



PLANNING COMMISSION

AGENDA

January 26, 2010

ROLL CALL: WIGGINS_____ JENSEN_____ NEIL_____

 FAKKEMA_____ FEY_____ WASINGER_____

 DALE_____

1. **Approval of Minutes – November 24, 2009**

2. **Public Comment** – Planning Commission will accept public comment for items not otherwise on the agenda for the first 15 minutes of the Planning Commission meeting.

3. **PRELIMINARY (proposed) DOCKET FOR THE 2010 COMPREHENSIVE PLAN AMENDMENTS – Public Hearing**
The Planning Commission will hold a public hearing on the preliminary docket for the 2010 Comprehensive Plan amendments. The preliminary docket includes an update to the Capital Improvements Plan, land use changes for three city-owned properties (R13210-527-3480, R14437-231-3630 and R13325-500-2250) to Public Facilities and Open Space, and a land use capacity analysis for the City's Urban Growth Area (UGA). The Planning Commission will be asked to make a recommendation to the City Council on the preliminary docket.

4. **LOW IMPACT DEVELOPMENT (LID) CODE UPDATE PROJECT– Public Meeting (NO ACTION REQUIRED)**
LID is an environmentally-friendly way to treat storm water runoff. In 2008, the Puget Sound Partnership (a regional organization commissioned by the State with overseeing health of the Puget Sound) worked with City of Oak Harbor staff to draft LID code standards to be included in the Oak Harbor Municipal Code. LID standards have the potential to affect the design of new developments in Oak Harbor, as well as affect maintenance responsibilities of property owners and the City Public Works Department. At the January 2010 Planning Commission meeting, City staff will talk about LID practices as they have been proposed by the Puget Sound Partnership in the draft code. These practices include new street designs, limits on hard surfaces, requirements for pervious parking, open space in planned developments, native tree retention requirements and grading practices.

MINUTES

NOVEMBER 24, 2009

Draft

**PLANNING COMMISSION
REGULAR MEETING
November 24, 2009**

ROLL CALL: **Present:** Mark Wiggins, Bruce Neil, Kristy Jensen, Julie Dale, Keith Fakkema and Greg Wasinger.
 Absent: Nancy Fey.
 Staff Present: Development Services Director, Steve Powers; Senior Planners, Ethan Spoo and Cac Kamak; Associate Planner, Melissa Sartorius and Project Engineer, Arnold Peterschmidt.

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

MINUTES: **MR. NEIL MOVED, MS. DALE SECONDED, MOTION CARRIED TO APPROVE THE OCTOBER 27, 2009 MINUTES AS PRESENTED.**

PUBLIC COMMENT – Those present offered no comment.

PROPOSED ADDITION TO OHMC, A NEW CHAPTER 18.15 COMPREHENSIVE PLAN AMENDMENT PROCESS– Continued Public Hearing

The Planning Commission continued the public hearing on proposed changes to the Oak Harbor Municipal Code pertaining to the Comprehensive Plan. If approved, these code changes would add a new chapter 18.15 with language to formalize the annual amendment process, provide consistent and predictable review timelines and improve public participation to include early and continuous input on proposed amendments.

Mr. Kamak reported that he had nothing to add since the last meeting and asked if there were any questions.

Mr. Fakkema asked for some clarification on Section Fourteen of the ordinance which states that Chapter 18.10 entitled "Comprehensive Plan: is hereby repealed. Mr. Powers explained that there is a difference between the Code and the ordinance. Section Fourteen of the ordinance is deleting a portion of the Municipal Code which is 18.10.030. The ordinance is a separate document which if adopted by the Council will change the Municipal Code.

Chairman Wiggins asked if there was further public comment. None came forth so the public hearing was closed.

ACTION: **MR. NEIL MOVED, MR. FAKKEMA SECONDED, MOTION CARRIED TO FORWARD A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE THE PROPOSED ADDITION TO OHMC, A NEW CHAPTER 18.15 COMPREHENSIVE PLAN AMENDMENT PROCESS.**

SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT – WINDJAMMER PARK 42 INCH STORMWATER OUTFALL PROJECT – Public Hearing

Mr. Kamak explained that the project proposes to replace an existing outfall structure. The new outfall will be realigned with an exiting outfall. The new outfall will be of similar size and scale as the original structure. Currently there are two stormwater outfalls, termed west and east outfall, located in the southwest portion of Windjammer Park. The outfalls provide drainage of stormwater to Oak Harbor Bay from the City's Dry Creek Basin. The Dry Creek basin constitutes the most developed portion of the drainage basins served by the City's stormwater

system. It is characterized by highly developed residential and commercial areas with very little open drainage remaining.

The existing west stormwater outfall is a 42-inch corrugated metal (steel) pipe that conveys runoff from an existing upland tide gate structure (in place to restrict salt water from flowing upstream during high tide or storm events) to its discharge point on the beach. This outfall is approximately 320 linear feet long from the tide gate. Its original length was 420 linear feet. The pipe, over the years, has deteriorated to its current length.

Mr. Kamak summarized the project review as follows:

- The project is consistent with the Shoreline Master Program. The proposed project to replace and realign the stormwater outfall to maintain its functionality must cross the shoreline to discharge stormwater into the bay. The application, the SEPA checklist and the Mitigated Determination of Non-significance address the known impacts of the project. The project proposes to use methodologies and construction techniques to minimize the impacts and where possible alleviate current adverse conditions.
- The proposed project is also consistent with the City's Comprehensive Stormwater Plan. It is in the five highest priority projects identified by the plan.
- The mitigation measures, the extension of the trail and the redevelopment of the parking lot also furthers Goal 4 of the City's Comprehensive Plan Utilities Element to "Minimize aesthetic and environmental degradation from utility operation, installation, repair and maintenance"
- The project will further be reviewed by State Agencies and the US Corp of Engineers. Additional conditions and mitigation measures may be imposed on the project.
- As part of the project, the existing west parking lot and waterfront trail will also be redevelopment. During project construction there will be temporary impacts/closures to portions of the west parking lot and the trail.

Mr. Kamak concluded by recommending that the Commission conduct the public hearing, recommend that the City Council approve the Shoreline Substantial Development Permit and adopt the "Findings of Fact".

Planning Commission Questions/Comments

Will the trail surface would be asphalt? Mr. Kamak said that the trail won't be asphalt but will be some type of low impact material.

Will there be plantings in the area? Mr. Kamak said that plantings would be placed between the parking lot and the trail and in the parking lot but the plantings will not block the view.

Will the mound in the parking lot be kept? Mr. Kamak stated that the parking design was not completed yet.

When will the project start? Mr. Kamak stated that next year was possible.

How long will the project take? Mr. Kamak stated about 2 months.

Will there be any upstream work at the tide gate be necessary and does the permit cover that? Mr. Powers said that upstream work will not be necessary and that the permit only covers shoreline work.

Will the end of the outfall be exposed at low tide? Only if there is an extreme low tide.

The public hearing was opened.

Duane Dillard (2150 SW Dillard Lane) spoke in support of the project and recommended that landscaping be place on the berms to discourage 4-wheel drive vehicles from driving over them. Mr. Dillard also asked if the stormwater backs up when the tide comes since the outfall will be extended out further into the bay.

Mr. Peterschmidt (project engineer) explained that extending the outfall will keep it clear of debris since the outfall will be beyond the heaviest wave action.

Being no further public comment, the public hearing was closed.

ACTION: MR. FAKKEMA MOVED, MR. WASINGER SECONDED, MOTION CARRIED TO FORWARD A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE THE SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT.

ACTION: MS. DALE MOVED, MR. FAKKEMA SECONDED, MOTION CARRIED TO ADOPT THE "FINDINGS OF FACT".

LOW IMPACT DEVELOPMENT (LID) CODE UPDATE PROJECT– Public Meeting (NO ACTION REQUIRED)

Mr. Spoo explained that LID is an environmentally-friendly way to treat storm water runoff. In 2008, the Puget Sound Partnership (a regional organization commissioned by the State with overseeing health of the Puget Sound) worked with City of Oak Harbor staff to draft LID code standards to be included in the Oak Harbor Municipal Code. LID standards have the potential to affect the design of new developments in Oak Harbor, as well as, maintenance responsibilities of property owners and the City Public Works Department.

Mr. Spoo stated that the important point to remember about the background of the project is that an umbrella of federal and state requirements filter down through the Clean Water Act that lead us to where we are today. The State of Washington Department of Ecology issues what are called NPDES permits so that cities, such as Oak Harbor, can channel our stormwater runoff into the Sound. What comes out of the 42-inch outfall that Cac was talking about earlier is what needs the NPDES permit. The federal government, in turn, requires states to issues these permits. Since the state and federal government control these permits, they can put certain conditions in the permit that Oak Harbor has to comply with, otherwise they don't allow us to send our stormwater into the Puget Sound. One of the conditions in the permit is that our development codes must allow for LID, meaning that we can't have barriers in our code that prevent developers from constructing low impact development.

Mr. Spoo explained that LID falls into four categories as shown in the following table.

LID Category	Example Techniques
Site Planning and Layout	Narrow roads, alleys, and driveways; curvilinear streets; cluster development; small turnarounds; reduced front setbacks; minimize stream crossings; shared driveways; maximum parking ratios; compact parking; street trees.
Vegetation Protection, Reforestation and Maintenance	Protect native vegetation areas; replant with native plants after clearing; careful maintenance of vegetated areas.
Clearing and Grading	Erosion control during construction; retain natural topography; minimize cut and fill; limit wet weather construction; phased grading, construction fencing, reuse soil, routine construction inspections,
Integrated Management Practices	Raingardens (bioretention), amended soils; permeable paving, vegetated roofs, minimal foundation excavation, rainwater collection systems.

Mr. Spoo presented the following advantages and disadvantage to LID.

Advantages

- Environmental benefits – clear advantage
- Flood detention – probably
- Property values and aesthetics – LID looks better
- Reduced public expenditures – that’s the theory

Disadvantages

- LID can’t be used just anywhere – steep slopes, bad soils, groundwater
- LID is new – people don’t know what to do with it
- Public and private responsibilities – sometimes confusing
- Operating and maintenance costs – Who knows?
- Construction Costs

Mr. Spoo stated that over the coming months, the Commission will be discussing policy issues related to LID and will need some way to make those policy choices and discuss the advantages and disadvantages of each. Mr. Spoo devised a table that looks at different scenarios (voluntary, incentive or mandatory) to answer the question about whether the City should take certain actions. Each scenario measures the likely impacts on the environment, city costs, private costs (costs to citizens), and the economy. It is possible to measure other impacts. For instance, rather than measure the impact on the economy, the impact on the City’s streets, property taxes, or the use of open space could be measured. The fields are color-coded to indicate whether the impact is positive or negative as compared with the “no action” scenario; green represents a positive impact, and red a negative impact. The tool is flexible. It can be adapted to measure factors which are important to the Planning Commission.

Mr. Spoo ended the presentation and requested Planning Commission’s input on the factors they think are most important in the LID discussion. Are the environment, city costs, private costs, and the economy the factors Planning Commission thinks we should be looking at in the discussion about LID? Or are there other factors we need to look at?

Planning Commission Questions/Comments

Please clarify the recommendation that there will be no grading between the months of October and March. Mr. Powers explained that this recommendation comes from the state agencies and is in effect already in some counties in the Puget Sound region is either an outright prohibition or certain levels of restriction on starting new site work with that period. It doesn't mean that you can't do anything within that timeline, but there may be standards that say that you don't start new grading so that you don't end up with a tremendous amount of erosion control to deal with.

There was a recollection that in the past retention ponds were required and now they don't want them and are trying to do something else. Maybe we should wait until they get it right. The Commissioner expressed a preference for making the requirements voluntary. Mr. Powers explained that local jurisdictions subject to the Phase II permit are required to implement LID wherever feasible which is a much different scenario than where we started this project, which was that LID was being promoted as a positive action for the health of the Puget Sound and that one of the things we were considering doing was putting it into our code as one of the tools to deal with stormwater. Hence the focus of the project was mandatory incentives or voluntary. We may find that in a couple of years some of those decisions are being made for us then the task for the City will be to follow the standards of the state but try to exercise as much local control of decision making as the Council can.

Mr. Spoo stated that at this point the State isn't requiring us to do anything but in a couple of years under the NPDES Phase II permit they could require us to do something so as we go through this code update it is important to keep that in mind. Do we want to mimic the standards of the state so we don't have to update our code again, knowing that we might be obligated to meet those state standards anyway? How much flexibility will be in those state standards for us to exercise local control and decision making? We don't know. What staff is saying is that this is coming and to be aware of it as you consider LID.

Mr. Spoo ended his presentation and noted that there is now a blog for the LID project the blog site can be found at cohlid.blogspot.com. The blog contains events such as Planning Commission and Council meetings, a schedule, links to more information, local examples of LID and policy issues.

BEING NO FURTHER BUSINESS BEFORE THE PLANNING COMMISSION, THE MEETING WAS ADJOURNED AT 8:40 P.M.

Proposed
Preliminary Docket
2010 Comprehensive Plan
Amendments

**City of Oak Harbor
Planning Commission Report**

Date: January 22, 2010
Subject: 2010 Comprehensive Plan
Amendments – Preliminary
Docket

FROM: Cac Kamak, AICP
Senior Planner

PURPOSE

This report presents the preliminary docket for the 2010 Comprehensive Plan Amendments. The 2010 preliminary docket includes updates to the Capital Improvements Plan, UGA capacity analysis and three land use change requests.

AUTHORITY

The City is required by the Growth Management Act (GMA) to adopt a Comprehensive Plan and to review and revise it pursuant to RCW 36.70A.130. Oak Harbor Municipal Code Chapter 18.15 prescribes the process for considering Comprehensive Plan amendments. The code requires the Planning Commission to hold a public hearing, review the preliminary docket and make a recommendation to the City Council.

BACKGROUND

The process to amend the Comprehensive Plan was revised with the adoption of Chapter 18.15 to the Oak Harbor Municipal Code by the City Council in December of 2009. The new process was recommended by the Planning Commission and includes the consideration of a preliminary docket to review the proposed amendments. This report presents the preliminary docket for the 2010 Comprehensive Plan Amendments (Attachment 1).

The 2010 Comprehensive Plan amendment process was initiated in October of 2009 by publishing a notice in the newspaper calling for applications. The Whidbey News Times also included an article regarding the amendments in its November 4, 2009 paper. The legal notice was published on October 31, 2009 and on November 21, 2009 informing the public of the process and included the application deadline of December 1, 2009 in accordance with OHMC 18.15.040(2). No applications were received.

Staff discussed some of the proposed agenda items with the Planning Commission at its October 27, 2009 and November 24, 2009 meeting with the consideration of the Comprehensive Plan Amendment Process Code. The intent of collecting proposed amendments early in the process is to compile the items for public noticing and providing the opportunity for them to be reviewed against the criteria set forth in OHMC 18.15.070. With the recent adoption of the Comprehensive Plan Amendment Process Code, discussion on proposed agenda items, in the future, can begin as early as July or August. Proposals can also be generated from the joint meeting between the Planning Commission and the City Council that is planned annually around September/October.

The proposed amendments for 2010 include two mandated amendments and three city-initiated land use changes. The mandated amendments are the annual update to the

Capital Improvements Plan and the UGA capacity analysis. The three city-initiated land use change requests are for properties the City owns and are listed below:

- R13210-527-3480 – Scenic Heights Trailhead site - Land use change from Low Density Residential to Public Facilities
- R14437-231-3630 – Water Reservoir Site near Gun Club Road – Land use change from Planned Business Park to Public Facilities
- R13325-500-2250 – SE corner of SR 20 and Fakemma Road – Land use change from Auto/Industrial Commercial to Open Space

Capital Improvements Plan

This is an annual update to the Capital Improvements Plan. Sections of the Plan are updated to reflect the most recent and accurate information available. This normally includes updates to reflect consistency with the Transportation Improvements Plan (TIP), updated revenues and expenditure provided by the Finance Department, and any changes to schedules or cost. This year's update may include a re-prioritization of the non-enterprise projects that are in Section 5 of the Plan.

UGA Capacity Analysis

The preliminary docket also includes the initial task of determining the capacity of the current UGA boundary. This is a precursor to any recommendations for changes to the UGA boundary. Therefore, the analysis proposed as part of the 2010 docket will not result in an amendment to the Comprehensive Plan but will set the stage to explore options for consideration in 2011 and eventual changes (if needed) in 2012.

The capacity analysis will look at all land uses within the UGA using data that is maintained by the County such as parcel and assessor information. The City is creating a Geographical Information Database (GIS) using this data provided by the County. The methodology used to determine the capacity is straightforward and logical. The process will determine the area of all land uses within the UGA and then deduct the areas that are developed, areas that are not developable (critical areas, natural areas etc), areas needed for public facilities, and areas that won't develop in the next 20 years. The remaining land should provide the area of developable/buildable lands from which capacity can be determined based on densities provided in the Comprehensive Plan.

As simple and rational as the process may seem, there are many assumptions that will be required to complete the analysis. For example: What is developable land? What properties are considered under-developed and redevelopable? Should property that is already subdivided but not built out be considered undeveloped? Staff plans on presenting these assumptions to the Planning Commission as the analysis progresses for feedback and comments.

Ultimately it is the County that has the authority to make changes to the UGA boundary. Therefore, City staff will share information on the process, assumptions etc. with County staff periodically to keep them updated on the analysis.

The scope of this analysis in 2010 is to determine the capacity of the current UGA boundary. Result from the analysis will be further explored in 2011 to determine the best course of action for any changes to the UGA. The goal is to work with the County to

adopt changes, if needed, in 2012 with the GMA mandated update to the Comprehensive Plan.

Land Use Changes

City staff recommends that three city-owned properties be considered for land use changes in the 2010 amendment process. These properties are listed below:

- R13210-527-3480 – Scenic Heights Trailhead site - Land use change from Low Density Residential to Public Facilities.
This property was acquired using conservation futures funds with the intent to develop it into a trailhead site for the Freund Marsh and Waterfront Trail. Since the property is designated for Low Density Residential, the trailhead would be considered a conditional use on the property. It would be beneficial to change the designation to reflect its long term use.
- R14437-231-3630 – Water Reservoir Site near Gun Club Road – Land use change from Planned Business Park to Public Facilities.
This 5 acre tract is located north and east of Gun Club Road and is the proposed site for a water reservoir. The property is currently designated as Planned Business Park. It would be beneficial to change the land use designation to Public Facilities to reflect the intended use.
- R13325-500-2250 – SE corner of SR 20 and Fakemma Road – Land use change from Auto/Industrial Commercial to Open Space.
This tract was referred to as the Boyer Tract. The land was jointly purchased by the City, County and Navy a few years ago. The intent was to limit the development potential of this land since it was located in the Accident Potential Zone for aircrafts operating out of Ault Field. The Park, Recreation and Open Space plan adopted in 2009 recommends developing this tract into an Oak Grove. Changing the land use designation to Open Space will pave the way for implementation of a natural area on this tract.

DISCUSSION

The recently adopted OHMC Chapter 18.15 provides the criteria for reviewing the proposed amendments on the preliminary docket. The table below presents the proposed projects against the criteria provided in OHMC 18.15.070(2). The criteria were designed to evaluate a wide variety of amendments and therefore some of these criteria may not apply to some proposals included in the 2010 docket.

Note: Since all the land use changes are initiated by the City they have been grouped together for consideration.

Criteria provided in OHMC 18.15.070 (2)	Capital Improvements Plan	UGA Capacity Analysis	Land Use Changes
(a) The proposed amendments are consistent with Growth Management Act and the Countywide Planning Policies.	✓Yes Mandated (RCW 36.70A.130)	✓Yes Mandated (RCW 36.70A.130)	Not applicable – (Discretionary)
(b) The proposal does not appear to contradict other elements, goals and policies within the Comprehensive Plan.	No contradictions	No contradictions	No contradictions
(c) The proposal will implement or further existing goals and policies in the Comprehensive Plan.	✓Yes Updates will keep the Comprehensive Plan in compliance with GMA	✓Yes Updates will keep the Comprehensive Plan in compliance with GMA	✓Yes Will bring consistency between Land Use (Comprehensive Plan) and Zoning (Development Regulations)
(d) The proposal would correct an inconsistency within or make a clarification to a provision of the Comprehensive Plan.	NA	NA	✓Yes The intent is for the Comprehensive Plan Land Use Map to reflect the long term use of the property
(e) The proposed amendments have been clearly defined to determine a fairly accurate scope of work.	✓Yes	✓Yes	✓Yes
(f) The proposed amendments respond to an expressed desire by the community.	NA	NA	NA
(g) The public interest would be best served by considering the proposal in the current year.	✓Yes	✓Yes	✓Yes Though this is not a time sensitive request, the public interest will be served by reducing the processes involved in the consideration of the proposed long term uses for the property.

The preliminary docket does not include any proposals that are inconsistent with the criteria established in OHMC 18.15.070 (2).

Recommendations

1. Conduct the public hearing.
2. Recommend that the City Council approve the proposed Docket for the 2010 Comprehensive Plan Amendments.

Attachments:

Attachment 1 - Preliminary Docket

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE DOCKET FOR THE 2010 COMPREHENSIVE PLAN AMENDMENTS

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

WHEREAS, THE CITY OF OAK HARBOR, in the public interest, may adopt amendments or revisions to the Comprehensive Plan no more frequently than once per year in accordance with the State of Washington Growth Management Act RCW 36.70A.130(2); and

WHEREAS, the City of Oak Harbor in accordance with RCW 36.70A.130 is desirous of establishing a schedule and process to review and amend the Comprehensive Plan; and

WHEREAS, the City of Oak Harbor adopted Ordinance 1565 that establishes the process and schedule by which amendments to the Comprehensive Plan are submitted, processed and acted upon; and

WHEREAS, the City of Oak Harbor in accordance with RCW 36.70A.140 is desirous of ensuring early and continuous public participation in the Comprehensive Plan amendment process and wishes to adopt a public participation program; and

WHEREAS, the preliminary docket was advertised along with the Planning Commission agenda in the local newspaper of general circulation on January 6, 2010 in accordance with OHMC 18.15.040 (6); and

WHEREAS, the proposals in the preliminary docket, as presented below, were reviewed against the criteria established in OHMC 18.15.070(2) and determined to be consistent

Preliminary Docket - 2010 Comprehensive Plan Amendments

Proposed Amendment	Type of Amendment	Priority as per OHMC 18.
Capital Improvements Plan update Annual update to the projects list, revenues and expenditure.	Mandated RCW 36.70A.130	Priority A
UGA Capacity Analysis Analysis to determine the capacity within the existing UGA. The analysis will to provide information on	Mandated RCW 36.70A.130	Priority A

existing capacity and will not include recommendation or proposals to changes in the UGA boundary.		
R13210-527-3480 – Scenic Heights Trailhead site - Land use change from Low Density Residential to Public Facilities	Discretionary (City Owned)	Priority C
R14437-231-3630 – Water Reservoir Site near Gun Club Road – Land use change from Planned Business Park to Public Facilities	Discretionary (City Owned)	Priority C
R13325-500-2250 – SE corner of SR 20 and Fakemma Road – Land use change from Auto/Industrial Commercial to Open Space	Discretionary (City Owned)	Priority C

RECOMMENDED FOR APPROVAL ON THE 26th DAY OF JANUARY, 2010.

PLANNING COMMISSION
CITY OF OAK HARBOR, WASHINGTON

Chair

Attest:

Kathy Gifford
Clerk to the Planning Commission

Low Impact Development Code

Project Update

Memo

To: City of Oak Harbor Planning Commission
Cc: File
From: Ethan Spoo, Senior Planner
Date: 1/21/2010
Re: Introduction to the Draft LID Code

At the January meeting of Planning Commission, staff will introduce the draft LID code and talk about the structure and specific LID practices within the code. The memorandum is organized into the following sections.

- Organization of the draft code.
- Specific LID Practices in the Draft Code.
- Incentives for LID and the “LID Project”
- Next Month.

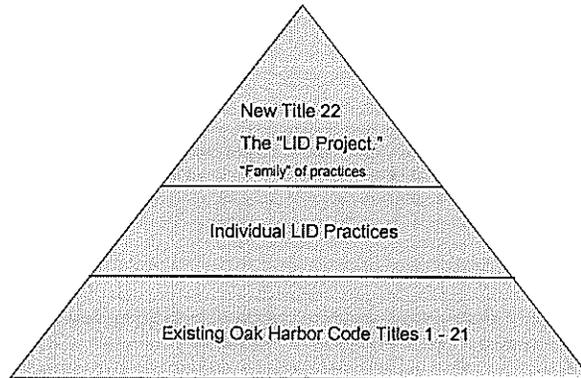
Organization of the Draft Code

There are a few features of the draft code which will help Planning Commission understand how it is organized:

- First, the draft LID code language is integrated into the existing structure of the Oak Harbor Municipal Code (OHMC). The new LID requirements are “sprinkled” throughout the existing titles and sections of the OHMC.
- The Puget Sound Partnership (PSP) added a new Title 22 (“LID Projects”), which defines what an “LID Project” is, and what incentives apply to these projects. LID practices can be integrated into most new developments. But, in order to receive incentives from the City (density bonuses, lot size reductions), applicants must meet the criteria in Title 22. This new title is a culmination of the individual practices sprinkled throughout the rest of the code.

The graphic below illustrates the basic structure of the draft code as described above.

Figure 1. The Structure of the Draft LID Code



Specific LID Practices in the Draft Code

As mentioned earlier, the specific LID practices proposed by the PSP are sprinkled throughout the OHMC titles and sections, with a new Title 22 added on top. This section of the memorandum summarizes the different LID practices which are in the code and is a prelude to detailed Planning Commission discussions in the coming months about the policy questions each of these practices raises.

The LID practices are spread out in the draft code in Titles 11 (Streets), Title 12 (Stormwater), Title 19 (Zoning), Title 21 (Subdivisions) and the new Title 22 (LID Projects). The following table shows different LID practices which are in the draft code corresponding to each of the code titles and chapters. The table offers a snapshot of the LID practices proposed by PSP. Chapter 19.46 (Landscaping and Screening), Chapter 19.47 (Clearing and Grading) and Title 22 have been highlighted because this is where the bulk of changes to the code are located.

A key question for Planning Commission in the future will be: “Should these practices be voluntary, incentive-based or mandatory?” Planning Commission can address that question with one answer for all practices, or individual answers for each practice. For instance, if the Planning Commission believes that LID streets should be mandatory, that does not mean that native vegetation retention areas should not be voluntary.

Table 1. LID Practices Proposed in the Draft Code

Code Title	Name	Chapter	LID Practices
Title 11	Streets	All	LID Streets (designs for local, collector and arterials). Permeable driveways and sidewalks.
Title 12	Stormwater	All	Includes general language allowing for LID practices.
Title 19	Zoning	19.20	Impervious limits for each zone .
	PRDs	19.31	Impervious limits for PRDs (averaged across site, not by lot).
	Parking	19.44	Pervious pavements and rain gardens for parking areas.
	Landscaping & Screening	19.46	Vegetation maintenance, tree density standards, retention, replanting.
	Clearing and Grading	19.47	Best practices. Boils down to clear less, control erosion.
Title 21	Subdivisions	All	LID streets, sidewalks and driveways (repeat Title 11), corridor buffers as LID facilities.
Title 22	LID Projects	All	Repeat of all above, with emphasis on definition of "LID project" and incentives for these projects.

Incentives for LID and the “LID Project”

Title 22 defines what an “LID Project” is and the incentives given to these projects. In short, an LID project is a type of PRD which allows flexibility in lot sizes and gives density bonuses, if the applicant/developer uses green storm practices (LID).

To qualify as an LID Project, developments must meet seven criteria. These criteria require developers to reduce storm water pond sizes (an incentive in itself) and require the use of native vegetation areas on the site.

The idea of an LID Project may be one the City can use to encourage these types of developments. It is within Planning Commission’s discretion to recommend adjustments to the definition of “LID Project” and the incentives for these projects. Planning Commission can consider adjusting two things: (1) the definition of an LID project (either raising or lowering the bar, or using different criteria) and/or (2) the incentives given to the LID project. For example, density bonuses are one incentive offered in the proposed code, but staff has found density bonuses to be seldom used in Oak Harbor, to date. Thus, if density bonuses are not an attractive option for developers, then other incentives may need to be considered.

Next Month

Next month, staff will begin discussions with PC about specific LID practices focusing on: (1) LID streets (2) limits on impervious surface by zone and (3) LID facilities in parking areas.