

**PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
February 24, 2015**

ROLL CALL: Present: Greg Wasinger, Bruce Freeman, Sandi Peterson, Ana Schlecht, Mike Piccone, Cecil Pierce and Jes Walker-Wyse
Staff Present: Development Services Director, Steve Powers; Senior Planner, Cac Kamak and Associate Planner Ray Lindenburg

Vice Chairman Wasinger called the meeting to order at 7:35 p.m.

MINUTES: MS. PETERSON MOVED, MS. WALKER-WYSE SECONDED, MOTION CARRIED TO APPROVE THE JANUARY 27, 2015 MINUTES AS PRESENTED.

PUBLIC COMMENT:

None.

REZONE 1000 SE CITY BEACH STREET – R4, HIGH DENSITY RESIDENTIAL TO PF, PUBLIC FACILITIES – Public Hearing

Mr. Wasinger opened the public hearing.

Mr. Kamak reported that this rezoning process follows through on the 2014 Comprehensive Plan Future Land Use amendment.

Mr. Kamak reviewed the background information on the property, the review criteria and recommended that the Planning Commission conduct the public hearing and forward a recommendation to the City Council.

Mr. Wasinger asked for public comment, seeing none the public hearing was closed.

ACTION: MR. FREEMAN MOVED, MR. PIERCE SECONDED MOTION CARRIED TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE REZONING OF THE PROPERTY LOCATED AT 1000 SE CITY BEACH STREET FROM R4, MULTIFAMILY RESIDENTIAL TO PF, PUBLIC FACILITIES.

DRAFT COUNTYWIDE PLANNING POLICIES (CWPP) – Public Meeting

Mr. Powers displayed a PowerPoint presentation (PC Attachment 1) and reported that the CWPP is a document required by the Growth Management Act. The CWPP establishes a set of consistent policies that the County and the municipalities within the County agree to follow when working on our individual comprehensive plans. The Planning Commission has reviewed the purpose, applicability, definitions, goals, general provisions, Joint Planning Area (JPA), Urban Growth Area (UGA) policies and Urban Development policies during their December 2014 and January 2015 business meetings. Mr. Powers indicated that tonight the Planning Commission would review the discuss population projection and land capacity analysis policies.

Mr. Powers explained that population projection is the foundation by which we need to work on the Comprehensive Plan. Under the Growth Management Act, our obligation is to plan for the 20 year population projection. Every eight years we review our population projection. The Office

of Financial Management provides low, medium and high population projection. Oak Harbor typically uses the medium projection. The Countywide Planning Group will review the assumptions and come to a consensus for the total county population. Mr. Powers then detailed the how the population projection is allocated to the municipalities and the County.

Mr. Powers moved on to the land capacity analysis and reported that the collective goals are for the process to be uniform, data based, reproducible, objective and defensible. Mr. Powers detailed the steps for conducting the land capacity analysis.

Planning Commission Discussion

Commissioners asked the following questions:

What role does the Navy play in the population projection process? Mr. Powers said that the Navy provides information to the degree that they can.

Where did the 50% estimate come from in the calculation of the parcels which are not likely to redevelop? Mr. Powers stated that the group believed 50% was a reasonable percentage.

How does subdividing a large parcel in the County equate when subdividing for single family lots? Mr. Power stated that minimum lot size in the County would be 5 acres.

There was discussion about how zoning changes over time.

Mr. Powers indicated that the next step for the Planning Commission is to hold a public hearing at their March business meeting.

ANNUAL REPORT TO CITY COUNCIL – Public Meeting

Mr. Powers noted that the Planning Commission was briefed at the last meeting and since the recommendation section of the report was left blank he asked the Planning Commission if they wanted to put forth recommendations to the City Council.

Planning Commission asked staff to include their thanks to staff for their efforts throughout the year.

Mr. Powers stated that the next step is presentation to the City Council at their March 17th meeting and invited Planning Commission members to attend if their schedule allowed.

Planning Commission recessed at 8:21 p.m. and resumed the meeting at 8:30 p.m.

HOMELESS ENCAMPMENT CODE AMENDMENT – Public Meeting

Mr. Powers displayed a PowerPoint presentation which introduced the draft homeless encampment ordinance for Planning Commission's initial feedback. Mr. Powers reported that during an audit by the Washington Cities Insurance Authority (WCIA) they noted a lack of regulation in this area and recommended that the City revise our code to include homeless encampment regulations.

Mr. Powers explained that the draft code was based on Mercer Island code which has been court-tested and the new code amends OHMC 19.35 Temporary Use Permits and creates a new temporary use permit and process. Mr. Powers detailed the regulations.

Planning Commission Discussion

Planning Commission asked the following questions:

Is the 50 person limit related to the size of the parcel? Answer: 50 is the maximum number, if the parcel can't support that from a public sanitation perspective then the number could not be 50.

There was some discussion of emergency shelters in the City.

Who is responsible for background checks? Answer: The sponsor would be responsible to have background checks done through the Police Department.

Would there need to be two sets of rules, one for religious organizations and one for non-religious organizations? Answer: Staff would hesitate to have two sets of rules but would rather remove the language that says it is restricted to religious organizations and make sure the procedures provide the Constitutional protection of religious organizations rights.

There was some concern about restricting homeless encampments to religious organizations. Mr. Powers indicated that perhaps the religious organization could be the sponsor and a non-religious organization could be the manager. Churches often have land holdings while some of the other service organizations don't have land holdings beyond office spaces.

Would homeless encampments be allowed on a non-religious organizations property if a religious organization was the sponsor? Answer: The regulations are tied to religious organization owned property (see definition of "temporary encampment sponsor"). If the Planning Commission is interested in allowing non-religious organization staff would craft language that would meet that goal.

Mr. Powers noted that a religious organization is protected by the United States and the Washington Constitution by the Religious Land Use and Institutionalized Persons Act of 2000.

Will this draw more homeless to Oak Harbor? Mr. Powers noted that when the City adopted adult entertainment rules that it didn't bring a wave of adult entertainment facilities to our community but he didn't know if the establishment of a facility in Oak Harbor would draw people from the north Whidbey area or Mount Vernon and Burlington. Staff will get more information from the Social Services for Planning Commission at the next meeting.

What would prevent a person from becoming a religious organization and setting up a homeless encampment on his property? Answer: This ordinance wouldn't prevent a person from establishing a church that they couldn't already start under the existing body of law.

Churches are tax exempt, if they are paying taxes would they not qualify? Staff will get more information for the next meeting.

Who enforces the do's and don'ts in the code? Answer: If it is a zoning code violation we would go through the code enforcement process. If it is something more than that we would use the law enforcement process

Suggestions:

Add requirements for the number of toilet and shower facilities.

Add requirements for the distance from public transit stops.

Specify a minimum distance from sensitive areas such as schools, playgrounds and daycares. Specify that if the site is not cleaned up after use for a temporary encampment they are subject to the existing code enforcement regulations.

How often do regular inspections occur as stated on page 85, paragraph (xvi)? Answer: This was left generic on purpose because it would depend on how the organization performs.

Where did the distinction of the knife size come from in the section that states “All knives over three and one-half (3-1/2) inches must be turned in to the encampment managing organization for safekeeping”? Mr. Powers guessed it was law enforcement based.

ADJOURN: 9:18 p.m.

Minutes submitted by: Katherine Gifford

Countywide Planning Policies

A Continued Discussion



Planning Commission
2/24/2015

CWPP

- Purpose:
 - Review topics covered to date
 - Discuss Population Projection policies
 - Discuss Land Capacity Analysis policies
 - Address PC questions/comments



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2/26/2015
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CWPP

Topics discussed to date:

- Purpose
- Applicability
- Definitions
- Countywide Planning Goals
- Countywide Planning Policies
 - General Provisions
 - Joint Planning Area
 - Urban Growth Area (UGA) policies
 - Urban Development policies



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North Whidbey Urban Growth Area and Joint Planning Area



Planning Commission
2/26/2015

CWPP

- Population Projections
 - Review 20 year projection each periodic update
 - Office of Financial Management – medium series
 - Countywide Planning Group (CPG) reviews assumptions
 - Consensus on total county population



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2/26/2015
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CWPP

- Population Projections (cont.)
 - County adopts first; then cities/town
 - CPG allocates population to each planning area
 - Growth, demographic, economic & housing trends
 - CPG divides each area into urban and rural
 - Capacity exist?



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CWPP

- Land Capacity Analysis
 - Collective staff goals for process
 - Uniform
 - Data based
 - Reproducible
 - Objective
 - Defensible



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CWPP

- Land Capacity Analysis – General Steps
 1. Sort parcels by zoning district
 2. Identify undevelopable parcels
 - Tax exempt (parks, schools, churches, public facilities)
 3. Map critical areas; calculate % constrained
 4. Sort parcels: SF, MF, Comm./MU and Ind.



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CWPP

- Single-Family – major steps – for each zoning district
 1. Calculate dev. potential all vacant parcels (VP)
 2. Calculate dev. potential all partially vacant parcels (PVP)
 3. Calculate total dev. potential (TDP)
 - Add results from Step 1 and 2 together
 - Deduct land needed for public purpose
 - Apply critical area constraint factor
 4. Results from above = Total Net Capacity for that district



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CWPP

- Single-Family – final steps
 5. Add TNC for each zoning district = total single-family potential in UGA
 - As measured in dwelling units
 6. Number of dwelling units x average household size = number of people accommodated in SF zones



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CWPP

- Single-Family – Details
 2. Calculate dev. potential (in dwelling units) of all partially vacant parcels (PVP)
 - PVP is at least 2 times min. size
 - Divide parcel area by min. lot size, rounding down
 - Subtract one (for existing dwelling unit)
 - Remove 50% of parcels that are 2-2.5 times min. size
 - Accounts for parcels not likely to redevelop



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CWPP

- Multifamily
 - Steps are very similar to single-family
- Re-developable parcels a little different
 - Improvement-to-land value ratio 1:2
 - Low improvement value to high land value
 - land worth more than building
 - redevelopment likely within 20 years



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CWPP

- Total residential capacity in UGA
 - All single-family zones plus all multifamily zones
- If 20-year pop. accommodated, no change required
- If 20-year pop. not accommodated, change required
 - Expansion?
 - Change densities?
 - Change land use pattern?



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CWPP

- Commercial/Mixed Use & Industrial
 - Steps are same as multifamily
 - Capacity measured in jobs per acre, not dwelling units
- Re-developable parcels
 - Improvement-to-land value ratio 1:2
 - Low improvement value to high land value
 - land worth more than building
 - redevelopment likely within 20 years
- Capacity?



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CWPP

- Land Capacity Analysis
 - Total UGA capacity = total res. + total comm./ind.



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CWPP

- Next steps:
 - March 24th meeting ~ open public hearing



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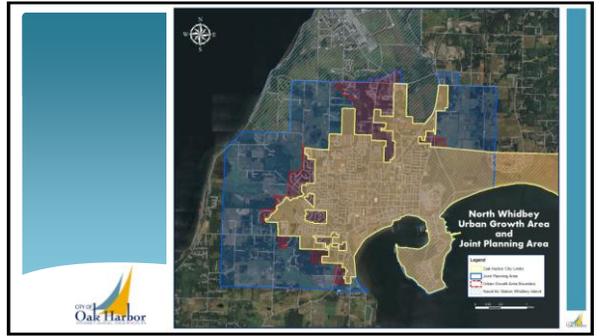
CWPP

- Planning Commission discussion and questions



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PC ATTACHMENT 1



Homeless Encampment Regulations

Code Amendment



Planning Commission
2/24/2015

Homeless Encampment Regulations

- Purpose:
 - Introduce draft ordinance
 - Receive initial Planning Commission feedback



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Homeless Encampment Regulations

- Background
 - WCIA land use audit noted lack of regulations
 - Recommended City revise code to include



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Homeless Encampment Regulations

- Discussion
 - *Why adopt regulations now?*
 - Put in place before needed
 - Better to adopt before questions or applications
 - Not aware of any proposed encampments
 - Process easier without a specific application to address.



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Homeless Encampment Regulations

- Discussion
 - *Why adopt regulations now?*
 - Federal/State constitutions and laws protect religious organizations rights
 - Many encampments are sponsored by such groups
 - Tackling this issue now helps protect all parties



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Homeless Encampment Regulations

- Discussion
 - *Initial Draft Code*
 - A draft code has been prepared for review
 - Draft is based on Mercer Island code, which has been court-tested.
 - Amends OHMC 19.35, Temporary Use Permits
 - Creates a new temporary use permit & process



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Homeless Encampment Regulations

- Discussion
 - *Initial Draft Code*
 - Staff reviewed other codes & summarized results
 - This is a working draft – comments and revisions are encouraged and expected.



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Homeless Encampment Regulations

- Discussion
 - *Initial Draft Code*
 - Establishes a connection between temporary encampment and places of worship
 - Requires sponsoring & managing organization
 - May be the same
 - Only one camp in city, 90-day time limit, max. 50 people
 - Requires notice to the community & meeting



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Homeless Encampment Regulations

- Discussion
 - *Initial Draft Code*
 - Establishes site layout and operational standards to protect the community and the encampment residents
 - Compliance with other City/County health, safety and welfare rules
 - Background checks required
 - No children



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Homeless Encampment Regulations

- Discussion
 - *City Council*
 - Briefed at two workshops
 - Initial input – consider:
 - No limitations on the number of times a camp may be established
 - Allow for sponsorship by non-religious organizations
 - Require financial guarantee for site clean-up



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Homeless Encampment Regulations

- Recommendation
 - This item is for information and discussion only.
 - No action is required at this time.



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Homeless Encampment Regulations



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