



# PLANNING COMMISSION

## AGENDA

February 24, 2015

ROLL CALL: WASINGER \_\_\_\_\_ FREEMAN \_\_\_\_\_  
PETERSON \_\_\_\_\_ SCHLECHT \_\_\_\_\_  
PICCONE \_\_\_\_\_ PIERCE \_\_\_\_\_  
WALKER-WYSE \_\_\_\_\_

1. *Page 4*  
**Approval of Minutes – January 27, 2015**
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. *Page 16*  
**REZONE 1000 SE CITY BEACH STREET – R4, HIGH DENSITY RESIDENTIAL TO PF, PUBLIC FACILITIES – Public Hearing**  
The Planning Commission will conduct a public hearing on the rezoning of 1000 SE City Beach Street from R4, High Density Residential to PF, Public Facilities. The rezoning is an implementation of the Comprehensive Plan Land Use amendment that changes the property’s designation from High Density Residential to Public Facilities. The property is currently owned by the City. The intent of the change is to designate the property to allow use of the site as a private burial ground/cemetery for the Swinomish Indian Tribal Community. The Planning Commission will make a recommendation to the City Council.
4. *Page 20*  
**DRAFT COUNTYWIDE PLANNING POLICIES – Public Meeting**  
The Countywide Planning Policies (CWPP) are policy statements adopted by Island County and the jurisdictions within intended to establish a countywide framework from which county and city comprehensive plans are developed. Adoption of the CWPP is required by the Growth Management Act and they are being revised as part of the 2016 update to the Comprehensive Plan. Staff will brief the Planning Commission on the policies related to population projection and land capacity analysis.
5. *Page 59*  
**ANNUAL REPORT TO CITY COUNCIL – Public Meeting**  
The Planning Commission will discuss and review their annual report to the City Council. The annual report is a summary of Planning Commission’s accomplishments in 2015 and proposed work program for 2015. At the conclusion of the meeting the Planning Commission will forward the report to the City Council.
6. *Page 79*  
**HOMELESS ENCAMPMENT CODE AMENDMENT – Public Meeting**  
The Municipal Code does not contain any regulations relating to how or where an organized, sponsored homeless encampment may be established. Staff will brief the Commission on the need to establish such regulations and present an initial, draft ordinance.

# MINUTES

January 27, 2015

**PLANNING COMMISSION  
REGULAR MEETING  
CITY HALL – COUNCIL CHAMBERS  
January 27, 2015**

**ROLL CALL: Present:** Greg Wasinger, Sandi Peterson, Cecil Pierce and Jes Walker-Wyse  
**Absent:** Ana Schlecht, Mike Piccone and Bruce Freeman  
**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 7:37 p.m.

**ELECTION OF CHAIR AND VICE CHAIR**

**ACTION: MR. PIERCE MOVED, MS. PETERSON SECONDED, MOTION CARRIED TO NOMINATE GREG WASINGER AS PLANNING COMMISSION CHAIR.**

**ACTION: MS. PETERSON MOVED, MR PIERCE SECONDED, MOTION CARRIED TO NOMINATE BRUCE FREEMAN AS PLANNING COMMISSION VICE CHAIR.**

**MINUTES: MR. PIERCE MOVED, MS. PETERSON SECONDED, MOTION CARRIED TO APPROVE THE DECEMBER 9, 2014 MINUTES AS PRESENTED.**

**PUBLIC COMMENT:**

None present for comment.

**2015 COMPREHENSIVE PLAN AMENDMENT – Public Hearing**

Mr. Wasinger opened the public hearing.

Mr. Kamak displayed a PowerPoint presentation (Attachment 1) and reviewed the Comprehensive Plan amendment process. The items that are currently on the 2015 Comprehensive Plan preliminary docket:

- 2016 Major Updates to the Comprehensive Plan - *Mandated*
  - Land Use Element
    - Population and Projections
    - Land Use inventory
    - Population densities and Building intensities
    - Updates to Critical Areas
  - Housing Element
    - Inventory and analysis on existing housing
    - Projected housing needs based on projections
    - Sufficient land for housing
    - Policies regarding manufactured home
  - Transportation Element
    - Update the Transportation Plan
- Capital Improvements Plan update - *Mandated*
- Facility Plan for the wastewater treatment plant – *Mandated*
- Land Use change from Low Density Residential to Medium Density Residential for 3 lots on SW 3<sup>rd</sup> Avenue (R132034884830, R132034884940, and R132034885060) – *Sponsored Amendment*

Mr. Kamak presented the review criteria for Comprehensive Plan amendments and indicated that the items on the 2015 docket meet the criteria. Mr. Kamak concluded by recommending that the Planning Commission conduct the public hearing and make a recommendation to the City Council.

Planning Commission Discussion

Planning Commissioners asked if the sponsored amendment for the land use change requires staff resources and does the applicant pay for that. Mr. Kamak indicated that there is an application fee for the application but that is not looked at as compensation for staff resources. It is a service the City provides.

**ACTION: MS. PETERSON MOVED, MR. PIERCE SECONDED MOTION CARRIED TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE PROPOSED DOCKET FOR THE 2015 COMPREHENSIVE PLAN AMENDMENTS.**

Mr. Wasinger closed the public hearing.

**DRAFT COUNTYWIDE PLANNING POLICIES (CWPP) – Public Meeting**

Mr. Powers displayed a PowerPoint presentation (PC Attachment 2). Mr. Powers indicated that the Planning Commission was provided the current version of the CWPP in their packet and handed out the legislative edit version of the policies so that the Commission could see the changes that were made. Mr. Powers noted that the Planning Commission has reviewed the purpose, applicability, definitions, goals, general provisions and the Joint Planning Area (JPA) during their December business meeting. Mr. Powers indicated that tonight the Planning Commission would review the Urban Growth Area (UGA) policies and Urban Development policies.

Mr. Powers provided the definition and the purpose of the UGA and covered the main points of the UGA policies.

Planning Commission Discussion

Commissioners asked:

Where does the 50% population growth benchmark come from? Mr. Powers explained that the percentage was what staff thought was appropriate but could be changed.

Is there a definition of major employer by number of employees? Mr. Powers explained that there wasn't and it was purposely left nonspecific because we don't want to limit ourselves and leave some flexibility so we can deal with situations when they arise.

Would we evaluate the UGA when a major employee comes in or vacates the area? Mr. Powers explained that we would not shrink the UGA if a major employer vacated Oak Harbor.

Where does the information in the land capacity analysis come from and how is it done? Mr. Powers explained that the information comes out of the tax rolls. The land capacity analysis is a series of maps with information that is drawn out of the County records. Next month the land capacity analysis will be explained in greater detail.

Mr. Powers moved on to the of Urban Development policies and reviewed the main points of the policies.

### Planning Commission Discussion

Planning Commissioners asked for clarification regarding the statement “County will prohibit urban development or that which blocks urban development”. Mr. Powers explained this statement means that the County will send property owners to the City to discuss annexation into the City before developing at urban intensities and lower intensities that make it difficult to develop at urban intensities.

Is there a benefit to the County when properties annex into the City? Mr. Powers explained that development at urban intensity yields greater property tax which benefits the county.

Mr. Powers stated that the Planning Commission will discuss population projections and land capacity analysis at the February 24<sup>th</sup> meeting and hold the public hearing at the March 24<sup>th</sup> meeting.

### **ANNUAL REPORT TO CITY COUNCIL – Public Meeting**

Mr. Powers reported that this is a code requirement that the Planning Commission forward an annual report to the City Council. Mr. Power touched on some of the accomplishments in 2014 and the 2015 proposed work program. Mr. Powers asked Planning Commissioners for any recommendations for the City Council which can be included into the report and then forwarded to City Council.

Planning Commission had questions regarding recreational and medical marijuana land uses in the UGA. What happens when the area is annexed into the City and how the City will deal with waste products generated by this type of use. Mr. Power explained that if the facility is allowed as a permitted use under the County regulations and it is annexed into the City but doesn't completely match the City regulations it would be dealt with under the nonconforming use portion of our Code. The Code specifies that businesses can't release anything that is toxic and they have to comply with our sewer and water Code.

**ADJOURN: 8:35 p.m.**

Minutes submitted by: Katherine Gifford

## 2015 Comprehensive Plan Amendments

Preliminary Docket



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## Annual Amendments

- RCW 36.70a.130(2)(a) allows the Comprehensive Plan to be amended no more frequently than once a year
- Oak Harbor has codified the process to consider amendments to the Comprehensive Plan (OHMC 18.15)



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## Annual Process

- Process begins every year in October with a call for applications
- Application deadline is December 1
- Amendments are compiled into a preliminary docket
- Preliminary Docket is advertised to the public for comments
- Planning Commission holds hearing and makes a recommendation before the end of January
- City Council holds a hearing and takes action before the end of March
- Analysis and public input on the amendments are done between April and August
- Draft amendments are sent to Department of Commerce at the end of August
- SEPA analysis on the amendments are done in September
- Hearing are held on the amendments by Planning Commission in Oct/Nov
- City Council takes action in Nov/Dec



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## 2015 Preliminary Docket

- 2016 Major Update - *mandated*
- Capital Improvements Plan - *mandated*
- Facility Plan for the Wastewater Treatment Plant - *mandated*
- Land Use change from Low Density Residential to Medium Density Residential for 3 lots on SW 3<sup>rd</sup> Avenue (R132034884830, R132034884940, and R132034885060 - *sponsored*)



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## Amendment Criteria

- The proposed amendments are consistent with Growth Management Act and the Countywide Planning Policies.
- The proposal does not appear to contradict other elements, goals and policies within the Comprehensive Plan.
- The proposal will implement or further existing goals and policies in the Comprehensive Plan.
- The proposal would correct an inconsistency within or make a clarification to a provision of the Comprehensive Plan.
- The proposed amendments have been clearly defined to determine a fairly accurate scope of work.
- The proposed amendments respond to an expressed desire by the community.
- The public interest would be best served by considering the proposal in the current year.



## Recommended Action

- Conduct Public Hearing
- Make a recommendation to the City Council on the 2015 Comprehensive Plan Amendment Docket



# Countywide Planning Policies

*A Continued Discussion*



Planning Commission  
2/18/2015

# CWPP

- Purpose:
  - Review topics covered to date
  - Discuss Urban Growth Area (UGA) policies
  - Discuss Urban Development policies
  - Address PC questions/comments
- Note: Latest draft in packet



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# CWPP

Topics discussed to date:

- Purpose
- Applicability
- Definitions
- Countywide Planning Goals
- Countywide Planning Policies
  - General Provisions
  - Joint Planning Area



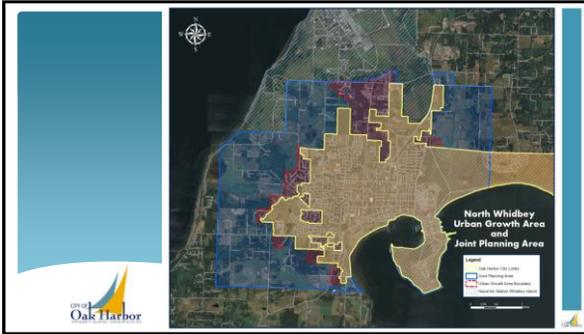
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# CWPP

- Reminder ~ Joint Planning Area (JPA):
  - Areas immediately outside of UGA
  - Reserve areas for future urban growth
  - Protect areas of long term rural significance
  - Planning areas beyond 20-year horizon



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## CWPP

- UGA Policies – Main Points
  - UGA definition:
    - Areas where urban growth encouraged
    - Outside of which growth must be rural or not urban
    - May include non-municipal UGAs (e.g. Freeland)
  - Purpose: provide for 20 years of growth
  - Key point: *where* urban growth/development occurs

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## CWPP

- UGA Policies – Main Points
  - Expansion of a UGA is a significant undertaking
  - Generally considered only during periodic update
    - 8 year cycle per GMA
  - Review based on 20 year population projection



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## CWPP

- UGA Policies – Main Points
  - Within cycle: demonstrate additional land necessary for next 20 year horizon
  - Outside cycle: demonstrate additional land necessary for current 20 year horizon
    - Unexpected population growth
    - Change at NASWI
    - Major employer



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## CWPP

- UGA Policies – Main Points
  - Sized to include only land necessary for 20 year horizon
  - Consider alternatives before expanding:
    - Increasing densities
    - Altering uses allowed by zoning code
    - Alternatives must be viable
    - May consider local economic, social & market factors



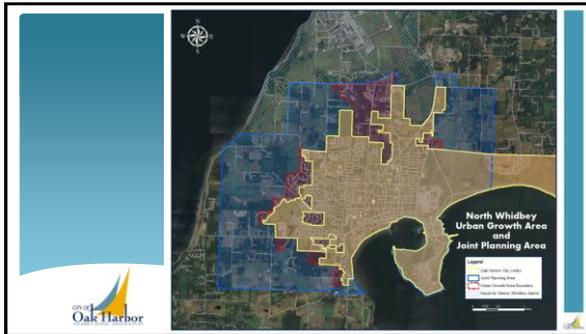
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## CWPP

- UGA Policies – Main Points
  - If modification necessary, use JPA hierarchy:
    - First choice: lands identified for potential growth
    - Last choice: lands extensively constrained by critical areas
  - City or private party may request modification
  - If outside of periodic cycle; utilize County docket process
  - Request requires current land capacity analysis



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## CWPP

- Urban Development Policies – Main Points
  - Urban development only in UGAs/municipalities (big GMA point!)
  - Cities responsible for adopting rules to achieve
  - Urban character (efficient use of land)
  - Urban services
  - Key point: *how* urban growth/development occurs

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## CWPP

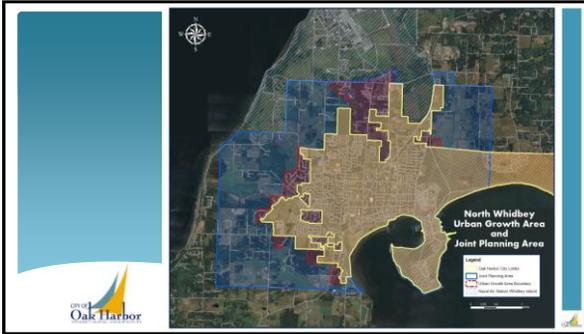
- Urban Development Policies – Main Points
  - Increase % of urban each periodic update cycle
  - Cities adopt annexation policies
  - Urban growth regulated by cities

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## CWPP

- Urban Development Policies – Main Points
  - Unincorporated UGA – land designated UH by County
  - Once annexed, assigned city zoning
  - County will prohibit urban development or that which blocks urban development

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**CWPP**

- Planning Commission discussion and questions

City of Oak Harbor logo in the bottom left corner.

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## CWPP

- February 24<sup>th</sup> meeting
  - Review as necessary
  - Population Projections and Land Capacity Analysis
- March 24<sup>th</sup> meeting
  - Public hearing

 **City of Oak Harbor**

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Rezone

1000 SE City Beach Street

Public Hearing

**City of Oak Harbor  
Report to the Planning  
Commission**

Date: February 24, 2015  
Subject: Rezoning 1000 SE City Beach Street

FROM: **Cac Kamak, AICP  
Senior Planner**

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**Purpose**

The Planning Commission is requested to consider, through a public hearing process, the rezoning of property located at 1000 SE City Beach Street from R4, Multifamily Residential to PF, Public Facilities. The Land Use<sup>1</sup> designation for this property was changed from High Density Residential to Public Facilities in 2014.

This rezoning process follows through on the 2014 Comprehensive Plan Future Land Use amendment and, if approved by the City Council, will officially amend the zoning map to implement the changes made in 2014 to the Comprehensive Plan.

**Public Notice and Comment**

Public notices of the hearing before the Planning Commission were done in accordance with the requirements of the Oak Harbor Municipal Code Chapter 18.20. These notices included site posting, letters sent to the affected property owners and owners of properties within 300 feet of the affected properties, and publishing in the local newspaper.

**Background**

The property at 1000 SE City Beach Street is owned by the City and was designated as High Density Residential on the City's Future Land Use Map. The property was placed on the 2013 docket for a land use change since the City determined that the High Density Residential land use designation will never be realized under City ownership.

At the time this property was placed on the Comprehensive Plan Amendment Docket, the property was also under consideration for a private burial ground/cemetery to accommodate the cultural resources that were uncovered during the construction of Pioneer Way. Work on recovering the cultural resources was still in progress and no decision was made on whether this land may be needed for that purpose. However, since then, a Memorandum of Settlement has been reached between the City and the Swinomish Indian Tribal Community, and this property was included in the memorandum to accommodate the archaeological and cultural resources uncovered during the Pioneer Way project.

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<sup>1</sup> "Land Uses" vs. "Zoning" – "Land Uses" are designated by the Future Land Use Map in the Comprehensive Plan and is considered a planning tool. "Zoning" is designated by the Zoning Map and is an implementation tool along with the Zoning Ordinance.

From a Comprehensive Plan Land Use designation perspective, the intended use of the property fits well with the Public Facilities designation. The intended use would be similar to a cemetery. Existing cemeteries (Maple Leaf and Fircrest) within Oak Harbors Urban Growth Area are designated as Public Facilities, and therefore it seemed logical to designate 1000 SE City Beach Street as such. The proposed designation would accommodate the needs of the Swinomish Indian Tribal Community, and if approved would exclusively be used for spiritual and cultural purposes, including the burial ground/cemetery, and if the Tribe elects, a cultural center and/or memorial.

In 2014, the amendment to the Future Land Use map to change the designation to Public Facilities moved forward for consideration. The Planning Commission conducted a public hearing on the land use change on June 24, 2014. After review and deliberation, the Planning Commission forwarded the Amendments to the City Council with a recommendation for approval. The City Council, at its Dec 2, 2014 meeting, approved the amendment.

### **Discussion**

While the long term land use vision of the proposed sites is embodied in the Future Land Use Map designation of the Comprehensive Plan, the specific zoning of the site must be changed to correspond with this vision. Therefore, since the land use designation was changed to Public Facilities, the corresponding zoning district PF, Public Facilities, in accordance with OHMC 19.12.010, must also be adopted. In considering this rezoning change, the request is reviewed against the criteria listed in OHMC 19.75.020.

- (i) The proposed rezone is in the best interest of the residents of the city;  
*The rezoning of this property will allow the property to be used for private/burial ground for the Swinomish Indian Tribal Community and thus accommodate the archaeological and cultural resources uncovered during the Pioneer Way project. Making changes to accommodate this use indicates the City's interest and respect for the rich history and culture that comes with living in this area. Therefore the proposed change is in the best interest of all residents of the City.*
- (ii) The proposed rezone is appropriate because either:
  - (A) Conditions in the immediate vicinity of the subject property or within the city have so significantly changed since the property was given its present zoning that, under those changed conditions, a rezone is within the public interest; or
  - (B) The rezone will correct a zone classification or zone boundary that was inappropriate when established; or
  - (C) The proposed rezone is consistent with the comprehensive plan; or  
*This criteria is more applicable than the other criteria since the Comprehensive Plan was amended in December 2014 and this process is following through with*

*the City Council's approval and implementing the zoning based on the amended land use.*

- (D) The proposed rezone is consistent with all applicable provisions of this title including any specific design criteria;
- (iii) The proposed rezone bears a substantial relation to the public health, safety, and welfare;  
*The proposed rezone will not adversely impacts the public health, safety and welfare. Cemeteries and burial grounds are passive uses and are compatible with the current uses adjacent to the site.*
- (iv) A site plan of the proposed project, if considered, is designed to minimize all significant adverse impacts on other properties;  
*Not applicable*
- (v) A site plan, if considered, is designed to minimize impacts upon the public facilities, services and utilities;  
*Not applicable*
- (vi) The proposal is not inconsistent with the surrounding area;  
*Cemeteries and burial grounds are passive uses and are compatible with the current zoning designation adjacent to the site.*
- (vii) If applicable, that there is a means of developing, preserving, and maintaining open space;  
*Not applicable*
- (viii) All conditions necessary to lessen any impacts of the proposed use can be monitored and enforced.  
*The zoning ordinance and development regulations should be sufficient to address any impacts that the proposed use may have on adjacent properties.*

**Recommendations**

1. Conduct public hearing
2. Forward a recommendation to the City Council.

**Attachments:**

Exhibit A: Location Map of property



Draft

# Countywide Planning Policies

Public Meeting

# Memo

**TO:** Planning Commission  
**FROM:** Steve Powers, Development Services Director  
**CC:** File  
**DATE:** 2/24/15  
**RE:** Draft Countywide Planning Policies

Staff will continue the discussion of the draft Countywide Planning Policies (CWPP) with the Planning Commission. No revisions have been made to the draft by Island County since last month. The same draft document is again attached to this memo for your reference; this time it is in a legislative edit format.

This month's briefing will focus on the population projection and land capacity analysis policies. Staff hopes to complete the discussion of the draft this month and to open a public hearing in March.

Please do not hesitate to contact me should you have any questions.

Thank you.

# Countywide Planning Policies

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## 1. General Provisions

### 1.1 Purpose

The Washington State Growth Management Act (GMA) requires that cities and counties adopt comprehensive plans. The GMA further requires that counties adopt Countywide Planning Policies (CWPPs) (RCW 36.70A.210 & WAC 365-196-305) to guide and coordinate issues of regional significance. The following goals and policies are intended to guide intergovernmental planning efforts, fully implement the planning goals identified in the GMA, and ensure that the actions of ~~local~~<sup>[BJ1]</sup> government agencies within Island County are coordinated and consistent with one another.

### 1.2 Applicability

~~These policies are intended to apply countywide.~~<sup>[BJ2]</sup> Any Government Agency or Special Service District within Island County that conducts planning activities or provides Public Services shall be subject to the goals and policies identified in these CWPPs; specifically:

1. ~~No Planning Policies and Development Regulations adopted or enforced by Government Agencies and/or Special Service Districts shall adopt or enforce a Planning Policy or Development Regulation which is contrary to be consistent with these goals and policies identified in this plan.~~<sup>[T3]</sup>
2. ~~All decisions by Government Agencies and Special Service Districts regarding the provision or construction of Public Services and facilities Government Agency or Special Service District shall construct a public facility, or provide Public Services, in a manner which is contrary to shall be consistent with these goals and policies identified in this plan.~~<sup>[T4]</sup>
3. These goals and policies ~~are intended to apply only to areas of overlapping jurisdiction or concern where a high level of intergovernmental coordination is called for, and~~<sup>[BJ5]</sup> should not be construed to otherwise reduce, diminish, or supersede those planning and land use powers reserved exclusively for the Municipalities or the County by Washington State law.
4. ~~These policies shall only apply to Special Service Districts if either: (a) both the County and the Special Service District enter into an inter-local agreement making these policies applicable to the Special Service District; or, (b) amendments to the GMA make these policies applicable to, or allow these policies to be applicable to Special Service Districts.~~<sup>[T6]</sup>

### **1.3 Definitions**

The following definitions shall be used in the interpretation and application of the CWPPs.

1. Agency, Government: The County government of Island County, a Municipality within Island County, or a department or agency of the State of Washington.
2. County: The County government of Island County. This term is used throughout this document to differentiate between the jurisdictional limits of the government of Island County, and the geographic area encompassed by Island County. See "Island County".
3. Development Regulation: Controls placed on development or land use activities by the County or Municipalities, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, platting regulations, subdivision and short subdivision <sup>[B]7</sup> ordinances, and binding site plan ordinances together with any amendments thereto.
4. Facility of Statewide or Countywide Significance: Those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020. Public school facilities and municipal sewage treatment facilities shall also be considered Facilities of Statewide or Countywide Significance. Throughput transmission facilities and major utilities, as defined in Island County Code, shall not be considered Facilities of Statewide or Countywide Significance. <sup>[T]8</sup> This definition is intended to be used synonymously with the term "essential public facilities".
5. Future Planning Area (FPA): An area immediately outside of, and adjacent to, a Non-Municipal Urban Growth Area. Future Planning Areas are designated by the County to reserve areas which may be necessary for future Urban Growth and to protect land which has been identified as having long term rural significance such as critical areas, key entrance roads, and areas of historical significance. Broadly, such areas are intended to provide an opportunity for long term planning beyond the normal twenty year planning horizon.

6. Joint Planning Area (JPA): Areas immediately outside of, and adjacent to, Municipal Urban Growth Areas. JPAs are jointly designated by the County and Municipalities to reserve areas which may be necessary for future Urban Growth and to protect land which has been identified as having long term rural significance such as critical areas, key entrance roads, and areas of historical significance. Broadly, such areas are intended to provide an opportunity for long term planning beyond the normal twenty year planning horizon.
7. Municipality or Municipal: A legally incorporated or duly authorized association of inhabitants of a limited area for local government or other public purposes. For purposes of interpreting this document, "Municipality" or "Municipal" is intended to refer to the current incorporated jurisdictions in Island County (Coupeville, Langley, and Oak Harbor) as well as any city or town incorporated after the establishment of these ~~policies~~CWPPs.
8. Planning Area: Four Planning Areas have been established in Island County for purposes of long term planning, population forecasting, and data analysis. The four Planning Areas include: Camano Island, North Whidbey, Central Whidbey, and South Whidbey. The specific boundaries of these areas are delineated on maps maintained by, and on file with, the County Planning Department.
9. Planning Goals or Planning Policies: Statements, goals, and specific policies expressed in the Growth Management Act, Countywide Planning Policies, or a comprehensive plan adopted by the County or a Municipality.
10. Rural Area(s): As used in this document the term "Rural Area" is intended to refer to all of the land area in Island County outside of ~~established~~ Urban Growth Areas. Generally (with the exception of RAIDs) -Rural Areas are intended to facilitate agriculture, forestry, and other resource dependent uses and activities which depend on rural resources and lands. Other uses may be permitted in the Rural Area when consistent with the County's definition of Rural Character.
- 10-11. Rural Area of Intense Development (RAID): Areas of existing more intense rural development designated by the County pursuant to RCW 36.70A.050(d) and WAC 365-196-425(6). This term is synonymous with, and may be used interchangeably with the term "Limited Area of More Intense Rural Development" (LAMIRD) as used in the GMA. The County comprehensive plan contains a more complete definition as well as designation criteria for RAIDs.<sup>[BJ9]</sup>
- 11-12. Rural Character: Refers to patterns of land use and development established by the County in the Rural Element of the Island County Comprehensive Plan. For purposes of interpreting this document, the definition of Rural Character shall be the definition contained in the Island County Comprehensive Plan.

~~42-13.~~ 13-14. Service, Public: Includes fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other services provide by Government Agencies or Special Service Districts.

~~43-14.~~ 14-15. Service, Rural: Those Public Services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services are those services necessary to support development which is consistent with the definition of Rural Character and do not include storm or sanitary sewers, except as otherwise authorized by RCW [36.70A.110](#)(4).

~~44-15.~~ 15-16. Service, Urban: Those Public Services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with Rural Areas. Urban Services are intended to accommodate and facilitate Urban Development consistent with the policies expressed in the comprehensive plans adopted by Municipalities.

~~45-16.~~ 16-17. Special Service District: Independent governmental units that exist separately from local governments to provide public services to limited areas using public funds, including but not limited to sewer and water districts, fire districts, and school districts.

~~46-17.~~ 17-18. Sprawl: Scattered, poorly planned Urban Development that occurs particularly in urban fringe and ~~Rural Areas and frequently invades land important for environmental and natural resource protection~~<sup>[B]10</sup>. Generally sprawl is neither reflective of Urban Character nor Rural Character. ~~Sprawl and~~ occurs at densities too high to maintain Rural Character, but too low to provide the full range of social, economic, and cultural amenities typically associated with cities and towns. Sprawl is also characterized by forms of development which are difficult or costly to serve with high quality Urban Services

~~47-18.~~ 18-19. Urban Character, Urban Form: Refers to a pattern of Urban Growth characterized by a high concentration of economic, social, and cultural amenities, as well as a full range of housing types and densities. Each Municipality in Island County has adopted a Comprehensive Plan which is expressive of their desired Urban Form and Character.

~~48-19.~~ 19-20. Urban Development, Urban Growth: A pattern of growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of

mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW [36.70A.170](#). Additionally, the term Urban Development includes all forms of development ~~which~~ that are inconsistent with the County's adopted definition of Rural Character.

~~19-20.~~ Urban Growth Area (UGA): Areas within which Urban Growth is encouraged and outside of which growth can occur only if it is consistent with Rural Character and not Urban Development or urban in nature. In Island County UGAs have been established around each Municipality. In addition a UGA has been established around Freeland in recognition of its existing pattern of Urban Development.

~~20-21.~~ Urban Growth Area, Municipal (MUGA): Each Municipality in Island County has been included in an Urban Growth Area and is responsible for developing a comprehensive plan in compliance with the GMA and the County Wide Planning Policies developed jointly by the County and Municipalities. For purposes of interpreting this document a Municipal Urban Growth Area shall mean an Urban Growth Area associated with an incorporated Municipality. ~~Municipal Urban Growth Areas are subject to the Planning Goals and Policies set forth in the comprehensive plans adopted by the Municipalities.~~<sup>[BJ11]</sup>

~~21-22.~~ Urban Growth Area, Non-Municipal (NMUGA): An area characterized by an extensive pattern of Urban Development which was established prior to the adoption of the GMA and which does not include an incorporated Municipality. In Island County, a Non-Municipal Urban Growth Area has been established around the unincorporated area of Freeland in recognition of an existing pattern of Urban Development. The Freeland Non-Municipal Urban Growth Area is subject to the Planning Goals and Policies set forth in the County's Comprehensive Plan and the Freeland Subarea Plan.

~~22-23.~~ Urban Growth Boundary (UGB): The line ~~which separates~~ designated separating Urban Growth Areas from surrounding Rural Areas. The UGB is intended to preserve Rural Character in Rural Areas and prevent low-density sprawling development by focusing and encouraging Urban Growth in designated Urban Growth Areas.

## 2. Countywide Planning Goals

Island County and the municipalities have identified the following goals as being of countywide concern. These goals are intended to ~~provide a foundation for the~~ CWPPs establish a foundation for, and guide the interpretation of, the policies contained in this document.<sup>[BJ12]</sup>

1. Intergovernmental coordination: The County, the City of Langley, the Town of Coupeville, the City of Oak Harbor, State Agencies, and Special Service Districts, will work together to address issues of regional, or countywide importance in a

coordinated fashion. Proactive communication and coordination will improve the quality of planning activities and reduce the likelihood of disputes.

2. Joint City and County Planning: Decisions regarding Joint Planning Areas, Urban Growth Areas, areas for future UGA expansions, and areas of Long Term Rural Significance will be made by the County and Municipalities in a cooperative fashion.
3. Public Participation: Island County citizens will be involved in the planning process and public comments will be considered by the County and Municipalities before making planning decisions involving issues of countywide concern.
4. Urban Growth Areas: All decisions regarding the designation of new Urban Growth Areas, adjustments to existing Urban Growth Areas, population forecasting, and the allocation of population to Urban Growth Areas will be made using clearly stated and rational criteria.
5. Urban Development: The social and economic vitality of Island County's cities and towns will be reinforced by ensuring that Urban Growth occurs only within designated Urban Growth Areas and that uses and densities that are not appropriate in Rural Areas are accommodated in an organized and rational fashion.
6. Rural Development: Island County's unique rural atmosphere and lifestyle will be protected from sprawling low density development and inappropriate uses; also, rural land use plans will ensure that permitted development is consistent with the availability of Rural Services and resources.
7. Public Services: Adopted land use and economic development plans will be reinforced and supported by Public Service and infrastructure investments. Decisions on infrastructure investments and the provision of Public Services will be made in a way which strengthens and reinforces adopted Planning Goals and Policies.
8. Urban Services: In order to protect and enhance the quality of life enjoyed by the residents of Island County's Municipalities, and Urban Growth Areas, Urban Development will be provided with high quality Urban Services. The Municipalities will work to provide services at a level that promotes and fosters Urban Development in a manner consistent with their adopted Planning Goals and Policies. Urban Services will not be provided outside of Urban Growth Areas to protect Island County's Rural Character and prevent scattered Sprawling development patterns which are inefficient and costly to serve.
9. Facilities of Countywide or Statewide Significance: In recognition of the fact that some uses are difficult to site, but may be regionally significant or essential, the

County, Municipalities, and State agencies will work together to develop consistent policies and regulations governing, but not prohibiting these facilities.

10. Transportation: Island County should be served by an efficient, well connected, multimodal transportation system. Transportation plans, spending decisions, and regulations will be consistent with, and reinforce adopted land use and economic development plans.
11. Affordable Housing: Opportunities for affordable housing will be provided throughout Island County and a full range of housing types and densities will be permitted in Island County's Urban Growth Areas and Municipalities in order to ensure that the supply of new housing is consistent with demand.
12. Economic Development: Develop a coordinated and diverse economic base that provides employment opportunities and improves the wellbeing of all economic segments of Island County's population. The County and Municipalities will consider economic development broadly by incorporating Planning Policies throughout their planning documents that are supportive of a coordinated economic development strategy.
13. Critical Areas: The County and Municipalities will work together to ensure that Planning Policies, and Development Regulations designed to protect Island County's natural resources and critical areas are consistent with one another.
14. Historic Preservation: Preserve and protect cultural resources as well as lands, sites, and structures that have historic or archaeological significance.
15. Water Resources: Protect the long term viability of Island County's drinking water supply, and the rights of Island County's existing residents, by ensuring that allowed densities and land uses are consistent with known and /or verifiable water supplies.
16. Climate & Natural Disasters: In order to avoid unnecessary and costly infrastructure work and to avoid exposing Island County residents to unnecessary risk, the County and municipalities will work proactively to prepare for, and if necessary, adapt to the impacts of changing climate patterns and natural disasters.
17. Public Health: Promote the health of people of all ages and abilities by adopting policies and regulations that encourage safe, healthy habits through the communities we plan, build, and preserve.

### 3. Countywide Planning Policies

The following policies are intended to facilitate the realization of the countywide goals identified above. These policies are further intended to guide the development of

County and Municipal comprehensive plans and Development Regulations where such plans and regulations involve issues of countywide concern.

### **3.1 General Provisions**

1. ~~Except as otherwise stated~~<sup>[BJ13]</sup>, Municipalities shall be responsible for establishing long range plans ~~and~~, Planning Policies, ~~and Development Regulations~~ for ~~managing growth, development, and land use within designated~~ Municipal Urban Growth Areas. The Municipalities shall also be exclusively responsible for regulating land use and development within the incorporated portions of designated Municipal Urban Growth Areas.
2. The County shall be responsible for regulating land use and development activities within unincorporated portions of ~~designated~~ Municipal Urban Growth Areas; however, the County must coordinate with the associated Municipality to ensure that any new uses authorized by a County permit or Development Regulations are consistent with the Municipality's Planning Goals and Policies, as well as any applicable Countywide Planning Policies.
3. Growth and development within Non-Municipal Urban Growth Areas shall be planned for, managed, and regulated by the County.
4. The County and the Municipalities should coordinate where appropriate, the development and implementation of long-range plans for youth services, senior services, fire protection, police services, air quality, transportation, solid waste, public and private utilities, watershed and storm-water planning, and environmental plans for the protection of critical areas. ~~such as watershed and storm-water planning.~~<sup>[T14]</sup>
5. Growth and development outside of Urban Growth Areas shall be planned for managed, and regulated by the County, except that planning within Joint Planning Areas shall be subject to the joint planning area policies conducted jointly by the County and the Municipalities as described below in section 3.2.

### **3.2 Joint Planning Area Policies**

1. For each Municipal UGA, the County and the Municipality associated with the UGA shall collaboratively designate a Joint Planning Area (JPA). The County and Municipality shall also collaboratively produce a long term conceptual plan for the Joint Planning Area as follows:
  - a. ~~Two~~<sup>three</sup> broad overlay designations shall apply within JPAs as follows; Potential Growth Area (PGA), ~~and~~ Long Term Rural Significance (LRS), ~~and Undesignated (UD)~~. ~~A JPA need not contain all three designations, provided the designations assigned are consistent with the criteria discussed below.~~ These designations need not be applied to all land

within the JPA, land may be left undesignated; however, sufficient quantities of both PGA and LRS land should be designated to guide and control future development and UGA expansions. [T15]

- b. Designate areas appropriate for future Urban Growth Area expansions. Land shall be assigned a JPA overlay designation of Potential Growth Area (PGA) if it is already characterized by Urban Development, served by Urban Services, particularly sanitary sewer, or is determined by the Municipality and the County to be the most logical and cost effective location to accommodate future Urban Growth Area expansions. Land which meets the criteria for an LRS designation shall not be assigned a Joint Planning AreaJPA [T16] overlay designation of PGA.
- c. Designate areas of Long Term Rural Significance (LRS) which have important environmental, aesthetic, or cultural values; or which have been designated for agricultural or forestry uses. Lands which are extensively constrained by critical areas, or flood hazards, or tsunami hazards should also be given an LRS designation. In addition, lands which are judged by the County and/or Municipality to have long term cultural, scenic or environmental benefits may be assigned an LRS designation. ~~Lands which are reflective of the values listed above should be assigned a JPA overlay designation of LRS~~ [T17]. At a minimum, all lands which have been assigned a County Comprehensive Plan designation of Rural Agriculture (RA), Commercial Agriculture (CA), or Rural Forest (RF) shall be assigned an LRS designation along with any other lands which may be within contiguous blocks of RA, CA, or RF land.
- ~~c. In addition, lands which are extensively constrained by critical areas, flood hazards, or tsunami hazards should be assigned an LRS designation.~~
- d. When possible, a ~~Provide a~~ buffer of land should be provided between the UGB or lands designated as Potential Growth Areas, and lands which have been assigned a comprehensive plan designation of Commercial Agriculture (CA), Rural Agriculture (RA), or Rural Forest (RF). ~~This buffer area shall be assigned a JPA overlay designation of LRS~~ When such a buffer is established it shall be assigned a designation of LRS. A buffer should not be established if it would result in highly irregular or impractically configured LRS overlay boundaries.
- e. With the exception of the Coupeville JPA, Joint Planning Area designations shall not be assigned in such a way that future UGA expansions are completely precluded, or forestalled, or rendered impractical; areas must be provided to allow for future UGA expansions. ~~All~~ [T18]
- ~~e. other lands within a JPA not designated as PGA or LRS should be assigned a JPA overlay designation of Undesignated (UD).~~

2. The County shall adopt the LRS, ~~and~~ PGA, ~~and~~ UD designations as Comprehensive Plan overlay designations which will apply in addition to any underlying comprehensive plan or zoning designations.
  3. The County may adopt a Future Planning Area around the Freeland Non-Municipal Urban Growth Area and assign overlay designations similar to those discussed above.
  4. A conceptual JPA plan should be prepared by the County in cooperation with each Municipality in Island County consistent <sup>[T19]</sup> with the above criteria, the Planning Goals and Policies expressed in this document, and any applicable County Planning Goals and Policies. The County and Municipalities should then work together to resolve any concerns prior to final adoption by the County.
  5. Proposals to modify a UGA or Joint Planning Area may be made by a Municipality or the County. Modifications to JPA plans shall be subject to the procedures and criteria identified above and should generally only be made during the periodic update cycle mandated by the GMA.
- ~~6. During each periodic update, the County and Municipalities should establish a schedule for the completion of JPA plans, or modifications to JPA plans. If a Municipality fails to prepare a JPA plan within the agreed upon timeline, the County shall take action to prepare and adopt a JPA plan.~~ <sup>[BJ20]</sup>
- ~~7.6.~~ For lands assigned a designation of Potential Growth Area (PGA), the County shall adopt Planning Policies and Development Regulations which limit or restrict development which could interfere with the efficient utilization of such lands for future Urban Development. The County shall also adopt Planning Policies and Development Regulations which provide Municipalities notification of significant development proposals (such as land divisions, site plan approvals, and major transportation projects) within the JPA, and shall provide the affected Municipality with the ability to comment on such proposals.
- ~~8.7.~~ For lands assigned a designation of Long Term Rural Significance (LRS), the County shall adopt Planning Policies and Development Regulations which protect the agricultural, environmental, forestry, aesthetic, or cultural values of such lands. <sup>[BJ21]</sup>

### 3.3 Urban Growth Areas

Consistent with the provisions of RCW 36.70A.110, a Municipal Urban Growth Area has been established around each Municipality. A Non-Municipal UGA has also been established in Freeland in recognition of the fact that Freeland is already characterized by Urban Development. Existing UGAs may only be modified when it can be demonstrated that the proposed modification is consistent with the following policies.

These following policies are intended to implement countywide planning policies 2.1, 2.2, 2.4, and 2.5 as well as GMA planning goals one<sup>1</sup>, two<sup>2</sup>, and four<sup>[BJ22]</sup>.

1. The review of a UGA for possible expansion is a significant undertaking.  
Generally UGAs should only be enlarged or modified during the periodic update process; however, UGAs may be modified outside of the periodic update process if necessary to accommodate major and unanticipated fluctuations in Island County's population, or if necessary to accommodate a large employer or institution which cannot reasonably be accommodated within an existing UGA.  
~~In general, urban growth areas should only be expanded or modified during the periodic review and update required by RCW 36.70A.130; however, it is recognized that exceptional or unforeseen circumstances may necessitate modifications outside of the scheduled update cycle.~~
2. Urban growth areas<sup>[BJ23]</sup> may be expanded if necessary to accommodate a 20 year supply of buildable land as required by RCW 36.70A.110, and by demonstrating that the expansion is necessary for one of the following reasons. For purposes of interpreting these policies "the start of the planning period" shall mean the date on which the most recent periodic update was completed.
  - a. Population growth in the UGA since the start of the twenty year planning period equals or exceeds fifty percent of the population growth allocated to the UGA at the start of the planning period; or
  - b. Employment growth in the UGA since the start of the twenty year planning period equals or exceeds fifty percent of the employment growth allocated to the UGA at the start of the planning period; or
  - c. Written notification is provided by the Department of Defense, or other reliable and verifiable information is obtained, indicating that prior to the next periodic update cycle, base staffing will increase in a manner which would result in population growth equal to or exceeding fifty percent of the population growth allocated to the UGA at the start of the planning period; or
  - d. An opportunity is presented to bring a large scale business, industry, institution, or other significant employer<sup>[BJ24]</sup> to Island County, and the County and Municipality agree that due to the facility or institutions unique characteristics<sup>[BJ25]</sup> there is no suitable land available inside the current UGA.

3. Urban Growth Areas shall be sized to include only the land necessary to accommodate twenty years of population and employment growth based on the methodology included in Appendix "A".

4.4. In considering potential UGA expansion scenarios, Municipalities should consider alternative measures such as, increasing the densities allowed within their existing UGA or altering the uses allowed by their land use plan and zoning regulations. The viability of such measures should then be discussed with the County. In determining the viability of such alternative measures, the Municipalities may consider a full range of economic, social, and real estate market factors.

[BJ26]

~~2. Urban growth areas shall only be expanded if necessary to accommodate a 20 year supply of buildable land as required by RCW 36.70A.110, and only after a demonstration of the following:~~

- ~~a. Population or employment growth within the UGA has exceeded, or will exceed, the projections identified in the comprehensive plans adopted by the Municipality and the County; and~~
- ~~b. Development within the existing UGA is achieving or exceeding the minimum residential densities or commercial intensities designated in the Municipality's comprehensive plan; and~~
- ~~c. The Municipality has considered alternative measures such as increasing the densities allowed within the existing UGA or altering the allowed uses designated in their adopted land use plan, and discussed such alternatives with the County. In determining the viability of such alternative measures, the Municipalities may consider a full range of economic, social, and real estate market factors; and~~
- ~~d. A current land capacity analysis has been completed in a manner consistent with the methodology included in Appendix "A" which shows that the current UGA does not contain a 20 year supply of buildable land as required by RCW 36.70A.110.~~

3.5. If it is determined that an expansion or modification of a UGA is necessary, land shall be considered for inclusion within the UGA in the following order:

- a. Land with a JPA overlay designation of PGA.
- b. Land with in a JPA which has not been assigned a JPA designation, provided such land is overlay designation of UD which is not extensively

constrained by critical areas ~~and which does not contain~~ located in a significant flood or tsunami hazard areas.

- c. Land with a JPA overlay designation of LRS and an underlying County comprehensive plan designation of Rural (R) which is not extensively constrained by critical areas and which does not contain significant flood or tsunami hazard areas.
  - d. Land with a JPA overlay designation of LRS and an underlying County comprehensive plan designation of Rural Agriculture (RA) or Rural Forest (RF) which is not extensively constrained by critical areas, and which does not contain significant flood or tsunami hazard areas.
- ~~4.6.~~ Land which is extensively constrained by critical areas, or which is designated as resource land of long term significance and is identified by a County comprehensive plan designation of "Commercial Agriculture" (CA) shall be considered the absolute lowest priority for inclusion within a UGA and shall only be included within a UGA upon a demonstration of the following:
- a. After a thorough consideration of all other reasonable measures the UGA must be expanded in order to relieve a critical shortage of buildable land; and,
  - b. No other land exists which can reasonably be added to the UGA.
  - ~~b.c.~~ The land being considered can be reasonably served by Urban Services<sup>[BJ27]</sup>.
- ~~5.7.~~ Under no circumstances shall a UGA be expanded into a designated tsunami or flood hazard area unless ~~the~~ is land is assigned an extremely low intensity comprehensive plan designation such as park or open space.
- ~~6.8.~~ Urban Growth Areas may be reduced in size if:
- a. Revised population estimates or allocations indicate that that the existing UGA is larger than necessary to accommodate a 20 year supply of buildable land.
  - b. Densities within the UGA have been increased such that the UGA is larger than necessary to accommodate a 20 year supply of buildable land.
  - c. It is determined that Urban Services including public sewer and water cannot reasonably be provided to the area included in the proposed UGA reduction. Any UGA reduction proposed on the basis of this criterion shall ensure that any population currently allocated to the area included in the

proposed reduction is redistributed elsewhere within the UGA, or to another UGA.

- ~~7. Urban Growth Areas may be modified by simultaneously including and excluding land so that the total area of the UGA is not altered, provided that:~~
- ~~9. Land shall be considered for inclusion based on the criteria expressed in policies 3.3.53, 3.3.64, and 3.3.75 above.~~
- ~~a. Land shall not be removed from a UGA if it is already characterized by Urban Development, permits have been issued authorizing Urban Development, or Urban Services have been extended into the area<sup>[BJ28]</sup>; and~~
- ~~b.10. Land shall not be removed from the UGA if it is already characterized by Urban Development, permits have been issued authorizing Urban Development, or Urban Services have been extended into the area.~~
- ~~8. Generally UGAs<sup>[BJ29]</sup> should only be enlarged or modified during the periodic update process; however, UGAs may be modified outside of the periodic update process if necessary to accommodate major and unanticipated fluctuations in Island County's population, or if necessary to accommodate a large employer or institution which cannot reasonably be accommodated within an existing UGA. In such instances, a UGA may be enlarged or modified if it can be demonstrated that the enlargement or expansion is consistent with one of the criteria enumerated below. For purposes of interpreting these policies "the start of the planning period" shall be interpreted to mean the date on which the most recent periodic update was completed.~~
- ~~a. Population growth in the UGA since the start of the twenty year planning period equals or exceeds fifty percent of the population growth allocated to the UGA at the start of the planning period; or~~
- ~~b. Employment growth in the UGA since the start of the twenty year planning period equals or exceeds fifty percent of the employment growth allocated to the UGA at the start of the planning period; or~~
- ~~c. Written notification is provided by the Department of Defense, or other reliable and verifiable information is obtained, indicating that prior to the next periodic update cycle, base staffing will increase in a manner which would result in population growth equal to or exceeding fifty percent of the population growth allocated to the UGA at the start of the planning period; or~~
- ~~d. An opportunity is presented to bring a large scale business, industry, institution, or other significant economic opportunity to Island County, and the County and Municipality agree that there is no suitable land available inside the current UGA.~~

~~9-11.~~ UGA modifications outside of the period update cycle may be proposed by a Municipality, the County, or an individual. Modifications proposed by Municipalities or individuals shall be submitted to the County in a manner consistent with the County's procedures for comprehensive plan amendments and placed on the County's annual review docket. Modifications proposed by individuals shall not be approved by the County unless the modification is supported by the legislative authority of the affected Municipality.

~~10-12.~~ For any proposed UGA modification a current land capacity analysis shall be prepared and shall utilize the procedures described in Appendix A. The land capacity analysis should be performed by the jurisdiction initiating the UGA modification, unless the modification is initiated by an individual, in which case the land capacity analysis should be completed by the County.

### **3.4 Urban Development**

The following policies have been adopted to ensure that Urban Development occurs only within designated Urban Growth Areas, and that Urban Growth is orderly, compact, contiguous, and adequately served by Urban Services. These policies are intended to implement countywide planning goals 2.4, 2.5, and 2.8 as well as GMA planning goals ~~one~~, ~~two~~, and ~~twelve~~<sup>12</sup>.

1. Urban Development shall ~~not be permitted outside of designated~~ take place only within municipalities and UGAs<sup>[T30]</sup>.
2. Each Municipality shall prepare land use plans, Planning Policies, and Development Regulations for their UGA. These plans, Planning Policies, and Development Regulations shall be used to regulate development activities within the incorporated boundaries of the Municipality. For land within a Municipal UGA but outside the incorporated boundaries of a Municipality, the County's Planning Policies and Development Regulations shall apply until such time that the land is annexed. Upon annexation the Municipality's plans and regulations shall apply.
3. Urban Development shall be expressive of Urban Character. Planning Policies and Development Regulations should be adopted by the County and the Municipalities to ensure that Urban Development is not wasteful of land or resources, and that Urban Development proceeds in an orderly contiguous fashion.
4. Planning Policies and Development Regulations shall be adopted which require that new development, including subdivisions, short subdivisions, site plan approvals, and building permits for new homes and commercial or industrial buildings within a designated UGA be served by public sewer and water.

Development Regulations may be adopted by the Municipalities (or by the County in the case of the Freeland NMUGA)<sup>[BJ31]</sup> which allow variances or waivers to be granted from this requirement in situations where public sewer and water cannot be provided economically due to topographical constraints or an inability to obtain the approval of intervening land owners.

5. The construction or installation of new private wells and septic systems within Urban Growth Areas should be strongly discouraged and only allowed through a variance or waiver as described above in policy 3.4.4. When permitted, these systems should be considered an interim solution until public sewer or water service can be provided.
6. The Municipalities and County agree that steps should be taken during each periodic update cycle to increase the percentage of Island County's overall growth occurring within UGAs ~~should be increased between each periodic update cycle~~<sup>[T32]</sup>. The Municipalities and the County should work to foster, promote, and accommodate additional housing and job growth within existing UGAs and shall adopt policies to accomplish this objective.
7. ~~Under no circumstances shall a~~ Municipalities shall not annex land outside an Urban Growth Area. <sup>[T33]</sup>
8. Each Municipality should include specific policies to guide the incorporation process in their comprehensive plans. Such Annexation policies should ensure that land recently added to an UGA is not incorporated until the expiration of any appeal periods or proceedings associated with the UGA expansion have lapsed or been resolved. Such policies ~~shall~~ must also ensure that annexation ordinances contain language which makes Municipal Planning Policies and Development Regulations applicable to the area being annexed immediately upon annexation.
9. It is recognized that Urban Growth and development should be regulated by the Municipalities. Accordingly, the following policies are intended to facilitate and encourage the annexation of land outside of existing Municipal boundaries but within designated Municipal UGAs. These policies are also intended to ensure that Urban Development occurs in a logical, incremental, and rational fashion, and to prevent the County from authorizing development within a Municipality's UGA which forestalls or frustrates future Urban Development or the realization of the Municipality's Planning Goals and Policies:
  - a. Land outside of existing Municipal boundaries but within a designated Municipal UGA shall be assigned a County comprehensive plan and zoning<sup>[BJ34]</sup> designation of Urban Holding "UH" until such time that it is annexed by a municipality. Once the annexation process is complete, the Municipality's Planning Policies, zoning designations, and Development Regulations shall be used to regulate development.

- b. Island County will support the incorporation of Non-Municipal Urban Growth Areas and provide technical assistance as needed.
- c. In allocating projected growth to UGAs, priority should be given to Municipal UGAs over Non-Municipal UGAs within the same planning area.
- d. The County shall adopt Planning Policies and Development Regulations which prohibit Urban Development in areas subject to an Urban Holding designation, including land divisions at urban densities and site plan approvals for Urban Development, provided that minor redevelopment, remodeling, and improvements may be permitted in areas designated UH which are characterized by existing Urban Development.

### **3.5 Rural Development**

1. All development outside of UGAs shall be consistent with the County's definition of Rural Character.
2. Allowed land uses in the Rural Areas should primarily be agricultural or low density [T35] residential in nature. In order to support the economic and social vitality of existing cities and towns, non-residential, non-agricultural uses in Rural Areas should be limited to small scale home businesses and non residential uses which are directly related to, and supportive of, agricultural uses. Certain limited sSmall [T36] scale recreation and tourist uses may also be appropriate in Rural Areas. The County shall adopt Planning Policies and Development Regulations to ensure that the intent of this policy is carried out.
3. In establishing allowed densities and uses in Rural Areas, the County shall consider the long term availability of known and /or verifiable water supplies, the general suitability of the area for on-site septic systems, the presence of geologically unstable areas, and the presence of flood or tsunami hazards.
4. The County shall plan for the timely and efficient provision of Rural Services.
5. In general, public facilities and buildings should not be located in Rural Areas unless their function or service area requires that they be located is best served by a location outside of a UGA. [T37]
6. The Municipalities and the County have agreed that the percentage of growth occurring within UGAs should be increased consistent with the allocations identified in Appendix "B". The County shall adopt Planning Policies and Development Regulations in order to achieve this objective.

### **3.6 Public Facilities and Services**

1. No new Urban Services and facilities shall be provided or extended outside of Urban Growth Areas. In particular sanitary sewer systems may not be extended outside of existing UGAs unless necessary to respond to a documented public health hazard caused by existing development which cannot be remedied in any other reasonable way.
2. Public Services and facilities shall be provided in a manner which is consistent with, and helps to implement all aspects of locally adopted comprehensive plans and Development Regulations.
3. Public Services and facilities shall not be provided in a manner which is contrary to locally adopted comprehensive plans and Development Regulations.
4. Within UGAs, provisions must be made to ensure that necessary Urban Services are available or in place prior to, or concurrent with Urban Development.
5. Consistent with GMA requirements, locally adopted comprehensive plans and Development Regulations shall specifically identify how Urban Services will be provided throughout designated UGAs.
6. With respect to services or facilities of regional significance, Municipalities and the County should coordinate capital facilities planning and funding within UGAs.
7. The County and the Municipalities ~~will~~<sup>shall</sup><sub>[T38]</sub> work together to implement, enforce, and update the Coordinated Water System Plan and any associated Planning Policies or Development Regulations.
8. In general, public facilities and buildings should not be ~~located~~<sup>sited</sup> in Rural Areas. In evaluating the appropriate location for public buildings and facilities, sites should be considered in the following order of preference:
  - a. Sites within existing Municipalities.
  - b. Sites outside of existing Municipalities, but within a designated UGA.
  - c. Sites outside of an existing Municipality, or UGA, but within a designated Limited Area of More Intense Rural Development (RAID).
  - d. Sites in Rural Areas, but only when it can be shown that the Public Service requires a location in a Rural Area due to its unique operational characteristics or service area requirements.

### **3.7 Facilities of Countywide or Statewide Significance**

The County and the Municipalities are required by the GMA (RCW 36.70A.200) to include provisions in their comprehensive plans and Development Regulations

addressing essential public facilities. ~~On a statewide basis such facilities are defined as including: airports, state education facilities, state or regional transportation facilities (as defined in RCW 47.06.140), regional transit authority facilities (as defined in RCW 81.112.020), state and local correctional facilities, solid waste handling facilities, inpatient substance abuse facilities, mental health facilities, group homes, and secure commodity transition facilities (as defined in RCW 71.09.020).~~

~~†The following policies are intended to guide the designation, location, expansion, and modification of Facilities of Countywide or Statewide Significance and to order to ensure full compliance with the GMA requirements outlined above, the following policies are intended to guide the designation, location, expansion, and modification of essential public facilities.~~

[T39]

1. The County and Municipalities shall ensure that their Planning Policies and Development Regulations contain policies and procedures allowing for, and governing facilities of statewide or countywide significance.
2. The County and each Municipality should establish a process through their comprehensive plans or Development Regulations for identifying and regulating the location and development of essential public facilities. These policies and regulations should, at a minimum, include:
  - a. A process for determining whether or not a given facility or service meets the definition of an essential public facility.
  - b. A process, including specific criteria, for evaluating alternative locations.
  - c. Provisions to ensure that the environment, ~~and~~ [T40] public health, and safety are protected.
  - d. If the facility is located in a Rural Area: provisions to ensure ~~that~~, to the extent possible, the facility is consistent with the County's adopted definition of Rural Character.
3. To the extent possible, essential public facilities should be located in a manner which is consistent with, and supportive of adopted land-use, transportation, and economic development plans.
4. Essential public facilities shall be located within a UGA unless it can be ~~conclusively~~ demonstrated that a rural location is the most appropriate location based on the specific characteristics and operational needs of the facility. Mere convenience or expediency ~~shall is~~ not ~~be~~ sufficient to demonstrate compliance with this requirement.
5. Essential public facilities located outside of a UGA should be self contained and should not require the extension or provision of Urban Services. In the event that

it is absolutely necessary to extend Urban Services to allow for the establishment of an essential public facility that would otherwise be impossible to establish, Urban Services shall be provided in a manner which precludes further extension or connections in the intervening areas. In such instances, the extension of Urban Services shall not be used to provide service to Rural Development or to justify future UGA expansions.

6. The County and Municipalities shall not preclude the establishment or provision of an essential public facility when proposals for such services or facilities are consistent with these policies, as well as any Planning Policies and Development regulations adopted by the County or Municipalities regulating essential public facilities.
7. The County, in collaboration with the affected and municipalities shall collaboratively review proposals for essential public facilities Facilities of Countywide or Statewide Significance in unincorporated Municipal UGAs, taking into consideration these policies, as well as applicable County and Municipal policies and regulations. [T41]

### **3.8 Transportation**

1. The transportation element of the County's comprehensive plan should include Urban Growth Area components to ensure consistency among planning jurisdictions. All transportation planning, including that of Federal or State agencies, and Port Districts, should be jointly and cooperatively developed, adopted and implemented through coordinated and collaborative planning efforts.
2. The County and Municipalities should each actively participate in multi-county, multi-jurisdiction, regional transportation planning, including planning for Washington State Ferries.
3. The County and Municipalities will cooperate in the analysis of, and response to, [T42] any major industrial, retail, commercial, recreation, or residential development proposal that may impact the transportation systems in Island County.
4. The capacity of the transportation system must be planned, built, and managed to meet planned land use densities in UGAs.
5. The planned transportation system should be implemented in a coordinated and cost effective manner utilizing a fair and sufficient method of funding.
6. The County and Municipalities shall work together in identifying and preserving transportation corridors in JPAs and unincorporated UGAs. The location and extent of such corridors should be based on the streets classifications and/or future street maps recommended or identified in the Transportation Elements of Municipal Comprehensive Plans. [T43]

7. The County and Municipalities will coordinate their respective transportation plans for consistency and interconnectedness in JPAs and unincorporated Municipal UGAs. For developments occurring in a JPA, or an unincorporated Municipal UGA, that may impact future transportation corridors, the County will notify the Municipality responsibility for the UGA or JPA of the development and provide the Municipality with an opportunity to comment on the proposal. [T44]

### **3.9 Housing**

In order to meet the need for affordable housing and to accommodate the housing needs for all economic segments of the population, the County and Municipalities will consider the following policies in the development of locally adopted comprehensive plans:

1. A wide range of housing development types and densities throughout Island County should be encouraged and promoted to meet the needs of a diverse population and provide affordable housing choices for all;
2. Manufactured home parks at urban densities, should be located within Municipalities, [T45] UGAs and/or unincorporated rural centers;
3. Multi-family housing should be located within Municipalities, [T46] UGAs and/or unincorporated Rural Centers;
4. The County and Municipalities should provide appropriately zoned lands and/or location criteria to assure the inclusion of multi-family housing and manufactured home parks within UGAs and should provide for other types of housing for individuals with special needs throughout the county.
5. The comprehensive plans of the County and the Municipalities should consider the following housing policies:
  - a. Development of boarding houses, single-room occupancy housing, scattered site housing, and accessory housing such as elder cottages, guest houses, and/or attached apartments;
  - b. Establishment of a public/private housing trust fund to provide loans and grants for development of low to moderate income housing and housing for persons with special needs;
  - c. Identification of publicly owned properties, excluding those designated as Resource or Critical Lands, that could serve as possible sites for development of affordable low income or senior housing; and

- d. Identification of regulatory relief actions such as inclusionary zoning, density bonuses for the development of lower-cost housing or in-lieu payments into a housing trust fund, forgiveness of impact or mitigation fees for low-income housing as authorized under the GMA or priority permit process treatment of housing developments intended for or including affordable housing.
6. It is intended that provisions for affordable housing will be required elements of the economic development and comprehensive plans of the County and Municipalities.

### **3.10 Land Use & Public Health**

Access to clean air and water, healthy food, affordable housing, adequate transportation, and opportunities for physical activity, are all key factors that contribute to a positive quality of life. The Growth Management Act (GMA) encourages the availability of affordable housing, efficient multimodal transportation systems, retaining open spaces, enhancing recreational opportunities and requires communities to plan for bicycle and pedestrian transportation and physical activity. Therefore, it is the policy of the County and the Municipalities that the following policies should be considered when developing or revising local comprehensive plans and development regulations:

1. Roadway systems should be planned, built, and managed to encourage alternative transportation modes to the single-occupant vehicle. Transportation systems should support active, independent mobility for users of all ages and abilities, including children, youth, families, older adults, and individuals with disabilities. Each jurisdiction should encourage:
  - a. Use of public transportation,
  - b. Development of linked on-street bicycle routes and pedestrian and bicycle corridors;
  - c. Adequate pedestrian facilities; and
  - d. Provisions for connections between different modes of transportation.
2. Development within Urban and Urban Growth Area (UGA) boundaries should encourage enhanced community access and promote healthy active lifestyles through:
  - a. A dense mix of land uses;
  - b. Well connected street grids;
  - c. Non-motorized access to transportation

- d. Appropriate pedestrian and bicycle facilities that allow for safe travel; and
  - e. Regionally connected trail systems
3. A countywide system of non-motorized trails should be established in accordance with the Island County Non-Motorized Trails Plan. Trail development should be completed through regional collaboration and prioritize linking multi-modal transportation, schools, urban development, places of employment, and recreational facilities.
  4. Residents should have adequate access to “open space” areas. Open spaces include land which contains natural areas, habitat lands, natural drainage features, and/or other environmental, cultural and scenic resources. Such land should be preserved and provided to residents for recreational use when appropriate. Open spaces should be linked to non-motorized transportation and public transportation.
  5. Residents should have access to healthy food choices. Consideration should be given to establishing land use patterns and Development Regulations that support such access. Land use and Development Regulation amendments should consider the potential to remove existing barriers to healthy food choices, if they exist. Home and community gardens within UGAs should be encouraged and supported through design and permitting processes.
  6. Access to affordable housing influences, and is influenced by, residents health. Housing services should be planned with collaboration of health and economic development expertise. Development of multi-family affordable housing should be encouraged near major employment opportunities, public services including healthcare, public transportation, retail providing healthy food options, and open spaces such as parks and trails.

### **3.11 Economic Development & Employment**

To ensure future economic vitality, broaden employment opportunities, and meet the needs of projected growth while retaining a high-quality environment, the County and the Municipalities have determined that the following policies shall guide local economic development planning efforts:

1. Economic growth should be encouraged within the capacities of the County’s natural resources, public services and public facilities;
2. The Economic Development Element of the Island County Comprehensive Plan and the comprehensive plans of the Municipalities should, at a minimum:
  - a. Consider the goods, services and employment requirements of existing and projected population:

- b. Identify the land use, infrastructure, transportation, and labor market requirements of businesses which have the highest probability of economic success in Island County and the least negative impact on the quality of life;
  - c. Based on citizen input, existing land use patterns and local capacity (geographic environmental and other considerations), determine areas suitable for retail, commercial and industrial uses; and
  - d. Encourage expansion of the tax base to support the infrastructure and services required to support a growing or changing population.
3. Future retail, commercial, and industrial development should be encouraged in urban or commercial centers as identified in the comprehensive plans adopted by the County and ~~the~~<sup>[T47]</sup> Municipalities.
  4. Land use regulations and infrastructure plans of the County and Municipalities should be amended or developed in a manner that supports economic development elements of locally adopted comprehensive plans.
  5. Economic development in each of Island County's Planning Areas should proceed in a coordinated, ~~but independent~~<sup>[T48]</sup> fashion consistent with locally adopted comprehensive plans and development regulations.
  6. The County, Municipalities and Port Districts should work collaboratively to address issues of intergovernmental coordination and overlapping responsibility.

## 4. Administration and Implementation

The purpose of this section is to ensure that the Countywide Planning Policies are administered jointly in a collaborative fashion by the County and Municipalities.

### 4.1 Countywide Planning Group

1. A Countywide Planning Group (CPG) shall be formed for the purpose of discussing and coordinating countywide planning issues. This group shall be comprised of representatives from ~~the~~ planning departments of Coupeville, Island County, Langley, and Oak Harbor.
2. The CPG shall meet at least two times each year or more frequently as needed.

3. Matters of overlapping concern or jurisdiction should be discussed by the CPG before being advanced for legislative approval by the County or Municipalities.

#### **4.2 Procedures for Adopting or Amending Countywide Planning Policies**

1. The Countywide Planning Policies shall be reviewed, updated, or amended as needed during the periodic update and review cycle required by RCW 36.70A.130, provided that any amendments or updates are consistent with the requirements of the GMA.
2. Amendments to the Countywide Planning Policies may be made outside of the normal periodic update cycle if necessary to address unforeseen or unanticipated events which must be addressed prior to the next periodic update cycle. In such instances, revisions may be proposed by a Municipality or the County and should be drafted jointly by the CPG prior to being advanced to the legislative bodies representing Coupeville, Island County, Langley, and Oak Harbor.
3. At least two years before the periodic review deadline established by RCW 36.70A.130 the CPG shall begin a series of meetings to discuss planning issues of countywide importance that may affect the periodic updates of the Municipalities or the County.
4. If necessary amendments or updates are identified during the CPG meetings they shall be forwarded to the BOCC for consideration. If the BOCC makes a decision to adopt the proposed revisions, they shall only become effective when ratified by the majority of legislative bodies representing Coupeville, Island County, Langley, and Oak Harbor.

#### **4.3 Population Projections and Land Capacity Analysis**

1. As part of the periodic review process required by RCW 36.70A.130, the CPG shall review and/or revise the 20 year population projection. The County should lead this effort in cooperation with the Municipalities.<sup>[BJ49]</sup>
2. In reviewing the 20 year population projection, the CPG shall utilize the medium series projection range issued by the Washington State Office of Financial Management (OFM) as a base, or starting point. The CPG shall then analyze the assumptions used in the development of OFM's forecasting model. In those instances where OFM's assumptions differ from locally observed conditions or trends, adjustments shall be made to the medium series projection.

3. Once a general consensus has been reached by the members of the CPG, the CPG's population projection recommendation shall be forwarded to the Island County Planning Commission and the Board of Island County Commissioners (BOCC) for consideration. Based on the Planning Commission's recommendation, the BOCC shall either adopt the 20 year population projection developed by the CPG or refer the matter back to the CPG for further work.
4. ~~If the BOCC makes a decision to move forward with the adoption of a~~ population projection ~~developed by the CPG, they shall do so by adopting~~ include a resolution identifying the population projection to be used. ~~This resolution shall state that if~~ the [T50] population projection decision shall only become final when ratified by the majority of legislative bodies representing Coupeville, Island County, Langley, and Oak Harbor.
5. After the BOCC has adopted a population projection, the CPG shall develop a plan for allocating the projected population growth to each of Island County's Planning Areas. This regional allocation process should be based on past growth trends, demographic characteristics, economic conditions, and housing market data.
6. After the regional allocation process described above is completed, the CPG shall divide each regional allocation into an urban component and a rural component, the urban component of each regional allocation shall then be assigned to the UGAs.
7. For each UGA, a land capacity analysis shall be performed to determine if the UGA has sufficient capacity to accommodate the projected growth in population and jobs. The land capacity analysis shall be conducted by the jurisdiction responsible for the UGA and shall utilize the procedures described in Appendix A.
8. If, based on the results of the land capacity analysis described above, it is determined that a UGA does not have sufficient capacity to accommodate 20 years of population and job growth, the UGA may be expanded as necessary to accommodate the anticipated growth, provided that any proposed expansion shall be consistent with the applicable criteria contained in section 3.3 of these policies.
9. If, based on the results of the land capacity analysis described above, it is determined that a UGA has significantly more capacity than is required to accommodate 20 years of population and job growth, the UGA may be reduced in size if requested by the jurisdiction responsible for the UGA, provided that any proposed reduction shall be consistent with the criteria enumerated in section 3.3.8 and 3.36.10.

#### **4.5 Monitoring and Reporting Procedures**

1. In order to facilitate future analysis the County and Municipalities will maintain development records which include:
  - a. The number of housing units permitted and constructed annually. This information shall be collected and maintained in a manner which makes it possible to differentiate between new “additional” units and replacement units.
  - b. The number of land divisions approved, the size of the parcel divided, the number of new or additional lots created through each division, the gross and net density achieved by each division, and the quantity of land used for public purposes within each division.
  - c. The number of multi-family development projects approved, the number of units contained within each development, the density achieved by each development, and the maximum density permitted in the zone where each project is located.
  - d. The square footage of new commercial or industrial buildings permitted and constructed. This information should be collected and maintained so that it is possible to calculate the floor area or site coverage ratios of each development.
2. The data described above should be provided to Island County Planning Department by the end of January each year for the purpose of maintaining an accurate buildable lands inventory. Following the receipt of this information the County should produce an annual report summarizing development trends in Island County and distribute this report to the Municipalities and Special Service Districts as appropriate.
3. Arc GIS data should be provided to Island County by the end of January each year to reflect any changes made to the future land use map or zoning map. Additionally, Island County should provide updated parcel information to the jurisdictions.

## **Appendix A: Buildable Lands Procedures**

### **Abbreviations & Definitions:**

1. Critical Area Constraint Factor (CF): A number representing the percentage of RAID or UGA land which is presumed to be constrained by critical areas, and therefore less likely to be available for development.

2. Development Potential (DP), Non-Residential & Multi-Family Residential: The number of acres available for non-residential and multi-family residential development in each industrial, commercial, mixed use, and multi-family zone. In this analysis, DP is used as a subtotal to express the gross capacity of vacant or re-developable parcels before the Total Development Potential is calculated.
3. Development Potential (DP), Single-Family Residential: The potential number of lots or dwelling units which can be created by dividing or developing vacant or partially vacant parcels in zones which permit single-family residential development. In this analysis, DP is used as a subtotal to express the gross capacity of vacant or partially vacant parcels before the Total Development Potential is calculated.
4. Partially Vacant Parcel (PVP): A partially vacant parcel is a parcel which contains an existing dwelling unit but which is large enough to be divided.
5. Public Purpose Land (PPL): Includes land required for such things as streets, drainage facilities, and parks/open space.
6. Re-Developable Parcel (RP): A parcel zoned for non-residential uses or multi-family residential uses that has the potential to be redeveloped and used more intensively.
7. Total Development Potential, Non-Residential & Multi-Family Residential (TDP): The total gross quantity of land available for multi-family or non-residential development before land is subtracted to account for public purposes and critical areas. ~~This is the sum of the development potential of all vacant parcels and re-developable parcels for each commercial, industrial, multi-family, and mixed-used zoning designation.~~ [T51]
8. Total Net Capacity (TNC): The total net capacity of each single-family, multi-family, industrial, commercial, and mixed use zone after land is subtracted for public purposes and critical areas. Total Net Capacity is expressed in acres for multi-family and non-residential zones, and dwelling units or lots for single-family zones.
9. Total Development Potential, Single-Family [T52] Residential (TDP): The total gross number of lots or dwelling units which could be created by dividing and/or developing all vacant and partially vacant parcels available for single-family development before land is subtracted to account for public purposes and critical areas. ~~This is the sum of development potential of all vacant parcels and partially vacant parcels for each single-family zoning designation.~~ [T53]
10. Undevelopable Parcel (UP): Parcels which are not likely to be available for development because they are owned by a charitable organization, institution, or

governmental entity. Undevelopable parcels shall be identified based on Assessor's parcel data. Parcels which are tax exempt based on Assessor's parcel data shall be considered undevelopable.

11. Vacant Parcel (VP): A parcel which is either vacant or has an improved value of less than \$4,000 based on Assessor's parcel data. Parcels which contain a mobile or manufacture home shall not be considered vacant even if they have an improved value of less than \$4,000.

### **Assumptions:**

1. Employment Density: For commercial and industrial lands the following assumptions should be used:
  - a. Commercial, UGA: 17 employees per acre
  - b. Industrial: 9 employees per acres
2. In RAIDs and UGAs, 15% of available land will be needed for public purposes.
3. Re-Development Factor: It is assumed that 50% of multi-family, commercial, and industrial parcels with an improvement to land value of less than 1:2 will be available for redevelopment during the planning period (20 years from the date of the most recent periodic update).
4. Household Size: For the 2016 periodic update an average household size for Island County of 2.36 was employed. This figure was based on data from the 2010 census. For each subsequent periodic update, the most current census data should be employed.
5. Partially Vacant Parcels: A parcel shall be considered Partially Vacant if it is at least twice the minimum lot size required by the zone in which it is located.

### **Rural Analysis Steps:**

1. Identify all parcels within a RAID or UGA and exclude these parcels from further analysis.
2. Separate parcels by zoning category and identify lands zoned park/open space, special review district, airport, or any other designation which does not allow for residential development. These parcels should be excluded from further analysis.
3. For each zoning designation, identify all undevelopable parcels (UP) based on tax classification. Parcels which are publicly owned or tax exempt (parks, schools, churches etc.) should be considered undevelopable and excluded from further analysis.

4. For each zoning designation, calculate the development potential of all vacant parcels (VP). The development potential of vacant parcels is determined by dividing the parcel area required by the minimum lot size allowed in the zone and rounding down. For example, a 17 acre parcel in the Rural zone could be divided into three five acre parcels ( $17/5 = 3.4$ ) and accommodate three dwelling units.
5. For each zoning designation calculate the development potential of all partially vacant parcels (PVP) by dividing the parcel area by the minimum lot size, rounding down and subtracting one to account for the existing dwelling unit. For example a 17 acre parcel in the Rural zone with an existing home on it could be divided into three five acre parcels and two *additional* homes could be constructed on the resulting parcels. [ $(17/5 = 3.4) - 1 = 2.4$ ].
6. For each zoning designation determine the total development potential (TDP) by adding the results from steps four and five together. This step allows the total build-out capacity for each, non-RAID, rural zoning designation to be determined (in dwelling units).
7. As a final step, add the resulting TDP figures for each zoning designation together to determine the total development potential for areas outside of RAIDs and UGAs. This step will allow the total build-out capacity of the rural area (excluding RAIDs) to be determined (in number of dwelling units).

In order to determine the number of people which can be accommodated, the dwelling unit totals from steps six or seven can be multiplied by the average household size for Island County. The average household size should be determined using the most recent census data available.

## **RAID Analysis Steps:**

### General Steps

1. Identify all parcels which are either located within a UGA or outside of a RAID. Exclude these parcels from further analysis.
2. For each zoning designation, identify all undevelopable parcels (UP) based on tax classification. Parcels which are publicly owned or tax exempt (parks, schools, churches etc.) should be considered undevelopable and excluded from further analysis.
3. Separate residential RAIDs from nonresidential RAIDs by zoning designation. Residential RAID parcels should be analyzed separately from non-residential RAID parcels as described below.
4. Determine the critical area constraint factor for each RAID by combining all critical area GIS layers, calculating the number of acres constrained by critical

areas within each RAID. The result is a critical area constraint factor for each RAID.

### Determining the Capacity of Residential RAID Zones

1. For each residential RAID zoning designation calculate the development potential of all vacant parcels (VP). The development potential of vacant parcels is determined by dividing the parcel area by the minimum lot size allowed in the zone and rounding down.
2. For each residential RAID zoning designation calculate the development potential of all partially vacant parcels (PVP). For purposes of this analysis, a partially vacant parcel is a parcel that is at least two times as large as the minimum lot size allowed by the zone. Calculate the development potential of all partially vacant parcels (PVP) by dividing the parcel area by the minimum lot size allowed in the zone and rounding down and subtracting one in order to account for the existing dwelling unit.
3. For each residential RAID zoning designation determine the total development potential (TDP) by adding<sup>[T54]</sup> the results of steps one and two together. Next determine the amount of land needed for public purposes and deduct an appropriate amount of land. Finally, apply the critical area constraint factor and deduct an appropriate amount of land. This step allows the total net capacity (TNC) for each residential RAID zoning designation to be determined (in dwelling units).
4. Add the resulting TNC figures for each residential RAID zoning designation together to determine the total development potential for all residential RAID zones. This step will allow the total combined net capacity of residential RAID zones to be determined (in number dwelling units).
5. In order to determine the number of people which can be accommodated, the dwelling unit totals from steps three or four can be multiplied by the average household size for Island County. The average household size should be determined using the most recent census data available.

### Determining Capacity of Non-Residential RAID Zones

1. For each non-residential RAID zoning designation identify all vacant parcels (VP). Once all of the vacant parcels have been identified, calculate the total combined acreage of these parcels. The resulting number is the non-residential

development potential of all vacant parcels (in acres) for each non-residential RAID zoning designation.

2. For each non-residential RAID zoning designation identify all re-developable parcels (RP). A parcel should be considered re-developable if the parcel data indicates that the improvement value to land value ratio is less than 1:2. Once all of the re-developable parcels have been identified, calculate the total combined acreage of these parcels. The resulting number is the non-residential development potential of all re-developable parcels (in acres) for each non-residential RAID zoning designation. As a final step, deduct 50% in order to account for the re-development factor.
3. For each non-residential RAID zoning designation determine the total development potential (TDP) by adding the results of steps one and two together. Next determine the amount of land needed for public purposes and deduct an appropriate amount of land. Finally apply the critical area constraint factor and deduct an appropriate amount of land. This step allows the total net capacity for each non-residential RAID zoning designation to be determined (in acres).
4. Add the resulting TNC figures for each non-residential RAID zoning designation together to determine the total development potential for all non-residential RAID zones. This step will allow the total combined build-out capacity of non-residential RAID zones to be determined (in acres).

### **UGA Analysis Steps:**

#### General Steps

1. Sort parcels by zoning or comprehensive plan designation using Assessor's parcel data and/or any other applicable information. Zoning or comprehensive plan designation should be obtained from the jurisdiction to ensure the accuracy of information before beginning the analysis.
2. For each UGA, identify all the undevelopable parcels [BJ55] in each zoning designation. Undevelopable parcels should include land which is tax exempt (parks, schools, churches and public facilities). Parcels, located in developed tracts, used for stormwater drainage and landscaping should be identified and removed from the analysis. These parcels typically are a requirement of the site plan and are not available for redevelopment. Remove all condominiums and gas stations from the results. Condominiums may show up in the results due to the relatively low improvement to land value of any one unit, however, the aggregate improvement to land value generally makes condominiums unlikely to redevelopment. Gas stations often have a low improvement to property value because they generally have very limited facilities and expensive real estate; however they are highly unlikely to redevelop. These parcels should be excluded from further analysis.

3. For each UGA, compile all available critical area mapping information and merge these layers into a single layer to determine the total quantity of constrained acreage in each zoning designation. Calculate the percentage of land area within each UGA that is constrained by critical areas by comparing number of acres constrained by critical areas to the total number of acres in each UGA. This calculation will result in a critical area constraint factor for each UGA.
4. Based on available zoning or comprehensive plan information, sort all parcels into four groups as follows: (a) parcels zoned for single family home development (freestanding homes, townhomes, or other forms of individual lot development); (b) parcels zoned for multifamily development (apartments, condominiums, mobile home parks, and other forms of multi-unit per parcel development); (c) commercial and mixed use zones; and (d) industrial zones. Each of these groups should then be analyzed separately as described below.

#### UGA Capacity - Single Family Zones

1. For each single-family zoning designation calculate the development potential of all vacant parcels (VP). The development potential of vacant parcels is determined by dividing the parcel area by the minimum lot size allowed in the zone and rounding down. When Planning Policies or Development Regulations specify both a minimum and maximum density, both should be calculated to produce a range. Developments since the adoption of the most recent Development Regulations should be used to select the most likely density for expected development to achieve within this potential range.<sup>[T56]</sup>
2. For each single-family zoning designation calculate the development potential of all partially vacant parcels (PVP). For purposes of this analysis, a partially vacant parcel is a parcel that is at least two times as large as the minimum lot size allowed by the zone. Calculate the development potential of all partially vacant parcels (PVP) by dividing the parcel area by the minimum lot size allowed in the zone and rounding down and subtracting one in order to account for the existing dwelling unit. Additionally, identify all the parcels that fall within 2 and 2.5 times the minimum lot size; ~~r.~~ Remove 50% of these additional units to account for parcels which are physically large enough to be subdivided, ~~however cannot but which cannot be subdivided because of due to~~ the placement of the existing housing unit on the parcel.<sup>[T57]</sup> When Planning Policies or Development Regulations specify both a minimum and maximum density, both should be calculated to produce a range.
3. For each single-family zoning designation determine the total development potential (TDP) by adding the results of steps one and two together. Next, determine the amount of land needed for public purposes and deduct this percentage from the TDP. Finally, apply the critical area constraint factor for the UGA and deduct an appropriate amount of land. This step allows the total net

capacity for each single-family zoning designation in the UGA to be determined (in dwelling units).

4. Add the resulting TNC figures for each residential single-family zoning designation in the UGA together to determine the total development potential for all single-family zones in the UGA. The result of this step will be the total combined capacity of all single-family zones in the UGA (in number dwelling units).
5. In order to determine the number of people that can be accommodated in the UGA's single-family zones the dwelling unit totals from steps three or four can be multiplied by the average household size for Island County. The average household size should be determined using the most recent census data available.

#### UGA Capacity – Multi-Family Zones

— Identify all vacant parcels zoned for multi-family residential development. Determine the development potential of these parcels by multiplying the acreage of the parcels by the density permitted in the zone. For zones with both a minimum and a maximum density, calculate the development potential at both the minimum allowed density and the maximum permitted density. Developments since the adoption of the most recent Development Regulations should be used to select the most likely density for expected development to achieve within this potential range.

1.

2. For all areas designated for multi-family residential identify the parcels which can be redeveloped. In order to be re-developable, a parcel should have an improvement to land value ratio of less than 1:2 Determine the development potential of these parcels by multiplying the acreage of the parcels by the density permitted in the zone. As a final step, deduct 50% in order to account for the redevelopment factor. For zones with both a minimum and a maximum density, calculate the development potential at both the minimum allowed density and the maximum permitted density.

4.3. For each multi-family zoning designation determine the total development potential (TDP) by adding the results of steps one and two together. Next determine the amount of land needed for public purposes and deduct an appropriate amount of land. Finally, apply the critical area constraint factor for the UGA and deduct an appropriate amount of land. This step allows the total net capacity for each multi-family zoning designation in the UGA to be determined (in dwelling units).

- 2.4.** Add the resulting TNC figures for each multi-family residential zoning designation in the UGA together to determine the total development potential for all multi-family zones in the UGA. The result of this step will be the total combined capacity of all multi-family zones in the UGA (in dwelling units).
- 3.5.** In order to determine the number of people that can be accommodated in the UGA's multi-family zones, the dwelling unit totals from steps three or four can be multiplied by the average household size for Island County. The average household size should be determined using the most recent census data available.

#### UGA Capacity – Commercial & Mixed Use Zones

1. For each commercial or mixed use UGA zoning designation identify all vacant parcels (VP). Once all of the vacant parcels have been identified, calculate the total combined acreage of these parcels. The resulting number is the commercial and mixed used development potential of all vacant parcels (in acres) for each non-residential commercial and mixed use zoning designation.
2. For each commercial or mixed use UGA designation identify all re-developable parcels (RP). A parcel should be considered re-developable if the parcel data indicates that the improvement value to land value ratio is less than 1:2. Once all of the re-developable parcels have been identified, calculate the total combined acreage of these parcels. As a final step, deduct 50% in order to account for the redevelopment factor. The result, is the development potential of all re-developable parcels (in acres) for each commercial or mixed use UGA zoning designation.
3. For each commercial or mixed use UGA zoning designation determine the total development potential (TDP) by adding the results of steps one and two together. Next determine the amount of land needed for public purposes and deduct an appropriate amount of land. Finally apply the critical area constraint factor and deduct an appropriate amount of land. This step allows the total net capacity for each commercial or mixed use UGA zoning designation to be determined (in acres).
4. Add the resulting TNC figures for each commercial or mixed use UGA zoning designation together to determine the total development potential for all commercial or mixed use UGA zones. This step will allow the total combined build-out capacity of commercial or mixed use UGA zones to be determined (in acres).

5. In order to determine the number of jobs which can be accommodated in commercial or mixed use UGA, the acreage totals from steps three or four can be multiplied by the average commercial employment density.

### UGA Capacity – Industrial Zones

1. For each industrial UGA zoning designation identify all vacant parcels (VP). Once all of the vacant parcels have been identified, calculate the total combined acreage of these parcels. The resulting number is the development potential of all vacant parcels (in acres) for each industrial UGA zoning designation.
2. For each industrial UGA designation identify all re-developable parcels (RP). A parcel should be considered re-developable if the parcel data indicates that the improvement value to land value ratio is less than 1:2. Once all of the re-developable parcels have been identified, calculate the total combined acreage of these parcels. As a final step, deduct 50% in order to account for the redevelopment factor. The result is the development potential of all re-developable parcels (in acres) for each industrial UGA zoning designation.
3. For each industrial UGA zoning designation determine the total development potential (TDP) by adding the results of steps one and two together. Next determine the amount of land needed for public purposes and deduct an appropriate amount of land. Finally apply the critical area constraint factor and deduct an appropriate amount of land. This step allows the total net capacity for each industrial UGA zoning designation to be determined (in acres).
4. Add the resulting TNC figures for each industrial UGA zoning designation together to determine the total development potential for all industrial UGA zones. This step will allow the total combined build-out capacity of industrial UGA zones to be determined (in acres).
5. In order to determine the number of jobs which can be accommodated in commercial or mixed use UGA, the acreage totals from steps three or four can be multiplied by the average industrial employment density.

ANNUAL REPORT  
TO  
CITY COUNCIL

Public Meeting

# Memo

**To:** Planning Commission  
**From:** Steve Powers, Director  
**CC:**  
**Date:** February 24, 2015  
**Re:** Planning Commission Annual Report to City Council

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Oak Harbor Municipal Code (OHMC) Chapter 18.04 establishes the Planning Commission and its responsibilities. OHMC Section 18.04.070 requires the Planning Commission to make an annual report to the City Council:

**18.04.070 Yearly report of transactions and recommendations.**

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

To assist the Planning Commission in meeting this code requirement, staff has taken the liberty of preparing a draft report. The draft lists the Commission's 2014 accomplishments and outlines the 2015 work plan. A section for recommendations to the City Council was created, but left blank. The Planning Commission may choose between (1) making general recommendations to the City Council or (2) leaving this section blank.

Once the draft is complete, staff will schedule the matter for an upcoming City Council meeting. We will be sure to inform the Planning Commission of the meeting date once it has been established. Your attendance and participation at that meeting would be greatly appreciated by staff and the City Council.

**Recommended Action**

- Forward the 2014 Annual Report to City Council for their information



## City of Oak Harbor

### Planning Commission's Annual Report to the City Council

2014



Photo  
Courtesy of Cac Kamak

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## 2014 Planning Commission Members

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

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**Planning Commission's Annual Report to the City Council  
2014**

**Section 1: Accomplishments**

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## Summary of 2014 Accomplishments

- Comp Plan Amendments
  - Sponsored Amendment
    1. Land use change for 1000 SE City Beach Street from High Density Residential to Public Facilities – continued from 2013
  - Mandated Items
    1. 2015-2020 Capital Improvements Plan
    2. 2016 Comprehensive Plan Update – preliminary review of revised Countywide Planning Policies as part of the 2016 update
  - Discretionary Amendments
    - Land use map - amendment/corrections to UGA boundaries to reflect the County's decision on the 2005 amendments
    - Scenic Views – amend Comprehensive Plan Goal 5 of the Urban Design element to add scenic view corridors for protection
- Public Participation Plan – reviewed and forwarded recommendation to City Council for approval
- Six-Year Transportation Improvement Program
- Code Amendments
  - Water System Plan and Water Use Efficiency program – reviewed draft and forwarded are recommendation to City Council for approval
  - Draft Zoning Regulations for Maritime Zone – began review of draft regulations
  - Electronic Message Center Sign Code Update – considered additional information provided by the International Sign Association forwarded recommendations for draft code establishing new regulations for EMC signs; including size, placement and brightness standards
  - Marijuana Related Uses Code Amendment Project – reviewed draft code to establish appropriate zoning and standards for marijuana related uses and provided recommendations to City Council
- Development Review
  - Beckett Landing Subdivision
  - Permit Extension for Adult Day Care Conditional Use Permit
- Economic Development Strategy - Reviewed strategy and forwarded recommendations to City Council
- Training
  - Public Officials Training – Land Use
  - Open Public Meetings Act
- Annual Report to City Council
  - 2015 Planning Commission work program
  - Planning Commission accomplishments in 2014

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**Planning Commission's Annual Report to the City Council  
2014**

**Section 2: 2015 Proposed Work Program**

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## Proposed 2015 Work Program Schedule

Work Program Items	2015											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2015 Comprehensive Plan Amendment Docket												
2015 Comprehensive Plan Amendments												
2015 TIP Updates												
Capital Facilities Plan/Capital Improvement Plan Update												
2016 Comprehensive Plan Amendments <ul style="list-style-type: none"> <li>• Land capacity analysis</li> <li>• Revise Countywide Planning Policies</li> <li>• Land Use Element</li> <li>• Housing Element</li> <li>• Transportation Element</li> <li>• Miscellaneous amendments</li> </ul>												
Maritime Uses Zoning Regulations												
Rezone 1000 SE City Beach Street												
Homeless Encampment Code Amendment												
Medical Marijuana Regulations												

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

## **Description of 2015 Proposed Work Program Items**

### **2015 Comprehensive Plan Amendment Docket**

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

### **2015 Comprehensive Plan Amendments**

- 2016 Updates to the Comprehensive Plan - *Mandated*
  - Land Use Element
    - Population and Projections
    - Land Use inventory
    - Population densities and Building intensities
    - Updates to Critical Areas
  - Housing Element
    - Inventory and analysis on existing housing
    - Projected housing needs based on projections
    - Sufficient land for housing
    - Policies regarding manufactured home
  - Transportation Element
    - Update the Transportation Plan
- Capital Improvements Plan update - *Mandated*
- Facility Plan for the wastewater treatment plant – *Mandated*
- Land Use change from Low Density Residential to Medium Density Residential for 3 lots on SW 3<sup>rd</sup> Avenue (R132034884830, R132034884940, and R132034885060) – *Sponsored Amendment*

### **Zoning Regulations for Maritime Zone**

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

### **2015 TIP Updates**

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

### **Continue work in preparation of 2016 Comprehensive Plan Amendments**

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

**Description of 2015 Proposed Work Program Items**  
*Continued*

**Rezoning of 1000 SE City Beach Street**

The Planning Commission will rezone 1000 SE City Beach Street to implemented land use change approved as part of the 2014 Comprehensive Plan.

**Homeless Encampment Code Amendment**

The Planning Commission will review draft code to establish appropriate regulation standards for homeless encampment requests and provided recommendations to City Council.

**Medical Marijuana Regulations**

The Planning Commission with reviewed draft code to establish appropriate zoning and standards for medical marijuana and provided recommendations to City Council

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**Planning Commission's Annual Report to the City Council  
2014**

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

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## **Planning Commission General Recommendations to City Council**

- 1.
- 2.

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**Planning Commission's Annual Report to the City Council  
2014**

**Appendix: Planning Commission  
2014 Action Details**

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**DETAIL  
2014  
Planning Commission  
Actions**

**JANUARY**

**January 28, 2014**

**MARIJUANA RELATED USES – CODE AMENDMENT PROJECT – Public Hearing**

The public hearing on the draft code, establishing appropriate zoning and standards for marijuana related uses, was continued from the December 10, 2013 meeting. After accepting additional public testimony at this meeting the Planning Commission closed the hearing and made the following recommendations to the City Council.

**ACTION: MS. SCHLECHT MOVED, MR. FIKSE SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL APPROVE ORDINANCE No. 1685 WITH THE CORRECTION TO USE THE DEFINITION OF GAME ARCADE UNIFORMLY THROUGHOUT THE ORDINANCE, MOTION CARRIED.**

**ACTION: MS. SCHLECHT MOVED, MS. PETERSON SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL EXTEND THE MORATORIUM FOR ANOTHER SIX MONTHS TO SEE WHAT HAPPENS AT THE STATE LEVEL.**

**2014 COMPREHENSIVE PLAN AMENDMENT DOCKET – Public Hearing**

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

**ACTION: MS. PETERSON MOVED, MS. SCHLECHT SECONDED A MOTION TO RECOMMEND THE CITY COUNCIL APPROVE THE 2014 COMPREHENSIVE PLAN DOCKET AS PRESENTED.**

**PUBLIC PARTICIPATION PLAN – Public Meeting**

A draft Public Participation Plan was provided to the Planning Commission in October 2013. The Planning Commission discussed the Public Participation Plan further at the January meeting. The Planning Commission will tentatively make a recommendation to the City Council on the Public Participation Plan at its February meeting.

**YEARLY REPORT TO CITY COUNCIL – Public Meeting**

The Planning Commission discussed and reviewed their yearly report to the City Council. The yearly report is a summary of Planning Commission's accomplishments in 2013 and proposed work program for 2014. Ms. Schlecht volunteered to prepare general recommendations and provide them to staff before the February 25, 2014 meeting.

**FEBRUARY**

**February 25, 2014**

**ELECTRONIC MESSAGE CENTERS CODE UPDATE – Public Hearing**

The Planning Commission considered additional information provided by the International Sign Association on electronic message centers. At the conclusion of the public hearing the Planning Commission forwarded the following recommendations to the City Council.

**DURATION**

**ACTION: MS. JENSEN MOVED, MR. PETERSON SECONDED A MOTION TO LEAVE THE DRAFT CODE LANGUAGE AS IS - "MESSAGES, TEXT, GRAPHICS, IMAGES, AND VIDEOS, MUST REMAIN ON-SCREEN FOR A MINIMUM OF TWO SECONDS."**

**VOTE: 4 IN FAVOR AND 1 OPPOSED (WASINGER)**

**ANIMATION**

**ACTION: MS. PETERSON MOVED, JENSEN SECONDED A MOTION TO LEAVE THE DRAFT CODE LANGUAGE AS IS - "ANIMATION AND VIDEO CANNOT PORTRAY ACTION OR MOVEMENT AT SPEEDS FASTER THAN WHAT OCCURS IN REAL LIFE."**

**VOTE: 4 IN FAVOR AND 1 OPPOSED (FREEMAN)**

**TRANSITION TIME**

**ACTION:** MR. FIKSE MOVED, MR. WASINGER SECONDED DIRECT STAFF TO REVISE THE LANGUAGE IN SECTION 19.36.030 (5)(G)(VIII) TO DELETE “WHEN THE SIGN IS TRANSITIONING BETWEEN COLORS, GRAPHICS, IMAGES OR TEXT THE TRANSITION TIME MUST OCCUR WITHIN ONE SECOND AND NO LESS THAN .5 SECONDS.”

**VOTE:** 4 IN FAVOR 1 OPPOSED (PETERSON)

**SCROLLING OR MOVING TEXT**

**ACTION:** MS. JENSEN MOVED, MR. FREEMAN SECONDED A MOTION TO: LEAVE THE DRAFT CODE LANGUAGE AS IS - “SCROLLING OR MOVING TEXT IS PROHIBITED.”

**VOTE:** UNANIMOUS

**BRIGHTNESS**

**ACTION:** FIKSE MOVED, JENSEN SECONDED A MOTION TO: DIRECT STAFF TO REVISE THE LANGUAGE IN SECTION 19.36.030 (5)(G)(XII) SO THAT THE SECOND SENTENCE READS “DIGITAL SIGNS SHALL COME EQUIPPED WITH PHOTO CELL AUTOMATIC DIMMING TECHNOLOGY.”

**VOTE:** UNANIMOUS

**ACTION:** PETERSON MOVED FREEMAN SECONDED A MOTION TO: DIRECT STAFF TO REVISE THE BRIGHTNESS STANDARDS TO 90% BRIGHTNESS IN NITS DURING THE DAYTIME AND NO GREATER THAN 7% BRIGHTNESS IN NITS AT NIGHT WITH A MAXIMUM CAP OF 1000 NITS AT NIGHT.

**VOTE:** UNANIMOUS

**PUBLIC PARTICIPATION PLAN – Public Hearing**

A draft of the Public Participation Plan was provided to the Planning Commission for review in January 2014. The Planning Commission will discuss Public Participation Plan further at the February meeting. The Planning Commission is expected to make a recommendation to the City Council on the adoption of the Public Participation Plan.

**ACTION:** MS. PETERSON MOVED, MR. WASINGER SECONDED A MOTION TO FORWARD THE PUBLIC PARTICIPATION PLAN TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. MOTION CARRIED.

**ANNUAL REPORT TO CITY COUNCIL – Public Meeting**

The Planning Commission will discuss the general recommendations portion of their annual report to the City Council. The report is a summary of Planning Commission’s accomplishments in 2013 and proposed work program for 2014. At the conclusion of the meeting the Planning Commission forwarded the report to the City Council.

**MARCH**

**March 25, 2014**  
Meeting Cancelled

**APRIL**

**April 22, 2014**

**2014 COMPREHENSIVE PLAN AMENDMENT – SCENIC VIEWS – Public Meeting**

Staff will resurrect the discussion related to Scenic Views within Oak Harbor. The last discussion related to this topic identified the scenic views that may warrant preservation. Staff provided a refresher presentation to the Planning Commission. **NO ACTION**

**MARITIME USES – Public Meeting**

The City’s Comprehensive Plan was amended in 2012 to include Maritime Uses as a land use category. The lands adjacent to the Marina are now designated as Maritime. Staff provided an overview of the land use designation and discuss a framework for creating zoning regulations for this land use category. **NO ACTION**

### **MEDICAL MARIJUANA – Public Meeting**

A moratorium is presently in place prohibiting the establishment of medical marijuana collective gardens and marijuana dispensaries in Oak Harbor. Staff presented preliminary research to the Planning Commission that will begin the process of determining what permanent regulations should govern these uses. **NO ACTION**

## **MAY**

**MAY 27, 2014**

### **BECKETT LANDING SUBDIVISION– Public Hearing**

“Beckett Landing” is a proposed subdivision on 4.90 acres located south of the terminus of NW Prow Street, north of the existing and proposed Island Place development, and west of the Paragon Place development and Heller Road. The applicant proposes 22 single-family detached lots, with associated street and utility improvements and native vegetation areas. The Planning Commission conducted a public hearing made the following recommendation to City Council.

**ACTION: MR. FREEMAN MOVED, MR. WASINGER SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE PRELIMINARY PLAT AND CRITICAL AREAS PERMIT FOR BECKETT LANDING SUBJECT TO THE CONDITIONS OF APPROVAL IN ATTACHMENT B AS WRITTEN, MOTION CARRIED BY A VOTE OF 3 IN FAVOR (FAKKEMA, WASINGER AND FREEMAN) AND 2 OPPOSED (JENSEN AND PETERSON).**

**ACTION: MR. FREEMAN MOVED, MR. WASINGER SECONDED A MOTION TO ADOPT THE PLANNING COMMISSION’S FINDING OF FACT, CONCLUSIONS OF LAW RECORD OF DECISION IN ATTACHMENT H. MOTION CARRIED BY A VOTE OF 4 IN FAVOR AND 1 OPPOSED (JENSEN).**

### **WATER SYSTEM PLAN – Public Hearing**

The City of Oak Harbor is updating its Water System Plan of which the Water Use Efficiency program is a part. A Water System Plan and Water Use Efficiency program is required to be adopted by the City every six years by the Washington State Department of Health for all public water systems. The purpose of the Plan and Efficiency program is to preserve state water resources and provide long-term maintenance of public water supplies. Staff presented information on the city water supply, current status of the Water Use Efficiency program and the goals proposed for the program as it continues to the public and the Commission. An essential component of the program is the water rate structure. Public comment was invited especially from water system customers. None were forthcoming.

**ACTION: MS. JENSEN MOVED, MS. PETERSON SECONDED A MOTION TO FORWARD A RECOMMENDATION FOR APPROVAL OF THE DRAFT WATER PLAN AND THE WATER USE EFFICIENCY GOALS. MOTION CARRIED.**

### **2014 COMPREHENSIVE PLAN AMENDMENT – SCENIC VIEWS – Public Meeting**

Staff planned to continue the discussion related to Scenic Views within Oak Harbor. Staff planned to present various goals and policies currently within the Comprehensive Plan that either support or conflict with ideas surrounding the preservation of scenic views.

Mr. Kamak asked the Commission to continue this item to the next Planning Commission meeting. Planning Commission agreed. **NO ACTION**

### **MEDICAL MARIJUANA – Public Meeting**

A moratorium is presently in place prohibiting the establishment of medical marijuana collective gardens and marijuana dispensaries in Oak Harbor. Last month staff briefed the Planning Commission on the current status of medical marijuana law in Washington state. Mr. Powers reported that there was nothing new to report since last month. **NO ACTION**

## **JUNE**

**June 4, 2014**

### **PLANNING COMMISSION ATTENDED TRAINING:**

Public Officials Training – Land Use

Trainer: Michael C. Walter, Regional Defense Attorney of Keating Bucklin & McCormack, Inc. P.S.

Description: The presentation will focus on key rules, regulation and decision concerning:

- **Land Use Regulations for Decision Making**  
Administrative, Legislative and Quasi-judicial actions  
Arbitrary & Capricious Decision Making
- **Land use Rules of Engagement for Public Officials**  
Appearance of Fairness  
High Risk Words and the Consequences  
Emails & Other Forms of Communication

- **Land Use Recommendations for Risk Management of:**  
 Permit Applications & Processing  
 Zoning & Regulations  
 Takings and Exactions  
 Vesting Rights  
 Annexations  
 Moratoria

**June 24, 2014**

**COMPREHENSIVE PLAN LAND USE MAP AMENDMENT – Public Meeting**

Staff introduced the topic and provided background information on the Comprehensive Plan Land Use Map amendment proposed for 1000 City Beach Street. The property is owned by the City and is currently designated as High Density Residential. The proposal is to change the land use designation to Public Facilities. **NO ACTION**

**2014 COMPREHENSIVE PLAN AMENDMENT – SCENIC VIEWS – Public Meeting**

Staff presented various goals and policies currently within the Comprehensive Plan that either support or conflict with ideas surrounding the preservation of scenic views. **NO ACTION**

**JULY**

**July 22, 2014**

**2014 COMPREHENSIVE PLAN AMENDMENT - LAND USE MAP AMENDMENT – Public Hearing**

The Planning Commission conducted a public hearing on a proposed land use amendment for 1000 SE City Beach Street. The property is owned by the City and is currently designated as High Density Residential. The proposal is to change the land use designation to Public Facilities. The Planning Commission made the following recommendation to the City Council:

**ACTION: MR. FREEMAN MOVED, MS. PETERSON SECONDED, MOTION CARRIED TO RECOMMEND THAT CITY COUNCIL APPROVE THE AMENDMENT TO THE FUTURE LAND USE MAP CHANGING THE DESIGNATION OF 1000 SE CITY BEACH STREET FROM HIGH DENSITY RESIDENTIAL TO PUBLIC FACILITIES.**

**2014 COMPREHENSIVE PLAN AMENDMENT – AMENDMENT/CORRECTIONS TO THE URBAN GROWTH AREAS (UGA) – Public Meeting**

The Planning Commission was introduced to the amendments proposed to correct the City’s UGA boundaries to reflect the County’s decision on the 2005 amendments. This is a correction to the City’s Future Land Use Map which will remove areas that were added in 2005. Additions to the UGA are not proposed at this time. The City plans to conduct a formal Public Hearing with the Planning Commission on this amendment in the next two months and make a recommendation to the City Council. The City Council will consider this amendment along with other 2014 Comprehensive Plan Amendments at the end of this year. **NO ACTION**

**AUGUST**

**August 26, 2014**

**2014 COMPREHENSIVE PLAN AMENDMENT – AMENDMENT/CORRECTION TO THE URBAN GROWTH AREAS (UGA) – Public Hearing**

The Planning Commission conducted a public hearing on amendments proposed to correct the City’s UGA boundaries to reflect the County’s decision on the 2005 amendments. This is a correction to the City’s Future Land Use Map which will remove areas that were added in 2005. Additions to the UGA are not proposed at this time. The Planning Commission was introduced to the topic at the July 22, 2014 meeting. The Planning Commission made the following recommendation to the City Council:

**ACTION: MS. PETERSON MOVED, MR. WASINGER SECONDED, MOTION CARRIED TO RECOMMEND THAT CITY COUNCIL APPROVE THE AMENDMENTS TO THE FUTURE LAND USE MAP TO BE CONSISTENT WITH THE COUNTY’S DECISION ON THE 2005 UGA AMENDMENTS.**

**2014 COMPREHENSIVE PLAN AMENDMENT – SCENIC VIEWS – Public Hearing**

The Planning Commission conducted a public hearing to amend the Comprehensive Plan and add scenic views identified in a study that was initiated in 2012. The Study went through a public participation process and a criteria based review of several views from and within the City. The Planning Commission has identified 4 viewsheds (Northbound SR 20 – Scenic Heights to Erie, Waterfront Trail, Regatta Drive– SE 8<sup>th</sup> to Pioneer Way, Southbound SR 20 and NE 16<sup>th</sup> Ave) to be considered for protection. The Planning Commission made the following recommendation to the City Council:

**ACTION: MR. FREEMAN MOVED, MS. SCHLECHT SECONDED, MOTION CARRIED TO RECOMMEND THAT CITY COUNCIL APPROVE AMENDING COMPREHENSIVE PLAN GOAL 5 OF THE URBAN DESIGN ELEMENT WITH LANGUAGE AS PROPOSED IN EXHIBIT A OF THE STAFF REPORT.**

## SEPTEMBER

September 23, 2014

### PERMIT EXTENSION FOR ADULT DAY CARE CONDITIONAL USE PERMIT – Public Hearing

The Planning Commission held a public hearing to consider extending for two years a previously approved conditional use permit held by the Oak Harbor Senior Center to operate various programs out of a modular building at 917 E. Whidbey Avenue (Island County Parcel Number S7600-00-02604-0). This is a final decision of the Planning Commission.

**ACTION: MR FREEMAN MOVED, MR.PICCONE SECONDED, MOTION CARRIED TO ADOPT THE FINDINGS, CONCLUSIONS AND RECORD OF DECISION AND APPROVE THE TWO-YEAR EXTENSION FOR THE USE OF AN EXISTING MODULAR STRUCTURE IN THE PUBLIC FACILITIES ZONING DISTRICT.**

### 2015 – 2020 CAPITAL IMPROVEMENT PLAN – Public Meeting

Staff introduced the 2015 – 2020 Capital Improvement Plan to the Planning Commission. The Capital Improvement Plan identifies necessary capital projects to serve the community such as streets, waterlines and sewer lines. **NO ACTION**

## OCTOBER

October 28, 2014

### PREMEETING TRAINING

Open Public Meetings Act Training (RCW 42.30)

### SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM (TIP) – Public Hearing

The Planning Commission conducted a public hearing to consider the updates to the Six-Year Transportation Improvement Program for the years 2015-2020. The Planning Commission made the following recommendation to the City Council:

**ACTION: MS. PETERSON MOVED, MR. FREEMAN SECONDED, MOTION CARRIED TO RECOMMEND THAT THE CITY COUNCIL ADOPT THE 2015-2020 SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM.**

### 2014 COMPREHENSIVE PLAN AMENDMENT: 2015 – 2020 CAPITAL IMPROVEMENT PLAN – Public Hearing

The Planning Commission conducted a public hearing on the 2015-2020 Capital Improvement Plan. The Capital Improvement Plan identifies necessary capital projects to serve the community such as streets, waterlines and sewer lines. The Planning Commission made the following recommendation to the City Council: The Planning Commission also forward their recommendations on all of the 2014 amendments to the City Council.

**ACTION: MS. SCHLECHT MOVED, MS. PETERSON SECONDED, MOTION CARRIED TO RECOMMEND THAT THE CITY COUNCIL ADOPT THE 2014 COMPREHENSIVE PLAN AMENDMENTS THAT INCLUDE UPDATES TO THE CAPITAL IMPROVEMENTS PLAN (CIP), AMENDMENTS TO THE FUTURE LAND USE MAP TO CORRECT THE UGA BOUNDARIES AND CHANGE THE DESIGNATION OF 1000 SE CITY BEACH STREET FROM HIGH DENSITY RESIDENTIAL TO PUBLIC FACILITIES, AND AMENDING GOAL 5 OF THE URBAN DESIGN ELEMENT TO ADD SCENIC CORRIDORS IDENTIFIED THROUGH A SCENIC VIEW STUDY.**

### DRAFT COUNTYWIDE PLANNING POLICIES – Public Meeting

Staff introduced the draft CWPP to the Planning Commission. The Countywide Planning Policies (CWPP) are policy statements adopted by Island County and the jurisdictions within intended to establish a countywide framework from which county and city comprehensive plans are developed. Adoption of the CWPP is required by the Growth Management Act and they are being revised as part of the 2016 update to the Comprehensive Plan. **NO ACTION**

## NOVEMBER

November 25, 2014

### DRAFT COUNTYWIDE PLANNING POLICIES – Public Meeting

The Countywide Planning Policies (CWPP) are policy statements adopted by Island County and the jurisdictions within intended to establish a countywide framework from which county and city comprehensive plans are developed. Adoption of the CWPP is required by the Growth Management Act and they are being revised as part of the 2016 update to the Comprehensive Plan. Staff briefed the Planning Commission on the current status of this project. **NO ACTION**

### 2015 COMPREHENSIVE PLAN AMENDMENT – Public Meeting

The process for the annual amendments for the 2015 Comprehensive Plan Amendment cycle was initiated in

October with a notice to the newspaper. Applications for sponsored amendments are due on December 1, 2015. A major portion of 2015 will be dedicated to updating the Comprehensive Plan for the 2016 major update. Staff initiated a discussion with the Planning Commission on potential amendments for the 2015 Comprehensive Plan amendment cycle. **NO ACTION**

## DECEMBER

**December 9, 2014**

### **DRAFT COUNTYWIDE PLANNING POLICIES – Public Meeting**

Staff discussed the current status of the project with the Planning Commission. **NO ACTION**

### **2015 COMPREHENSIVE PLAN AMENDMENT – Public Meeting**

Staff discussed the potential amendments for the 2015 Comprehensive Plan amendment cycle with the Planning Commission. **NO ACTION**

### **MARITIME USES – Public Meeting**

The City's Comprehensive Plan was amended in 2012 to include Maritime Uses as a land use category. The lands adjacent to the Marina are now designated as Maritime. Staff discussed a framework for creating zoning regulations for this land use category with the Planning Commission. **NO ACTION**

## DECEMBER

December 9, 2014

### **DRAFT COUNTYWIDE PLANNING POLICIES – Public Meeting**

The Countywide Planning Policies (CWPP) are policy statements adopted by Island County and the jurisdictions within intended to establish a countywide framework from which county and city comprehensive plans are developed. Adoption of the CWPP is required by the Growth Management Act and they are being revised as part of the 2016 update to the Comprehensive Plan. Staff continued the discussion with the Planning Commission on the current status of this project. **No Action**

### **2015 COMPREHENSIVE PLAN AMENDMENT – Public Meeting**

The process for the annual amendments for the 2015 Comprehensive Plan Amendment cycle was initiated in October with a notice to the newspaper. Applications for sponsored amendments are due on December 1, 2015. A major portion of 2015 will be dedicated to updating the Comprehensive Plan for the 2016 major update. Staff continued the discussion with the Planning Commission on potential amendments for the 2015 Comprehensive Plan amendment cycle. **No Action**

### **MARITIME USES – Public Meeting**

The City's Comprehensive Plan was amended in 2012 to include Maritime Uses as a land use category. The lands adjacent to the Marina are now designated as Maritime. Staff discussed a framework for creating zoning regulations for this land use category with the Planning Commission. **No Action**

Homeless Encampment  
Code Amendment

Public Meeting

# City of Oak Harbor Planning Commission Report

Date: February 24, 2015  
Subject: Homeless Encampment Regulations  
– Code Amendment Project

**FROM:** Steve Powers, Development Services Director

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## **PURPOSE**

This report introduces to the Planning Commission a draft ordinance pertaining to homeless encampment regulations.

## **BACKGROUND**

In 2014, the City's land use code and procedures were reviewed by the Washington Cities Insurance Authority (WCIA). WCIA is the City's insurance carrier and risk manager. They routinely audit different city functions and make recommendations for improvement where appropriate. WCIA made note of the lack of regulations pertaining to homeless encampments and recommended the City revise its Municipal Code to include such regulations.

## **DISCUSSION**

### **Why adopt regulations now?**

To the best of staff's knowledge no formal request to establish a homeless encampment has ever been received by the City. Staff is not aware that any organization is considering establishing such a use. Setting aside WCIA's recommendation, why then should the City adopt regulations at this time? The simplest reason is that it is better to have the regulations in place before an organization inquires as to the rules or process for establishing a homeless encampment. The absence of regulations can lead to ad hoc decision making which can present challenges for the City and the organization. Additionally, the code amendment process is much easier to undertake without having a specific application in process.

The other main reason is that many such encampments are sponsored by churches or other religious organizations. Their ability to do so is protected by the United States and the Washington Constitution; by federal law (the Religious Land Use and Institutionalized Persons Act of 2000); and by state law (RCW 35A.21.360). It is important to have adopted regulations that protect their rights as well as those of the community. As was noted above, it is easier to undergo the process without a specific request pending before the City.

### **Initial draft code**

A draft code (Attachment 1) has been prepared for the Planning Commission's review and initial discussion. The draft is based on Mercer Island's code which has been tested in the courts and found to be constitutional. It therefore provides a reasonable model for the City to consider. As drafted the code amends the zoning code and creates a new type of temporary use permits for the establishment of a homeless encampment.

The draft:

- Establishes a connection between the temporary encampments and places of worship
- Requires a sponsoring and a managing organization (may be the same)
- Only allows one encampment in the city at any one time, sets a 90 day time limit for the use and a sets maximum of 50 people to be served at any one time
- Requires community notification and meeting prior to submitting an application
- Establishes site layout, operational and buffering standards intended to protect adjoining properties from potential adverse impacts
- Requires compliance with City and County standards intended to insure public health, safety and welfare
- Requires background checks for individuals wishing to stay at the facility
- Restricts children from staying at the facility

In preparation for this project staff reviewed ten (10) other similar codes found on MRSC. The results of that review are presented in a table format (Attachment 2). Please also note that staff considers this to be a working draft and one that they expect to revise.

#### **City Council briefing**

Staff introduced this project to the City Council at their December 17, 2014 workshop. The Council asked that the following items be considered:

- No limitations on number of times a camp may be established
- Expand the scope to allow for sponsorship by other than religious organizations
- Requiring a financial guarantee for site clean-up

They also asked staff to notify churches, SPIN café, other organizations, etc. as the code amendment process moves forward. The City Council was briefed again at their January 28, 2015 workshop.

#### **RECOMMENDATION**

This item is for information and discussion only. No action is required.

#### **ATTACHMENTS**

1. Draft ordinance
2. Other codes summary table

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF OAK HARBOR ADDING A NEW SECTION 19.35.060 ENTITLED "HOMELESS ENCAMPMENT REGULATIONS" TO CHAPTER 19.35 ENTITLED "TEMPORARY USE PERMITS" OF THE OAK HARBOR MUNICIPAL CODE

WHEREAS, there are an estimated \_\_\_\_\_ homeless people in Oak Harbor each night; and

WHEREAS, the City of Oak Harbor neither promotes nor disapproves of tent cities. Rather it acknowledges that tent cities are an emergency response to a greater problem of homelessness in Oak Harbor and a safer alternative to life on the streets; and

WHEREAS, both the First Amendment to the United States Constitution and Article 1, Section 11 of the Washington State Constitution protect the free exercise of religion; further, the Religious Land Use and Institutionalized Persons Act of 2000 prohibits governments from imposing a land use regulation that unreasonably limits religious assemblies, institutions or structures. Court decisions hold that a church sponsoring a temporary homeless encampment on its own property constitutes protected religious expression; and

WHEREAS, RCW 35A.21.360 expressly authorizes religious organizations to host temporary encampments for homeless persons on property owned or controlled by religious organizations, and likewise authorizes cities to establish permit or other regulatory conditions necessary to protect public health and safety, provided, however, that they do not substantially burden the decisions or actions of religious organizations providing housing or shelter for homeless persons on property owned or controlled by religious organizations; and

WHEREAS, the City of Oak Harbor and its elected and appointed officials are committed to protecting the health, safety and well-being of its citizens, as mandated by the State Constitution; and

WHEREAS, in keeping with the duties and responsibilities of municipal government, temporary encampments and the hosting facility are also protected by all public safety, health and welfare regulations routinely provided to Oak Harbor citizens and visitors; and

WHEREAS, City staff prepared draft changes to the Oak Harbor Municipal Code to address safety, health and welfare issues related to temporary encampments and on December 17, 2014, a City Council workshop was held to introduce the proposed code changes to the public; and

WHEREAS, the Oak Harbor Planning Commission was briefed on the temporary encampment issues and began its review of the proposed code changes on January 27, 2015, and;

WHEREAS, a SEPA determination of \_\_\_\_\_ was issued on \_\_\_\_\_; and

WHEREAS, notice of the proposed amendment was provided to the Department of Commerce on \_\_\_\_\_; and

WHEREAS, the Planning Commission held a properly noticed public hearing on the proposed changes on \_\_\_\_\_; and

WHEREAS, on \_\_\_\_\_, the Oak Harbor Planning Commission made its final recommendations on proposed temporary encampment regulations; and

WHEREAS, the Oak Harbor City Council was again briefed on the proposed amendment at their regular workshop on \_\_\_\_\_; and

WHEREAS, the Oak Harbor City Council considered the Planning Commission's recommendations on \_\_\_\_\_, held an open record public hearing on; and

WHEREAS, after considering testimony by staff and all public comments submitted to the Council; and

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

**Section One.** There is hereby added a new Section 19.35.060 entitled "Homeless Encampment Regulations" to Chapter 19.35 of the Oak Harbor Municipal Code to read as follows:

**19.35.060  
HOMELESS ENCAMPMENT REGULATIONS**

(1) Definitions.

- (a) Temporary Encampment. A group of persons temporarily residing in one or more temporary structures except for recreational purposes, and located at a place of worship.
- (b) Temporary Encampment Sponsor. A place of worship which owns the property or has an ownership interest in the property, for which a temporary encampment is to be located, and that has an agreement with the temporary encampment managing organization to provide basic services and support for the residents of a temporary encampment and liaison with the surrounding community and joins with the managing organization in an application for a temporary encampment permit. A "sponsor" may be the same entity as the managing organization.
- (c) Temporary Encampment Managing Organization. A group or organization that has the capacity to organize and manage a temporary encampment. A temporary encampment "managing organization" may be the same entity as the temporary encampment sponsor.

(2) Temporary Encampment Permit.

- (a) General Conditions. Temporary encampments are allowed only pursuant to a permit issued in accordance with the following conditions:

- (i) A temporary encampment shall be located at a place of worship. If the place of worship is not actively practicing on the site proposed for a temporary encampment, then the place of worship must comply with all other permit requirements for the underlying zone required for siting a new place of worship and temporary encampment.
- (ii) Each lot occupied by a temporary encampment must provide or have available off-street parking and vehicular maneuvering area.
- (iii) The temporary encampment and the parking of any vehicles associated with a temporary encampment application shall not displace the host site's parking lot in such a way that the host site no longer meets the minimum or required parking of the principle use as required by code or previous approvals unless an alternative parking plan has been approved by the director or his/her designee.
- (iv) The temporary encampment shall be located within one-half (½) mile of a public transit stop.
- (v) No temporary encampment shall operate within the city of Oak Harbor for more than ninety (90) consecutive days, except that the director or his/her designee may allow up to five (5) additional days to accommodate moving on a weekend.
- (vi) Not more than one (1) temporary encampment may operate at a given time so as to ensure adequate resources and support services .
- (vii) The city shall not grant a permit for a temporary encampment that is proposed to commence on a lot or lots within one-half (½) mile of any lot(s) that contained a temporary encampment within the last eighteen (18) months. For the purposes of this subsection, the eighteen (18) months shall be calculated from the last day of the prior temporary encampment within the one-half mile (½) radius.
- (viii) All temporary encampments shall obtain, prior to occupancy of the lots, all applicable city of Oak Harbor permits, licenses and other approvals
- (ix) Each site occupied by a temporary encampment shall be left free of debris, litter, or other evidence of the temporary encampment upon completion of removal of the use.
- (x) The applicant shall submit a complete application for a temporary encampment permit at least seventy-five (75) days before or any occupancy by the temporary encampment.

- (xi) The encampment shall be limited to a maximum of fifty (50) persons. After the encampment reaches its fifty (50) person capacity, any individual(s) who arrive after sundown (and meet all screening criteria) will be allowed to stay for one (1) night, after which the individual(s) will not be permitted entry until a vacancy is available. Such occurrences shall be logged and reported to the director or his/her designee on a weekly basis.
  
- (xii) Because of their temporary nature, temporary structures within temporary encampments shall not be required to meet the site plan review procedures of OHMC 19.48 nor the commercial and industrial design guidelines criteria of OHMC 19.48.969. Any permanent structures, as determined by the director or his/her designee, shall meet all applicable Design Review criteria, and receive any necessary Design Review permits. All temporary structures for temporary encampments shall comply with the following design criteria:
  - A. Temporary encampment structures shall be located a minimum of twenty (20) feet from any property line that abuts a property that has a residential use, unless otherwise approved by the director or his/her designee. All other setbacks and yards applicable to permanent structures shall apply to temporary structures related to temporary encampments;
  
  - B. A six (6) foot high sight obscuring fence, vegetative screen or other visual buffering consistent with the provisions of OHMC 19.46.030, as applicable, shall be provided between the temporary encampment and any abutting residential property and the right-of-way. The fence shall provide a privacy and a visual buffering among neighboring properties in a manner and material approved by the director or his/her designee. The director or his/her designee shall consider existing vegetation, fencing, topographic variations and other site conditions in determining compliance with this requirement; and
  
  - C. Exterior lighting must be directed downward, away from adjoining properties, and contained within the temporary encampment.
  
- (xiii) No children under the age of eighteen (18) are allowed to stay overnight in a temporary encampment unless accompanied by a parent or legal guardian. If any other child under the age of eighteen (18) attempts to stay overnight at the temporary encampment, the temporary encampment managing organization shall immediately contact the Washington State Department of Social and Health Services Child Protective Services, or its successor.

- (xiv) The temporary encampment shall comply with all applicable standards of the Island County Health Department, or its successor.
- (xv) The temporary encampment shall comply with all Washington State and City codes concerning, but not limited to, drinking water connections, human waste, solid waste disposal, electrical systems, cooking and food handling and fire resistant materials. Servicing of portable toilets and trash dumpsters is prohibited between the hours of 9:00 pm and 7:00 am on Mondays through Fridays, excluding legal holidays, and between the hours of 9:00 pm and 9:00 am on Saturdays, Sundays and legal holidays, except in the case of bona fide emergency or under permit from the director or his/her designee in case of demonstrated necessity.
- (xvi) The temporary encampment shall permit regular inspections by the city, including the police department, and Island County Health Department to check compliance with the standards for temporary encampments. The Oak Harbor Fire Department shall do an initial fire inspection and safety meeting at the inception of the temporary encampment.
- (xvii) All temporary encampments shall have services, such as food, water, and waste disposal, provided by a temporary encampment sponsor and supervised by a temporary encampment managing organization.
- (xviii) The managing organization and temporary encampment sponsor shall sign a hold harmless agreement for the temporary encampment.
- (xix) The temporary encampment managing organization shall maintain a resident log for all who are residing at the temporary encampment. Such log shall be kept onsite at the temporary encampment. Prospective encampment residents shall provide a verifiable form of identification when signing the log.
- (xx) The temporary encampment sponsor and encampment managing organization shall ensure enforcement of a code of conduct at the temporary encampment site. The code of conduct shall be in substantially the following form or address the following issues:
  - A. Possession or use of illegal drugs is not permitted;
  - B. No alcohol is permitted;
  - C. No weapons are permitted;
  - D. All knives over three and one-half (3-1/2) inches must be turned in to the encampment managing organization for safekeeping;

- E. No violence is permitted;
  - F. No open flames are permitted;
  - G. No trespassing into private property in the surrounding neighborhood is permitted;
  - H. No littering on the temporary encampment site or in the surrounding neighborhood is permitted; and
  - I. No convicted sex offender shall reside in the temporary encampment.
- (xxi) The temporary encampment managing organization shall obtain warrant and sex offender checks from the Oak Harbor Police Department for all current camp residents within the seven (7) days prior to moving to Oak Harbor, as well as from all new residents checking into the temporary encampment. If said check reveals the subject is a sex offender or has an active warrant, the temporary encampment managing organization or sponsor shall immediately contact the Oak Harbor Police Department. The temporary encampment sponsor shall be responsible for verifying that the warrant and sex offender checks occur, that the log of persons residing at the temporary encampment is kept and that verifiable forms of identification are being provided.
- (xxii) Upon determination that there has been a violation of any condition of approval, the director or his/her designee may give written notice to the permit holder describing the alleged violation. Within seven (7) days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the seven (7) day period, the director or his/her designee shall sustain or revoke the permit. When a temporary encampment permit is revoked, the director or his/her designee shall notify the permit holder by certified mail of the revocation and the findings upon which revocation is based. Appeals of decisions to revoke a temporary encampment permit will be processed pursuant to RCW 36.70C. The availability of this procedure shall be in addition to the procedures set out in OHMC 18.20.510-550.
- (xxiii) The director or his/her designee may require any other condition as necessary to mitigate impacts from temporary encampments.
- (b) Permit Application. The applicant for a temporary encampment shall submit all of the following, unless waived by the director or his/her designee:
- (i) General application form;

- (ii) A site plan, which extends fifty (50) feet beyond the proposed site's property boundaries, drawn to scale showing all of the following:
  - A. all existing structures;
  - B. existing parking stalls;
  - C. parking stalls proposed to be unavailable for parking vehicles during the temporary encampment;
  - D. all proposed temporary structures;
  - E. location of trash receptacles, including trash dumpsters;
  - F. location of toilets and other sanitary facilities;
  - G. location and details of any proposed connection to wastewater, potable water, stormwater, electrical supply, or other public or private utility systems;
  - H. proposed and existing ingress and egress;
  - I. any permanent alterations on the lot, to the site, or structures; and
  - J. designated smoking area;
- (iii) Proposed fencing detail or typical section;
- (iv) Written authorization from a temporary encampment sponsor on which the temporary encampment is located;
- (v) A hold harmless agreement, on a form approved by the City Attorney, with a signature of the temporary encampment sponsor;
- (vi) A copy of any agreements with other parties regarding use of parking, either on-site or off-site;
- (vii) A copy of any agreement between the temporary encampment sponsor, temporary encampment managing organization, and any schools and/or child care services;
- (viii) A copy of the code of conduct;
- (ix) The applicant shall provide:

- A. The date, time, and location of the required informal public meeting;
  - B. The name of persons representing the temporary encampment managing organization and sponsor at the informal public meeting;
  - C. A summary of comments provided; and
  - D. Copies of any documents submitted at the informal public meeting;
- (x) Any other information deemed necessary by the director or his/her designee for the processing of a temporary encampment permit; and
- (xi) All applicable application filing fees in an amount established annually by resolution.
- (c) Application Process. A temporary encampment permit is a form of temporary use permit and is an administrative action. In addition to the requirements for the processing of administrative actions specified in OHMC Chapter 18.20, the following additional procedures shall apply:
- (i) Informal Public Meeting Required. The director or his/her designee shall require an applicant to conduct an informal public meeting to inform citizens about a proposed temporary encampment prior to submittal of an application. Notice of the informal public meeting shall be provided in the same manner as required by OHMC Section 18.20.380(2), at least ten (10) days prior to the informal public meeting. Prior to the informal public meeting, the temporary encampment sponsor and managing organization shall meet and confer with the Oak Harbor Police Department regarding any proposed security measures. At the informal public meeting, a representative of the temporary encampment sponsor and managing organization shall present in writing and describe the proposed temporary encampment location, timing, site plan, code of conduct, encampment concerns, management security measures, and any input or comment received on the plan, including any comment or input from the Oak Harbor Police Department, or comment or input from schools and/or child care services under subsection (ii) of this section. Copies of the agenda and other materials shall be provided by the applicant at the meeting. The meeting shall be conducted on the subject property whenever feasible.
  - (ii) Additional Mailed Notice. The requirements for mailing the notice of application set forth in OHMC Section 18.20.380(2) shall be expanded to include owners of real property within six hundred (600) feet of the lot(s) containing the proposed temporary encampment. Prior to any application for a temporary encampment permit, the temporary encampment sponsor, or temporary encampment managing organization shall meet and confer

with the administration of any public or private elementary, middle, junior high or high school within six hundred (600) feet of the boundaries of the lot(s) proposed to contain the temporary encampment. The temporary encampment sponsor and the school administration and/or child care service operator shall make a good faith effort to agree upon any additional conditions that may be appropriate or necessary to address school and/or child care concerns regarding the location of a temporary encampment within six hundred (600) feet of such a facility. Any such conditions agreed upon between the parties shall be submitted to the director or his/her designee for consideration, for inclusion within the temporary encampment permit. In the event the parties fail to agree on any conditions, either party may provide the director or his/her designee with a written summary of the parties' discussions, which the director or his/her designee may consider in evaluating whether the conditions for the temporary encampment permit are met, or the need for additional conditions upon the temporary encampment permit, without violating the legal rights of the temporary encampments sponsor.

- (d) Emergencies. The director or his/her designee may waive these requirements when a catastrophic event necessitates the immediate establishment of a temporary encampment.

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

**Section Three. Effective Date.** This Ordinance shall be in full force and effect five (5) days after publication.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Veto ( )  
Approve ( )

THE CITY OF OAK HARBOR

By \_\_\_\_\_  
Scott Dudley, Mayor

Dated: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Anna Thompson, City Clerk

Approved as to Form:

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Nikki Esparza, City Attorney

Published: \_\_\_\_\_

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### Homeless Encampments

	City	Religious only	Other / Non-profits	Permit	Decision Authority	Appeal	Permit Fee	Duration/ frequency	Number of encampments allowed in the City	Maximum number of persons	Public meeting required
1	Mercer Island	X		Temporary Use permit	Code Official	Superior Court	Application filing fee	90 days up to 5 additional days allowed to accommodate moving on a weekend	No more than 1 at a time	100	Informal public meeting conducted by applicant Notice of application and meeting to property owners within 600 feet +
2	Mountlake Terrace		X Property owned or controlled by sponsor	Temporary shelter encampment permit – temporary use in any zone	Administrative action (Director of Community & Economic Development)	Hearing Examiner	None specified	90 days/No more frequently than once in any 365 day period			Public information meeting conducted by sponsor Notice of application and meeting to property owners within 300 feet
3	Kirkland		X Must include local church or other local, community-based organization	Temporary Use permit	Planning Official	Superior Court	None specified	92 days/No more frequently than once in any 365 day period		100	Public meeting conducted by sponsor or managing agency Notice of public meeting to property owners within 500 feet Notice of application
4	Bothell		X Non specific	Temporary use	Community Development Director/Police Chief	Hearing Examiner	Permit fee established by resolution	90 days + 2 /No more frequently than once in any 365 day period for the same site			Advance notice and discussions with child care facilities & schools within 600 feet

	City	Religious only	Other / Non-profits	Permit	Decision Authority	Appeal	Permit Fee	Duration/frequency	Number of encampments allowed in the City	Maximum number of persons	Public meeting required
5	Edmonds		X local place of worship or other local, community-based organization	Homeless encampment permit shall be permitted as a secondary use at all zoning districts where churches or local public facilities are permitted as primary uses.	Hearing Examiner Type III-A decision	Superior Court	Permit application fee, shall not exceed the actual cost of review and approval of application	90 days/No more frequently than once in any 365 day period for the same site		100	Public hearing, information meeting and notice of application to property owners within 300 feet Community information meeting organized by the City
6	Lynnwood	X		Temporary Use	Community Development Director	Hearing Examiner	Specified No charge	90 days/No more frequently than once in any 365 day period	No more than 1 at a time	100	Notice of application & comment period
7	Olympia	X		Temporary and revocable permit for a homeless encampment	Community Development Director	Superior Court	None specified	90 days/No encampment allowed on the same parcel in any 12-month period	No more than 1 at a time	40	Public meeting and notice of application
8	Seattle	X		Temporary use Accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization		Hearing Examiner	none			100	
9	Shoreline	X		Temporary Use							
10	Tacoma	X		Temporary Homeless Cap Permit	Community Development Director		\$1,500	93 consecutive days with one time extension of 40 days if unforeseen problems with relocation. Return to site after two years has lapsed from start date.	No more than 2 permitted in the City	100	Hearing not required Notice of application 400 feet
11	Spokane		Private Property - Organization with a City or State business license	Homeless encampment permit/application required				Maximum 90 days maximum	No more than 1 at a time	100	Public meeting and notice of application