



WORKSHOP MEETING NOTICE OAK HARBOR CITY COUNCIL

NOTICE IS HEREBY GIVEN that the Oak Harbor City Council will hold a Workshop Meeting on:

Date: Wednesday, May 25, 2016

Time: 3:00 p.m. – 5:00 p.m.

Location: City Hall Council Chambers, 865 SE Barrington Drive, Oak Harbor, WA 98277

Note that no action will be taken.

AGENDA

1. Departmental Briefings

- a. Discussion regarding the Whidbey Island Marathon
- b. Windjammer Park Integration Plan - Presentation of Preferred Concept

2. Pending Agenda Items

- a. Comprehensive Plan Update - 2016 Major Update
- b. 2015 International Building and Fire Code Updates

3. Emerging Issues

- a. Vactor Replacement – PW

Anna M. Thompson
City Clerk
Posted on May 20, 2016

POSTED: City Hall Bulletin Boards
www.oakharbor.org

EMAILED: editor@whidbeynewsgroup.com
news@skagitpublishing.com
media@whidbey.net

Mayor Bob Severns
Oak Harbor City Council
Directors

REMOVE: After May 25, 2016

The City Council may meet informally in workshop sessions (open to the public) to do concentrated strategic planning, review forthcoming programs of the City, receive progress reports on current programs or projects, or receive other similar information from the City Administrator, provided that all discussions and conclusions thereon shall be informal. Council shall make no disposition of any item at a workshop meeting. Public comment is not normally allowed at workshop meetings, although Council may allow, or request participation.

Please contact the City Clerk at 360-279-4539 within 24 hours advance notice for special accommodations.



Workshop Item

Departmental Briefing

Item 1.b Windjammer Park Integration Plan - Presentation of Preferred Concept

Steve Powers, Development Services Director

Attachments

Attachment A: WPIP MEMO

Memo

To: Mayor and City Council
From: Steve Powers, Director
CC: Doug Merriman, City Administrator
Date: 5/25/16
Re: Windjammer Park Integration Plan – Presentation of Preferred Concept

Construction of the Clean Water Facility (CWF) in Windjammer Park presents a unique opportunity; one that allows the community and the City to collaborate on how to integrate the CWF into the Park and to shape its future for years to come. In October 2015, City Council authorized staff to work with a subset of the CWF design team (Greenworks, MWA Architects and Enviroissues) for the purposes of:

1. Developing an approach to integrating the CWF into Windjammer Park so it (the CWF) is an asset to the community's unique waterfront park; and
2. Engaging the community in a master planning process to envision what park elements should be included in the reconstructed park.

An important part of the community engagement process involved the formation of a community advisory group (CAG) that served as a sounding board for ideas as well as a conduit for community feedback. The CAG met five times over the course of five months. Two of those meetings were combined with public open houses. The final meeting of the CAG was held on May 5, 2016. That meeting began with discussing community feedback obtained at an open house and concluded with the CAG reaching a general consensus on a preferred concept for the Windjammer Park Integration Plan.

Staff's presentation at the May 25th workshop will brief the Council on the May 5th CAG meeting and on the components of the preferred alternative.

Thank you.



Workshop Item

Pending Agenda Items

Item 2.a Comprehensive Plan - 2016 Major Update

Steve Powers, Development Services Director

Attachments

Attachment A: Memo

Attachment B: Draft Agenda Bill

**City of Oak Harbor
City Council Workshop Memo**

Date: May 25, 2016
Subject: 2016 Comprehensive Plan
Major Update – Draft

FROM: Cac Kamak, AICP

Senior Planner

2016 Comprehensive Plan

Attached to this memo is a copy of a draft Agenda Bill presenting the 2016 Update to the Comprehensive Plan. The draft Plan is currently being reviewed by the Planning Commission. The Planning Commission has opened a public hearing on the Plan on May 10, 2016 and has continued the hearing to its May 24th meeting. The Planning Commission is expected to close the hearing in May 24th and make a recommendation to the City Council.

A preview of the draft will be presented to the City Council at the May 25th workshop. A hearing in front of the City Council is scheduled for the June 7th meeting. The City Council is requested to open and continue the hearing to its June 15th special meeting. The City Council will be requested to close the hearing on June 15th and take action adopting the 2016 Update to the Comprehensive Plan.

The draft of the Comprehensive Plan is not attached to this memo since it is a large document. However, a link to the document is provided below. If any Council member prefers to have a hard copy of the Comprehensive Plan, please let me know.

http://www.oakharbor.org/get_document.cfm?document=5050

City of Oak Harbor City Council Agenda Bill

Bill No. _____

Date: June 7, 2016

Subject: Comprehensive Plan – 2016
Major Update

FROM: Steve Powers, Development Services Director

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

_____ Bob Severns, Mayor
_____ Doug Merriman, City Administrator
_____ Patricia Soule, Finance Director
_____ Nikki Esparza, City Attorney

NOTE: This agenda bill is a work in progress and is provided for general background information on this project.

PURPOSE

The purpose of this agenda bill is to present the 2016 Update to Oak Harbor’s Comprehensive Plan (the Plan) and associated development regulation amendments. This is a requirement of RCW 36.70A.130(4).

RECOMMENDED ACTION

The City Council is requested to open a public hearing on the 2016 Comprehensive Plan Update at its June 7, 2016 meeting, take testimony, and continue the hearing to the June 15, 2016 special meeting. It is anticipated the City Council will close the hearing on June 15, 2016 and take action to adopt the Comprehensive Plan and associated development regulations.

BACKGROUND / SUMMARY INFORMATION

Oak Harbor adopted its first Growth Management Act (GMA) required comprehensive plan in 1995. Since the original adoption, the Plan has mostly seen minor amendments within the annual amendment process. The exception was the major update completed in 2005. The GMA requires that cities and counties review, and if needed, revise the Comprehensive Plan to ensure that the plan and regulations comply with the latest requirements (RCW 36.70A.130(4)), and the GMA lays out a schedule for each county and the cities within each county to do so. The schedule for Island County and the cities within requires adoption by June 30, 2016.

Oak Harbor began the update process for its Comprehensive Plan back in 2013. The process began by reviewing the current Plan against a checklist prepared by the Washington State Department of Commerce. The checklist identified areas within the Plan that need to be updated. This information was presented to the Planning Commission in a report (Attachment A).

City of Oak Harbor City Council Agenda Bill

Subsequently a Public Participation Plan (Attachment B) was adopted in 2014. The Public Participation Plan identified the Planning Commission as the lead body to review the update since the Commission meetings are at a predictable time, they entertain public input, and are recorded for re-broadcasting twice a week for four weeks.

One of the initial steps that the Planning Commission and the City Council took in the update process was to review the existing Vision statement in the Comprehensive Plan. It was decided that the Vision should be slightly modified to reflect current sentiment, but most of the original ideas should remain. Therefore the Vision was slightly modified to provide more clarity and structured to address four major themes – Culture, Education, Economy and Recreation. The Vision was also disseminated to the public via a survey that provided an opportunity for input.

Prior to tackling individual elements in the Comprehensive Plan, the Planning Commission and the City Council reviewed the demographics of Oak Harbor to get a better understanding of its residents, housing and economy. The City also cooperatively worked with Island County in determining the 20-year population projection, which is the basis for determining whether adequate land and services are available for the next 20 years. The population projection, which helps establish planning consistency between the City and County, was adopted by the City Council in Resolution 13-17 (Attachment C) in 2013.

There are 12 elements in Oak Harbor's Comprehensive Plan. Not all elements of the Plan are required by the Growth Management Act. The City has chosen to include non-mandatory elements, such as Urban Design, Community Coordination, etc., since these elements are important to fulfilling its Vision. Due to the extensive nature of the update and limited resources, the Planning Commission and the City Council chose to update only elements that required changes to be GMA compliant. The City can choose to update elements of the Plan that were not updated in this cycle at any time as part of the annual amendment process. A short description of the elements that were updated with the 2016 Update is provided below.

Land Use Element

The Land Use Element is the workhorse of the Comprehensive Plan and sets the foundation for most other elements. The 2016 Update introduces a shift from the one-to-one land use category to zoning district ratio, to a more generalized land use schedule where one land use category is implemented by multiple zoning districts. The generalized land use approach allows a more efficient and flexible approach to land use changes by allowing rezoning of property to occur in many instances without first requiring a land use map amendment. The 2016 Update also introduces the concept of identifying and utilizing defined neighborhoods as part of the planning process. The neighborhood concept has a potential to grow as a tool in the future when diverse policies are needed to tackle various issues within

City of Oak Harbor City Council Agenda Bill

the city. The goals and policies within the Land Use Element have been re-organized to form five distinct and simple goals. Most of the content from the existing 20 goals have been transferred to policies within these five goals. Policies that are invalid or irrelevant have been removed. Policy statements have also been re-written to an active tense where applicable.

Housing Element

New demographic information from the US Census and Washington State was incorporated into the Plan along with housing density, availability and affordability information. While there were no major shifts in housing policies, the policies were updated to reflect an active tense.

Utilities Element

This element received minor updates. No major shifts in policy were considered with this update.

Transportation Element

The City is updating its Transportation Plan, concurrent with the 2016 Update process. The new Plan was used to update this element. The new language has five simple goals, each with clear policies. The major projects to be undertaken in the next six years are also identified.

Urban Growth Areas

Although this is not a GMA required element, the City has chosen to include this in the Comprehensive Plan to facilitate coordination with Island County. The City and the County worked cooperatively to update the Countywide Planning Policies (CWPP), which were adopted in 2015. This element was updated to reflect the adopted CWPP.

Environmental Element

The update to this element can be considered minor since there were no significant shifts in policy. Language within this element was refined for clarity. The information within the element was slightly reorganized to remove extensive language discussing policies and clearly state policy directions.

Government Services Element

This element has not been updated since its original adoption, therefore a significant amount of information within this element was outdated. The 2016 Update has no significant changes in policy, but statistics and other data-related information was updated.

Community Coordination Element

This element (which describes the City and Navy coordination) is not a required element, but is included in the Comprehensive Plan by community choice. Minor updates to this element have occurred.

Development Regulations (zoning)

City of Oak Harbor City Council Agenda Bill

The change in the Land Use Element to a generalized land use planning methodology triggers changes to the development regulations in OHMC 19.12.010 that designate the implementing zoning district for each land use. A revised version of this code section (Attachment D) must be adopted with the Update in order to maintain consistency between the Comprehensive Plan and the Development Regulations (a requirement of State law).

Also part of this packet, is Resolution No. 16-18 (Attachment G). This Resolution proposes an extension of time to thoroughly review and update the City's Critical Areas Ordinance. Under RCW 36.70A.130(7) additional time is permitted if substantial progress on the update is demonstrated. Approval of the Ordinance within twelve months establishes substantial progress. Resolution No. 16-18 includes a work plan which serves to meet this requirement.

2017-2022 Capital Improvements Plan (CIP)

The Growth Management Act requires each community to have a capital facilities element to its comprehensive plan. The specific requirements for this element are found at RCW 36.70A.070(3). To be GMA compliant the capital facilities element must identify the infrastructure and other capital projects necessary to support the community's growth, when the projects are required and how they will be funded. The capital facilities element covers two different planning horizons.

The term capital facilities plan (CFP) is typically used to refer to the twenty year planning horizon while the term capital improvements plan (CIP) is typically used to refer to the six year planning horizon. An important distinction between the two plans is that funding sources must be identified for the CIP while they are not required for the CFP. The draft 2017-2022 Capital Improvements Plan meets the requirements for both the six and 20 year planning horizons.

For the purposes of Oak Harbor's CIP a capital facility is defined as any new public facility or public improvement of the City costing \$50,000 or more, (including financing, design, permitting, environmental analysis, land acquisition and construction costs) requiring the expenditure of public funds over and above annual operational expenses and having a life expectancy of more than twenty (20) years.

The CIP includes projects for the following types of facilities: streets, parks, wastewater, water, stormwater, general government, and the marina. The projects identified in the CIP typically were first identified in the individual facility's comprehensive plan (e.g. the Sewer Comprehensive Plan determines the needed sewer projects). For this CIP, the newly completed Windjammer Park Integration Plan provided projects for inclusion with the park projects. The timing and sequencing of necessary projects are also determined by the facility's comprehensive plan. Some facilities such as water, sewer, stormwater and marina are funded by enterprise funds (those that have user fees). Other facilities such

City of Oak Harbor City Council Agenda Bill

as streets, parks and general government are non-enterprise funds (those that rely on general tax or unrestricted revenues).

Since the CIP is part of the Comprehensive Plan, revising it is also an amendment to that document. In order for an amendment to be approved, the criteria found at Oak Harbor Municipal Code Section 18.15.080 must be satisfied. Staff's analysis of the draft CIP against those criteria was presented to the Planning Commission on May 24, 2016.

FISCAL IMPACT

The adoption of the 2016 Update to the Comprehensive Plan does not in itself create a fiscal impact. However, implementation of the Plan over time will require fiscal expenditure. For example, the Transportation Element identifies projects to be accomplished in the next six years. The adoption of the 2016 Update does not authorize the expenditure of funds to undertake these projects. Each project will be reviewed individually prior to implementation.

PROCESS

The 2016 Update, as mentioned earlier, began back in 2013. The Planning Commission's public meetings were used as the main forum to discuss the many issues related to the Comprehensive Plan. Joint workshops of the Planning Commission and the City Council were also used to discuss the more complex shifts in policy such as the land use planning methodology. Since the Planning Commission meetings are public meetings, opportunities for early and continuous public input was provided throughout the update process. The update process also included a community wide survey on the vision statement.

The SEPA checklist for the update was submitted on March 29, 2016. A SEPA determination of non-significance was issued on April 15, 2016. The appeal period for the Determination ended on May 6, 2015.

The Planning Commission held a hearing on May 10, 2016 and continued it to the May 24, 2016 meeting. The Planning Commission is expected to close the public hearing on May 24th and make a recommendation to the City Council.

The City Council will open a public hearing on the 2016 Update at their June 7th meeting and continue it to the June 15th special meeting. The City Council is expected to close the hearing on June 15th and take action (Attachment H).

ATTACHMENTS

Attachment A – October 9, 2013 Planning Commission memo on checklist review

Attachment B – Public Participation Plan

Attachment C – Resolution approving 20 year projected Island County population

City of Oak Harbor City Council Agenda Bill

Attachment D – OHMC 19.12.010 Establishment and designation of use district

Attachment E – Comprehensive Plan – 2016 Update – WEB LINK
http://www.oakharbor.org/get_document.cfm?document=5050

Attachment F – 2017 – 2022 CIP – WEB LINK
http://www.oakharbor.org/get_document.cfm?document=5052

Attachment G – Resolution No.16-18 approving an extension of time for Critical Area Ordinance approval (Attachment G will be provided at the meeting)

Attachment H – Ordinance No. 1768

DRAFT

CITY OF OAK HARBOR

TO: PLANNING COMMISSION
FROM: CAC KAMAK, SENIOR PLANNER
SUBJECT: 2016 COMPREHENSIVE PLAN UPDATE – COUNTY/CITY
DATE: 10/9/2013
CC: STEVE POWERS, DEVELOPMENT SERVICES DIRECTOR

2016 Comprehensive Plan Update – Checklist

The Department of Commerce has provided a checklist that cities can use to determine if their current comprehensive plan meets the requirements of the Growth Management Act (GMA) and other legislation that have been adopted in recent years. City staff has reviewed Oak Harbor’s Comprehensive Plan against this checklist. The checklist is attached to this memo and includes comments related to the requirements.

The checklist provided by the State is formatted with four columns. Column one lists the requirements that the plan must meet. Column two indicates whether the current plan meets that requirement. Column three indicates whether an update is required or whether further research is required to determine that. Check marks have been placed to indicate whether requirements are met or need to be addressed. The last column has notes by staff indicating locations of existing goals and policies that help meet the requirement and other comments if an update is necessary to meet the requirement.

A summary of the potential updates that need to be done for each of the elements is provided below.

Land Use Element

- Update the Future Land Use map to reflect the approved UGA boundaries. These will reflect the County’s decision on the 2005 UGA expansions. The City’s work with the County may lead to other potential amendments if deemed necessary for the 2016 update.
- Demographics and population statistics need to be updated. The population projection must be consistent throughout the Plan, so other elements such as Housing may need to be updated to reflect the most recent projections.

- Population densities and building intensities – acreage of each land use designation, the acreage in each implementing zone, the approximate densities that are assumed, and how it meets the twenty year population projection
- Research on the latest Best Available Science (BAS) needs to be done to determine if the current regulations on critical areas need to be updated.

Housing Element

- Update the statistics on housing that includes an inventory and analysis of existing and projected housing needs for the 20 year population projection.
- Identify sufficient land for housing – government assisted housing, housing for low income families, manufactured housing, group homes, and foster care facilities. – Inclusion in the zoning districts
- Adequate provisions for existing and projected housing needs for all economic segments –
- Policy regarding regulations of manufactured homes may need to be revised

Capital Facilities Plan Element

- Projects need to be identified for impact fees allocation. This can be done by identifying projects that are growth and non-growth related.

Transportation Element

- The Transportation Plan was adopted in 2007 and was intended to be a six year plan to identify improvements. However, it was also a long term plan with forecasts to 2035. The Plan needs to be updated. The Transportation Plan, in goals and policies, meets most requirements needed for the update, however, LOS analysis, financing plan, etc need to be updated.
- Since land use and transportation are closely linked, an update to the transportation plan could consider various land use scenarios and assessments in the long term planning for improvements and level of service.

Consistency

- Consistency is a primary goal for the County Wide Planning Policies (CWPP). The city is working with the county to maintain consistency in policies that impact both jurisdictions.

It can be generally noted from the extensive list of requirements that are in the attached checklist provided by the State that the current plan addresses most of the requirements and may not need to be amended. However, the amendments that do need to be done are fairly significant.

The attached checklist covers only the updates that are required for the Comprehensive Plan. Staff is currently reviewing the Development Regulations that need to be updated. Information on that will be provided at the next meeting.



Periodic Update Checklist for Cities – Updated June 2013

Covers laws through 2012

This checklist is intended to help cities that are fully planning under the Growth Management Act (GMA) to conduct the “periodic review and update” of comprehensive plans and development regulations required by [RCW 36.70A.130\(4\)](#). Cities can use the checklist to identify components of their comprehensive plan and development regulations that may need to be updated to reflect the latest local conditions or to comply with changes to the GMA since their last update.

This checklist includes components of the comprehensive plan and development regulations that are specifically required by the GMA. **Statutory requirements adopted since 2003 are emphasized in highlighted text** to help identify new components of the GMA that may not have been addressed in annual updates or other amendments outside of the required periodic update process. Cities within the Puget Sound Regional Council boundaries may want to use this checklist in tandem with [PSRC checklists](#). A separate checklist is available for counties. Expanded checklists (one for [Comprehensive Plans](#), one for [Development Regulations](#)) are also available, which include a more comprehensive list of related good ideas and things to consider.

How to fill out the checklist

With the most recent version of your comprehensive plan and development regulations in hand, fill out each item in the checklist. Select the check box or type in the fields, answering the following questions:

Is this item addressed in your current plan or regulations? If YES, fill in the form with citation(s) to where in the plan or code the item is addressed. We recommend using citations rather than page numbers because they stay the same regardless of how the document is printed. If you have questions about the requirement, follow the hyperlinks to the relevant statutory provision or rules. If you still have questions, visit the [Commerce web page](#) or [contact a Commerce planner](#) assigned to your region.

Is amendment needed to meet current statute? Check YES to indicate a change to your plan or regulations will be needed. Check NO to indicate that the GMA requirement has already been met. Local updates may not be needed if the statute hasn’t changed since your previous update, if your city has kept current with required inventories, or if there haven’t been many changes in local circumstances. Check “Further Review Needed” if you are unsure whether the requirement has already been met or if the city is considering a review, but hasn’t yet decided.

Is your city considering optional amendments? Use this field to note areas where your city may elect to work on or amend sections of your plan or development regulations that are not required by the GMA.

How to use the completed checklist

Commerce strongly encourages you to use the completed checklist to develop a [detailed work plan](#) (see Appendix B) for your periodic update. The checklist can be used to inform the contents of a city council resolution that defines what actions will be taken as part of the GMA periodic update.

	Addressed in current plan or regs? If yes, where?	Changes needed to meet current statute?	Is city considering optional amend-ments?
--	---	---	---

I. Required Comprehensive Plan Elements and Components

1. A Land Use Element that is consistent with countywide planning policies (CWPPs) and RCW 36.70A.070(1) .			
a. A future land use map showing city limits and urban growth area (UGA) boundaries. RCW 36.70A.070(1) and RCW 36.70A.110(6) WAC 365-196-400(2)(d) , WAC 365-196-405(2)(i)(ii)	<input type="checkbox"/> No <input type="checkbox"/> ✓Yes Location(s)	<input type="checkbox"/> Yes <input type="checkbox"/> ✓No <input type="checkbox"/> Further review needed	Oak Harbors' Comprehensive Plan has a future land use map. Changes may need to be done to remove areas that were not approved as part of the 2005 update. There may also be amendments based on the 2016 update.
b. Consideration of urban planning approaches that increase physical activity. RCW 36.70A.070(1) , Amended in 2005 WAC 365-196-405 (2)(j)	<input type="checkbox"/> No <input type="checkbox"/> ✓Yes Location(s)	<input type="checkbox"/> Yes <input type="checkbox"/> ✓No <input type="checkbox"/> Further review needed	The Comprehensive Plan has several goals and policies that encourage physical activity. Urban Planning approaches are: <ul style="list-style-type: none"> • Design for people • Interconnected Streets • Infill Development • Mixed Use centers • Create a network • Amenities for pedestrians • Safe routes These approaches are addressed in various sections of the Plan. LU Goal 6, LU Goal 16 e, UD Goal 4, TE Goal 2, TE Goal 3, TE Goal 4
c. A consistent population projection throughout the plan which should be consistent with the Office of Financial Management forecast for the county or the county's sub-county allocation of that forecast. RCW 43.62.035 , WAC 365-196-405(f)	<input type="checkbox"/> No <input type="checkbox"/> ✓Yes Location(s)	<input type="checkbox"/> ✓Yes <input type="checkbox"/> No <input type="checkbox"/> Further review needed	The 2005 Comprehensive Plan Update adopted a 20 year projection of 30,419 (Pg 75). This population will need to be updated for 2036. The population projection impacts the Land Use and the Housing elements in the current plan.
d. Estimates of population densities and building intensities based on future land uses. RCW 36.70A.070(1) ; WAC 365-196-405(2)(i)	<input type="checkbox"/> ✓No <input type="checkbox"/> Yes Location(s)	<input type="checkbox"/> ✓Yes <input type="checkbox"/> No <input type="checkbox"/> Further review needed	The Comp Plan currently has housing densities (Pg 74) but does not have population densities. However, all housing related statistics need to be updated. Population density for land uses need to be done by comparing census tracts and land uses using GIS. Building intensities calculations will also need to be done and require spatial analysis tools such as GIS. Building intensities for future land uses are determined by a land capacity analysis. These will have to be done for the City and

	Addressed in current plan or regs? If yes, where?	Changes needed to meet current statute?	Is city considering optional amend-ments?
			the UGA.
e. Provisions for protection of the quality and quantity of groundwater used for public water supplies. RCW 36.70A.070(1)	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Further review needed	Goal 13 of the Environmental Element addresses the protection of Critical Aquifer Recharge areas. Pg 139.
f. Identification of lands useful for public purposes such as utility corridors, transportation corridors, landfills, sewage treatment facilities, stormwater management facilities, recreation, schools, and other public uses. RCW 36.70A.150 and WAC 365-196-340	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Further review needed	The Comprehensive Wastewater Plan, incorporated by reference, identifies the need for a new treatment facility. There are other facilities identified in the transportation, parks and recreation element.
g. Identification of open space corridors within and between urban growth areas , including lands useful for recreation, wildlife habitat, trails, and connection of critical areas. RCW 36.70A.160 and WAC 365-196-335	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Further review needed	The PRO Element includes a greenbelt and trail system around the City connecting drainage ways, wetlands, natural features, state parks etc.
h. <i>If there is an airport within or adjacent to the city: policies, land use designations (and zoning) to discourage the siting of incompatible uses adjacent to general aviation airports.</i> [RCW 36.70A.510, RCW 36.70.547 , New in 1996] <i>Note: The plan (and associated regulations) must be filed with the Aviation Division of WSDOT. WAC 365-196-455</i>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Further review needed	This requirement does not apply to Oak Harbor since it is in related to “general” aviation as opposed to military. However, there are land use policies to discourage incompatible land uses and codes for noise abatement construction techniques. LU 9
i. <i>If there is a Military Base within or adjacent to the jurisdiction employing 100 or more personnel: policies, land use designations, (and consistent zoning) to discourage the siting of incompatible uses adjacent to military bases.</i> RCW 36.70A.530(3) , New in 2004. See WAC 365-196-475	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Further review needed	An entire section is dedicated to NAS Whidbey (Pg 176) to address policies related to the base in Oak Harbor.
j. Where applicable, a review of drainage, flooding, and stormwater run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state. RCW 36.70A.70(1) and WAC 365-196-405(2)(c) <i>Note: RCW 90.56.010(26) defines waters of the state.</i>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Further review needed	The City’s Comprehensive Stormwater Drainage Plan is adopted by reference in the Comprehensive Plan. The Stormwater plan reviews the drainage and flooding. The Environmental Element of the Comprehensive Plan has goals to address the water quality. EE Goal 3 pg 130. The City also has a NPDES permit that regulates the discharge of pollutants into waters of the United States.
k. Policies to designate and protect critical areas including wetlands, fish and wildlife habitat protection areas, frequently flooded areas, critical aquifer recharge areas, and geologically hazardous areas. In developing these policies, the city must have included the best available science (BAS) to protect the functions and values of critical	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Further review needed	Environmental Element has Goal 7 (Pg 135) that addresses “Best Available Science”. BAS was used in the 2005 update to the critical areas. Staff is still researching to

	Addressed in current plan or regs? If yes, where?	Changes needed to meet current statute?	Is city considering optional amend-ments?
areas, and give “special consideration” to conservation or protection measures necessary to preserve or enhance anadromous fisheries. RCW 36.70A.030(5) , RCW 36.70A.172 , BAS added in 1995. See WAC 365-195-900 through -925 , WAC 365-190-080 <i>Note:</i> A voluntary stewardship program was created in 2011 as an alternative for protecting critical areas in areas used for agricultural activities. Counties had the opportunity to opt into this voluntary program before January 22, 2012. See requirements of the voluntary stewardship program . RCW 36.70A.700 through .904 .			determine if there is an update to the BAS from the state that may require changes to the current regulations
1. <i>If forest or agricultural lands of long-term commercial significance are designated inside city: a program authorizing Transfer (or Purchase) of Development Rights.</i> RCW 36.70A.060(4) , Amended in 2005	<input type="checkbox"/> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No <input type="checkbox"/> Further review needed	Not Applicable since there are no lands designated for forest or agricultural uses.
2. A Housing Element to ensure the vitality and character of established residential neighborhoods and is consistent with relevant CWPPs, and RCW 36.70A.070(2) .			
a. Goals, policies, and objectives for the preservation, improvement, and development of housing. RCW 36.70A.070(2)(b) and WAC 365-196-410(2)(a)	<input type="checkbox"/> No <input type="checkbox"/> <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No <input type="checkbox"/> Further review needed	Goal 4 (Pg 80) in the housing element.
b. An inventory and analysis of existing and projected housing needs over the planning period. RCW 36.70A.070(2)(a) and WAC 365-196-410(2)(b) and (c)	<input type="checkbox"/> No <input type="checkbox"/> <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Further review needed	There are statistics in the Housing Element but they need to be updated. Housing needs will have to be recalculated based on 20 year projections and growth allocations,
c. Identification of sufficient land for housing , including but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, group homes, and foster care facilities. RCW 36.70A.070(2)(c)	<input type="checkbox"/> No <input type="checkbox"/> <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Further review needed	Pg 75 indicates that 170 acres were added to the UGA. Existing analysis will need to be reviewed and updated. Existing language does not identify lands for gov-assisted housing, low-income families, group homes etc.
d. Adequate provisions for existing and projected housing needs for all economic segments of the community. RCW 36.70A.070(2)(d) and WAC 365-196-410	<input type="checkbox"/> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Location(s)	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> <input checked="" type="checkbox"/> Further review needed	WAC 365-196-410 lists a lot of requirements that are not specifically addressed in the City's Housing Element
e. <i>If enacting or expanding an affordable housing program under RCW 36.70A.540: identification of land use designations within a geographic area where increased residential development will assist in achieving local growth management and housing policies.</i> RCW 36.70A.540 , New in 2006. WAC 365-196-870	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No <input type="checkbox"/> Further review needed	Since the city does not have an affordable housing program this is not applicable.
f. Policies so that manufactured housing is not regulated differently than site built housing. RCW 35.21.684 , 35.63.160 , 35A.21.312 , and 36.01.225 , Amended in 2004	<input type="checkbox"/> No <input type="checkbox"/> <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Further review	Existing policy in the HE 1i may need to be revised.

	Addressed in current plan or regs? If yes, where?	Changes needed to meet current statute?	Is city considering optional amend-ments?	
		needed		
g.	<i>If the city has a population of over 20,000: provisions for accessory dwelling units (ADUs) to be allowed in single-family residential areas. RCW 36.70A.400, RCW 43.63A.215(3)</i>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Further review needed	HE Goal 1n addresses ADUs.
3. A Capital Facilities Plan (CFP) Element to serve as a check on the practicality of achieving other elements of the plan, covering all capital facilities planned, provided, and paid for by public entities including local government and special districts, etc.; including water systems, sanitary sewer systems, storm water facilities, schools, parks and recreational facilities, police and fire protection facilities. Capital expenditures from Park and Recreation elements, if separate, should be included in the CFP Element. The CFP Element must be consistent with CWPPs, and RCW 36.70A.070(3) , and include:				
a.	Policies or procedures to ensure capital budget decisions are in conformity with the comprehensive plan. RCW 36.70A.120	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Further review needed	The CFP elements goals 1 and 2 have adequate policies and procedures.
b.	An inventory of existing capital facilities owned by public entities. RCW 36.70A.070(3)(a) and WAC 365-196-415(2)(a)	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Further review needed	The Capital Improvements Plan (CIP) has a inventory of the Capital Facilities (Pg 13-19) owned by public entities.
c.	A forecast of needed capital facilities. RCW 36.70A.070(3)(b) and WAC 365-196-415 (b) <i>Note: The forecast of future need should be based on projected population and adopted levels of service (LOS) over the planning period.</i>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s) Adopted LOS: Future needs:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Further review needed	The CIP has a forecast of needed capital facilities. The population projections have to be updated with this review process. A review of needs based on the new projection will also need to be done.
d.	Proposed locations and capacities of expanded or new capital facilities. RCW 36.70A.070(3)(c) and WAC 365-196-415 (3)(C)	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Further review needed	The CIP has a list of new capital facilities for the various enterprise funds and a list of non-enterprise funded.
e.	A six-year plan (at least) identifying sources of public money to finance planned capital facilities. RCW 36.70A.070(3)(d) and RCW 36.70A.120 WAC 365-196-415	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Further review needed	The CIP identifies sources of public money for a six year period but does not have a direct link to the planned CIP projects for the same six years. This needs to be reviewed and changed with the update.
f.	A policy or procedure to reassess the Land Use Element if probable funding falls short of meeting existing needs. RCW 36.70A.070(3)(e) WAC 365-196-415(2)(d)	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Further review needed	There is no current policy to reassess the land use element if funding falls short of existing needs.
g.	<i>If impact fees are collected: identification of public facilities on</i>	<input type="checkbox"/> No	<input type="checkbox"/> Yes	The CIP has a table that identifies

	Addressed in current plan or regs? If yes, where?	Changes needed to meet current statute?	Is city considering optional amend-ments?
which money is to be spent. RCW 82.02.050(4) WAC 365-196-850	<input type="checkbox"/> Yes Location(s)	<input type="checkbox"/> No <input type="checkbox"/> Further review needed	the impact fees collected and a projection over the six year period (Table 6.3 of CIP). However, there are no specific projects identified for the expenditure of these funds.
4. A Utilities Element which is consistent with relevant CWPPs and RCW 36.70A.070(4) and includes:			
a. The general location, proposed location and capacity of all existing and proposed utilities. RCW 36.70A.070(4) WAC 365-196-420	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Further review needed	Though the city's utility plans have the general location and capacities, a comprehensive approach to its location, proposed locations and capacity is not in the Comprehensive Plan.
5. A Transportation Element which is consistent with relevant CWPPs and RCW 36.70A.070(6) and includes:			
a. An inventory of air, water, and ground transportation facilities and services, including transit alignments, state-owned transportation facilities, and general aviation airports. RCW 36.70A.070(6)(a)(iii)(A) and WAC 365-196-430(2)(c) .	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Further review needed	The Transportation Plan which is an element of the comprehensive plan includes an inventory of the facilities (Chapter 3).
b. Adopted levels of service (LOS) standards for all arterials, transit routes and highways. RCW 36.70A.070(6)(a)(iii)(B) , New in 1997. WAC 365-196-430	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Further review needed	The Transportation Plan lists the LOS standards for all streets and highways within Oak Harbor. The Plan was adopted in 2007 and was intended to be a six year plan. Therefore the Plan will need to be updated.
c. Identification of specific actions to bring locally-owned transportation facilities and services to established LOS. RCW 36.70A.070(6)(a)(iii)(D) , Amended in 2005. WAC 365-196-430	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Further review needed	The Transportation Plan identifies two projects that were below the adopted LOS standards and only one was within the city limits. Funding and schedule needs to be identified in the plan to bring them up to established LOS.
d. A forecast of traffic for at least 10 years , including land use assumptions used in estimating travel. RCW 36.70A.070(6)(a)(i) , RCW 36.70A.070(6)(a)(iii)(E) WAC 365-196-430(2)(f) .	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Further review needed	The Transportation Plan includes a six year projection and a 2035 projection.
e. A projection of state and local system needs to meet current and future demand. RCW 36.70A.070(6)(a)(iii)(F) WAC 365-196-430(2)(f)	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Further review needed	The 2007 plan has a list of projects based on travel forecast to 2013 and will therefore need to be updated.
f. A pedestrian and bicycle component. RCW 36.70A.070(6)(a)(vii) , Amended 2005 WAC 365-196-430(2)(j)	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Further review needed	Goal 3 of the TP addresses pedestrians and bicycles. The Recommended Plan section (Pg 69) discusses the facilities further.

	Addressed in current plan or regs? If yes, where?	Changes needed to meet current statute?	Is city considering optional amend-ments?
g. A description of any existing and planned transportation demand management (TDM) strategies , such as HOV lanes or subsidy programs, parking policies, etc. RCW 36.70A.070(6)(a)(vi) WAC 365-196-430(2)(i)	<input type="checkbox"/> ✓No <input type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input type="checkbox"/> ✓No <input type="checkbox"/> Further review needed	None identified in the plan.
h. An analysis of future funding capability to judge needs against probable funding resources. RCW 36.70A.070(6)(a)(iv)(A) WAC 365.196-430(2)(k)(iv)	<input type="checkbox"/> No <input type="checkbox"/> ✓Yes Location(s)	<input type="checkbox"/> ✓Yes <input type="checkbox"/> No <input type="checkbox"/> Further review needed	Section 8 of the current plan has a financial assessment. Since the Plan was intended to cover only a 6 year period it will need to be updated.
i. A multiyear financing plan based on needs identified in the comprehensive plan, the appropriate parts of which serve as the basis for the 6-year street, road or transit program. RCW 36.70A.070(6)(a)(iv)(B) and RCW 35.77.010 WAC 365-196-430(2)(k)(ii)	<input type="checkbox"/> No <input type="checkbox"/> ✓Yes Location(s)	<input type="checkbox"/> ✓Yes <input type="checkbox"/> No <input type="checkbox"/> Further review needed	Needs to be updated
j. <i>If</i> probable funding falls short of meeting identified needs: a discussion of how additional funds will be raised, or how land use assumptions will be reassessed to ensure that LOS standards will be met. RCW 36.70A.070(6)(a)(iv)(C) ; WAC 365-196-430(2)(l)(ii)	<input type="checkbox"/> No <input type="checkbox"/> ✓Yes Location(s)	<input type="checkbox"/> ✓Yes <input type="checkbox"/> No <input type="checkbox"/> Further review needed	The current plan assumed sufficient levels of funding. However, policies to consider a reassessment of land uses should be included in the plan.
k. A description of intergovernmental coordination efforts , including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions and how it is consistent with the regional transportation plan. RCW 36.70A.070(6)(a)(v) ; WAC 365-196-430(2)(a)(iv)	<input type="checkbox"/> No <input type="checkbox"/> ✓Yes Location(s)	<input type="checkbox"/> Yes <input type="checkbox"/> ✓No <input type="checkbox"/> Further review needed	The current plan identifies Island County's trails plan, ferry services and Air Service (Kenmore – currently not operational). Goal 6 of the Plan addresses coordination with State and Regional governments.
6. Provisions for siting essential public facilities (EPFs) , consistent with CWPPs and RCW 36.70A.200 . This section can be included in the Capital Facilities Element, Land Use Element, or in its own element. Sometimes the identification and siting process for EPFs is part of the CWPPs.			
a. A process or criteria for identifying and siting essential public facilities (EPFs) . [RCW 36.70A.200 , Amended in 1997 and 2001] Notes: EPFs are defined in RCW 71.09.020(14) . Cities should consider OFM's list of EPFs that are required or likely to be built within the next six years. Regional Transit Authority facilities are included in the list of essential public facilities RCW 36.70A.200, amended 2010. WAC 365-196-550(d)	<input type="checkbox"/> No <input type="checkbox"/> ✓Yes Location(s)	<input type="checkbox"/> Yes <input type="checkbox"/> ✓No <input type="checkbox"/> Further review needed	Goal 17 of the LU element addresses a process for siting essential public facilities (Pg 37). OHMC 19.38 has regulations specifically addressing Essential Public Facilities.
b. Policies or procedures that ensure the comprehensive plan does not preclude the siting of EPFs . RCW 36.70A.200(5) Note: If the EPF siting process is in the CWPPs, this policy may be contained in the comprehensive plan as well. WAC 365-196-550(3)	<input type="checkbox"/> No <input type="checkbox"/> ✓Yes Location(s)	<input type="checkbox"/> Yes <input type="checkbox"/> ✓No <input type="checkbox"/> Further review needed	Same as above. The policies do not preclude the siting of EPFs.
7. Consistency is required by the GMA.			
a. All plan elements must be consistent with relevant county-wide planning policies (CWPPs) and, where applicable, Multicounty Planning Policies (MPPs), and the GMA .	<input type="checkbox"/> No <input type="checkbox"/> ✓Yes Location(s)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> ✓Further	This is in progress currently and will have to be coordinated with discussions at the county

	Addressed in current plan or regs? If yes, where?	Changes needed to meet current statute?	Is city considering optional amend-ments?
RCW 36.70A.100 and 210 WAC 365-196-400(2)(c), 305 and 520		review needed	regarding the CWPP.
b. All plan elements must be consistent with each other. RCW 36.70A.070 (preamble). WAC 365-197-400(2)(f)	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Further review needed	This needs to be reviewed and monitored.
c. The plan must be coordinated with the plans of adjacent jurisdictions. RCW 36.70A.100 WAC 365-196-520	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Further review needed	This is in progress currently and will have to be coordinated with discussions at the county regarding the CWPP.
8. Shoreline Provisions			
Comprehensive plan acknowledges that for shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020 without creating an order of priority among the fourteen goals. The goals and policies of the shoreline master program approved under RCW 90.58 shall be considered an element of the comprehensive plan. RCW 36.70A.480, WAC 365-196-580	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Further review needed	After DOE approval, the new SMP goals and policies will either be added as an element or the SMP can be adopted by reference into the Comprehensive Plan.
9. Public participation, plan amendments and monitoring. Note: House Bill 2834, passed in 2012, eliminates the requirement for cities planning under the GMA to report every 5 years on its progress in implementing its comprehensive plans.			
a. A process to ensure public participation in the comprehensive planning process. RCW 36.70A.020(11), .035, and .140; WAC 365-196-600(3) The process should address annual amendments (if the jurisdiction allows for them) [RCW 36.70A.130(2), Amended in 2006], emergency amendments [RCW 36.70A.130(2)(b)], and may include a specialized periodic update process. Plan amendment processes may be coordinated among cities within a county [RCW 36.70A.130(2)(a)] and should be well publicized.	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Further review needed	The Comprehensive Plan itself does not have a specific element or dedicated goal on public participation. However it is noted within several elements within the plan to include public participation. However, the Municipal Code has an entire chapter 18.15 dedicated to Comprehensive Plan Amendments and updates that includes public participation.
b. A process to assure that proposed regulatory or administrative actions do not result in an unconstitutional taking of private property. See <i>Attorney General's Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property</i> for guidance. RCW 36.70A.370	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Location(s)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Further review needed	Goal 18 in the LU element addresses this requirement. There are also processes for variance, waivers, and amendments that provide relief.



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 do this review and update its comprehensive plan and development regulations by June 2016.

As part of this update process, 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.

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 governing body. The Planning Commission of Oak Harbor serves as the hearing board 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 decisions, 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 update decisions before they 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 integrates public involvement into its decision making process. OHMC 18.15 outlines the requirements on public involvement during annual amendments to the comprehensive plan and OHMC 18.20 provides the regulations for public noticing for permit process and other development regulated activities. Though the city will abide by all the existing requirements, this Public Participation Plan describes the steps that the City of Oak Harbor will take to involve the community in decisions regarding the 2016 Comprehensive Plan Periodic Update.

Stakeholders and Public Groups

The GMA does not exempt any portion of a comprehensive plan or development regulation from being subject to review and evaluation. However, there are some key elements that need to be

reviewed and 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. This list serves as an initial identifier of interested groups and is not intended to exclude any groups from the process.

- Government agencies – state, county, school districts etc.
- NAS Whidbey
- 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
- SICBA

Information Access

All reports and documents generated for the 2016 Update to the Comprehensive Plan is available to the public for review. This information can 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 and under the Plans under progress.

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. The agenda for the Planning Commission meeting are noticed in the newspaper two week prior to the meeting date. Reports to the Planning Commission are posted on the city's website five days before the meeting date.

The City maintains an active involvement in the local government access cable channel. All Planning Commission meeting are recorded and then played back on channel 10 at a minimum of 5 times a week till 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 always entertain public comments when a particular comprehensive plan item is on the agenda for discussion.

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 City of Oak Harbor believes firmly in the essential role of the public in the 2016 Comprehensive Plan update process, welcoming any and all comments from citizens or groups concerning comprehensive plan policies or development regulations. Members of the public can provide comments to any of the planners in the Development Services Department. 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

RESOLUTION NO. 13- 17

A RESOLUTION ACCEPTING THE 20 YEAR POPULATION PROJECTION FOR ISLAND COUNTY AS A BASIS FOR THE 2016 COMPREHENSIVE PLAN UPDATE AND THE COUNTY WIDE PLANNING POLICIES

WHEREAS, in accordance with RCW 36.70A.110, counties planning under RCW 36.70A.040 are required to plan for growth projected to occur for the succeeding twenty year period; and

WHEREAS, RCW 36.70A.210 requires each county planning under the Growth Management Act (GMA) to adopt county-wide planning policies (CWPP) in cooperation with cities located within the county; and

WHEREAS, the CWPP is used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted pursuant to GMA; and

WHEREAS, the framework for the CWPP is to ensure that city and county comprehensive plans are consistent; and

WHEREAS, selecting a twenty year population projection is the basis for planning for growth in the county and the cities within it; and

WHEREAS, accepting the twenty year (2016-2036) population projection for the County provides consistency between City and County Comprehensive Plans; and

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Oak Harbor accepts the population of 87,917 for Island County as the projected population for the 2016-2036 planning period:

PASSED by the City Council and approved by its Mayor this 7th day of August, 2013.

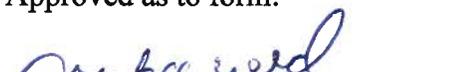
CITY OF OAK HARBOR


SCOTT DUDLEY, MAYOR

Attest:


City Clerk

Approved as to form:


Grant Weed, Interim City Attorney

Chapter 19.12**ESTABLISHMENT OF DISTRICTS**

Sections:

19.12.010 Establishment and designation of use districts.

19.12.010 Establishment and designation of use districts.

In order to classify, regulate, restrict and segregate the uses of land and building, to regulate and restrict the height and size of buildings, to regulate the area of yards and other open spaces about buildings, and to regulate the density of population, classes of use districts are established. The following table identifies the zoning districts which implement the land use designations from the comprehensive plan:

Comprehensive Plan Land Use Designation		Zoning District	
PRE	Planned Residential Estate	PRE	Planned Residential Estate
LD	Low Density Residential	R-1	Single Family Residential
		R-2	Limited Multifamily Residential
		R-3	Multifamily Residential
HR/LC	High Intensity Residential/Low Intensity Commercial	R-4	Multifamily Residential
		RO	Residential Office
		C-1	Neighborhood Commercial
HIC	High Intensity Commercial	C-3	Community Commercial
		C-4	Highway Service Commercial
		C-5	Highway Corridor Commercial
CBD	Central Business District	CBD	Central Business Districts
IBP	Industrial/Business Park	PBP	Planned Business Park
		PIP	Planned Industrial Park
		I	Industrial
PF	Public Facilities	PF	Public Facilities
ORA	Open Space, Recreation and Agriculture	OS	Open Space

ORDINANCE NO. 1768

AN ORDINANCE AMENDING OAK HARBOR MUNICIPAL CODE SECTION 18.10.010, COMPREHENSIVE PLANS, SECTION 18.10.011 ADOPTING A REVISED FUTURE LAND USE MAP AND AMENDING SECTION 18.10.015 ADOPTING AN UPDATED CAPITAL IMPROVEMENTS PLAN AND AMENDING SECTION 19.12.010

WHEREAS, the City of Oak Harbor first adopted a Comprehensive Plan consistent with the requirements of the Washington State Growth Management Act (Chapter 36.70A RCW) in 1995 by Ordinance 1027, and adopted amendments to the plan in 1997 by Ordinance 1100, in 1998 by Ordinance 1161, in 2000 by Ordinance 1215, in 2001 by Ordinance 1287, in 2003 by Ordinance 1340, in 2004 by Ordinance 1396, in 2005 by Ordinance 1439 and in 2007 by Ordinance 1488 and in 2008 by Ordinance 1542; and in 2009 by Ordinance 1564; and 2010 by Ordinance 1594; and 2012 by Ordinance 1647; and in 2014 by Ordinance 1703; and in 2015 by Ordinance 1753;

WHEREAS, all cities and counties in Washington State are required to “review, and revise if necessary” (aka, update) their comprehensive plans and development regulations adopted under the state’s Growth Management Act (RCW 36.70A.130); and

WHEREAS, an analysis of the comprehensive plan and development regulations currently in effect was prepared in 2013 identifying the proposed revisions, and was presented to the Planning Commission on September 24, 2013 and October 22, 2013; and

WHEREAS, on September 16, 2014, the City of Oak Harbor adopted resolution no. 14-17 establishing a public participation plan in accordance with RCW 36.70A.130(2) that identified procedures and schedules for reviewing and, if needed, revising the comprehensive plan and development regulations; and

WHEREAS, the public participation plan identified the Planning Commission as a primary body to review the update and its meeting to gather and disseminate information along with surveys, and television broadcasts; and

WHEREAS, the Planning Commission held public meetings on the 2016 update to the comprehensive plan, including the proposed revisions identified in the analysis, on May 28, 2013, June 25, 2013, September 24, 2013, October 22, 2013, January 28, 2014, February 25, 2014, November 19, 2014, March 24, 2015, April 28, 2015, May 26, 2015, June 23, 2015, June 17, 2015, July 28, 2015, August 25, 2015, September 22, 2015, October 27, 2015, November 24, 2015, December 8, 2015, January 26, 2016, February 19, 2016, February 23, 2016, March 22, 2016, April 13, 2016, and April 26, 2016; and

WHEREAS, the city adopted the Countywide Planning Policies (CWPP) on February 16, 2016, thus adopting the methodology and procedures for the Buildable Land Analysis; and

WHEREAS, the Buildable Land Analysis review and evaluation concluded that sufficient capacity exists to accommodate projected growth and that no inconsistencies exist between

adopted comprehensive plan policies and the actual growth pattern since the adoption of the comprehensive plan; and

WHEREAS, changes proposed from a one-to-one land use to zoning to a generalized land use to zoning in the Land Use Element, amends the Future Land Use Map on OHMC 18.10.011 and the establishment of zoning districts in OHMC 19.12.010; and

WHEREAS, a notice to state agencies of the City's intent to adopt the update to the comprehensive plan and development regulations was provided to the Department of Commerce at least sixty days before the amendments are adopted in accordance with RCW 36.70A.106; and

WHEREAS, a SEPA Determination of Nonsignificance was issued for the 2016 Update to the Comprehensive Plan on April 15, 2016 with an appeal period ending on May 6, 2016, which received no substantive comment; and

WHEREAS, the Planning Commission held a public hearing on the update May 10, 2016 and May 24, 2016, and a public hearing for the Capital Improvements Plan on May 24, 2016; and

WHEREAS, after due and proper notice, public hearings were conducted by the City Council on June 7, 2016 and June 15, 2016 on the update;

WHEREAS, based on its review of requirements of Chapter 36.70A RCW, the analysis and proposed revisions prepared by the city, the recommendation of the proposed revisions forwarded by the Planning Commission, the public comments received, the City Council finds and declares that the review and needed revisions have been prepared in conformance with applicable law, including Chapter 36.70A RCW, and OHMC 18.15.090;

THE CITY COUNCIL OF THE CITY OF OAK HARBOR do ordain as follows:

Section One. Section 18.10.010 of the Oak Harbor Municipal Code last amended by Section 1 of Ordinance 1753 in 2015 is amended to read as follows:

The comprehensive plan, a copy of which is on file with the city clerk, and is available for inspection, is hereby adopted on June 15, 2016 as Oak Harbor's Comprehensive Plan, amending and revising the comprehensive plan as adopted under Ordinance No. 1768.

Section Two. Section 18.10.011 of the Oak Harbor Municipal Code last amended by Section 2 of Ordinance 1753 in 2015 is hereby amended to read as follows:

The Oak Harbor Comprehensive Plan Future Land Use Designation Map, a copy of which is on file with the city clerk, and is available for inspection, is hereby adopted on June 15, 2016 as Oak Harbor's Future Land Use Designation Map, amending and revising the Future Land Use Designation Map adopted under Ordinance No. 1753.

Section Three. Section 18.10.015 of the Oak Harbor Municipal Code last amended by Section 1 of Ordinance 1708 is hereby amended to read as follows:

The Capital Improvements Plan 2017-2022, a copy of which is on file with the city clerk, and is available for inspection, is hereby adopted on June 15, 2016 as Oak Harbor's Capital Improvements Plan, amending and revising the Capital Improvements Plan adopted under Ordinance No. 1768.

Section Four. Section 19.12.010 of the Oak Harbor Municipal Code last amended by Ordinance 1555 in 2009 is amended to read as follows:

In order to classify, regulate, restrict and segregate the uses of land and building, to regulate and restrict the height and size of buildings, to regulate the area of yards and other open spaces about buildings, and to regulate the density of population, classes of use districts are established. The following table identifies the zoning districts which implement the land use designations from the comprehensive plan:

Comprehensive Plan Land Use Designation		Zoning District	
PRE	Planned Residential Estate	PRE	Planned Residential Estate
LD	Low Density Residential	R-1	Single Family Residential
		R-2	Limited Multifamily Residential
		R-3	Multifamily Residential
HR/LC	High Intensity Residential/Low Intensity Commercial	R-4	Multifamily Residential
		RO	Residential Office
		C-1	Neighborhood Commercial
HIC	High Intensity Commercial	C-3	Community Commercial
		C-4	Highway Service Commercial
		C-5	Highway Corridor Commercial
CBD	Central Business District	CBD	Central Business Districts
IBP	Industrial/Business Park	PBP	Planned Business Park
		PIP	Planned Industrial Park
		I	Industrial
PF	Public Facilities	PF	Public Facilities
ORA	Open Space, Recreation and Agriculture	OS	Open Space

Section Five. 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 Five. Effective Date. This Ordinance shall be in full force (5) five days following publication.

PASSED by the City Council this 15th day of June, 2016.

APPROVED by its Mayor this _____ day of _____, 2016.

THE CITY OF OAK HARBOR

Mayor Bob Severns

Attest:

City Clerk

Approved as to Form:

City Attorney

Published: _____



Workshop Item

Pending Agenda Items

Item 2.b 2015 International Building and Fire Code Updates

Steve Powers, Development Services Director

Attachments

Attachment A: Draft Agenda Bill

Attachment B: Draft Building Codes Ordinance

Attachment C: Draft Fire Codes Ordinance

City of Oak Harbor City Council Agenda Bill

Bill No. _____

Date: June 7, 2016

Subject: 2015 International Building
& Fire Codes Amendments.

FROM: Steve Powers, Development Services Director
Ray Merrill, Fire Chief
Brian Lee, Building Official
Mike Buxton, Deputy Fire Chief

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

_____ Robert Severns, Mayor
_____ Doug Merriman, City Administrator
_____ Patricia Soule, Finance Director
_____ Nikki Esparza, City Attorney, as to form

RECOMMENDED ACTION

Conduct public hearing.
Adopt ordinance adopting the 2015 Codes.

BACKGROUND / SUMMARY INFORMATION

This agenda bill proposes to amend the City's Building and Fire Codes to adopt the 2015 International Building Code; 2015 International Residential Code; 2015 International Existing Building Code; 2015 International Mechanical Code; 2015 Uniform Plumbing Code; 2015 International Energy Conservation Code, Residential; 2015 International Energy Conservation Code, Commercial; 2015 International Property Maintenance Code; and the 2015 International Fire Code as amended, regulated and approved by the Washington State Building Code Council on November 13, 2015 with added local amendments reflecting City conditions.

With the exception of the property maintenance code, the City currently uses the 2012 editions of the model codes as adopted by the Washington State Building Code Council. Washington State, like the rest of the country, is on a triennial code adoption cycle and it adopts primarily the "International" family of codes as published by the International Code Council (ICC). The State, also adopts the Uniform Plumbing Code (as published by the International Association of Plumbing and Mechanical Officials - IAPMO) and the National Electrical Code (as published by the National Fire Protection Association - NFPA). In preparation for publication; each code-writing authority (i.e. ICC, IAPMO, and NFPA) holds hearings, takes testimony and votes upon any additions, deletions or revisions considered

City of Oak Harbor City Council Agenda Bill

for the codes during a period of time that extends over many months and which takes place in various locations covering the entire nation.

Effective for local adoption on each July 1st of each three-year code cycle, the Washington State Building Code Council sets forth under RCW 19.27 the adopted codes with amendments where it was desired to accommodate various conditions found in the built-environment within the State. Cities and counties are provided with the responsibility for adopting and enforcing these codes. Accordingly, cities and counties may also make amendments to the State-adopted codes given the provision that the amendment is in no way less restrictive in the requirements and effectiveness of the code. Listed below is a summary of some of the more significant changes from the 2012 code editions to the soon to be effective 2015 editions:

- 2015 International Building Code; (IBC) one of the most significant changes pertains to the deletion of Chapter 34 – Existing Buildings. Requirements for Existing Buildings will now be found in the new 2015 International Existing Building Code (an amendment to the Oak Harbor Municipal Code is also provided in the attached Ordinance to reflect and effectuate the change). Chapter 10 – Means of Egress has also been completely reorganized. Once design professionals and code officials become familiar with the reorganization, it is anticipated that administration of the chapter will become overall much easier. Lastly, and although not a change from the last code cycle, it is noted that through the adoption of the 2015 IBC that ICC A117.1-2009, Accessible and Useable Buildings and Facilities, is adopted by reference. Rather than the Americans with Disabilities Act (ADA) Standards (which is a federal guideline enforceable through a civil process), the A117.1 provides Oak Harbor and other communities with the means of accommodating the local disabled community within the built-environment.
- 2015 International Residential Code; (IRC) requirements apply to detached one- and two-family dwellings, multiple single-family townhomes, live-work units, apartment houses, assisted living facilities, convalescent facilities, group homes and similar buildings that are three stories or less in height. The 2015 IRC is encouraging innovation. As such, a wide range of alternative means and measures are allowed to be proposed by designers and contractors with the caveat that the building official finds that the proposed materials and/or methods are at least the equivalent of that prescribed by the code. The tiny house industry has also emerged and is securing its place in the market place. In an effort to accommodate these “tiny” structures, the new IRC has deleted the former 120 square-foot minimum habitable area requirement for a residential unit.
- 2015 International Existing Building Code; (IEBC) Although not new to the “International” family of codes, the use of the IEBC will be new to Washington. As stated above, its use is the result of the deletion of Chapter 34 – Existing Buildings, from the 2015 IBC. Through the IEBC, a design professional is allowed to select a “path” for compliance that may best fit their project when it involves an addition, alteration, relocation or change of use or occupancy to an existing, previously-occupied building. The designer may use a prescriptive (compliance with IEBC

City of Oak Harbor City Council Agenda Bill

Chapter 4 and the International Fire Code requirements), work area (compliance with Chapters 5-13 for the level of the work to be performed), or performance (compliance with Chapter 14 - i.e. alterations will be no less complying than the existing building was required to be), based approach. It will be interesting to watch and understand the methods as chosen by the project teams.

- 2015 International Mechanical Code; (IMC) As the IECC continues to “ramp-up” energy efficiency and make the places where we live and work more “air-tight,” the IMC continues to address exhaust and ventilation systems related to ventilating “off-gases” from our interior environments especially within residential dwellings. The definition of whole house ventilation systems has been revised and newly accepted methods for exhausting other equipment and air has been added. With the IMC, the adoption of the International Fuel Gas Code and the National Fuel Code are also incorporated into our codes by the Washington State Building Code Council by reference.
- 2015 Uniform Plumbing Code; (UPC) an amendment by the Washington State Building Code Council now requires the use of IBC Table 2902.1 for determination of the number of required plumbing fixtures in lieu of the previously required UPC Table 422.1. The change should provide for greater clarity and consistency given the Chapter 29 requirements are based on the same IBC occupant load calculation. One of the newer provisions in the State amendment contains information regarding water bottle filling stations. Filling stations may be either from a plumbing drinking fountain or from a water cooler. If located at a drinking fountain (or other permanent plumbing fixture) the station must be made accessible.
- 2015 International Energy Conservation Code, Residential; (IECC-R) the greatest impact of code changes relates to the goals in the Governor’s Office mandate that has required an overall reduction in designed building energy consumption of 70%. The benchmarks required that the energy savings be achieved between the 2006 code requirements and the goal year of 2030.
- 2012 International Energy Conservation Code, Commercial; (IECC-C) The more significant changes include additional and more stringent use of daylighting (i.e. skylight and artificial light controls) systems and systems used to control lighting power and levels. Also, increased efficiency levels of computer room HVAC equipment and increased levels for hot water piping insulation requirements.
- 2015 International Property Maintenance Code; (IPMC) replaces the formerly adopted 2006 IPMC in the Oak Harbor Municipal Code. No significant changes have occurred with this code. The adoption is rather geared to remain current and internally consistent and in conformance with other provisions of the family of codes.

City of Oak Harbor City Council Agenda Bill

- 2015 International Fire Code; (IFC) Major changes to the 2015 IFC include a re-write of chapter 5 that removes height restrictions on pedestal / podium portions of buildings and the occupancy limitations in buildings incorporating a pedestal / podium design. This is seen as a benefit to residential developers and designers. Of particular note is a new secondary sprinkler water supply requirement for projects located in Seismic Zones C, D, E or F (Oak Harbor is located in the regional Seismic Zone D). Minor changes include revisions to smoke alarm detection systems and to the measurement of exit and exit access configuration. The Fire Code establishes the minimum regulations for fire prevention and fire protection systems using prescriptive and performance-related provisions. This 2015 edition is fully compatible with all the International Codes to be adopted by the City.

LEGAL AUTHORITY

The various codes contained herein are adopted by the Washington State Building Code Council pursuant to Chapter 19.27 and 70.92 RCW. Those codes are periodically updated by the Building Code Council. State law provides that unless amended by the City Council, the State Building Code shall be in effect in the City (RCW 19.27.031).

FISCAL IMPACT

Funds Required: \$ _____

Appropriation Source: _____

PREVIOUS COUNCIL / BOARD / CITIZEN INPUT

ATTACHMENTS

1. Draft Ordinance Number _____ – Building Codes
2. Draft Ordinance Number _____ – Fire Codes

ORDINANCE NO. ____

AN ORDINANCE AMENDING TITLE 17 “BUILDINGS” OF THE OAK HARBOR MUNICIPAL CODE TO ADOPT THE 2015 INTERNATIONAL BUILDING CODES WITH SPECIFIC PROVISIONS APPLICABLE TO THE CITY OF OAK HARBOR.

WHEREAS, the City of Oak Harbor is authorized to adopt ordinances for the general welfare of its citizens; and

WHEREAS the Washington State Building Code Act requires local jurisdictions to enforce the State Building Code within its jurisdiction; and

WHEREAS, the Washington State Building Code Council has adopted amendments to the building codes to be effective July 1, 2016; and

WHEREAS, the City is further authorized to adopt and enforce building codes and to adopt and amend provisions of the State building codes under Chapter 19.27 of the Revised Code of Washington; and

WHEREAS, the City Council deems adoption of this ordinance to be in the best interest of its citizens;

NOW, THEREFORE, the City Council of the City of Oak Harbor, Washington does hereby ordain as follows:

Section One. The table of contents of Title 17 of the Oak Harbor Municipal Code is hereby amended to read as follows for the following chapters:

**Title 17
BUILDINGS**

Chapters:

- 17.05 International Building Code**
- 17.06 International Residential Code**
- 17.08 International Existing Building Code**
- 17.10 International Mechanical Code**
- 17.12 Uniform Plumbing Code**
- 17.15 International Energy Conservation Code, Residential Provisions**
- 17.16 International Energy Conservation Code, Commercial Provisions**
- 17.20 Flood Damage Prevention**
- 17.22 ~~2006~~ International Property Maintenance Code**
- 17.24 Sidewalks, Curbs and Gutters Installation**
- 17.30 Noise Attenuation Standards**
- 17.40 Survey Monuments**

Section Two. Oak Harbor Municipal Code Section 17.05.015, last adopted by §2 of Ordinance 1660 in 2013 is hereby amended to read as follows:

17.05.015 Applicability of the International Building Code.

The most recent edition of the International Building Code as adopted by the Washington State Building Code Council under the provisions of Chapter 19.27 RCW and as amended herein is in effect as the city's building code. A copy shall be filed in the office of the city clerk for examination by the public. The copy of codes on file may be placed by the city clerk in the custody of the office of the building official in order to make them more readily available for inspection and use by the general public.

Section Three. Oak Harbor Municipal Code Section 17.05.060, last adopted by §4 of Ordinance 1660 in 2013 is hereby amended to read as follows:

17.05.060 Amendments – Additions.

The following sections and appendix chapters of the International Building Code as adopted in OHMC 17.05.015 are amended to read as follows:

(1) Appendix chapters F, G, I and J of the International Building Code are hereby adopted.

(2) Section 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Building Code of the City of Oak Harbor, Washington hereinafter referred to as "this code".

(3) Section 101.4.3 is hereby amended to read as follows:

101.4.3 Plumbing. The provisions of the City of Oak Harbor Plumbing Code as adopted by the Oak Harbor Municipal Code Chapter 17.12 shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of medical gas system. The provisions of the State of Washington requirements for private sewage disposal shall apply to private sewage disposal systems.

(4) Section 101.4.4 is hereby amended to read as follows:

101.4.4 Property Maintenance. The provisions of the City of Oak Harbor Property Maintenance Code as adopted by Oak Harbor Municipal Code Chapter 17.22 shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards, responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

(5) Section 101.4.6 is hereby amended to read as follows:

101.4.6 Energy. The provisions of the International Energy Conservation Code, Residential and the International Energy Conservation Code, Commercial as adopted by Oak Harbor Municipal Code Chapter 17.15 and Chapter 17.16 shall apply to all matters governing the design and construction of buildings for energy efficiency.

(6) Section 101.4.7 is hereby added to read as follows:

101.4.7 Electrical. The provisions of the National Electrical Code as set forth in the Washington Administrative Code Chapter 296-46B as regulated and enforced by State of Washington Labor & Industries, Electrical Division shall apply to the installation of electrical systems, including alterations repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(7) Section 101.4.8 is hereby added to read as follows:

101.4.8 Existing Buildings. The provisions of the International Existing Building Code, as adopted by Oak Harbor Municipal Code Chapter 17.08 shall apply to all matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

~~(7)~~ Section 105.2 is hereby amended to read as follows:

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).
2. Fences not over 7 feet (1829 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall (provided the wall is set back from any adjacent property lines or structures a distance at least equal to the height of the wall and the material retained slopes 1 vertical to 2 horizontal (or less) up and away from the wall), unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

11. Swings and other playground equipment accessory to detached one- and two-family dwellings.

12. Window awnings in group R-3 and U occupancies supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material,

such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(89) Section 105.3.1.1 is hereby added to read as follows:

105.3.1.1 Prerequisites for Issuance of Permit.

The Building Official shall determine whether the following requirements have been met prior to issuance of a permit:

1. Any requirements or regulations imposed on a project as a condition of a land use approval process;
2. Any requirements or regulations imposed on a project as a condition of the site civil process;
3. Any transportation, school, parks or other mitigation or impact fees are paid as adopted by Oak Harbor Municipal Code Sections 11.32 or 19.48 respectively;
4. Approval of Design Review as required by Oak Harbor Municipal Code for Design Guidelines and Regulation as required by Title 19.
5. Compliance with the State Environmental Policy Act, as adopted by Oak Harbor Municipal Code Title 20.
6. Compliance with the Flood Management requirements as adopted by Oak Harbor Municipal Code Title 11 and Title 20.
7. Compliance with environmentally Critical Areas Protection requirements as required by Oak Harbor Municipal Code Title 20.

(910) Section 107.1 is hereby amended to read as follows:

107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. All plans for construction, erection, enlargement, alteration or repairs of building or structures 4,000 square feet or over shall be designed, prepared and stamped by an architect or engineer licensed by the state of Washington.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

(1011) Section 109.3 is hereby amended to read as follows:

109.3 Building permits valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas,

mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official. The valuation for commonly built structures shall be determined by the most current issue of the Building Safety Journal, which offers square foot construction costs table as published by the International Code Council, adopted herein by reference.

(~~112~~) Section 109.6 is hereby amended to read as follows:

109.6 Refunds. The building official is authorized to establish a refund policy. The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review has been paid is withdrawn or canceled before any plan reviewing is done. The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

(~~113~~) Section 111.5 is hereby added to read as follows:

111.5 Violation of requirements for certificate of occupancy. The City Council affirms that the issuance of any certificate of occupancy is of vital importance in the safeguarding of life safety, property safety and health of occupants of any structure; and further, that the enforcement of all city development regulations is of vital importance to the city's economic vitality and the public good. Any person allowing a building to be occupied without a certificate of occupancy first being issued as required by this Chapter shall be subject to the civil penalty provisions of the Oak Harbor Municipal Code Section 17.05.090.

(~~114~~) Section 113 is hereby amended to read as follows:

113.1 Board of Appeals. All references to the term "board of Appeal(s)" shall deem to mean the Hearing Examiner as per OHMC 18.40.180. Permits under this chapter shall be Type I review process as per OHMC 18.20.230. Appeals of decisions of applicable codes adopted under this chapter shall be to the hearing examiner.

(~~115~~) Section 202 is hereby amended to read as follows:

GRADE PLANE. A referenced plane representing the average of the finished ground level, adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 10 feet from the building between the structure and a point 10 feet from the building.

(~~116~~) Section 3201.5 is hereby added to read as follows:

3201.5 Right-of-Way Permits. A permit is required for any construction, alteration, repair, move, demolish, replace, use or encroachment into the public right-of way as determined by the City Engineer.

(~~117~~) Appendix Section J103.1 is hereby amended to read as follows:

J103.1 Permits Required. Except as exempted in Section J103.2, no grading shall be performed without first having obtained a permit therefor from the City Engineer. A grading permit does not include the construction of retaining walls or other structures.

(~~1718~~) Appendix Section J104.3 is hereby amended to read as follows:

J104.3 Geotechnical report.

A geotechnical report prepared by a registered design professional shall be provided. The report shall contain the following:

1. The nature and distribution of existing soils;
2. Conclusions and recommendations for grading procedures;
3. Soil design criteria for any structures or embankments required to accomplish the proposed grading; and
4. Where necessary, slope stability studies, and recommendations and conclusions regarding site geology.

Exception; A geotechnical report is not required where the building code official or city engineer determines that the nature of the work applied for is such that a report is no necessary.

(~~1819~~) Appendix J106.1 is hereby amended to read as follows:

J106.1 Maximum slope. The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than 2 horizontal to 1 vertical (50 percent) unless the applicant furnishes a soils report justifying a steeper slope.

Exceptions:

1. A cut surface may be at a slope of 1.5 horizontal to 1 vertical (67 percent) provided that all the following are met:
 - 1.1 It is not intended to support structures or surcharges.
 - 1.2 It is adequately protected against erosion.
 - 1.3 It is no more than 8 feet (2438 mm) in height.
 - 1.4 It is approved by the city engineer.
 - 1.5 Ground water is not encountered.
2. A cut surface in bedrock shall be permitted to be at a slope of 1 horizontal to 1 vertical (100 percent).

(~~1920~~) Appendix J108.3 is hereby amended to read as follows:

J108.3 Slope protection. Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the city engineer, shall be included. Such protection may include but shall not be limited to:

1. Setbacks greater than those required by Figure J108.1.
2. Provisions for retaining walls or similar construction.
3. Erosion protection of the fill slopes.
4. Provision for the control of surface waters.

(~~2021~~) Appendix J109.3 is hereby amended to read as follows:

J109.3 Interceptor Drains. Interceptor drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than 40 feet, measured horizontally. They shall have a minimum depth of 1 foot and a minimum width of 3 feet. The slope shall be approved by the city engineer, but shall not be less than 50 horizontal to 1 vertical. The drain shall be paved with concrete not less than 3 inches in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the city engineer.

Section Four. Oak Harbor Municipal Code Section 17.08 is hereby added to read as follows:

Chapter 17.08
INTERNATIONAL EXISTING BUILDING CODE

- 17.08.010 Title.
- 17.08.020 Applicability of the International Existing Building Code.
- 17.08.030 Administration and enforcement – Rules and regulations.
- 17.08.040 Administration and enforcement – Building official authority.
- 17.08.050 Notices.
- 17.08.060 Liability limitations.
- 17.08.070 Penalties.
- 17.08.080 Severability.
- 17.08.090 Hearing examiner to function as appeals board.

17.08.010 Title.

This chapter shall be known as the International Existing Building Code of the city of Oak Harbor.

17.08.020 Applicability of the International Existing Building Code.

The most recent edition of the International Existing Building Code published by the International Code Council as adopted by the Washington State Building Code Council under the provisions of Chapter 19.27 RCW and added herein is in effect in city of Oak Harbor. One copy of the document identified in this section shall be filed in the office of the city clerk for examination by the public. The copy of codes on file may be placed by the city clerk in the custody of the office of the building official in order to make them more readily available for inspection and use by the general public.

17.08.030 Administration and enforcement – Rules and regulations.

The city council may, upon notice and hearing, promulgate, adopt, and issue those rules

and regulations necessary for the effective and efficient administration of this code.

17.08.040 Administration and enforcement – Building official authority.

The building official of the city shall be deemed to be the “building official” as defined in the International Building Code. The International Existing Building Code shall be administered and enforced by the building official of the city.

17.08.050 Notices.

It is unlawful for any person to remove, mutilate, destroy or conceal any lawful notice issued or posted by the building official pursuant to the provisions of this code.

17.08.060 Liability limitations.

Nothing contained in this chapter or in the International Existing Building Code is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the city or its officers, employees, or agents, for any injury or damage resulting from the failure of a building to conform to the provisions of the International Existing Building Code.

17.08.070 Penalties.

(1) It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment or cause to permit the same to be done in violation of this chapter or the technical codes.

(2) Civil Violation. Except as provided in subsections (4) and (5) of this section, any violation of any of the provisions of this chapter or of the technical codes constitutes a Class 1 infraction as defined in Chapter 1.28 OHMC.

(3) Criminal Penalty. In addition to or as an alternative to any other penalty provided in this chapter or by law, any person who intentionally or knowingly violates any of the provisions of this chapter or the technical codes shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine of up to \$1,000 or a jail sentence of up to 90 days in jail, or both such fine and jail time.

(4) Violations of Orders under This Chapter. Any person constructing, repairing, operating, maintaining, changing any occupancy, occupying or moving a building, structure, occupancy, or premises contrary to the provisions of this chapter or who continues to construct, repair, operate, maintain, change occupancy, occupy or move such building, structure occupancy or premises when ordered by the building official to desist from violating a provision or provisions of this chapter shall be guilty of a misdemeanor punishable by a fine of up to \$1,000 or jail sentence of up to 90 days, or both such fine and jail time.

(5) Separate Offense. Each day or portion thereof upon which a violation occurs constitutes a separate offense under subsections (1), (2), (3), (4) and (5) of this section.

(6) Destruction of Notice. It shall be unlawful for any person to remove, mutilate, destroy or conceal any notice issued and posted by the building official pursuant to the provisions of this chapter or the building code, which violations shall be a civil offense as described in subsection (2) of this section.

17.08.080 Severability.

Should any section, paragraph, sentence or word of this chapter or codes hereby adopted

be delared for any reason to be invalid, it is the intent of the city council that it would have passed all other portions of this chapter and of the codes hereby adopted independent of the elimination herefrom of any such portions as may be declared invalid and accordingly such declaration of invalidity shall not affect the validity of this chapter as a whole nor any part hereof other than the part so declared to be invalid.

17.08.090 Hearing examiner to function as appeals board.

All references to the term “board of appeal(s) shall deem to mean the hearing examiner as per OHMC 18.40.180. Permits under this chapter shall be Type I review process as per OHMC 18.20.230. Appeals of decisions of applicable codes adopted under this chapter shall be to the hearing examiner.

Section Five. Oak Harbor Municipal Code Chapter 17.22 table of contents heading last adopted by §17 of Ordinance 1514 in 2007 is hereby amended to read as follows for the following chapters:

Chapter 17.22
~~2006~~INTERNATIONAL PROPERTY
MAINTENANCE CODE

Section Six. Oak Harbor Municipal Code Chapter 17.22.020 last adopted by §12 of Ordinance 1660 in 2013 is hereby amended to read as follows:

17.22.020 Document adopted by reference.

The ~~2006 Edition~~ most recent edition of the International Property Maintenance Code, ~~as~~ published by the International Code Council as adopted by the Washington State Building Code Council under the provisions of Chapter 19.27 RCW is adopted by reference with the deletions, additions, and exceptions as set out in this chapter and shall be the city's property maintenance code. One copy of each document listed in this section shall be filed in the office of the city clerk for examination by the public. The copy of code on file may be placed by the city clerk in the custody of the office of the building official in order to make them more readily available for inspection and use by the general public.

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

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____ 2016.

Robert Severns, Mayor

Date

Attest:

Anna Thompson, City Clerk

Approved as to Form:

Nikki Esparza, City Attorney

Published: _____

ORDINANCE NO. ____

AN ORDINANCE AMENDING TITLE 8 “FIRE” OF THE OAK HARBOR MUNICIPAL CODE TO ADOPT THE 2015 INTERNATIONAL FIRE CODE WITH SPECIFIC PROVISIONS APPLICABLE TO THE CITY OF OAK HARBOR.

WHEREAS, the City of Oak Harbor is authorized to adopt ordinances for the general welfare of its citizens; and

WHEREAS the Washington State Building Code Act requires local jurisdictions to enforce the State Building Code within its jurisdiction; and

WHEREAS, the Washington State Building Code Council has adopted amendments to the fire code to be effective July 1, 2016; and

WHEREAS, the City is further authorized to adopt and enforce fire codes and to adopt and amend provisions of the State building codes under Chapter 19.27 of the Revised Code of Washington; and

WHEREAS, the City Council deems adoption of this ordinance to be in the best interest of its citizens;

NOW, THEREFORE, the City Council of the City of Oak Harbor, Washington does hereby ordain as follows:

Section One. Oak Harbor Municipal Code Section 8.03.020, last adopted by §1 of Ordinance 1596 in 2010 is hereby amended to read as follows:

8.03.020 Applicability of the International Fire Code.

The most recent ~~version~~ edition of the International Fire Code as adopted by the Washington State Building Code Council pursuant to Chapter 19.27 RCW and as amended ~~in this chapter of the Oak Harbor Municipal Code, herein~~ shall be in effect in the city of Oak Harbor. A copy ~~of the most recent International Fire Code together with applicable appendices is on file~~ shall be filed in the office of the city clerk and is available for public inspection. The copy of codes on file may be placed by the city clerk in the custody of the office of the building official in order to make them more readily available for inspection and use by the general public.

Section Two. Oak Harbor Municipal Code Section 8.03.070, last adopted by §1 of Ordinance 1661 in 2013 is hereby amended to read as follows:

8.03.070 Amendments – Additions.

The following sections and appendix chapters of the International Fire Code as adopted in OHMC 8.03.020 are amended to read as follows:

- (1) Appendix chapters B, C, D, E, F, H, and J of the International Fire Code are hereby

adopted.

(12) Section 101.1 is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Oak Harbor, hereinafter referred to as “this code.”

(23) Section 103.1 is hereby amended to read as follows:

103.1 General. The Department of Fire Prevention, also known as the Oak Harbor Fire Department, is established within the City of Oak Harbor under the direction of the fire chief. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.

(34) Section 105.1.1 is hereby amended to read as follows:

105.1.1 Permits Required. Operational Permits as described in Section 105.1.2(1) as required by this code shall be obtained from the fire code official. Permit fees, if any, shall be as set forth in Section 8.06.010. Fees shall be paid prior to issuance of the permit. Construction Permits as described in Section 105.1.2(2) as required by this code shall be obtained from the fire code official. Permit fees, if any, shall be as set forth in Section 8.06.010, and shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

(45) Section 108.1 is hereby amended to read as follows:

108.1 Board of Appeals Established. All references to the term “Board of Appeal(s)” shall be deemed to mean the hearing examiner as per OHMC 18.40.180. Permits under this chapter shall be Type I review process as per OHMC 18.20.230. Appeals of decisions of applicable codes adopted under this chapter shall be to the hearing examiner.

(56) The following definitions shall apply to the International Fire Code and supersede other definitions of the same term therein:

“Chief of the bureau of fire prevention” shall mean the person or persons who are assigned by the Chief of the Oak Harbor Fire Department to perform the duties of the fire marshal under the supervision of the chief of the Oak Harbor Fire Department. The Chief of the Oak Harbor Fire Department may appoint any career civil service member of the Oak Harbor Fire Department to fulfill any or all of the duties of the chief of the bureau of fire prevention, fire marshal, or fire code official.

“Jurisdiction” shall be referred to as the City of Oak Harbor.

“Appeal Board” shall refer to the hearing examiner as provided under OHMC Title 18.

(67) Section 501.4 is hereby amended to read as follows:

501.4 Timing of Installation. When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to issuance of any building permit for the project, except grading permits, except when approved alternative methods of protection are provided. Temporary street

signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2.

~~(78)~~ Section 503, Fire apparatus access roads, shall be provided and maintained in accordance with Sections 503.1.1 through 503.6 of the International Fire Code.

~~(89)~~ Section 503.2.9 is hereby amended to read as follows:

503.2.9 Distance from Structures. Fire apparatus access roadways shall be a minimum of 5 feet away from the exterior wall of structures, or as otherwise required due to construction type.

~~(910)~~ Section 503.7 is hereby added to read as follows:

503.7 Enforcement. Enforcement of Section 503.1.4 of the International Fire Code shall be the responsibility of the City Fire Department which shall have the authority to impound or otherwise cause such obstruction to be removed, and said remedies shall be in addition to the criminal penalties provided in the Oak Harbor Municipal Code.

~~(1011)~~ Section 507.5.1 is hereby amended to read as follows:

Section 507.5.1 Where Required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 150 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

EXCEPTIONS:

1. For Group R-3 and U occupancies, the distance requirement shall be 600 feet (183 m).
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m).

~~(1112)~~ Section 903.3.7 is hereby amended to read as follows:

903.3.7 Fire Department Connections. The location of fire department connections shall be approved by the fire code official. A fire department connection shall be located within 50 feet of a fire hydrant.

~~(1213)~~ Section 5601.1.3 is hereby amended to read as follows:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

EXCEPTIONS:

1. The use of fireworks for display as allowed in section 5608.
2. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulation, provided such

fireworks comply with CPSC 16 CFR, Parts 1500 and 1507, and DOTn 49 CFR, Parts 100-178, for consumer fireworks.

3. Manufacture of fireworks within the jurisdictional area is prohibited.

4. Except as hereinafter provided, it shall be unlawful for any person to possess, store, or offer for sale, expose for sale, sell at retail, or use or explode any fireworks.

a) The fire code official shall have power to adopt reasonable rules and regulations for the granting of permits for supervised and public displays of fireworks by a jurisdiction, fair associations, amusement parks, and other organization or for the use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the fire code official and every operator shall have first obtained a State License pursuant to RCW 70.77.305. The display shall be of such character and so located, discharged or fired as in the opinion of the fire code official after proper investigation so as not to be hazardous to property or endanger any person.

b) The fire code official shall make a recommendation to the City Council concerning the issuance of permits for the sale of fireworks to persons, corporations, or organizations, after investigation and his/her determination that the location where the fireworks are to be sold is not hazardous to property or endangers any person and that the persons in charge of selling the fireworks are competent and trained to handle such fireworks. No person under the age of 18 shall be employed by the permittee in connection with such sale.

c) The provisions of Oak Harbor Municipal Code Chapter 5.32 shall remain in full force and effect and nothing herein shall be construed as repealing the same.

5. Applications for permits shall be made in writing at least 10 days in advance of the date of the display in a manner prescribed by the fire code official. After such privilege shall be granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

6. Fireworks may be sold, purchased, issued, fired, or discharged in the City, except as provided in Paragraphs (11), (12), (13) and (14) below, as follows:

a) It is legal to sell and purchase consumer fireworks within the City from twelve o'clock noon to eleven o'clock p.m. on the twenty-eighth of June, from nine o'clock a.m. to eleven o'clock p.m. on each day from the twenty-ninth of June through the fourth of July, from nine o'clock a.m. to nine o'clock p.m. on the fifth of July, from twelve o'clock noon to eleven o'clock p.m. on each day from the twenty-seventh of December through the thirty-first of December each year, and as provided in RCW 70.77.311.

b) Consumer fireworks may be used or discharged each day between the hours of twelve o'clock noon and eleven o'clock p.m. on the twenty-eighth of June and between the hours of nine o'clock a.m. and eleven o'clock p.m. on the twenty-ninth of June to the third of July, and on July Fourth between the hours of nine o'clock a.m. and twelve o'clock midnight, and between the hours of nine o'clock a.m. and eleven o'clock p.m. on July fifth, and from six o'clock p.m. on December thirty-first until one o'clock a.m. on January first of the subsequent year, and as provided in RCW 70.77.311.

Nothing in this ordinance shall be construed as modifying, repealing or in any way affecting the ordinance regulating noise or nuisance.

7. Approved "No Smoking" signs shall be posted at conspicuous locations on all four sides of the fireworks stand or structure and such other places as may be designated by the inspecting authority. Each sign shall have the words "NO SMOKING BY ORDER OF THE

FIRE MARSHAL” in red letters not less than two inches in height on white background. All signs shall be maintained in a legible condition.

8. Smoking and the discharge of fireworks shall be prohibited within 25 feet of any building or stand in which fireworks are sold at retail or stored after hours.

9. Each retail fireworks location shall have at least two water-type extinguishers of at least two and one-half gallon capacity.

10. There shall be no accumulation of dry grass, paper, cardboard, trash, lumber or other combustibles within 100 feet of any retail fireworks outlet.

11. Temporary structures or stands used for the retail sale of fireworks shall be removed from the premises within one week after the sale of such fireworks ends as regulated by RCW 70.77.311. Any such stand or structure remaining beyond one week may be removed by the regulating authority at the expense of the permittee or owner.

12. Fireworks shall not be sold or given to minor children under the age of sixteen.

13. It shall be unlawful to use, fire, or discharge any fireworks along the route of and during any parade or at any place of public assembly or in any commercial use district.

14. It shall be unlawful at any time to throw or toss any fireworks at any person, animal, vehicle or other thing or object.

(~~13~~14) Section 5601.2.3 is hereby amended to read as follows:

5601.2.3 Permit Restrictions. The fire code official is authorized to limit the quantity of explosives, explosive materials permitted at a given location. Permit restrictions for fireworks shall be as described in section 5601.2.3 No person, possessing a permit for storage of explosives at any place, shall keep or store an amount greater than authorized in such permit. Only the kind of explosive specified in such permit shall be kept or stored.

(~~14~~15) Section 6104.2 is hereby amended to read as follows:

6104.2 Maximum Capacity within Established Limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons in all areas within the City of Oak Harbor except as zoned industrial.

EXCEPTION: In particular installations, this capacity limit shall be determined by the fire code official, after consideration of special features such as topographical conditions.

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

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____ 2016.

Robert Severns, Mayor

Date

Attest:

Anna Thompson, City Clerk

Approved as to Form:

Nikki Esparza, City Attorney

Published: _____



Workshop Item

Oak Harbor Police Department Calls for Service

Review Calls for Service - April 2015/ April 2016

Dr. Merriman, Interim Police Chief

Attachments

Attachment A: OHPD Calls for Service April 2015 - April 2016

05/03/16
513
07:59
Page: 1

OAK HARBOR POLICE
APRIL 2015

Law Total Incident Report, by Nature of Incident

Nature of Incident	Total Incidents
-----	-----
911 Hang Up	105
Alarm Commercial	22
Alarm Residence	16
Animal	84
Assault Physical	17
Assist Agency	10
Assist Public	81
Bomb Found Ordinance	1
Burglary Attempt	1
Burglary Commercial	3
Burglary Residential	13
Civil	14
Court Detail	1
Court Order Violation	7
Custodial Interference	8
Death Invest Unattended	1
Disorderly Conduct	28
Physical Domestic	21
Verbal Domestic	28
Commercial Fire Alarm	2
Fire Residential	2
Fire Vehicle	1
Fireworks Complaint	1
Fraud Other	20
Harassment	11
Information Report	5
Juvenile Complaint	12
Juvenile Neglect/Abuse	6
Juvenile Runaway	15
Littering	3
Malicious Mischief	22
Marine Incident-Non Emergency	1
Medical Emergency	9
Medical Emergency CPR	2
Mental Non Criminal	2
Missing Person	4
Non Injury Accident	36
Unknown Injury Accident	8
Noise Complaint	19
Nuisance Other	2
Patrol Check	3
Lost or Found Property	24
Prowler	3
Reminder (office use)	1
Sex Indecent Exposure	1
Sex Lewd Conduct	1
Sex Offense Other	2

Soliciting	3
Threatened Suicide	13
Suspicious Person/Circumstance	65
Theft	24
Theft Shoplift	7
Threats	11
Tobacco Violation	1
General Traffic	34

05/03/16
513
07:59
Page: 2

OAK HARBOR POLICE

Law Total Incident Report, by Nature of Incident

Nature of Incident	Total Incidents
Traffic Disable	5
TRAFFIC CRIMINAL DWLSR	7
Traffic Hazard	13
TRAFFIC POSSIBLE DUI	13
Trespass Other	17
Unsecure Premise	4
Utility Problem	16
VEHICLE ABANDON	11
Vehicle Impound	6
Prowl Motor Vehicle	7
Vehicle Theft	7
Verbal Dispute	6
Vice Liquor HBD	2
Vice VUCSA	21
Wanted Person	17
Weapon Offense	6
Welfare Check	34

Total Incidents for This Report: 1029

Report includes:

All dates between `00:00:00 04/01/15` and `23:59:59 04/30/15`
All agencies matching `OHPD`
All natures
All locations
All responsible officers
All dispositions
All clearance codes
All observed offenses
All reported offenses
All offense codes
All circumstance codes

*** End of Report /tmp/rptaLacUd-rplwtir.r2_2 ***

05/03/16
513
07:58
Page: 1

OAK HARBOR POLICE
APRIL 2016

Law Total Incident Report, by Nature of Incident

Nature of Incident	Total Incidents
911 Hang Up	86
Alarm Commercial	28
Alarm Residence	13
Animal	69
Assault Physical	14
Assist Agency	13
Assist Public	90
Burglary Attempt	3
Burglary Commercial	2
Burglary Residential	8
BURN COMPLAINT	1
Civil	17
Court Detail	2
Court Order Violation	12
Custodial Interference	4
Disorderly Conduct	26
Physical Domestic	33
Verbal Domestic	25
Commercial Fire Alarm	1
Fireworks Complaint	1
Fraud Other	26
Harassment	18
Hazardous Material	1
Information Report	18
Juvenile Complaint	9
Juvenile Neglect/Abuse	15
Juvenile Runaway	13
Littering	1
Malicious Mischief	24
Medical Emergency	16
Medical Emergency CPR	3
Mental Non Criminal	3
Missing Person	10
Non Injury Accident	31
Unknown Injury Accident	10
Noise Complaint	17
Nuisance Other	1
Patrol Check	1
Lost or Found Property	40
Prowler	1
Water Rescue	1
Sex Indecent Exposure	5
Sex Offense Other	9
Threatened Suicide	19
Suspicious Person/Circumstance	87
Theft	30
Theft Shoplift	9

Threats	9
General Traffic	52
Traffic Disable	4
TRAFFIC CRIMINAL DWLSR	9
Traffic Hazard	11
TRAFFIC POSSIBLE DUI	6
Trespass Other	29
Unsecure Premise	1

05/03/16
513
07:58
Page: 2

OAK HARBOR POLICE

Law Total Incident Report, by Nature of Incident

Nature of Incident	Total Incidents
Utility Problem	10
VEHICLE ABANDON	21
Vehicle Impound	6
Prowl Motor Vehicle	18
Vehicle Theft	5
Verbal Dispute	6
Vice Liquor HBD	4
Vice VUCSA	22
Wanted Person	13
Weapon Offense	3
Welfare Check	46

Total Incidents for This Report: 1141

Report includes:

All dates between `00:00:00 04/01/16` and `23:59:59 04/30/16`
All agencies matching `OHPD`
All natures
All locations
All responsible officers
All dispositions
All clearance codes
All observed offenses
All reported offenses
All offense codes
All circumstance codes

*** End of Report /tmp/rptaLacUd-rplwtir.r2_1 ***