

**PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
June 22, 2010**

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

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

MINUTES: MR. FAKKEMA MOVED, MR. WASINGER SECONDED, MOTION CARRIED TO APPROVE THE May 25, 2010 MINUTES AS PRESENTED.

PUBLIC COMMENT
None.

ADULT ENTERTAINMENT INTERIM ORDINANCE – Public Meeting

This agenda item is intended to provide information only and the Planning Commission will not be asked to make any recommendations or take any action at this time.

Mr. Kamak reported the following:

City Council Action - March 23, 2010, the City adopted ordinances that address public nudity and licensing of adult entertainment based on a recently expressed interest to open an adult entertainment establishment in the area. As part of adopting these regulations, the City also adopted an interim zoning control to restrict such uses to an overlay district. The ordinances are summarized as follows:

- **Ordinance Banning Public Nudity:** The City Council adopted an ordinance creating a new chapter 6.70 entitled “Nudity in Public Places” to Title 6 Public Peace, Safety and Morals of the Oak Harbor Municipal Code. The purpose of this ordinance is to ban public nudity with appropriate exceptions. Since this is not a land use related ordinance it will not be necessary for Planning Commission to review this language.
- **Ordinance adopting Adult Entertainment Licensing and Regulations:** The Ordinance created a new chapter 5.20 entitled “Adult Entertainment” in Title 5 Business Licenses and Regulations of the Oak Harbor Municipal Code. The regulations adopted with this ordinance address how the business should operate and deals directly with the details of the how the business is run to mitigate the secondary impacts that are caused by such uses. Since this deals with the business licensing and related requirements and is not a land use related ordinance it will not be necessary for Planning Commission to review this language.
- **Interim Ordinance adopting an Adult Entertainment Overlay Zone:** This Ordinance created an interim zoning control by adopting an overlay zone that determines where such uses may locate. The interim ordinance created a new chapter 19.52 entitled “Adult Entertainment Facilities Overlay Zone”. The interim created an overlay districts that includes C-3, Community Commercial, I-Industrial and PIP, Planned

Industrial Park zoned property. The extent of the overlay district was determined by creating a buffer of 750 feet from schools, parks and religious institutions and 100 feet from residentially zoned areas.

Mr. Kamak explained that RCW 36.70A.390 allows the adoption of interim zoning control measure without public hearing as long as one is held within 60 days of the initial adoption.

The City Council adopted the ordinances as proposed. However, as a result of public comments and Council discussion, the City Council encouraged staff to pursue changing the buffer for residential uses to 750 feet (originally 100 feet).

City Council Action – May 4, 2010

The City Council held a public hearing as required by RCW 36.70A.390 within 60 days of the initial adoption on May 4, 2010. The proposed ordinance included the increased buffer for residential uses from 100 feet to 750 feet. The result of the increased buffer eliminated all the C-3, Community Commercial zoned property from the overlay zone. The interim ordinance was thus adopted with an overlay district that includes only I, Industrial and PIP, Planned Industrial Park properties along Goldie Street. Map is attached as Attachment 1.

Mr. Kamak noted that the adopted interim ordinance is effective for no longer than six months in accordance with RCW 36.70A.390. Before the end of this period the City must adopt a final ordinance that has gone through the regular review process (SEPA review, Planning Commission review and recommendation, Department of Commerce notification) or develop a work plan for related studies that can extend the time by one or more six-month periods.

Mr. Kamak explained that the process of adopting a final ordinance will include a public hearing conducted by the Planning Commission. The date for the hearing is yet to be determined.

Commission Questions

Are the properties in the overlay district developed or vacant land? Mr. Powers indicated that there were some that were developed and some that are undeveloped.

If the buffer was increased to 1000 feet would those properties drop out and how was the 750 foot buffer was chosen? Mr. Kamak stated that the City could not increase the buffer to a point that would exclude all properties to adult entertainment and the 750 foot buffer is the size of the buffer that most communities use.

Is it preferable to have adult entertainment uses close or away from the core of the city? Mr. Powers indicated that there are two methods, the concentration method which keeps those land uses together and the dispersion method which spreads the uses out.

Are there any studies? Mr. Kamak indicated that there are many studies that other communities have done ranging from land uses and licensing. Mr. Kamak offered to make copies for everyone or that Planning Commissioners can stop by his office to review the materials.

Does Island County have any ordinances for adult uses? Mr. Powers indicated that they do not but have started the process at the staff level. Mr. Powers also stated that each community's geography is different and each community has a different spatial arrangement of land uses.

What is the timeline was for adopting a final ordinance? Mr. Kamak stated that the City is going to try and complete the final adoption within six months which would require a public hearing before the Planning Commission at the July business meeting.

Where do the police stand on the ordinance? Mr. Powers indicated that the police department was involved in the initial crafting of the interim ordinance.

2010 COMPREHENSIVE PLAN AMENDMENTS – LAND USE CHANGES – Public Meeting

Mr. Kamak reported that the 2010 Comprehensive Plan Docket includes three properties for which land use changes were requested. All three properties are owned by the City and the requested changes are intended to reflect the proposed use of the properties.

The three properties are described below:

- **Scenic Heights Trailhead site** - Land use change from Low Density Residential to Public Facilities. The property is located on SW Scenic Heights Street adjacent to SW 20th Court. The property was purchased by the City using Conservation Futures Funds with the intent to develop it into a trailhead site for the Waterfront Trail. The existing zoning for the property is R-1, Single Family Residential and the existing land use designation is Low Density Residential. The property is proposed to be developed as a trailhead site for the Waterfront Trail, which extends from SW Scenic Heights Street to Maylor Point. The site is currently in its planning stages and proposed design includes an area with informational displays, a viewing area and some parking. Construction of this project is expected to commence this summer. Upon completion the trailhead site would become part of Oak Harbor's park system. The Public Facilities classification is intended to accommodate public facilities such as parks, utilities, government offices, etc. and therefore would be the most appropriate land use category for the property. All parks in Oak Harbor are designated as Public Facilities and since the trailhead site would be part of the park system it would be logical to amend the land uses designation. If the requested change is approved the property would be zoned for Public Facilities which would permit the intended use by right. Since construction of the trailhead is scheduled to commence prior to a decision on the land use change, the project will need a conditional use permit under the current zoning classification. The hearing for the permit is scheduled for the June 18, 2010. Decision by the Hearing Examiner will take approximately 2-3 weeks. Staff will keep the Planning Commission updated regarding the project.
- **North Reservoir Site west of Oak Harbor Road near Gun Club Road** – Land use change from Planned Business Park to Public Facilities. This property is located near Gun Club Road in northwest Oak Harbor. The City currently owns a 10 acre tract but will retain only 5 acres to develop it for two water reservoirs. The five acre tract is approximately 1000 feet north of unimproved Gun Club Road between Oak Harbor Road and Heller Road. The existing zoning for the property is Planned Business Park and the existing land use designation is Planned Business Park. The Planned Business Park classification is intended to promote the development of larger-scaled master planned developments related to office complexes and other similar facilities. The use of this property for a water reservoir does not fit within the purpose of the Planned Business Park classification. The City has identified this site as an appropriate location for possibly two water reservoirs to serve Oak Harbor. The location for this project was determined following a technical analysis on the water system. The Public Facilities classification is intended to accommodate public facilities such as parks, utilities, government offices etc and therefore would be the best suited land use category for the use. Construction for this project is not expected to commence this year. If the requested change in land use is approved the project will be permitted by right and will be required to go through a Type II site plan review process.

- **SE corner of SR 20 and Fakkema Road** – Land use change from Auto/Industrial Commercial to Open Space. The property was formerly referred to as the Boyer Property. The property was purchased through a collaboration of the City, Island County, State of Washington and the Navy with the City retaining ownership in fee simple. The property was purchased by the City, County and Navy with the intention to restrict development activity due to its location within the flight path. The property is located in Accident Potential Sub-district One and Two and is currently zoned C-4, Highway Service Commercial with a land use designation of Auto/Industrial Commercial. The Parks and Recreation Plan adopted in 2009 identified this property as a potential location for an Oak Grove. Pursuing this idea will require a land use designation of Open Space. Staff is currently working with soil experts to determine the characteristics of the soil and its suitability for vegetation.

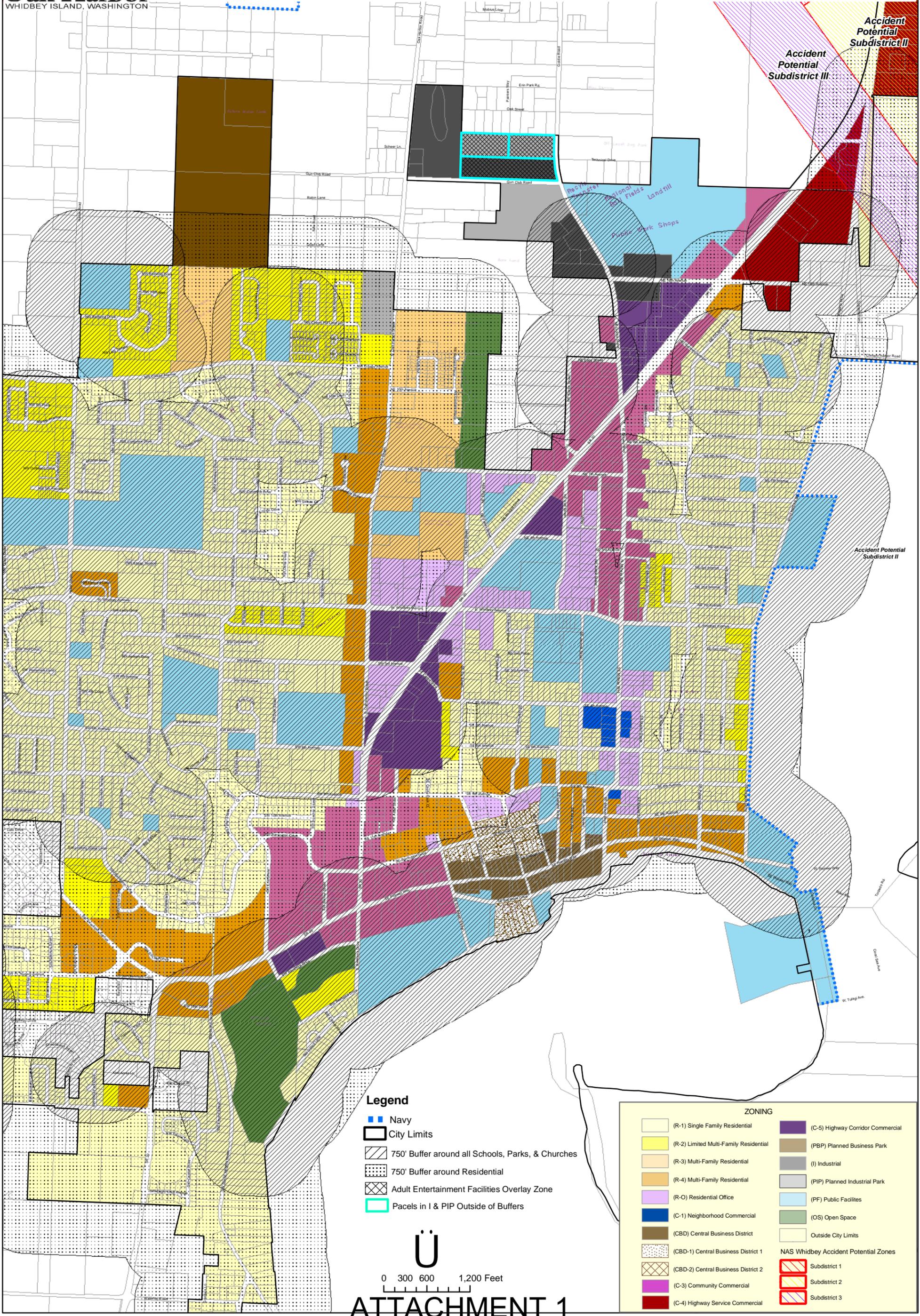
Commission Discussion

There was a suggestion to have a program that has an area for each school to cultivate Garry Oaks.

BEING NO FURTHER BUSINESS BEFORE THE PLANNING COMMISSION, THE MEETING WAS ADJOURNED AT 8:15 P.M.

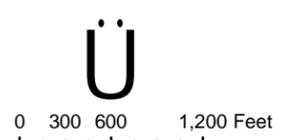


Adult Entertainment Facilities Overlay Zone I and PIP Zoning Outside of 750 Foot Buffers and 750 Foot Residential Buffer



Legend

- Navy
- City Limits
- 750' Buffer around all Schools, Parks, & Churches
- 750' Buffer around Residential
- Adult Entertainment Facilities Overlay Zone
- Parcels in I & PIP Outside of Buffers



ATTACHMENT 1

ZONING	
 (R-1) Single Family Residential	 (C-5) Highway Corridor Commercial
 (R-2) Limited Multi-Family Residential	 (PBP) Planned Business Park
 (R-3) Multi-Family Residential	 (I) Industrial
 (R-4) Multi-Family Residential	 (PIP) Planned Industrial Park
 (R-O) Residential Office	 (PF) Public Facilities
 (C-1) Neighborhood Commercial	 (OS) Open Space
 (CBD) Central Business District	 Outside City Limits
 (CBD-1) Central Business District 1	 NAS Whidbey Accident Potential Zones
 (CBD-2) Central Business District 2	 Subdistrict 1
 (C-3) Community Commercial	 Subdistrict 2
 (C-4) Highway Service Commercial	 Subdistrict 3