19.36. At the conclusion of the meeting Planning Commission asked for more information: provide photos of digital signs in centers, more guidance on free standing versus storefront signs and draft code language. **No Action**

FEBRUARY

February 26, 2013

DRAFT ZONING REGULATIONS FOR MARITIME ZONE– Public Hearing

The Planning Commission reviewed and discussed draft zoning regulation for the Maritime zoning district that was created with the adoption of the 2012 Comprehensive Plan Amendments. The Planning Commission discussed the types of uses to be accommodated in the Maritime zoning district along with any conditions or process to consider them by. **No Action**

DIGITAL SIGNS CODE UPDATE – Public Hearing

Staff facilitated continued discussion with the Planning Commission regarding the regulations for digital signs contained in OHMC 19.36. **No Action**

MARCH

March 26, 2013

2012 COMPREHENSIVE PLAN AMENDMENT – Scenic Views – Public Meeting

The Planning Commission was to continue discussion and analysis of scenic views that were identified for preservation. Planning Commission previously discussed criteria for determining which of the scenic views are in the public interest to preserve and have selected seven views for further analysis and possible preservation. This item was not discussed and was carried over to the April meeting. **No Action**

DIGITAL SIGNS CODE UPDATE – Public Meeting

Planning Commission gave staff preliminary direction on scenarios for regulating digital signs. Staff facilitated continued discussion on the digital signs topic, including discussion on brightness level of these signs. Planning Commission gave staff direction to begin preparing a first draft of the digital signs code in accordance with Commission direction up to this point in the project. Planning Commission asked staff to begin drafting language with a general preference toward regulations that follow Scenario 1– “least Restrictive”.

ECONOMIC DEVELOPMENT UPDATE – Public Meeting

Economic development staff briefed the Planning Commission on the “Economic Profile and Needs Assessment” report which contains information regarding Oak Harbor’s economy and business climate, as well as its economic development needs. This item was primarily for informational purposes, but staff requested that Planning Commission give comments and feedback on the profile and needs assessment. **No Action**

YEARLY REPORT TO CITY COUNCIL – Public Meeting

Mr. Powers reported that the Planning Commission recommendations to the City Council have been added to the report and asked if the Planning Commission had any other recommendations.

ACTION: MR. FREEMAN MOVED, MR. FIKSE SECONDED A MOTION TO ADD THE CLOSING COMMENT AND FORWARD THE PLANNING COMMISSION’S ANNUAL REPORT TO THE CITY COUNCIL MOTION CARRIED.

APRIL

April 23, 2013

DIGITAL SIGNS CODE UPDATE – Public Hearing

Staff presented the draft code to Planning Commission for digital signs. Planning Commission open the public hearing and accepted public testimony on the draft code.

ACTION: MR. FREEMAN MOVED, MS. PETERSON SECONDED A MOTION TO CONTINUE THE PUBLIC HEARING TO THE PLANNING COMMISSION'S MAY 28, 2013 BUSINESS MEETING, MOTION CARRIED.

2012 COMPREHENSIVE PLAN AMENDMENT – Scenic Views – Public Meeting

The Planning Commission continued their discussion and analysis of scenic views that were identified for preservation. Planning Commission previously discussed criteria for determining which of the scenic views are in the public interest to preserve and have selected seven views for further analysis and possible preservation. **No Action**

2016 COMPREHENSIVE PLAN UPDATE – Public Meeting

The Planning Commission was updated on the County's initial draft schedule for their 2016 Comprehensive Plan update and its implications to the City's update. **No Action**

BED & BREAKFAST CODE – INTRODUCTION – Public Meeting

Staff was presented with the first draft of a code to Planning Commission allowing for bed and breakfast establishments within specific residential zones in certain areas of the City. **No Action**

MAY

MAY 14, 2013

PLANNING COMMISSION ATTENDED TRAINING:

Getting Ready for your City's GMA Comprehensive Plan Periodic Update

Trainer: Joseph W. Tovar, FAICP, Consultant

Description:

Learning Segment #1: Growth Management Act 101 - the Framework for Planning

- Origins of the GMA, overview of its structure and the rationale for its major features
- State laws, countrywide planning policies, and local comprehensive plans
- What is the periodic update of the comprehensive plan that is due by mid-2016?
- What does the state expect or require?

Learning Segment #2: Comprehensive Planning 101 - the what, why, and how of local plan-making

- The relationship between comprehensive plans, development regulations, and capital budgets
- What will the update do for our community?
- What should we be looking at with this update?
- How do we get the public involved in this update?
- What can we learn from "early adopters" like Sultan or Shoreline?

May 28, 2013

DIGITAL SIGNS CODE UPDATE – Public Hearing

Staff presented the draft code to Planning Commission for digital signs. Planning Commission opened a public hearing and accepted public testimony on the draft code.

SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM (TIP) – Public Hearing

The Planning Commission conducted a public hearing to consider the updates to the Six-Year Transportation Improvement Program for the years 2014-2019. The Planning Commission forwarded a recommendation to the City Council to approve the 2014-2019 TIP.

2016 COMPREHENSIVE PLAN UPDATE – Public Meeting

Staff gave a presentation on current population and demographics for Oak Harbor. This information is intended to provide a basic understanding of Oak Harbor's current population that will help in other decision in the future related to the update. **No Action**

JUNE

June 25, 2013

DIGITAL SIGNS CODE UPDATE – Public Hearing

This item is a continuation of the public hearing that was opened in April. Staff presented a revised draft digital signs code update based on previous discussions and public comment. Planning Commission accepted public comments and continued the hearing to the July 23, 2013 business meeting.

BED & BREAKFAST CODE – INTRODUCTION – Public Meeting

Planning Commission continued its discussion of the draft bed and breakfast code allowing for bed and breakfast establishments within specific residential zones. **No Action**

2016 COMPREHENSIVE PLAN UPDATE – Public Meeting

Staff presented information on the 2016 Comprehensive Plan Update and updated the Commission on discussions held with Island County on the 20 year population projections for the County. Island County's selection and adoption of the 20 year population has implication on the County Wide Planning Policies and the Comprehensive Plan Update.

ACTION: MR. FREEMAN MOVED, MS. SCHLECHT SECONDED A MOTION TO RECOMMENDED THAT THE CITY COUNCIL ACCEPT ISLAND COUNTY'S 20-YEAR POPULATION PROJECTION OF 87,917, MOTION CARRIED.

JULY

July 23, 2013

DIGITAL SIGNS CODE UPDATE (Electronic Message Center) – Public Hearing

This item is a continuation of the public hearing that was opened in April. Staff presented a revised draft digital signs code update based on previous discussions and research. Planning Commission accepted public comments and is expected to close the hearing.

MOTION: MR. FIKSE MOVED, MS. PETERSON SECONDED GRANDFATHERING ALL EXISTING SIGNS AS ORGINALLY PERMITTED. MOTION CARRIED UNANIMOUSLY.

Mr. Fikse commented that he wanted more research on the brightness issue before making a motion on whether to have a two-standard system (nits and foot-candles) vs. one-standard system (nits OR foot-candles). **Commissioners agreed to table this item until the August meeting.**

MOTION: MS. PETERSON MOVED, MR. FIKSE SECONDED A MOTION TO REMOVE THE MAXIMUM DURATION OF 5 SECONDS, MOTION CARRIED UNANIMOUSLY.

Aaron Syring owner of Island Drug asked the Planning Commission to change the duration restriction for static images to 2 seconds instead of 10 seconds. **Planning Commission agreed to table this issue until the August 27th meeting.**

Planning Commission also agreed to table the hours of operation restriction when EMC's are within 300 feet of residentially zoned property until the August 27th meeting.

ACTION: MR. FREEMAN MOVED, MR. FIKSE SECONDED A MOTION TO CONTINUE THE PUBLIC HEARING TO THE PLANNING COMMISSION'S AUGUST 27, 2013 BUSINESS MEETING, MOTION CARRIED.

BED & BREAKFAST CODE – Public Meeting

Planning Commission continued its discussion of the draft bed and breakfast code allowing for bed and breakfast establishments within specific residential zones. **No Action**

ECONOMIC DEVELOPMENT STRATEGY – Public Meeting

Economic development staff will brief the planning commission on the "Economic Development Strategy" which will direct the City's economic development efforts for the next 3-5 years. Staff is requesting Planning Commission feedback on the strategy. -- Economic Development Committee is still reviewing the strategy. **No Action**

2016 COMPREHENSIVE PLAN UPDATE – Public Meeting

Staff will update the Planning Commission on the continuing work and effort with the 2016 Comprehensive Plan Update. An update will also be provided on staff's coordination with Island County and the work that's related to the County Wide Planning Policies.-- No items were ripe for discussion and staff is still reviewing the checklist. **No Action**

AUGUST

August 27, 2013

DIGITAL SIGNS CODE UPDATE – Public Hearing

This item is a continuation of the public hearing that was opened in April. Staff facilitated continued discussion on brightness, duration, and hours of operation of these signs, among other topics. Planning Commission will accept public comments and is expected to close the hearing.

In order to give staff more time to address public and Planning Commission input from the previous meeting, Mr. Powers asked Planning Commission to continue this item to the Planning Commission's regular business meeting on September 24, 2013.

ACTION: MR. FREEMAN MOVED, MR. FIKSE SECONDED A MOTION TO CONTINUE THE PUBLIC HEARING FOR THE DIGITAL SIGNS CODE UPDATE TO SEPTEMBER 24, 2013. MOTION CARRIED.

BINDING SITE PLAN CODE AMENDMENT – Public Meeting

Staff briefed the Planning Commission on the status of proposed amendments to the City's binding site plan code (OHMC Chapter 21.80). The Planning Commission has already made a recommendation on this matter to the City Council. **No action.**

BED & BREAKFAST CODE – Public Hearing

Planning Commission continued its discussion of the draft bed and breakfast code allowing for bed and breakfast establishments within specific residential and commercial zones. Planning Commission opened the public hearing, accept public comments, and close the public hearing and made a recommendation to the City Council.

ACTION: MS. PETERSON MOVED, MR. FREEMAN SECONDED A MOTION TO RECOMMEND THAT CITY COUNCIL APPROVE THE BED AND BREAKFAST CODE AS PRESENTED. MOTION CARRIED.

ECONOMIC DEVELOPMENT STRATEGY – Public Meeting

Economic development staff briefed the Planning Commission on the "Economic Development Strategy" which will direct the City's economic development efforts for the next 3-5 years. Staff is requesting Planning Commission feedback on the strategy. – There was concerned about the feasibility of a dock an amphitheater and having to hiring someone to do additional studies. **No Action**

2016 COMPREHENSIVE PLAN UPDATE – Public Meeting

Staff will update the Planning Commission on the continuing work and effort with the 2016 Comprehensive Plan Update. An update will also be provided on staff's coordination with Island County and the work that's related to the County Wide Planning Policies. -- Staff is still assessing the scope. **No Action**

SEPTEMBER

September 24, 2013

DIGITAL SIGNS CODE UPDATE – Public Hearing

This item is a continuation of the public hearing that was opened in April. Staff facilitated continued discussion on brightness, duration, and hours of operation of these signs, among other topics. Planning Commission will accept public comments and closed the hearing.

MOTION: MS. PETERSON MOVED, MR. FIKSE SECONDED RECOMMENDING OPTION A FOR REGULATING BRIGHTNESS TO THE CITY COUNCIL.

VOTE ON:

THE MOTION: MOTION CARRIED BY A VOTE OF FOUR IN FAVOR AND ONE OPPOSED TO RECOMMENDING OPTION A TO THE CITY COUNCIL.

ACTION: MS. PETERSON MOVED, MS. JENSEN SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL ADOPT THE DRAFT ELECTRONIC MESSAGE CENTER SIGN CODE. MOTION CARRIED BY A VOTE OF FOUR IN FAVOR AND ONE OPPOSED.

AMENDMENTS TO OHMC 5.22 - NIGHTCLUBS – Public Hearing

The Planning Commission conducted a public hearing on amendments to OHMC Chapter 5.22 regarding Nightclubs. The Planning Commission recommended approval of the amendments to the City Council.

ACTION: MR. FREEMAN MOVED, MS. PETERSON SECONDED A MOTION TO MAKE A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE THE AMENDMENTS TO THE NIGHTCLUB ORDINANCE. MOTION CARRIED.

ECONOMIC DEVELOPMENT STRATEGY – Public Hearing

Economic development staff facilitated continued discussions of the “Economic Development Strategy and Action Plan” which will direct the City’s economic development efforts for the next 3-5 years. Planning Commission opened a public hearing, accept public comments, close the public hearing and forward the following recommendations to the City Council:

MOTION: MR. FREEMAN MOVED, MS. JENSEN SECONDED A MOTION TO MAKE A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE THE ECONOMIC DEVELOPMENT STRATEGY.

AMENDEND MOTION: MR. FREEMAN MOVED, MS. JENSEN SECONDED A MOTION TO MAKE A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE THE ECONOMIC DEVELOPMENT STRATEGY AND TO ALLOW STAFF TO REVISE THE PURPOSE, BACKGROUND AND CONCLUSIONS SECTIONS. MOTION CARRIED.

MOTION: MS. JENSEN MOVED, MS. PETERSON SECONDED A MOTION TO RECOMMEND THAT THE ECONOMIC DEVELOPMENT COMMITTEE CONTINUE SERVING DURING THE IMPLEMENTATION OF THE ECONOMIC DEVELOPMENT STRATEGY. MOTION CARRIED.

2016 COMPREHENSIVE PLAN UPDATE – Public Meeting

Staff updated the Planning Commission on the continuing work and effort with the 2016 Comprehensive Plan Update. An update was also provided on staff’s coordination with Island County and the work that’s related to the County Wide Planning Policies. **No Action**

OCTOBER

October 22, 2013

MARIJUANA RELATED USES – CODE AMENDMENT PROJECT – Public Meeting

Staff briefed the Planning Commission on the need to revise the Municipal Code in response to State law changes pertaining to marijuana related uses. Preliminary research was also presented to the Commission. **No Action**

2016 COMPREHENSIVE PLAN UPDATE – Public Meeting

Staff updated the Planning Commission on the continuing work and effort with the 2016 Comprehensive Plan Update. Staff presented the scope of work that is required to update the City’s development regulations. Staff also shared a draft public participation plan for the 2016 update. **No Action**

NOVEMBER

November 26, 2013

MARIJUANA RELATED USES – CODE AMENDMENT PROJECT – Public Hearing

Staff introduced the first draft code the Planning Commission in response to State law changes pertaining to marijuana related uses. Planning Commission opened the public hearing and continued the public hearing to the December 10, 2013 business meeting.

TRANSPORTATION IMPROVEMENT PLAN (TIP) AMENDMENT – Public Hearing

An amendment was proposed to the TIP to include improvements to the waterfront trail. The Waterfront Trail in Oak Harbor is listed in several of the City's plans, such as the Transportation Plan, Parks, Recreation and Open Space Plan, for improvements. Listing the waterfront trail in the TIP allows the City to apply, qualify, and compete for grant money.

ACTION: MR. FIKSE MOVED, MR. WASINGER SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL ADOPT THE SIX YEAR TRANSPORTATION PROGRAM AMENDMENT AS PRESENTED. MOTION CARRIED.

2013 COMPREHENSIVE PLAN AMENDMENTS – Public Hearing

The Planning Commission considered amending the Comprehensive Plan to include the Shoreline Master Program. The Shoreline Master Program was part of the 2013 Comprehensive Plan docket. The 2013 Comprehensive Plan docket also included work on the 2016 Comprehensive Plan update, Land Use change to 1000 SE City Beach Street and a continuing study on scenic views, all of which will be continued into the 2014 Comprehensive Plan docket.

ACTION: MR. WASINGER MOVED, MR. FIKSE SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL CONTINUE THE 2016 COMPREHENSIVE PLAN UPDATE, LAND USE CHANGE FOR 1000 SE CITY BEACH STREET AND THE SCENIC VIEW STUDY AND INCLUDE THEM IN THE PRELIMINAR DOCKET FOR THE 2014 COMPREHENSIVE PLAN AMENDMENTS. MOTION CARRIED.

2014 COMPREHENSIVE PLAN AMENDMENTS – Public Meeting

The 2014 Comprehensive Plan Amendments will include the continuing work on the 2016 Comprehensive Plan update. The Planning Commission reviewed the scope of the updates and a public participation plan in 2013. The scope of the 2016 update includes several items that will need to be considered in 2014 and 2015. Land use changes and ongoing studies from 2013 will also be continued into 2014. The deadline for private application for land use changes is December 2, 2013. Any applications received will be considered during the 2014 Comprehensive Plan preliminary docket review process. **No Action**

DECEMBER

December 10, 2013

MARIJUANA RELATED USES – CODE AMENDMENT PROJECT – Public Hearing

The public hearing on the draft code, establishing appropriate zoning and standards for marijuana related uses, was continued from the November 26, 2013 meeting. After accepting additional public testimony at this meeting the Planning Commission continued the public hearing to January 28, 2014.

DRAFT PRELIMINARY DOCKET FOR 2014 COMPREHENSIVE PLAN AMENDMENTS – Public Meeting

The Planning Commission reviewed the draft Preliminary Docket for the 2014 Comprehensive Plan Amendments which includes the continuing work on the 2016 Comprehensive Plan update, land use changes and ongoing studies from 2013 will also be continued into 2014. **No Action.**