



# PLANNING COMMISSION

## AGENDA

March 24, 2015

CITY OF OAK HARBOR  
PLANNING COMMISSION  
REGULAR MEETING  
CITY HALL

AGENDA  
March 24, 2015  
7:30 P.M.

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

1.    **Approval of Minutes – February 24, 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 15*  
      **DRAFT COUNTYWIDE PLANNING POLICIES – Public Hearing**  
      Planning Commission will conduct a public hearing on the Countywide Planning Policies (CWPP). 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.
  
4.    *PAGE 58*  
      **2016 COMPREHENSIVE PLAN UPDATE – Public Meeting**  
      Staff will provide an update on the progress of the 2016 Comprehensive Plan Update. The major scope of the 2016 Comprehensive Plan Update includes updates to the Land Use Element, Housing Element and the Transportation Element. Staff will also provide information on the tentative schedule.
  
5.    *PAGE 68*  
      **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 present additional information regarding the draft code and will respond to Planning Commission questions raised at the February meeting.

# MINUTES

February 24, 2015

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

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

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

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

**PUBLIC COMMENT:**

None.

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

Mr. Wasinger opened the public hearing.

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

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

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

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

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

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

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

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

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

#### Planning Commission Discussion

Commissioners asked the following questions:

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

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

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

There was discussion about how zoning changes over time.

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

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

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

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

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

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

#### **HOMELESS ENCAMPMENT CODE AMENDMENT – Public Meeting**

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

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

## Planning Commission Discussion

Planning Commission asked the following questions:

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

There was some discussion of emergency shelters in the City.

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

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

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

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

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

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

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

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

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

### **Suggestions:**

Add requirements for the number of toilet and shower facilities.

Add requirements for the distance from public transit stops.

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

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

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

**ADJOURN: 9:18 p.m.**

Minutes submitted by: Katherine Gifford

DRAFT

# Countywide Planning Policies

*A Continued Discussion*



Planning Commission  
2/24/2015

## CWPP

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



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## CWPP

Topics discussed to date:

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



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North Whidbey Urban Growth Area and Joint Planning Area



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## CWPP

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



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## CWPP

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



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## CWPP

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



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## CWPP

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



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## CWPP

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



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## CWPP

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



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## CWPP

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



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### CWPP

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



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### CWPP

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



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### CWPP

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



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### CWPP

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



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### CWPP

- Next steps:
  - March 24<sup>th</sup> meeting ~ open public hearing



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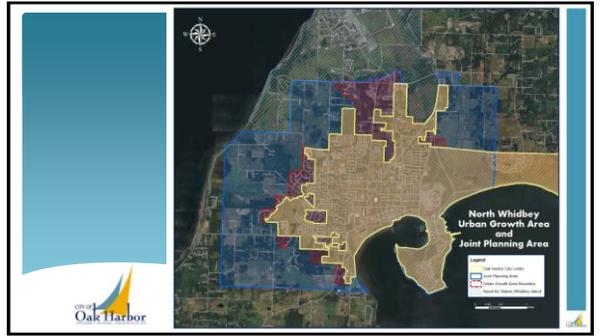
### CWPP

- Planning Commission discussion and questions



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# PC ATTACHMENT 1



# Homeless Encampment Regulations

*Code Amendment*



Planning Commission  
2/24/2015

## Homeless Encampment Regulations

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



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### Homeless Encampment Regulations

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



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### Homeless Encampment Regulations

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



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### Homeless Encampment Regulations

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



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### Homeless Encampment Regulations

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



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Homeless Encampment Regulations

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



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Homeless Encampment Regulations

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



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Homeless Encampment Regulations

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



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Homeless Encampment Regulations

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



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Homeless Encampment Regulations

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



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Homeless Encampment Regulations



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Draft  
Countywide  
Planning Policies

Public Hearing

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

Date: March 24, 2015  
Subject: Countywide Planning Policies

FROM: Steve Powers, AICP  
Development Services Dept. Director

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**PURPOSE**

This report presents the draft Countywide Planning Policies to the Planning Commission.

**BACKGROUND**

Counties and the cities within them planning under the Growth Management Act (GMA) are required to adopt countywide planning policies (RCW 36.70A.210; Attachment 1). The countywide planning policies (CWPP) are policy statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted. At a minimum the policies address the following:

- (a) Policies to implement RCW [36.70A.110](#) [urban growth areas] (Attachment 2);
- (b) Policies for promotion of contiguous and orderly development and provision of urban services to such development;
- (c) Policies for siting public capital facilities of a countywide or statewide nature, including transportation facilities of statewide significance as defined in RCW [47.06.140](#);
- (d) Policies for countywide transportation facilities and strategies;
- (e) Policies that consider the need for affordable housing, such as housing for all economic segments of the population and parameters for its distribution;
- (f) Policies for joint county and city planning within urban growth areas;
- (g) Policies for countywide economic development and employment, which must include consideration of the future development of commercial and industrial facilities; and
- (h) An analysis of the fiscal impact.

Under GMA, counties take the lead in coordinating the drafting of the CWPP.

Staffs from Island County, Coupeville, Langley and Oak Harbor have met multiple times over many months to review drafts of the revised CWPP. The version attached to this staff report is considered a final draft by Island County.

**BRIEFINGS**

City staff has briefed both the Planning Commission and the City Council on this project. In 2014 the Planning Commission was briefed on October 28<sup>th</sup>, November 19<sup>th</sup>, November 25<sup>th</sup> and

December 9<sup>th</sup>. The Commission received briefings in 2015 on January 27<sup>th</sup> and February 24<sup>th</sup>. In 2014 the City Council was briefed on December 17, 2014, January 28, 2015 and February 11, 2015.

## **THE DRAFT**

The CWPP provide a framework for the adoption of comprehensive plans and are intended to help guide and coordinate issues of regional significance. The draft CWPP includes the following sections:

1. General Provisions
  - 1.1 Purpose
  - 1.2 Applicability
  - 1.3 Definitions
2. Countywide Planning Goals
3. Countywide Planning Policies
  - 3.1 General Provisions
  - 3.2 Joint Planning Area Policies
  - 3.3 Urban Growth Areas
  - 3.4 Urban Development
  - 3.5 Rural Development
  - 3.6 Public Facilities and Services
  - 3.7 Facilities of Countywide or Statewide Significance
  - 3.8 Transportation
  - 3.9 Housing
  - 3.10 Land Use and Public Health
  - 3.11 Economic Development and Employment
4. Administration and Implementation
  - 4.1 Countywide Planning Group
  - 4.2 Procedures for Adopting or Amending Countywide Planning Policies
  - 4.3 Population Projections and Land Capacity Analysis
  - 4.5 Monitoring and Reporting Procedures

### Appendix A: Buildable Lands Procedures

Abbreviations & Definitions

Assumptions

Rural Analysis Steps

RAID Analysis Steps

UGA Analysis Steps

County staff took the lead in preparing the initial version of the draft CWPP. The format of the draft is significantly different than that of the existing CWPP. Where policies within the existing CWPP are general, the proposed policies are generally more detailed. Greater attention is also paid to how certain aspects of the policies will be implemented (e.g. how a land capacity analysis is to be completed).

City staff played an active role in discussing the implications of the proposed policies and in

advocating for amendments to the draft. Many of Oak Harbor's suggested amendments were incorporated. As one might expect, there was not one-hundred percent agreement on all items by all parties. Overall, however, it is fair to say that City staff is reasonably comfortable with the proposed policies. There remain just a few areas where staff has additional questions or will suggest further revision.

For the purpose of this meeting staff presents a track changes version of the document to the Planning Commission (Attachment 3). This version shows additional, suggested revisions to the policies and includes comments for the Planning Commission's information.

### **COUNTY PROCESS**

Island County staff has completed their review of the draft CWPP with their Planning Commission. On February 26, 2015 the Island County Planning Commission recommended approval of the draft CWPP to the Board of Island County Commissioners. County staff is fully aware of the fact that the City of Oak Harbor may still propose revisions to the draft policies.

### **RECOMMENDATION**

1. Open the public hearing
2. Provide feedback and direction to staff

### **ATTACHMENTS**

Attachment 1: RCW 36.70A.210, Countywide planning policies

Attachment 2: RCW 36.70A.110, Urban growth areas

Attachment 3: Draft countywide planning policies

**RCW 36.70A.210****Countywide planning policies.**

(1) The legislature recognizes that counties are regional governments within their boundaries, and cities are primary providers of urban governmental services within urban growth areas. For the purposes of this section, a "countywide planning policy" is a written policy statement or statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter. This framework shall ensure that city and county comprehensive plans are consistent as required in RCW [36.70A.100](#). Nothing in this section shall be construed to alter the land-use powers of cities.

(2) The legislative authority of a county that plans under RCW [36.70A.040](#) shall adopt a countywide planning policy in cooperation with the cities located in whole or in part within the county as follows:

(a) No later than sixty calendar days from July 16, 1991, the legislative authority of each county that as of June 1, 1991, was required or chose to plan under RCW [36.70A.040](#) shall convene a meeting with representatives of each city located within the county for the purpose of establishing a collaborative process that will provide a framework for the adoption of a countywide planning policy. In other counties that are required or choose to plan under RCW [36.70A.040](#), this meeting shall be convened no later than sixty days after the date the county adopts its resolution of intention or was certified by the office of financial management.

(b) The process and framework for adoption of a countywide planning policy specified in (a) of this subsection shall determine the manner in which the county and the cities agree to all procedures and provisions including but not limited to desired planning policies, deadlines, ratification of final agreements and demonstration thereof, and financing, if any, of all activities associated therewith.

(c) If a county fails for any reason to convene a meeting with representatives of cities as required in (a) of this subsection, the governor may immediately impose any appropriate sanction or sanctions on the county from those specified under RCW [36.70A.340](#).

(d) If there is no agreement by October 1, 1991, in a county that was required or chose to plan under RCW [36.70A.040](#) as of June 1, 1991, or if there is no agreement within one hundred twenty days of the date the county adopted its resolution of intention or was certified by the office of financial management in any other county that is required or chooses to plan under RCW [36.70A.040](#), the governor shall first inquire of the jurisdictions as to the reason or reasons for failure to reach an agreement. If the governor deems it appropriate, the governor may immediately request the assistance of the \*department of community, trade, and economic development to mediate any disputes that preclude agreement. If mediation is unsuccessful in resolving all disputes that will lead to agreement, the governor may impose appropriate sanctions from those specified under RCW [36.70A.340](#) on the county, city, or cities for failure to reach an agreement as provided in this section. The governor shall specify the reason or reasons for the imposition of any sanction.

(e) No later than July 1, 1992, the legislative authority of each county that was required or chose to plan under RCW [36.70A.040](#) as of June 1, 1991, or no later than fourteen months after the date the county adopted its resolution of intention or was certified by the office of financial management the county legislative authority of any other county that is required or chooses to plan under RCW [36.70A.040](#), shall adopt a countywide planning policy according to the process provided under this section and that is consistent with the agreement pursuant to (b) of this subsection, and after holding a

public hearing or hearings on the proposed countywide planning policy.

(3) A countywide planning policy shall at a minimum, address the following:

(a) Policies to implement RCW [36.70A.110](#);

(b) Policies for promotion of contiguous and orderly development and provision of urban services to such development;

(c) Policies for siting public capital facilities of a countywide or statewide nature, including transportation facilities of statewide significance as defined in RCW [47.06.140](#);

(d) Policies for countywide transportation facilities and strategies;

(e) Policies that consider the need for affordable housing, such as housing for all economic segments of the population and parameters for its distribution;

(f) Policies for joint county and city planning within urban growth areas;

(g) Policies for countywide economic development and employment, which must include consideration of the future development of commercial and industrial facilities; and

(h) An analysis of the fiscal impact.

(4) Federal agencies and Indian tribes may participate in and cooperate with the countywide planning policy adoption process. Adopted countywide planning policies shall be adhered to by state agencies.

(5) Failure to adopt a countywide planning policy that meets the requirements of this section may result in the imposition of a sanction or sanctions on a county or city within the county, as specified in RCW [36.70A.340](#). In imposing a sanction or sanctions, the governor shall specify the reasons for failure to adopt a countywide planning policy in order that any imposed sanction or sanctions are fairly and equitably related to the failure to adopt a countywide planning policy.

(6) Cities and the governor may appeal an adopted countywide planning policy to the growth management hearings board within sixty days of the adoption of the countywide planning policy.

(7) Multicounty planning policies shall be adopted by two or more counties, each with a population of four hundred fifty thousand or more, with contiguous urban areas and may be adopted by other counties, according to the process established under this section or other processes agreed to among the counties and cities within the affected counties throughout the multicounty region.

**RCW 36.70A.110****Comprehensive plans — Urban growth areas.**

(1) Each county that is required or chooses to plan under RCW [36.70A.040](#) shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW [36.70A.350](#).

(2) Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period, except for those urban growth areas contained totally within a national historical reserve. As part of this planning process, each city within the county must include areas sufficient to accommodate the broad range of needs and uses that will accompany the projected urban growth including, as appropriate, medical, governmental, institutional, commercial, service, retail, and other nonresidential uses.

Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. In the case of urban growth areas contained totally within a national historical reserve, the city may restrict densities, intensities, and forms of urban growth as determined to be necessary and appropriate to protect the physical, cultural, or historic integrity of the reserve. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW [36.70A.040](#), shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW [36.70A.040](#) shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW [36.70A.350](#).

(4) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

(5) On or before October 1, 1993, each county that was initially required to plan under RCW [36.70A.040](#)(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW [36.70A.040](#) shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter [43.21C](#) RCW, and under this section. Such action may be appealed to the growth management hearings board under RCW [36.70A.280](#). Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(6) Each county shall include designations of urban growth areas in its comprehensive plan.

(7) An urban growth area designated in accordance with this section may include within its boundaries urban service areas or potential annexation areas designated for specific cities or towns within the county.

(8)(a) Except as provided in (b) of this subsection, the expansion of an urban growth area is prohibited into the one hundred year floodplain of any river or river segment that: (i) Is located west of the crest of the Cascade mountains; and (ii) has a mean annual flow of one thousand or more cubic feet per second as determined by the department of ecology.

(b) Subsection (8)(a) of this section does not apply to:

(i) Urban growth areas that are fully contained within a floodplain and lack adjacent buildable areas outside the floodplain;

(ii) Urban growth areas where expansions are precluded outside floodplains because:

(A) Urban governmental services cannot be physically provided to serve areas outside the floodplain;  
or

(B) Expansions outside the floodplain would require a river or estuary crossing to access the expansion; or

(iii) Urban growth area expansions where:

(A) Public facilities already exist within the floodplain and the expansion of an existing public facility is only possible on the land to be included in the urban growth area and located within the floodplain; or

(B) Urban development already exists within a floodplain as of July 26, 2009, and is adjacent to, but outside of, the urban growth area, and the expansion of the urban growth area is necessary to include such urban development within the urban growth area; or

(C) The land is owned by a jurisdiction planning under this chapter or the rights to the development of the land have been permanently extinguished, and the following criteria are met:

(I) The permissible use of the land is limited to one of the following: Outdoor recreation; environmentally beneficial projects, including but not limited to habitat enhancement or environmental restoration; storm water facilities; flood control facilities; or underground conveyances; and

(II) The development and use of such facilities or projects will not decrease flood storage, increase storm water runoff, discharge pollutants to fresh or salt waters during normal operations or floods, or increase hazards to people and property.

(c) For the purposes of this subsection (8), "one hundred year floodplain" means the same as "special flood hazard area" as set forth in WAC [173-158-040](#) as it exists on July 26, 2009.

# 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 government agencies within Island County are coordinated and consistent with one another.

### 1.2 Applicability

These policies are intended to apply countywide. 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. Planning Policies and Development Regulations adopted or enforced by Government Agencies and Special Service Districts shall be consistent with these goals and policies.
2. All decisions by Government Agencies and Special Service Districts regarding the provision or construction of Public Services and facilities shall be consistent with these goals and policies.
3. These goals and policies 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.

### 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 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. 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 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 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.
11. Rural Area of Intense Development (RAID): Areas of existing more intense rural development designated by the County pursuant to RCW 36.70A.070(5)(d)(i) and WAC 365-196-425(6)(c)(i). This term is synonymous with, and intended to be used interchangeably with, the term “Limited Area of More Intense Rural Development” (Type 1 LAMIRD) as used in the GMA. The County comprehensive plan contains a more complete definition as well as designation criteria for RAIDs.
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.
13. Service, Public: Includes fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, public utilities (e.g. water, sanitary sewer, storm sewer) <sup>[p1]</sup> and other services or facilities provide by Government Agencies or Special Service Districts. This term is synonymous with, and is intended to be used interchangeably with, the term “public facilities”.
14. 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).

15. 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, [transportation and public transit services](#), [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 County and Municipalities.
16. 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.
17. Sprawl, Sprawling: Scattered, poorly planned Urban Development that often occurs in urban fringe and Rural areas. Generally sprawl is neither reflective of Urban Character nor Rural Character. Sprawl 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
18. 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.
19. 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 that are inconsistent with the County's adopted definition of Rural Character.
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.
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, the term “Municipal Urban Growth Area” shall mean an Urban Growth Area associated with an incorporated Municipality.

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.
23. Urban Growth Boundary (UGB): The line 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 establish a foundation for, and guide the interpretation of, the policies contained in this document.

1. Intergovernmental coordination: The County, the City of Langley, the Town of Coupeville, the City of Oak Harbor, State Agencies<sup>[p3]</sup>, 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~~ Development occurs only within designated Urban Growth Areas.
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 and to avoid exposing Island County residents to unnecessary risk, the County and ~~municipalities~~ 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<sup>[p4]</sup>.

#### 3.1 General Provisions

1. Except as otherwise stated, Municipalities shall be responsible for establishing long range plans and Planning Policies for Municipal Urban Growth Areas. The Municipalities shall also be exclusively responsible for regulating land use and development within the incorporated portions of Municipal Urban Growth Areas.<sup>[p5]</sup>
2. The County shall be responsible for regulating land use and development activities within unincorporated portions of 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.
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 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 broad overlay designations shall apply within JPAs as follows; Potential Growth Area (PGA) and Long Term Rural Significance (LRS). 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.
  - 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 Area overlay designation of PGA.
  - c. Designate areas of Long Term Rural Significance (LRS) which have been designated for agricultural or forestry uses. Lands which are extensively constrained by critical areas, flood hazards, or tsunami hazards should also be given an LRS designation. Lands which are ~~judged-determined~~ by the County and/or Municipality to have long term cultural, scenic or environmental benefits may also be assigned an LRS designation. 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.

unless such designation will preclude, forestall or render impractical future UGA expansions (see Policy 3.2.1.e). [p6]

- d. When possible, 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). 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. [p7]
- 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, forestalled, or rendered impractical; areas must be provided to allow for future UGA expansions. |

[p8]

2. The County shall adopt the LRS and PGA 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 consistent 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. 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, or major transportation projects) within the JPA, and shall provide the affected Municipality with the ability to comment on such proposals.
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.

### **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<sup>[p9]</sup> be modified when it can be demonstrated that the proposed modification is consistent with the following policies. These policies are intended to implement countywide planning goals 2.1, 2.2, 2.4, 2.5, and 2.11, as well as GMA planning goals one, two, and four.

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 or other circumstances that reduce the availability of sufficient lands to accommodate the 20-year population projection.<sup>[p10]</sup>
2. Urban growth areas may be expanded <sup>[p11]</sup> if necessary during the periodic process to accommodate a 20 year supply of buildable land as required by RCW 36.70A.110, and
- 2.3. Urban growth areas may be expanded if necessary outside of the periodic update process 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 planning period equals or exceeds fifty percent <sup>[p12]</sup> 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 planning period equals or exceeds fifty percent <sup>[p13]</sup> 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-Naval Air Station Whidbey Island staffing will increase in a manner which would result in population growth equal to

or exceeding fifty percent <sup>[p14]</sup> 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 to Island County, and the County and Municipality agree that due to the facility or institution's unique characteristics there is no suitable land available inside the current UGA.

**3.4.** 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". The methodology is intended to provide for a reasonable market factor.<sup>[p15]</sup>

**4.5.** 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.<sup>[p16]</sup>

**5.6.** 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 within a JPA which has not been assigned a JPA designation, provided such land is not extensively constrained by critical areas or located in a significant flood or tsunami hazard area.
- 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.

**6.7.** 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.
- c. The land being considered can be reasonably served by Urban Services.

~~7-8.~~ Under no circumstances shall a UGA be expanded into a designated tsunami or flood hazard area unless the land is assigned an extremely low intensity comprehensive plan designation such as park or open space.

~~8-9.~~ 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.

~~9-10.~~ 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 land shall be considered for inclusion based on the criteria expressed in policies 3.3.5, 3.3.6, and 3.3.7 above.

~~10-11.~~ 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.

~~11-12.~~ 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.

**12-13.** 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.

1. Urban Development shall take place only within municipalities and UGAs.
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 Planning Policies and Development Regulations shall apply. [p17]
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 UGAs be served by public sewer and water.
5. Development Regulations may be adopted by the Municipalities (or by the County in the case of the Freeland NMUGA) which allow variances or waivers to be granted from the above 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. Waivers or variances should only be granted to serve existing development or to permit the development of single-family homes on existing lots. Waivers or variances shall not be used to permit land division or the establishment of new non-residential uses.

6. 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 3.4.5. When permitted, these systems should be considered an interim solution until public sewer or water service can be provided.
7. 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. 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.
8. Municipalities shall not annex land outside an Urban Growth Area.
9. Land recently added to a UGA shall not be annexed until any appeal periods or proceedings associated with the UGA expansion have lapsed or been resolved.
10. Each Municipality should include specific policies to guide the incorporation process in their comprehensive plans. ~~Such policies must ensure that annexation ordinances contain language which makes Municipal Planning Policies and Development Regulations applicable to the area being annexed immediately upon annexation.~~<sup>[p18]</sup>
11. 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 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 Municipal UGA shall be assigned a County comprehensive plan and zoning 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. <sup>[p19]</sup>
  - 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 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. Small scale recreation and tourist uses may also be appropriate in Rural Areas, and higher density housing and certain commercial uses may be permitted in the County's RAIDs. 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 is best served by a location outside of a UGA.
6. The Municipalities and the County have agreed that the percentage of growth occurring within UGAs should be increased. The County shall adopt Planning Policies and Development Regulations in order to achieve this objective.

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

1. New Urban Services and facilities shall not 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 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 work together to implement, enforce, and update the Coordinated Water System Plan and any associated Planning Policies or Development Regulations.
8. Public Services and facilities should be located in areas which are accessible by all modes of transportation. In particular, public services serving low income or mobility impaired citizens should be located in close proximity to transit stops and in areas with a well developed network of sidewalks and paths.
9. In general, public facilities and buildings should not be located 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 UGAs.
  - c. Sites outside of an existing Municipality, or UGA, but within a 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. The following policies are intended to guide the

designation, location, expansion, and modification of Facilities of Countywide or Statewide Significance and to ensure full compliance with GMA requirements.

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, public health, and safety are protected.
  - d. For facilities outside of UGAs, provisions to ensure, 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 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 is not 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 service Rural Development or to justify future UGA expansions that could not otherwise be supported by the policies of this document.
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 municipality shall review proposals for 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.

### **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, any major industrial, retail, commercial, recreation, or residential development proposal that may impact the transportation systems in Island County. [p20]
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 street classifications and/or future street maps recommended or identified in the Transportation Elements of Municipal Comprehensive Plans. [p21]
7. The purchase of right-of-way, or the construction of transportation projects necessary to facilitate Urban Development, within unincorporated UGAs shall be the responsibility of the Municipality associated with the UGA.
8. 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.

9. Pursuant to RCW 36.70A.430, a multi-jurisdiction environmental and permitting process should be established for reviewing and coordinating state and local permits for transportation projects that cross Municipal or County boundaries. This policy may be carried out through the development of inter-local agreements with the Municipalities within Island County as well as adjoining ~~County's~~ Counties and Municipalities.

### **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, UGAs, and/or unincorporated RAIDs;
3. Multi-family housing should be located within Municipalities, UGAs, and/or unincorporated RAIDs;
- ~~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.~~<sup>[p22]</sup>
- ~~5.4.~~ In order to maximize economic opportunity and enhance the wellbeing of Island County's low income residents, publicly funded low income housing should be located in close proximity to employment centers, transit stops, and other public services.
- ~~6.5.~~ 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 within UGAs or RAIDs that could serve as possible sites for the development of affordable low income 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.

7.6. 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. Establishing a deliberate connection between land use and public health will assist the County and the Municipalities further the GMA in this area. Therefore, it is the policy of the County and the Municipalities that the following policies should be considered when developing or revising County or Municipal Planning Policies 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 UGAs should encourage enhanced community access and promote healthy active lifestyles through:

- a. ~~A dense~~An appropriate mix of land uses and intensities 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~~should <sup>[p23]</sup> 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 UGAs and RAIDs as identified in the comprehensive plans adopted by the County and 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 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, Langlely, 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, Langlely, 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 if necessary, revise the 20 year population projection. The County should lead this effort in cooperation with the Municipalities.
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. BOCC adoption of a population projection shall include a resolution identifying the population projection to be used. The population projection decision shall only become final when ratified by the majority of legislative bodies representing Coupeville, Island County, Langlely, 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 should 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 sections 3.3.8 and 3.3.10.

#### **4.4 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 gross and net 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 Municipal land use or zoning maps. Additionally, Island County should provide updated parcel information to the Municipalities.

## 5. Fiscal Impact Statement

It is the opinion of the Planning Officials of the Municipalities and the County that the Countywide Planning Policies, in themselves, have no fiscal impact and are an agreed upon method of guiding the planning activities required by the Growth Management Act. As the Growth Management Act and these policies are implemented to their maximum extent, County Government may lose some tax base needed to operate essential services which serve both the County and Municipalities. To compensate for this, legislation may be required to provide tax base sharing. Neither the fiscal impacts of implementing the Growth Management Act itself, nor the development of land use plans and Development Regulations necessary to implement the GMA, are addressed herein.

## **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.
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 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.
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: 8 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).
8. In order to determine the number of people that 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 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 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.
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; remove 50% of these additional units to account for parcels which are physically large enough to be subdivided, but which cannot be subdivided because of the placement of the existing housing unit on the parcel. 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

1. 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.
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.
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).

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).
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.

2016  
Comprehensive Plan  
Update

Public Meeting

# City of Oak Harbor Planning Commission Report

Date: March 24, 2015  
Subject: 2016 Comprehensive Plan  
Major Update

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

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## **PURPOSE**

This report presents the status of the 2016 major update to the Comprehensive Plan required by the Growth Management Act. The report contains information regarding current work being done, completed items, and items that are yet to be updated. The report also presents the work the Planning Commission and the City Council has done on updating the Vision statement in the Comprehensive Plan.

## **BACKGROUND**

The work on the major update to the City's Comprehensive Plan began in 2013. The process was initiated by reviewing the Comprehensive Plan against a checklist, provided by the Department of Commerce, to identify elements that needed to be updated. This provided the scope of work to complete the update. Listed below are the items identified in the scope along with their status:

- Land Use Element – This element is a major workhorse in the Comprehensive Plan that sets the basis for most of the development regulations within the City. It's an element that relies on demographics to determine potential changes. This element lays out the densities, land use distributions, characteristics and overlay zones, etc. The scope and status of the update to this element is provided below:
  - Update the UGA boundaries on the Future Land Use Map (2005 work) – this was identified in 2013 and was completed in 2014 as part of the annual amendments.
  - UGA analysis (2016 work) – the City is working with the County on the Buildable Land Analysis that will determine if UGA boundaries need to be expanded to accommodate the 20-year population projection allocated for Oak Harbor and North Whidbey. It will likely be September of this year before a determination is made on whether the UGA boundaries need to be expanded.
  - Demographics and population statistics – demographics and population statistics for Whidbey Island, Island County and Washington State were shared with the Planning Commission in various forms over the past three years after the release of the 2010 census data. The Land Use Element will be updated with the latest demographics.
  - Population densities and building intensities – with the help of Geographical Information Systems (GIS), the City will use maps and census data to get a snapshot of Oak Harbor's population density distributions and building intensities within the city.

- Housing Element – Similar to the Land Use Element, this element relies on demographics for projected housing needs. The Element will be updated with the relevant demographic information. The update also requires the City to determine if sufficient land be available for the projected housing needs.
- Capital Improvements Plan (CIP) – The CIP went through a major update last year. Information within the Plan was reorganized for better tracking of projects and resources. The major update requires the tracking of impact fees and its related projects. This section will be updated this year with the 2015 annual amendments.
- Transportation Element – The RCWs require that the Transportation Plan be updated every six years. The current plan was adopted in 2007, and therefore needs to be updated. Staff has acquired a grant from the Regional Transportation Planning Organization to update the plan. The City is currently preparing to interview consultant firms for this project.
- Consistency – Consistency is the primary objective for Countywide Planning Policies (CWPP). City staff has been meeting with Island County and the other jurisdiction over the past two years to update the policies. The Planning Commission and the City Council have been briefed on this work. The City anticipates adopting the CWPP early this year.
- Other Updates – other than the mandates for the Major Update to the Comprehensive Plan, the review process will clean up outdated policy statements, remove actions that have been completed and update the maps and graphics the current document.

## **DISCUSSION**

Currently the Planning Commission and the City Council are working on the vision statement in the Comprehensive Plan that was first crafted in 1993 (Attachment A). The vision statement was evaluated and ranked by both bodies to determine if it was still valid today. The evaluation indicated that most of the vision still applies to Oak Harbor’s future; however a few of the statements need refinement and clarification.

The Planning Commission and the City Council had a joint meeting on November 17, 2014 to discuss the refinements to the vision statements. The vision statement was reviewed sentence by sentence. Staff collected the comments and suggestion from that meeting and incorporated them into the vision. Three different formats of the revised vision (Attachment B, C and D) were then presented to the City Council and the Planning Commission at a joint meeting on February 11, 2015. At that meeting, the general trend on the direction/feedback on the revised vision was for it to be shorter and general in nature, similar to the slogan (below) on the City’s website.

*Oak Harbor...a vibrant Whidbey Island waterfront community where everyone is welcome and encouraged to thrive.*

*The City of Oak Harbor is committed to creating a vibrant community by delivering quality services, enhancing the quality of life, and fostering economic opportunities.*

Staff considered the comments and suggestions from the February 11, 2015 meeting. However, in an

attempt to shorten and generalize the vision statement, staff found that for “Comprehensive Planning” purposes, it may not be descriptive enough to formulate an overall plan for the future. A short and general vision statement, similar to a slogan, is great for promotions but is not descriptive enough to create a visual image (essential for a Comprehensive Plan vision) of Oak Harbor, which is necessary to create goals and policies for Oak Harbor’s built environment and infrastructure.

Therefore, staff has generated two more versions of the vision statement (Attachment E and F) that are shorter and general, but includes enough descriptors from the original vision in 1993, that create visual images of the City to the reader. Staff recommends considering these options for the Comprehensive Plan vision statement.

**RECOMMENDATION**

Provide staff feedback on vision statement.

## Attachment A

### Current Comprehensive Plan Vision

#### OAK HARBOR 2013 -A Vision for the Future

Envision Oak Harbor as the principal island city in North Puget Sound. Start-up companies employ software engineers, environmental scientists and telecommunication specialists. The college campus is growing with the addition of a fourth building to accommodate new class offerings and increased enrollment. Galleries featuring national artists and aviation exhibits. Every Saturday during summer months, a farmer's market swells with shoppers, and musicians perform under the clock tower at Harbor Square. New offices, housing, a hotel, theater and specialty retail shops enhance Old Town, while it retains its small-town charm. Bald eagles nest above Oak Harbor Bay, while school children study wetlands at Freund's Marsh and plant new Garry Oaks in City parks. Residents and visitors dine at waterfront restaurants, and enjoy summer evening strolls on Maylor's Promenade. Some visitors come to Oak Harbor by water taxis and seaplanes, while others on private boats to stay at the marina. Bicyclists and hikers enjoy over two miles of shoreline pathways on the Oak Harbor Interpark Trail between Maylor's Point and Fort Nugent Park. State Route 20 and City streets carry automobiles and trucks efficiently; landscaped sidewalks provide safe, accessible and enjoyable pathways for all people. Neighborhood watch and community policing keep Oak Harbor's neighborhoods clean and secure. The families of Naval Air Station Whidbey Island play an active and vital role through their patriotism and community involvement. The children of third- and fourth-generation residents return from college to live and work in Oak Harbor. On the horizon, an agricultural and forest greenbelt envelopes the City.

## Attachment B

### **Revisions to Vision – after November 17, 2014 input from Planning Commission and the City Council**

Envision Oak Harbor as Whidbey Island's premier waterfront community. The City fosters technical infrastructure and fast communication networks that help existing business thrive and expand, while new companies are locating here and hiring professionals for high paying, low impact jobs. The Community College is expanding its programs and campus, and continues to play an important role in the community with its running start program. The City fosters art and culture with display of public arts; hosts and supports performing arts to provide a culturally rich environment. The waterfront parks are the center for local events during the summer months with festivals, events and performing arts. Downtown is vibrant with sidewalk sales, outdoor cafes, pedestrians, shoppers and performers. The Downtown develops with mixed uses, specialty retail, quaint bars and restaurants, and yet retains its small-town charm. The City is a leader in environmental sustainability and residents and visitors can view bald eagle nest above the bay, while school children study wetlands and the community preserves and restores the Garry Oak population that gives the City its name. Residents and visitors patronize the local waterfront restaurants and enjoy strolls along the developed waterfront promenade that is continually being improved and invested in as a prime asset to the community. The marina is an asset and a portal to Oak Harbor, with great rates for permanent and transient boaters, with supportive maritime uses, and an attractive facility with amenities that are inviting to boaters and tourists. Recreation is important to the community and bicyclists and hikers enjoy the trails along the shoreline and its extensions from Maylor Point to Fort Nugent Park and beyond. The transportation system is efficient in the city and the highway and accommodates multimodal transports where needed with safe pedestrian access and trails for recreation. Neighborhood watch and community policing keep Oak Harbor's neighborhoods clean and secure. The families of Naval Air Station Whidbey Island play an active and vital role through their patriotism and community involvement. The children that grew up in Oak Harbor return from college to live, work, and raise families in Oak Harbor because it supports state of the art schools that have cutting edge arts, educational and sports programs, and the city has maintained its small town charm and lifestyle. The City has a network of recreation, open space and wildlife corridors, interwoven with development all around the city, that connects city parks, natural areas, wetlands and state parks.

## Attachment C

### Revisions to Vision – after November 17, 2014 input from Planning Commission and the City Council - Bulleted Version

#### Envision

- ✦ Oak Harbor as Whidbey Island's premier waterfront community
- ✦ The City facilitating technical infrastructure and fast communication networks that help existing business thrive and expand, while new companies locate here and hire professionals for high paying, low impact jobs
- ✦ The Community College expanding its programs and campus, and continuing to play an important role in the community by tailoring their programs to community needs
- ✦ The community fostering art and culture with displays of public art; hosting and supporting performing arts to provide a culturally rich environment
- ✦ The waterfront park as a center for local events during the summer months with festivals, events and performing arts
- ✦ Downtown as a vibrant district with sidewalk sales, outdoor cafes, pedestrians, shoppers and performers
- ✦ The Downtown developing with mixed uses, specialty retail, quaint bars and restaurants, and yet retaining its (eclectic building form) or (small-town charm/feel)
- ✦ The community valuing its natural environment, viewing bald eagles nest above the bay, and school children studying wetlands, and the community preserving and restoring the Garry Oak population
- ✦ The waterfront promenade as a prime asset to the community, and residents and visitors patronizing the local waterfront restaurants, and enjoying strolls and views along the shoreline
- ✦ The marina as an attractive facility with recreational and economic benefits, and as a portal to Oak Harbor, inviting tourists, boaters, and seaplane transport
- ✦ Recreation as an important element in the community, and bicyclists and hikers enjoy the trails along the shoreline and its extensions from Maylor Point to Fort Nugent Park and beyond
- ✦ The transportation network being in sync with land use patterns, efficiently moving people and goods within the city and along the highway, and accommodating multimodal transports where needed with safe pedestrian access for all people
- ✦ Neighborhood watches and community policing keeping Oak Harbor's neighborhoods clean and secure
- ✦ The families of Naval Air Station Whidbey Island playing an active and vital role through their patriotism and community involvement
- ✦ The children that grew up in Oak Harbor returning from college to live, work, and raise families in Oak Harbor because it supports state of the art schools that have cutting edge educational, arts, and sports programs, because the city has maintained its small town atmosphere and lifestyle
- ✦ The City with a network of recreation, open space and wildlife corridors, interwoven with development all around the city, that connects city parks, natural areas, wetlands and state parks.

## Attachment D

### Revisions to Vision – after November 17, 2014 input from Planning Commission and the City Council

#### - Categorized Version

#### Envision ...

Oak Harbor as Whidbey Island's premier waterfront community

##### **Envision Oak Harbor's Economy**

A city with technical infrastructure and fast communication networks that help existing business thrive and expand while new companies locate here and hire professionals for high paying, low impact jobs. The Downtown has mixed uses, specialty retail, quaint bars and restaurants, and yet retains its (eclectic building form) or (small-town charm/feel). The marina is an attractive facility and is a portal to Oak Harbor, for tourists, boaters, and seaplane transport. The transportation network is in sync with land use patterns, efficiently moving people and goods within the city and along the highway, and accommodates multimodal transports where needed with safe pedestrian access for all people.

##### **Envision Oak Harbor's Culture**

The community fosters art and culture with displays of public art; hosting and supporting performing arts to provide a culturally rich environment. The waterfront park is a center for local events during the summer months with festivals, events and concerts. The Downtown is a vibrant district with sidewalk sales, outdoor cafes, pedestrians, shoppers and performers. The community values its natural environment and wildlife. Bald eagles nest above the bay, school children are studying in the wetlands, and the community is preserving and restoring the Garry Oak population. Neighborhood watches are active and community policing keeps Oak Harbor's neighborhoods clean and secure. The families of Naval Air Station Whidbey Island play an active and vital role through their patriotism and community involvement.

##### **Envision Oak Harbor's Education**

Diverse educational opportunities and programs are provided in the schools and the children that grew up in Oak Harbor return from college to live, work, and raise families in Oak Harbor because it supports state of the art schools that have cutting edge educational, arts, and sports programs, and because the city has maintained its small town atmosphere and lifestyle. The Community College expands its programs and campus, and continues to play an important role in the community by tailoring their programs to community needs.

##### **Envision Oak Harbor's Recreation**

Recreation is an important element in the community, and bicyclists and hikers enjoy the trails along the shoreline and its extensions from Maylor Point to Fort Nugent Park and beyond. The waterfront is developed as a promenade, and residents and visitors patronizing the local waterfront restaurants enjoy strolls and views along the shoreline. There is a network of recreation, open space and wildlife corridors, interwoven with development all around the city, connecting to city parks, natural areas, wetlands and state parks.

## **Attachment E**

### **Revisions to Vision – after February 11, 2015 input from Planning Commission and the City Council**

#### **Option A**

##### **Oak Harbor's Vision**

Oak Harbor - It's a place where businesses thrive with great infrastructure and fast communication networks. Education centers are expanding and offering cutting edge programs. It's a place that is rich in culture and fosters art. It is a place known for its family oriented festivals, exciting parades, world renowned races, and fun concerts. Its downtown is vibrant with diverse business, quaint bars, outdoor cafes and street performers. It's a place where the natural native landscapes are preserved and enhanced and the wildlife is protected. It's a town that preserves and fosters its unique Garry Oak trees. It celebrates its unique ownership of a marina that is attractive and serves local needs while inviting tourists. It's a place that values its waterfront and invests in it by building promenades that is known for its beauty and views, and its connections from the urban environment to natural wetlands and shorelines. The town values outdoor recreation, extending trails around the city from the waterfront and connecting natural features, wetlands, parks and wildlife corridors. It is proud of its military heritage, safe clean neighborhoods and affordable cost of living. It's a place, where the children of yesterday come back to raise families so that their children will enjoy the same small town atmosphere they enjoyed growing up in. It is one of the best small towns to live in the northwest. It is Whidbey Island's premier waterfront community.

# Revisions to Vision – after February 11, 2015 input from Planning Commission and the City Council - categorized

## Option B

### Vision

Oak Harbor is Whidbey Island's premier waterfront community that celebrates its robust economy, state of the art education, recreational opportunities and diverse culture.

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#### **Envision Oak Harbor's Economy**

Oak Harbor envisions its economy to be robust, stable and growing by investing in sound infrastructure, fostering fast communication networks, and creating partnerships that lure businesses to locate here, hiring professionals for high paying, low impact jobs. It envisions it downtown flourishing with mixed uses, specialty retail, quaint bars and restaurants, and retaining its eclectic building form and protecting views. It envisions the marina as an attractive facility that is inviting to tourists, boaters, and seaplane transport.

#### **Envision Education in Oak Harbor**

Oak Harbor envisions state of the art education with diverse educational opportunities and programs in the schools and colleges. It envisions the return of children that grew up in Oak Harbor to live, work, and raise families in Oak Harbor because it supports state of the art schools that have cutting edge educational, arts, and sports programs, and because the city has maintained its small town atmosphere and lifestyle.

#### **Envision Recreation in Oak Harbor**

The community values the outdoor recreational opportunities that surround the city and invests in its waterfront trail system. It envisions the waterfront trail developed as a beautiful promenade that is the pride of its residents and alluring to visitors. It envisions a network of recreation, open space and wildlife corridors, interwoven with development all around the city, connecting to city parks, natural areas, wetlands and state parks. The transportation network caters to all modes of transportation providing safe pedestrian access for all people. Street classification and cross-sections are in sync with land use patterns, efficiently moving people and goods within the city and along the highway.

#### **Envision Oak Harbor's Culture**

The City envisions creating an atmosphere that supports diverse cultures, appreciates public art, and hosts performing arts to provide a culturally rich environment. It envisions summer months with festivals, events and concerts, bustling sidewalk sales, outdoor cafes, pedestrians, shoppers and performers. It envisions the built environment incorporating the natural environment to preserve its natural environment and wildlife. It takes pride in protecting, preserving and enhancing unique Garry Oak population that gives its name. It envisions its citizens on active community policing that keep neighborhoods clean and secure. It is a town where the families of Naval Air Station Whidbey Island play an active and vital role through their patriotism and community involvement.

Homeless Encampment  
Code Amendment

Public Meeting

# City of Oak Harbor Planning Commission Report

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

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

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## **PURPOSE**

This report continues the Planning Commission review of the draft ordinance pertaining to homeless encampment regulations and presents additional information regarding Planning Commission questions raised at the February meeting.

## **BACKGROUND**

In 2014, the City's land use code and procedures were reviewed by the Washington Cities Insurance Authority (WCIA). 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**

At the February 24<sup>th</sup> meeting staff reported that the ordinance (Attachment 1) is necessary at this time due to the lack of regulations pertaining to homeless encampments and the absence of regulations may lead to ad hoc decision making which can present challenges for the City and the organization.

The other main reason is that many encampments are sponsored by churches or other religious organizations and 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.

During the initial discussion Planning Commissioners asked questions that required further study by staff. Planning Commission questions centered on whether the draft code should specify that an encampment should be located a minimum distance from transit stops, whether to specify a minimum distance from sensitive areas (schools, playgrounds, daycare facilities) and whether to specify the number of toilet and shower facilities. The Planning Commission minutes from February 24<sup>th</sup> contain a complete list of questions from that meeting. Attachment 2 presents excerpts from other similar city codes which address the questions raised.

## **RECOMMENDATION**

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

## **ATTACHMENTS**

1. Draft ordinance
2. Homeless encampment code excerpts

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 Encampment Code Excerpts

Code sections from other cities regarding transit stop proximity, location to sensitive areas and shower/toilet facility requirements.

### **Mercer Island**

#### ***Transit Stop***

The temporary encampment shall be located within one-half mile of a public transit stop.

#### ***Sensitive Areas***

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 600 feet of the boundaries of the lot(s) proposed to contain the temporary encampment and shall meet and confer with the operators of any properly licensed child care service within 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 600 feet of such a facility. Any such conditions agreed upon between the parties shall be submitted to the code official 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 code official with a written summary of the parties' discussions, which the code official 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.

#### ***Number of shower and toilet facilities***

13. The temporary encampment shall comply with all applicable standards of the Seattle-King County Health Department, or its successor.

14. 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 10:00 pm and 7:00 am on Mondays through Fridays, excluding legal holidays, and between the hours of 10:00 pm and 9:00 am on Saturdays, Sundays, and legal holidays, except in the case of bona fide emergency or under permit from the code official in case of demonstrated necessity.

### **Mountlake Terrace**

#### ***Transit stops***

Not addressed.

#### ***Sensitive Areas***

Nothing specific for schools and daycares only the following:

Any part of the encampment that is outdoors shall be at least 20 feet from the property line of abutting properties that contain residential uses.

#### ***Number of shower and toilet facilities***

Pursuant to the terms of the temporary shelter encampments permit and the latest version of Chapter 29 of the International Building Code, regarding minimum plumbing fixtures and sanitation facilities, as adopted by the state of Washington, the maximum number of occupants allowed at the facility shall not be exceeded.

The managing agency shall ensure compliance with state statutes and City codes for drinking water connections, human waste, solid waste disposal, electrical systems, fire-resistant materials, and any other health or safety requirements. The sponsor and the managing agency shall permit inspections by state and local agencies and City departments to ensure such compliance and shall implement all directives resulting therefrom within the specified time period.

N. All applicable public health regulations shall be met. This requirement includes but is not limited to the provision of:

1. Sanitary toilets.
2. Food preparation areas.
3. Hand-washing stations by toilets and food preparation areas.
4. Sleeping facilities.
5. Garbage and recycling receptacles.

## **Kirkland**

### ***Transit stops***

The homeless encampment shall be located within one-half (1/2) mile of transit service.

### ***Sensitive Areas***

Not addressed

### ***Number of shower and toilet facilities***

The managing agency shall ensure compliance with Washington State and City codes concerning but not limited to drinking water connections, human waste, solid waste disposal, electrical systems, and fire-resistant materials.

## **Bothell**

### ***Transit stops***

Access to Public Transportation. Where occupants of a proposed transitory accommodation are anticipated to walk to public transportation services, said accommodation shall be located no farther than one-half mile walking distance from a regular public transportation stop.

### ***Sensitive Areas***

Advance Discussions with Nearby Child Care Facilities and Schools.

- (A) Prior to applying for a transitory accommodation permit, the proponent shall provide written notice to any licensed child care facility and the administration of any public or private elementary, middle, junior high or high school within 600 feet of the boundaries of the proposed transitory accommodations site, and shall seek comments from said child care facility and school administration.
- (B) Where no comments are received, or where said child care facility(ies) or the administration of said school(s) is supportive of the proposal, the proponent shall submit an affidavit to this effect with the application.
- (C) Where said child care facility(ies) or the administration of said school(s) registers objections or concerns regarding the proposed transitory accommodations, the proponent shall attempt to resolve such objections or concerns via a negotiated mitigation plan between the proponent and the child care facility(ies) or school(s). Such a plan shall be submitted with the application and shall be incorporated in the conditions of the permit. Where the negotiations do not result in a mutually agreed upon mitigation plan within 30 days of receipt by the child care facility or school administration of the initial notice from the proponent, but the parties desire to continue to pursue resolution of the issues, the parties may request mediation services from or through the city. In the event the parties cannot reach agreement after a good faith effort of at least 30 days from receipt by the child care facility or the school

administration of the initial notice from the proponent, the proponent may submit an application but shall provide a record of the negotiations between the parties, including but not limited to copies of all correspondence and meeting notes. In evaluating the application against the performance criteria set forth herein, the director shall consider the topic(s) of the unsuccessful negotiations and the extent to which the parties demonstrated good faith in their discussions. "Good faith" in this context shall mean a recognition of the legitimacy of, and a willingness to reasonably accommodate, each party's needs, desires and concerns.

***Number of shower and toilet facilities***

Drinking Water and Solid Waste. An adequate supply of potable water shall be available on-site at all times. Adequate toilet facilities shall be provided on-site, as determined by the public works director. All city, county and state regulations pertaining to drinking water connections and solid waste disposal shall be met.

## **Edmonds**

***Transit stops***

The temporary homeless encampment shall be located within one-fourth mile of transit service.

***Sensitive Areas***

Not addressed

***Number of shower and toilet facilities***

The managing agency, sponsor and temporary homeless encampment residents shall ensure compliance with applicable state statutes and regulations and local ordinances concerning, but not limited to, drinking water connections, solid waste disposal, human waste, outdoor fire or burning, electrical systems, and fire resistant materials.

K. The managing agency and sponsor shall provide at said encampment sanitary portable toilets in the number required to meet capacity guidelines by the manufacturer, self-contained hand washing stations by the portable toilets and by the areas where food is either dispensed or consumed communally, sufficient refuse receptacles, communal tents for food dispensing and consumption, adequate number of fire extinguishers with appropriate rating, security tent, and adequate source of water for both sanitation and drinking.

## **Lynnwood**

***Transit stops***

A transportation plan that shall include provision for transit services.

***Sensitive Areas***

Not addressed

***Number of shower and toilet facilities***

The sponsor and the managing agency shall ensure compliance with Washington State laws and regulations, the Lynnwood Municipal Code, and Snohomish health district concerning, but not limited to, drinking water connections, solid waste disposal, human waste and electrical systems. The sponsor and the managing agency shall permit inspections by state and/or local agencies and/or departments to ensure such compliance and shall implement all directives resulting therefrom within the specified time period.

K. The sponsor and managing agency shall assure all applicable public health regulations, including but not limited to the following, will be met at/for:

1. Sanitary portable toilets, which shall be set back at least 40 feet from all property lines;
2. Hand-washing stations by the toilets and food preparation areas;
3. Food preparation or service tents; and

4. Refuse receptacles.

**Olympia**

**Transit stops**

The homeless encampment shall be located within a quarter (1/4) mile of a bus stop with seven (7) days per week service, whenever possible. If not located within a quarter mile of a bus stop, the Host or Sponsoring Agency must demonstrate the ability for residents to obtain access to the nearest public transportation stop (such as carpools or shuttle buses).

**Sensitive Areas**

Not addressed

**Number of shower and toilet facilities**

The property must be sufficient in size to accommodate the tents and necessary on-site facilities, including, but not limited to the following:

- i. Sanitary portable toilets in the number required to meet capacity guidelines;
  - ii. Hand washing stations by the toilets and by the food areas;
  - iii. Refuse receptacles; and
  - iv. Food tent and security tent.
- c. The Host and Sponsoring Agencies shall provide an adequate water source to the homeless encampment, as approved by the City.

**Tacoma**

**Transit stops**

Not addressed

**Sensitive Areas**

Not addressed

**Number of shower and toilet facilities**

(a) Potable water as approved or provided by local utilities. Estimated usage is four to five gallons per day, per resident.

(b) Provide sanitary portable toilets as provided in the following table:

Number of camp residents	1-20	21-40	41-60	61-80	81-100
Number of toilets required	1	2	3	4	5

(c) Provide hand washing stations with warm water, soap, paper towels and covered garbage cans and recycling containers at the following locations:

(i) Hand washing stations next to portable toilets provided in the following manner:

Number of camp residents	1-15	16-30	31-45	46-60	61-75	76-90	91-100
Number of stations required	1	2	3	4	5	6	7

(ii) One at the entrance to the dining area; and

(iii) One at the food preparation area.

(iv)(d) Showering facilities are required as provided in the following table:

Number of camp residents	1-33	34-66	67-100
Number of showers required	1	2	3

## **Spokane**

### ***Transit stops***

The homeless encampment shall be within a one-quarter mile of a bus stop with service seven days per week whenever possible. If not located within a one-quarter mile of a bus stop the sponsoring agency must demonstrate the ability for residents to obtain access to the nearest public transportation stop such as carpools or shuttle buses.

### ***Sensitive Areas***

A homeless encampment is not allowed within seven hundred fifty feet of a library, park, daycare center, or another homeless encampment. Homeless encampments must be seven hundred fifty feet from a school unless the host agency is a religious institution (such as a church, temple, mosque, or other similar institution) and operates a school. If the religious institution operates a school within seven hundred fifty feet of the homeless encampment or has a school on its grounds, then both the school and the religious institution must apply as a joint host agency. In this case, the head of the church and the school principal must both sign the application.

### ***Number of shower and toilet facilities***

- A. The property must be sufficient in size to accommodate tents and necessary on site facilities including but not limited to the following:
1. One sanitary portable toilet per twenty persons on-site.
  2. One hand washing station by the toilets and an additional hand washing station by the food preparation area.
  3. Food tent and security tent; and
- B. One shower stand per twenty persons people on-site.
- The host and sponsoring agencies shall provide an adequate water source to the homeless encampment as determined by the Spokane regional health department.