



# PLANNING COMMISSION

## AGENDA

October 23, 2012

ROLL CALL: NEIL \_\_\_\_\_ JENSEN \_\_\_\_\_ FAKKEMA \_\_\_\_\_  
WASINGER \_\_\_\_\_ OLIVER \_\_\_\_\_  
WALLIN \_\_\_\_\_ JOHNSON-PFIEFFER \_\_\_\_\_

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1. **Approval of Minutes – September 25, 2012**
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.

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3. **2012 COMPREHENSIVE PLAN AMENDMENTS– Public Hearing**  
The Planning Commission will open a public hearing on the 2012 Comprehensive Plan Amendments. The amendments include creation of a new “Maritime” land use category that would allow water-dependent, water-oriented and other related commercial uses on property adjacent to the marina. The amendments also include updates to the Capital Improvements Plan. The Planning Commission will open the hearing and continue it to the November 27, 2012 meeting.

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4. **2012 COMPREHENSIVE PLAN AMENDMENTS – SCENIC VIEWS – Public Meeting**  
The Planning Commission will be provided information on the public input gathered this year related to this topic. The Planning Commission included this item on the 2012 Comprehensive Plan Docket with an interest to protect view within the community. This item will likely continue into the 2013 amendments cycle.

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5. **OHMC Chapter 17.24 SIDEWALKS, CURBS AND GUTTERS INSTALLATION – Public Meeting**  
The Planning Commission will discuss the building code as it relates to the requirement to provide sidewalks under certain development/redevelopment scenarios.

# MINUTES

September 25, 2012

**PLANNING COMMISSION  
REGULAR MEETING  
CITY HALL – COUNCIL CHAMBERS  
September 25, 2012**

**ROLL CALL:** **Present:** Keith Fakkema, Jill Johnson-Pfeiffer, Greg Wasinger and Jeff Wallin.  
**Absent:** Bruce Neil, Kristi Jensen and Gerry Oliver.  
**Staff Present:** Development Services Director, Steve Powers; Senior Planners, Ethan Spoo and Cac Kamak and Associate Planner, Melissa Sartorius. Mike McIntyre, Senior Services Administrator.

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

**MINUTES: MR. WALLIN MOVED, MR. WASINGER SECONDED, MOTION CARRIED TO APPROVE THE AUGUST 28, 2012 MINUTES AS PRESENTED.**

**PUBLIC COMMENT:**

No comments.

**FAIRWAY POINT PRD MODIFICATION TO CONSIDER ADU'S** – Public Hearing  
Mr. Fakkema recused himself from this item. Mr. Wasinger conducted the public hearing.

Mr. Powers reminded the Planning Commission that they closed the public hearing at the last meeting and therefore closed the public comment portion. Planning Commission will deliberate and make a recommendation to the City Council this evening

Mr. Wallin asked staff if they could limit the amount of people that reside in the accessory dwelling unit (ADU) to two and to clarify the parking requirements for an ADU. Mr. Powers said there isn't a Code basis to impose a limit as well as being a challenge to enforce such a limit. Mr. Sartorius indicated that the parking requirements are two per single-family unit plus at least one additional space for an ADU per Chapter 19.42.030(9).

Ms. Johnson-Pfeiffer asked if Planning Commission could reduce the number of ADU's. Mr. Powers said that the applicant has asked to have ADU's on up to six lots in this division of their project. It is within the Commission's purview to recommend to the Council something less than six if the Commission thinks that it addresses a compatibility issue.

Ms. Johnson-Pfeiffer said she thought that the parking for a five bedroom house and an ADU is more than that area can sustain. She also spoke about entering into a Planned Residential Development (PRD) that has been locked in for a long time and questioned whether the developer should be allowed to change the plan. She was also concerned that if you don't allow any change ever that this would discourage developers from using the PRD design. A compromise might be to allow ADU's on the lots that don't abut existing homes so there would be the flexibility and compatibility with the existing neighborhood.

Mr. Wasinger noted that allowing the developer the opportunity for including ADU's on up to six lots does not necessarily mean that all six lots will have ADU's and the living scenarios for those ADU's could vary from the worst case scenario of a family living in the ADU to just one caregiver living in the ADU.

**MOTION: MR. WALLIN MOVED TO RECOMMEND THAT THE ORDINANCE BE APPROVED AS PRESENTED. MS. JOHNSON-PHIEFFER SECONDED THE MOTION.**

Planning Commission Discussion

Ms. Johnson-Pfeiffer asked if was possible to allow ADU's in the four lots that do not abut existing homes.

Mr. Powers suggested adding "shall only occur on the four southern lots" to the end of Section Two. The lots would be identified by lot number.

**ACTION: MR. WALLEN WITHDREW HIS MOTION. MS. JOHNSON-PHIEFFER WITHDREW HER SECOND.**

**ACTION: MS. JOHNSON-PHIEFFER MOVED, MR. WALLIN SECONDED TO RECOMMEND THAT CITY COUNCIL APPROVE THE ORDINANCE WITH THE ADDED LANGUAGE THAT ADU'S SHOULD ONLY OCCUR ON THE FOUR SOUTHERN LOTS. MOTION CARRIED UNANIMOUSLY.**

Mr. Powers noted for the record that the four lots would be identified by lot number in the ordinance so that it is clear which lots the Planning Commission is referring to.

Mr. Fakkema returned for the remainder of the meeting.

**NIGHTCLUB ORDINANCE** – Public Meeting

Mr. Kamak reported that this is a continuing discussion that started in April of this year. Mr. Kamak presented the attached PowerPoint presentation (PC ATTACHMENT 1) which provided the information presented to-date, public input to-date and options considered. Planning Commission directed staff to pursue the option to license nightclubs by occupancy limit. Mr. Kamak presented the idea of licensing nightclubs by occupancy limit in the various zoning districts based on the intent of the zoning district as follows.

- CBD – pedestrian emphasis, mixed uses, residential – lowest occupancy limit (most restrictive)
- C3, - workhorse commercial, auto intensive, mixed uses, residential upper floors – same as CBD or higher (less restrictive)
- C5, - Highway Corridor, auto oriented, mixed uses, residential upper floors – same as CBD or higher (less restrictive)
- PIP, PBP – Planned Developments, no residential (less or no restrictions)
- I, - Industrial, no residential (less or no restrictions)

Mr. Kamak noted that there are no national standards or best solution and that the decisions are community driven.

Mr. Kamak displayed the occupancy limits of existing nightclub license holders to use as a starting point for considering what the occupancy limit should be in the various zoning districts:

- El Cazador – 291 – no impacts reported
- Oak Harbor Tavern – 108 – min impacts
- Mi Pueblo – 280 – less impacts

- 7 West – 165 – min impacts
- Off the Hook – 201 – min impacts
- Elements – 580 +219 (covered area) – most impacts

Mr. Kamak explained that occupancy limits are determined by the use and how the spaces in the building are allocated. Staff is proposing that if an occupancy limit is greater than the number that the Planning Commission selects tonight you cannot apply for a nightclub license. If a current business is more than the limit that the Planning Commission selects then they become non-conforming license holder. Specific language for dealing with non-conforming license holders would have to be written. Options are: allow them to continue to operating as they are in a non-conforming status as long as they remain under the same ownership or allow X number of years to become compliant (20 to 40 years). The specific language will require legal assistance and is not a land use issue and not under Planning Commission's review authority however, the Planning Commission can choose to make a recommendation or not to make a recommendation on this.

Mr. Fakkema asked for public input.

**Billie Cook** (651 SE Bayshore Drive) read her comments (PC ATTACHMENT 2).

**Vernon Meyers** (651 SE Bayshore Drive) said he received the staff report by mail and reviewed it and his first thoughts were that someone has really put a lot of work into this and he wanted to thank them for listening. He was happy that the City is aware of the situation and is responding to their concerns. He asked the Planning Commission, when making their decision, to think about how they would feel living next to the business.

#### Planning Commission Discussion

Mr. Fakkema asked if Industrial or Planned Industrial Park zoning districts are next to residential properties and if they are, should distance requirements be included. Mr. Kamak said that the zones are next to residential properties and that distance requirements could be included. The distance requirement can be tricky if there are several and whoever comes in last can't meet any of the distance requirements. This can be unfair. Many cities that have distance requirements are facing challenges.

Mr. Fakkema voiced concern about creating a situation where there will be an impact on residential uses. Mr. Kamak said that is the challenge, the fact that the property is zoned Industrial and that there are residential uses adjacent to it, that impact can happen whether we implement this code revision or not. Industrial properties exist with certain intensity or with the potential of certain intensity already so we are acting within that zoning intensity and classification.

Ms. Johnson-Pfeiffer asked if the Central Business District (CBD), C3 and C5 all allow mixed use. Mr. Kamak acknowledged that they do allow mixed use.

Mr. Kamak displayed the following table to give a starting point for setting a capacity limit for each zoning district

Zoning Districts	Starting Point	Planning Commission recommendation
Central Business District	300	?
C3, Community Commercial	300 or 30% increase to 400	?
C5, Highway Corridor Commercial	300 or $\pm$ 60% increase to 500	?
PBP, PIP	300 or $\pm$ 60% increase to 500 or No limitations	?
I, Industrial	300 or $\pm$ 60% increase to 500 or No limitations	?

Mr. Fakkema asked where the 30% was derived. Mr. Kamak explained that he increased it by 100 which equated to about 30%. From a gradation standpoint as you go higher in intensity that seems to be a reasonable increase between zoning districts.

Mr. Kamak displayed the zoning map to give the Commission an idea of where the zoning districts are located.

Mr. Powers asked Mr. Kamak if the Commissioners could assume that the numbers are a maximum number subject to the building to support that occupancy based upon the Building Code and the Fire Code. Mr. Kamak said that was true and the occupancy limits were not negotiable and are fixed by the Building Code and the Fire Code. This does not mean that just because we decide to set the maximum limit at 400 for a nightclub license that anyone that has a license can have up to 400 people, they are still limited by what the building occupancy load can support.

Ms. Johnson-Pfeiffer asked if there was a reason for recommending the incremental increases rather than setting at the same number anytime there is residential and commercial use mixed together. Mr. Kamak explained that the City of Oak Harbor zoning districts gradually increase in intensity so there is a natural understanding that the uses are also getting more intense and therefore it is logical to consider increasing intensity for such uses as well.

Commissioners discussed the commercial areas and the noise impacts on adjacent residential areas along Midway Boulevard. Mr. Kamak noted that if a business owner has an occupancy load of 600 in the CBD they won't qualify for a nightclub license if the City adopts a capacity limit of 300 in the CBD. Mr. Fakkema asked if that business owner were to split the building in half could he apply. Mr. Kamak said he could and the owner would have to submit the building plans, calculations and what the business is and then staff would calculate the new occupancy load based on the information provided and if that falls under 300 they can apply for a night club license.

Mr. Kamak also noted that the Planning Commission isn't obliged to use the progression and that they could choose another method.

Planning Commissioners discussed the police enforcement limitations if allowing a limit of 500 or no limitation. Mr. Kamak said that when we say no limitation we are not putting a restriction on the size of a business in the PBP, PIP and Industrial can apply. The size of a business will be market driven for a city of our size. Mr. Powers also noted that there are site development drivers such as parking and stormwater. The more parking the more stormwater will have to be handled. The number of parking spaces required is a function of the size of the building so there are more limitations than just what the occupant load is, there will be the economics of developing the site plus the economics of having a business.

Mr. Kamak also reminded the Planning Commission that the Code doesn't allow any new residential uses north of NE 16<sup>th</sup> Avenue.

Planning Commissioners settled on the following limitations and to not make a recommendation regarding dealing with non-conforming license holders:

Zoning District	Planning Commission Recommendation
Central Business District	300
C3, Community Commercial	300
C5, Highway Corridor Commercial	400
PBP, PIP	No limit
I, Industrial	No limit

**SHORELINE MASTER PROGRAM (SMP) UPDATE** – Public Meeting

Mr. Spoo explained that this is a continuing discussion of the SMP and the goal is to move toward making a recommendation to City Council tonight if Planning Commission is ready after the presentation and discussion.

Mr. Spoo asked Planning Commission what their preference was for a review of the chapters or to skip the review and go into the Department of Ecology (DOE) required changes and then to talk about chapters that the Commission may have questions on. Commissioners preferred a presentation of the DOE required changes.

Commissioners asked if the changes had to be made or could the City take a stand against something we don't agree with. Mr. Spoo said that other cities have taken a stand on some things and have been successful and unsuccessful at times but that DOE has final approval authority.

Mr. Spoo gave an overview of the Department of Ecology required changes. One of the changes regards how we are treating critical areas (wetlands, steep slopes, and fish and wildlife conservation areas along marine shorelines). DOE has requested that when we adopt the SMP to include our Critical Areas Ordinance (CAO) as an appendix. However there is one change. Initially DOE asked that a redline version be attached to the SMP but this creates confusion so staff is proposing to substitute the red-line version of the CAO with the CAO without the redline so there are not two versions of the CAO. So any planner or citizen can see that the CAO is adopted and attached to the SMP without any changes. If there are areas where the SMP and the CAO conflict, that will be called out in the body of the SMP. This occurs in Chapter 3, Section 4 of the SMP where the SMP talks about the CAO and how it relates to the SMP and item number 4 identifies exceptions in the CAO. Exceptions to applicability are:

- Marine buffers – per SMP
- Marine buffer reductions – no more than 25%
- Buffer averaging – per SMP
- Flexibility on steep slopes – CAO does not apply

There was discussion about the implementation issues involving the CAO and SMP.

Mr. Spoo said additional changes include technical changes to definitions, a change to the Shoreline Environment Designations Map in area of Freund Marsh due to better information available and the since the East ditch has a salinity percentage it is therefore considered tidal water so that means that anything within 200 feet of the ditch is within shoreline jurisdiction so that incorporates some of Dillard's Addition and they will be subject to the SMP. Staff sent a letter of notification last week to the properties impacted and have offered to hold a special neighborhood meeting with them to get their comment and to explain how they will be impacted.

Mr. Fakkema opened the public hearing.

**Ron Hancock** (Pioneer Way) said he has resided on Pioneer Way since 1966. He was concerned that he wouldn't be able to replace his private dock. He noted that in the 70's the City asked private property owners along Pioneer Way to relinquish their property to the City so the City could widen Pioneer Way and the property owners did. Mr. Hancock believed that at the very least they should have free access to their beach and opportunities to have docks as they have in the past. He asked that those property owners be "grandfathered".

Mr. Spoo said that Chapter 5 talks about shoreline modification and that private docks are considered a shoreline modification and under this chapter the Urban Mixed Use Environment, which is along Pioneer Way, would require that a private dock go through a conditional use permit which requires approval by City staff and then goes to DOE for final approval. One of the conditions would be that it be a joint use dock and would have to serve more than one single-family residence or public access would have to be allowed.

Mr. Spoo suggested that the SMP could be revised to allow private docks as a permitted use in the Urban Mixed Use Environment. The test for DOE is that it meets no net loss. Mr. Spoo said that mitigations could be to use smaller pilings, smaller over overwater deck structures or require grating in order to achieve no net loss.

Seeing no further public comment Mr. Fakkema closed the public hearing.

#### Planning Commission Discussion

Ms. Johnson-Pfeiffer asked what the difference would be in the process by changing private docks in the Urban Mixed Use Environment to a permitted use. Mr. Spoo said the permitting process would have applicants apply for a substantial development permit which would only require staff review with no DOE involvement but DOE could appeal staff's permit decision if they disagree with it. Mr. Powers added that a Hydraulic Project Approval (HPA) permit from the Department of Fish and Wildlife would be required which is a separate permit through the State but the permit wouldn't have to go through DOE.

**ACTION: MS. JOHNSON-PHEIFFER MOVED, MR. WALLIN SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE SHORELINE MASTER PROGRAM AND APPENDIX WITH THE UNDERSTANDING THAT STAFF WILL ATTACH A NON REDLINE COPY OF THE CRITICAL AREAS**

**ORDINANCE TITLE 20 OHMC AND REVISED MAP TO THE DRAFT SMP FOR CITY COUNCIL CONSIDERATION.**

**VOTE ON**

**THE MOTION: MS. JOHNSON-PHEIFFER AND MR. FAKKEMA VOTED IN FAVOR, MR. WASINGER AND MR. WALLIN OPPOSED. MOTION FAILED.**

**ACTION: MS. JOHNSON-PHEIFFER MOVED, MR. WALLIN SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE SHORELINE MASTER PROGRAM AND APPENDIX WITH THE UNDERSTANDING THAT STAFF WILL ATTACH A NON-REDLINE COPY OF THE CRITICAL AREAS ORDINANCE TITLE 20 OHMC AND REVISED MAP TO THE DRAFT SMP FOR CITY COUNCIL CONSIDERATION AND TO CHANGE PRIVATE DOCKS TO A PERMITTED USE IN THE URBAN MIXED USE ENVIRONMENT. MOTION CARRIED UNANIMOUSLY.**

Mr. Powers and the Planning Commission commended Mr. Spoo for his hard work on the draft SMP over the last 3 years.

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

Mr. McIntire (Senior Services Administrator) explained that this conditional use permit is for a modular building that Senior Services uses to train over 350 State certified caregivers, as a foot clinic as well as some activities for seniors. All these things help satisfy the needs of the community. Mr. McIntyre asked that the Planning Commission approve the conditional use permit for another two years.

Mr. Fakkema opened the public hearing. Seeing none, the public hearing was closed.

**ACTION: MR. WALLIN MOVED, MR. WASINGER SECONDED A MOTION TO ADOPT THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION OF PLANNING COMMISSION AND APPROVE THE 2 YEAR EXTENTION FOR THE USE OF THE MODULAR STRUCTURE IN THE PUBLIC FACILITIES ZONING DISTRICT. MOTION CARRIED UNANIMOUSLY.**

**2012 COMPREHENSIVE PLAN AMENDMENT DISCUSSION** – Public Meeting

Mr. Kamak explained that this is the annual review of the Comprehensive Plan and the Capital Improvement Plan (CIP) is part of the Comprehensive Plan. The Capital Improvement Plan is updated to reflect the most recent revenues, projections, dates and schedules based on the budget. There are statistical changes that are updated in the initial chapter which provides an inventory of all the capital facilities such as the length of sewer lines, stormwater lines, miles of streets and the library portion. The Transportation Improvement Plan projects are reflected in the CIP and some of the numbers will updated. City Council's decision to locate the wastewater treatment plant at Windjammer Park has been included. The major projects over the next few years are: NE 7<sup>th</sup> Avenue improvements, North Reservoir and the 42" Outfall.

Mr. Kamak noted that a redline copy of the CIP was included with the agenda packet for the Planning Commission to review prior to the public hearing in October.

**Planning Commission Discussion**

Mr. Wasinger asked if the NE 7<sup>th</sup> Avenue improvements include NE 7<sup>th</sup> between SR-20 and Midway Boulevard. Mr. Kamak answered no it is the section west of SR-20. Mr. Wallin asked if it would include the intersection of SR-20. Mr. Kamak said we don't know that yet but believed there would be some improvements because of how the road will intersect with SR-20.

Mr. Fakkema asked if City Council voted to eliminate the Multimodal Project. Mr. Kamak said they didn't approve the Substantial Shoreline Development Project for the project but chose not to remove the project from the CIP.

There was some discussion about the revenue and the rate increases on page 34, 35 and tax revenues on page 36.

**ADJOURN: 9:52 p.m.**

DRAFT

## Nightclubs

- Regulated in Title 5 - Business Licenses and Regulation
- Defined - "Nightclub" means any "premises" as defined herein on which any music, singing, dancing or other combination of these activities is permitted as entertainment after 10:00 p.m., on one or more days per week. The playing of incidental music on any premises where the receipts for the sale of food constitute 75 percent or more of the gross business income of the establishment shall not be considered a "nightclub" for purposes of this chapter, unless an opportunity for social dancing is provided on the premises

## Nightclubs

- Currently six uses have obtained a Nightclub license
  - Element – CBD (Central Business District)
  - Seven West – CBD (Central Business District)
  - Off the Hook – CBD (Central Business District)
  - Oak Harbor Tavern – CBD (Central Business District)
  - Mi Pueblo – CBD (Central Business District)
  - El Cazador – C5, Highway Corridor Commercial
- These uses are classified as Bars, Taverns and Restaurants – all of which are permitted uses in their respective zoning districts
- Some of these uses can continue to exist without a Nightclub License

Request to restrict by size and zoning

## Nightclubs

## Nightclubs

- Nightclubs are specifically not listed as a use in Title 19 – Zoning
- Any permitted or conditional use can apply for a Nightclub license
- Nightclub License review process – Lead by the Chief of Police with a Public Hearing at the City Council
- License review is not a Land use review

## Nightclubs

- Public Input on April 24 at Planning Commission
  - New code may not change the operations of current nightclubs
  - Small scale nightclubs don't seem to be an impact
  - All complaints were related to Element nightclub
  - Noise created by large groups, loud cars, trespassing, lack of respect and poor business practices
  - Perceived lack of owner's cooperation, neighborliness and initiative
  - Preference for restricting nightclubs specifically as opposed to general uses

## Nightclubs

- Nexus
  - Scale of nightclub has direct relation to the negative impacts on adjacent properties
  - Options considered at the June 26<sup>th</sup> meeting
    - Regulate nightclubs as a land use
    - Licensing uses by area (sq. ft.)
    - Licensing by occupancy limit ✓

## Nightclubs

- Licensing nightclubs by occupancy limit in the various zoning districts?
  - Determine the districts where they should be prohibited
    - Primarily Residential – R1, R2, R3, R4
    - Mixed - RO, C1
    - Commercial – C4, Highway Service Commercial
    - Public – PF

## Nightclubs

- Licensing nightclubs by occupancy limit in the various zoning districts?
  - Regulate the zoning districts based on the intent of the zoning district
    - CBD – pedestrian emphasis, mixed uses, residential – lowest occupancy limit (most restrictive)
    - C3, - workhorse commercial, auto intensive, mixed uses, residential upper floors – same as CBD or higher (less restrictive)
    - C5, - Highway Corridor, auto oriented, mixed uses, residential upper floors – same as CBD or higher (less restrictive)
    - PIP, PBP – Planned Developments, no residential (less or no restrictions)
    - I1, - Industrial, no residential (less or no restrictions)

## Nightclubs

- So what should the occupancy limit be in the various zoning districts?
- Occupancy limits of existing nightclub license holders
  - El Cazador – 291 – no impacts reported
  - Oak Harbor Tavern – 108 – min impacts
  - Mi Pueblo – 280 – less impacts
  - 7 West – 165 – min impacts
  - Off the Hook – 201 – min impacts
  - Elements – 580 +219 (covered area) – most impacts

## Nightclubs

- So what should the occupancy limit be in the various zoning districts?

Zoning Districts	Starting Point	Planning Commission Recommendation
Central Business District	300	?
C3, Community Commercial	300 or 30% increase to 400	?
C5, Highway Corridor Commercial	300 or ± 60% increase to 500	?
PBP, PIP	300 or ± 60% increase to 500 or No limitations	?
I1, Industrial	300 or ± 60% increase to 500 or No limitations	?

## Nightclubs

- Nonconforming License Holders
  - Not a land use issue since primary use is permitted in the zoning district
  - Code can be adopted to allow nonconforming licenses to continue – options to consider
    - Remain under same ownership
    - Amortization period to become conforming – How long? Ownership changes during amortization -? (Legal assistance needed)
  - Planning Commission can choose to make a recommendation.

## Nightclubs

- Legal assistance
- Formal adoption process
  - SEPA checklist
  - Public Hearing at the Planning Commission
  - Standing Committees
  - Public Hearing at the City Council
  - Action by City Council

## Nightclubs

- ...

## Nightclubs

- 1. Regulating nightclubs as a land use
  - Introduce nightclub as a use into the zoning ordinance
  - Require it as a conditional use
  - Pros: Public process, notification, public hearing, place conditions for approval
  - Cons: Can meet all criteria and still have impacts, size of use will not be regulated, challenging legal process to revoke permit
  - Code can be confusing with the Business Licensing and Regulation chapter

## Nightclubs

- 2. Licensing uses by area
  - Limit the size of the use that can apply for a nightclub license based on area (eg. < 5000 sq. ft.)
  - Condition in the Business and License Regulation section of the code
  - Pros: Limits the size of use that can apply
  - Cons: limit the structures that can apply, may not address the actual impacts, occupancy varies for different uses (restaurant vs. bar)

## Nightclubs

- 3. Licensing uses by occupancy limit
  - Limit the size of the use that can apply for a nightclub license by occupancy limits (eg. < 300)
  - Condition in the Business and License Regulation section of the code
  - Pros: Size of building may not matter, will limit the concentration of people in nightclubs
  - Cons: Can create several small establishments that can still have cumulative impacts

I am glad that the process of drafting a nightclub ordinance is moving toward completion. What looks to be the end result is quite different from what I envisioned and in some ways much better. I feel this is due to the hard work of the Planning Department, especially Cac Kamak, Thank you. The original idea of addressing size limits for nightclubs in the CBD has expanded to a city wide definition of allowable size of "nightclubs" by zones. Since this issue is not addressed by the Nightclub Licensing Act, I am pleased this proactive approach be taken as Oak Harbor continues to grow.

The original idea to restrict proliferation of overly large nightclubs in the CBD would indeed be accomplished by the adoption of the material listed in the table: Occupancy Limits by Zoning District contained in the report. I am very pleased it allows a zone, for such establishments, with no restrictions; as well as graduated occupancy limits in other zones. This would protect all land users from problems that occur when a large business with a nightclub license is situated too close to a church, other businesses, or residences.

However, I suggest you do not include specific language concerning non-compliant licensees in the proposed draft amendment. Let the city council decide specifics.

I would like to address some assumptions being made that may not be appropriate.

One is that there will be only one non-compliant licensee and that they will be in the CBD. By the time this amendment might be enacted there may be others, in other zones, and may not be the Element owner. As I said, I hope you will use non-specific language in the proposed draft amendment.

Even I have assumed that non-compliant licensees would be grandfathered in and retain their status for as long as they wished to remain in business. Although this could be the case with a non-conforming land user there may be different procedures for licensees. I believe that in some cases license holders are given a time period in which they need become compliant, or are no longer eligible for

licensing. Unlike revocation, for cause, this is merely the inability to renew. There are arguments for this action.

1. It levels the playing field for license holders who come after an amendment. The non-compliant licensee has a continuing advantage over them, a monopoly of sorts.

2. Since the purpose of the amendment cannot be fully realized with non-compliant licensees operating, such a time frame may be a way to achieve the desired purpose.

3. Also having non-compliant licensees adds to administrative costs.

I believe the city might be able to take such a course of action since non-compliant license holders are not the same as non-conforming land users and are not governed by the same statutes. Were the city to follow this course, of requiring compliance within a time frame, the underlying land use business would be unaffected, and the decision to become compliant or not rests solely with the licensees.

Another assumption, I see being made, is that a "nightclub" is a business, under land use statutes when in fact it is not. This leads to the issue of possible transferability of non-compliant status so as to sell the "nightclub". In Oak Harbor, "Nightclubs" don't exist as a permitted land use and are therefore not bought or sold. Under Land Use the business owner can at any time sell their business, with an amendment to the nightclub licensing act this would not change. They could sell their underlying business. Under Land Use if they became non-conforming they might be allowed an amortization period within which transfer of ownership, of the business, is allowed. However, Business Licenses including the Nightclub License are not saleable or transferable. The assumption that the proposed amendment should address this issue and somehow allow a special privilege be given to non-compliant licensees is, I feel, incorrect, unfair, and possibly not legal. This question is a very complex issue which I feel should be left out of the language of your recommendation for amending the Nightclub Licensing Act. You might, however, include the suggestion that the city council

retain to itself the discretionary right to, upon request from a non-compliant licensee, convene a public hearing to consider requests for waivers from license provisions. This would allow the city council to take action on a case by case basis, not set a general precedent, and still allow non-compliant licensees an avenue to address their desires.

I propose the draft amendment be kept simple, containing the material in the Occupancy by Zone table. Suggest to the city council they decide separately if non-compliance be open-ended, or have a time frame for compliance, and how non-compliant licensees would renew their license. I hope you will also suggest the city council address questions about the Amended Nightclub Licensing Act by public hearings on a case by case basis, rather than build into your proposal language, addressing specific conditions, which the city may come to regret in the future.

# 2012 Comprehensive Plan

## Amendments

### Public Hearing

# City of Oak Harbor Planning Commission

**Bill No.** \_\_\_\_\_  
**Date:** October 23, 2012  
**Subject:** 2012 Comprehensive Plan  
Amendments

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

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## **PURPOSE**

This memo presents the 2012 Comprehensive Plan Amendments. The amendments include updates to the Capital Improvements Plan (CIP) and creating a land use category for maritime uses. The 2012 docket also included a study and implementation of scenic view corridors. The study is still underway and will be continued into the 2013 amendment cycle.

The Planning Commission is requested to open a public hearing at the October 23<sup>rd</sup> meeting and take public testimony. Staff recommends continuing the public hearing to the November 27<sup>th</sup> meeting. The Planning Commission is expected to make a recommendation to the City Council at the November 27<sup>th</sup> meeting.

## **AUTHORITY**

Updates to the Comprehensive Plan are required by RCW 36.70A.070(3) and RCW 36.70A.130. The City of Oak Harbor code categorizes the amendments to the Comprehensive Plan as a Type V process (OHMC 18.20.270) and therefore requires the Planning Commission to hold a public hearing on the proposed amendments and make a recommendation to the City Council.

## **FISCAL IMPACT DESCRIPTION**

There are no immediate fiscal impacts with the addition of a new maritime land use category to the Comprehensive Plan. However, future developments in this area will add and extend city infrastructure such as water, sewer etc. The proposed land use changes in the area recognize potential for transportation issues as well. Most infrastructure construction in this area will be driven by development proposals. Use of city funds in this area is not anticipated; however the city may choose to expend funds in this area as an economic incentive if deemed necessary.

The Capital Improvements Plan is a planning document that lists the projects the City anticipates to plan, design and implement over a six year planning period. The City of Oak Harbor's CIP includes projects in Enterprise<sup>1</sup> Funds such as wastewater, stormwater, etc and also Non-Enterprise Funds such as streets, parks and recreation, fire and law enforcement. Since this is a "planning" document, it includes all the anticipated capital needs of the City and their cost estimates. Amendments are made every year based on available resources.

Updates are made every year to reflect the implementation of projects over the upcoming budget year (2012-2013) and make the necessary adjustments over the six-year planning horizon. Revenue projections and expenditures are also updated every year.

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<sup>1</sup> Enterprise Funds are self supporting funds with user fees and includes utilities such as Water, Sewers, Stormwater, Solid Waste and Marina

# City of Oak Harbor Planning Commission

## BACKGROUND

The City Council approved the docket for the 2012 Comprehensive Plan Amendments on March 20, 2012. The docket included land use amendments for maritime uses, updates to the Capital Improvements Plan and a study on scenic views in Oak Harbor with an intent to protect them.

The Planning Commission discussed the land use amendments on August 14, 2012 and directed staff to pursue the creation of a new land use category to accommodate maritime uses. The August 14<sup>th</sup> Planning Commission report has been attached to this memo for your reference (Attachment 1). The Planning Commission chose to create a new land use category since some of the other methods such as Text Amendment and Overlay Zones were not adequate to address the intent of development along the shoreline adjacent to the marina. The proposed amendment to include a new land use category into the Land Use section of the comprehensive plan has also been attached for your review (Attachment 2).

The Planning Commission discussed the Capital Improvements Plan (CIP) at its September 25, 2012 meeting. The CIP is updated annually to reflect changes in revenues and expenditures for the various enterprise<sup>2</sup> funds such as wastewater, stormwater, etc and also non-enterprise funds such as streets, parks and recreation, fire and law enforcement. Since this is a “planning” document, it includes all the capital needs of the City and their estimates. Amendments are made every year based on available resources. The September 25<sup>th</sup> Planning Commission report, that discusses the changes to the document, is attached for your reference (Attachment 3). A marked copy of the 2012-2018 Capital Improvements Plan has also been attached.

The study of scenic views in Oak Harbor is still underway. This study will continue into the 2013 amendment cycle. The Planning Commission is not requested to make any recommendations on this study at this time.

## DISCUSSION

### Comprehensive Plan Review Criteria

In accordance with OHMC 18.15.080 the Planning Commission shall review and make a recommendation to the City Council based on the criteria listed below.

- (1) The amendment will not adversely affect the public health, safety and welfare in any significant way.  
*The proposed amendments will not adversely affect the public health, safety and welfare. The proposed maritime land use category, if adopted will result in zoning code amendments that will regulate impacts on surrounding uses with a goal to protect the public health, safety and welfare of the community. Projects in the CIP are scheduled based on need identified in approved plans and are intended to serve the public needs and improve health, safety and welfare.*
- (2) The proposed amendment is consistent with the overall goals and intent of the comprehensive plan.  
*The proposed maritime land use category is in sync with the goals and intent of the proposed Shoreline Master Program. The process undertaken by both the Shoreline Master Program*

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<sup>2</sup> Enterprise Funds are self supporting funds with user fees and includes utilities such as Water, Sewers, Stormwater, Solid Waste and Marina

## City of Oak Harbor Planning Commission

*and the Land Use Amendment state the overall goals and intent of the community through the public input process. These proposed amendments do not conflict with other goals and policies in the Comprehensive Plan.*

*The changes to the Capital Improvement Plan include projects for implementation of adopted plans over the next six years.*

- (3) The amendment is in compliance with the Growth Management Act and the Countywide Planning Policies.  
*The amendments are in compliance with the Growth Management Act and the Countywide Planning Polices. The Capital Improvements Plan includes projects from other adopted plans.*
- (4) The amendment addresses the needs or changing circumstances of the community as a whole or resolves inconsistencies in the city's comprehensive plan.  
*The proposed maritime land use category is in response to the needs and changing circumstances of the community seeking more diversified use of the shoreline. The community also realized the lack of a land use category that took advantage of the shoreline that the community has. The proposed land use category is supported by the Marina Redevelopment Plan and the Shoreline Master Program (current and proposed).  
The amendments to the Capital Improvements Plan reflect the ongoing changes to projects and schedules based on budget, permits or other related issues.*
- (5) Environmental impact from the amendments have been addressed through the SEPA review and /or measures have been included that reduce possible impacts.  
*A SEPA checklist has been prepared for the amendments. No significant environmental impacts have been identified with the adoption of the proposed maritime land use category and the updated CIP. However, projects that are in the maritime land use category and the CIP may likely face environmental compliance with implementation. Each individual project will have a separate SEPA review and impacts will be addressed on a project by project basis.*
- (6) The amendment is consistent with the land uses and growth projections which were the basis of the comprehensive plan or to subsequent updates to growth allocations.  
*The proposed maritime land use category is within the parameters of the growth projections. The maritime land use category does not intend to provide dwelling units and will not add any additional capacity than the current land use category. If developed as intended, there will be more jobs and economic impacts. The community can absorb these with its current and future capacity. There are several projects in the CIP that are intended to address level of service issues which is primarily related to land use and population growth.*
- (7) The amendment is generally compatible with neighboring land uses and surrounding neighborhoods.  
*The proposed maritime land use is compatible with neighboring land uses which is primarily navy property and the marina. The new land use category is also sufficiently distanced from residential neighborhoods. The CIP document and its adoption do not create any land use changes. However, there may be individual projects within the CIP that may have to address compatibility with permitting and design. These will be dealt on a project by project basis. For example, the location of a new treatment facility will have to address its compatibility with*

# City of Oak Harbor Planning Commission

*the surrounding properties based on its eventual location.*

- (8) The proposed amendment accommodates new policy direction from the city council. *The proposed land use category is a proactive approach to accommodating future water-dependent and water-related uses. This will allow the city to address maritime use proposals in a more expedient way than through the currently available process. The amendments to the CIP update include decisions made by the City Council during the course of the year.*
- (9) Other specific criteria that may have been identified as the beginning of the process. *No special criteria were identified as the beginning of the process to consider this year's amendments.*

## **RECOMMENDATIONS**

The Planning Commission is recommended to open the public hearing, take any public testimony, and continue the hearing to the November 27, 2012 meeting. The Planning Commission will be expected to make a recommendation to the City Council at the November 27<sup>th</sup> meeting.

## **ATTACHMENTS**

- 1. August 14<sup>th</sup> Planning Commission report on land use amendment
- 2. Proposed amendment to the Land Use section of the Comprehensive Plan
- 3. September 25<sup>th</sup> Planning Commission report on the Capital Improvements Plan
- 4. Marked copy of the 2012-2018 Capital Improvements Plan (provided to Planning Commissioners on CD, also available for viewing on the City's web site at <http://www.oakharbor.org/uploads/documents/92192012draftcapitalfacilitiesplan.pdf>)

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**CITY OF OAK HARBOR**

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**TO:** PLANNING COMMISSION  
**FROM:** CAC KAMAK, SENIOR PLANNER  
**SUBJECT:** 2012 COMPREHENSIVE PLAN AMENDMENTS – LAND USE  
CONSIDERATIONS  
**DATE:** 6/19/2012  
**CC:** STEVE POWERS, DEVELOPMENT SERVICES DIRECTOR

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**Purpose:** The City Council approved the 2012 Comprehensive Plan Amendment Docket on March 20, 2012; this approval included consideration of land use amendments to properties adjacent to the marina (see Attachment 1 for map). The intent of the land use amendment is to consider a designation that would allow additional uses that support the marina and other water-oriented uses. The current land use designation is PF, Public Facilities.

**Background:** The marina and adjacent lands are currently designated as Public Facilities on the City's Comprehensive Land Use Map and on the zoning map. A copy of the Public Facilities zoning code is shown in Attachment 2. The primary reason for designating it as Public Facilities is the city-owned and operated marina. The storage sheds, boatyard and the yacht club are all considered accessory (customarily incidental and subordinate to a principal use) to the marina. Although "accessory" to the marina can be broadly interpreted, there are several water-dependent and water-related uses that do not fit under the marina's scope but could benefit from the proximity to the shoreline and water. This was evident when there was a recent request to locate a boat building business in the area.

The Marina Redevelopment Plan adopted in 2006 recommends upland improvements to support the marina's long term economic vitality. Though specific improvements are not listed in the plan, it would be beneficial to list options for commercial and industrial uses to locate in the area. Including specific language to permit some commercial and industrial uses in the area will provide options for private investment and will also allow a clearer path for enterprises to work with financial institutions and investors to consider investing in this area.

The City is currently in the process of updating its Comprehensive Shoreline Master Program (SMP). The draft SMP currently includes a new designation termed "Maritime". This new designation covers a larger geographical area than what is under consideration with this amendment but its intent is similar. The SMP when approved and adopted will be an element of the Comprehensive Plan.

**Discussion:** There are several ways to accommodate a wider range of uses without impacting the current uses. Text amendments, overlay zones and new land use and zoning designations are a few ways to address this topic. Prior to determining the best methodology to address this change it would be beneficial to determine the kind of uses that are desired in this area. The intent for this amendment was to accommodate high intensity water oriented commercial and industrial uses, water oriented transportation uses and other water related uses. Some of the uses to consider are suggested below. This is an area where the Planning Commission and the public can provide additional ideas and comments to consider.

#### Permitted Uses

- Marina
- Accessory uses to the marina such as storage sheds, parking lots, boat and trailer storage
- Private clubs ancillary to the marina
- Private boat yards and storage
- Boat and ship builders
- Water-dependent uses – ferry and passenger terminals, ship building and dry docking, float plane facilities, sewer and storm outfalls and similar uses.
- Water-related uses – warehousing of goods transported by water
- Parks and trails

#### Conditional Uses

- Principal permitted uses in the Central Business District (CBD) except residential dwelling units (see attachment 3 for permitted uses in the CBD District)

**Text Amendments:** This method can introduce the additional uses that are desirable into the existing PF, Public Facilities zoning classification. However, unless otherwise restricted adding these uses to the existing zoning classification will allow them to be permitted wherever there is PF, Public Facility designations in the City such as Windjammer Park, Flintstone Park, schools etc. Since some of these uses may not be desirable in other locations, it can potentially lead to challenging issues in the future.

**Overlay Zones:** This is a regulatory tool that creates a special zoning district, placed over an existing base zone(s), which identifies special provisions in addition to those in the underlying base zone. Overlay zones are used to protect resources such as environmentally sensitive areas, historic district, or encourage or discourage specific types of development. In this case, the overlay zone would encourage additional uses above and beyond what is currently permitted in the underlying base zone. An overlay zone has a clearly defined boundary and can be created by adding a section in the zoning ordinance describing its intent and the uses that would be permitted. The drawback of an overlay zone is the potential for conflict between regulations or requirements between the

underlying base zone and the overlay zone, especially if the overlay zone is trying to accommodate many uses that the underlying zone does not permit.

New land use category: This method would create a new land use category in the Comprehensive Plan and create a corresponding zoning code section. Choosing to create a new land use category to address a small area in the city appears like a major change. However, in the future, if the Navy made more land available at the seaplane base for private or public development, this land use category can be used to designate the area and encourage development.

Staff recommends that the Planning Commission discuss the issue and gather input from the public on uses to consider/accommodate in the area. The Commission's discussion and public input will help create a framework and establish a preference for methodology to consider changes in the area.

# **GROWTH MANAGEMENT ELEMENTS GOALS AND POLICIES**

## **LAND USE**

### **Introduction**

The Land Use element of the comprehensive plan will guide decision-makers in defining how the land in Oak Harbor and its urban growth area (UGA) will be used to accommodate the projected population and employment growth over the next twenty years. The Future Land Use map describes the range of land uses that will occur (*i.e.*, residential, commercial, industrial), and where those land uses will occur. This element presents a broad vision of the future allocation and distribution of land uses. The policies in this element define the density, intensity and character of these proposed land uses, and will provide guidance in the drafting of development regulations to implement this plan.

Historic land use patterns have determined the character of the city -- the development of the downtown area; the location of homes and industries; the patterns of transportation corridors; the evolving relationship between the city and the Naval Air Station: all of these elements have helped to shape Oak Harbor's urban fabric. Land use decisions have determined where people reside, shop and work. They have also shaped the traffic patterns that determine the mobility of citizens, and the size, amount and type of parks and recreation areas that impact residents' quality of life. Land use decisions must consider and be sensitive to the natural environment and physical constraints within the community, and they must also reflect the visions and values of the citizens of the community. Land use decisions will continue to play a significant role in determining the quality of life in the city of Oak Harbor.

### **Relationship to Other Elements**

The Land Use element is the central component of the entire comprehensive plan. In conjunction with the Environmental element, it is the element upon which all other elements of the plan are based. Coordination between the Land Use element and the other plan elements is not only required by GMA, but it is essential in ensuring that the city can meet its land use, housing and economic development goals. The goals and policies expressed in this element, and shown on the Future Land Use map, are important in planning for the allocation, distribution and intensity of land uses. This information is also important in planning for the extension of streets and utilities, and for the siting of facilities such as schools, police or fire facilities. Thus, this element will be the cornerstone of the Capital Facilities, Utilities, Housing, Economic Development, Open Space, and Transportation elements of this plan.

### **Distribution, Location and Extent of Land Uses**

The city's existing land use pattern generally responds to the opportunities and constraints presented by natural features of the land, the economic opportunities presented by transportation corridors, and the unique opportunities and constraints resulting from the location and operation of NAS Whidbey Island.

The natural features of the land are described in the Environmental element. A key feature of Oak Harbor's natural environment is its visual and physical access to the waters of Puget Sound. City land use policies must recognize the importance of this link by emphasizing strategies that will maximize opportunities for water views and water access.

As in most communities, housing development has followed economic opportunity. In the past, housing growth paralleled the growth of naval facilities. As the local economy becomes more diversified, both residential and commercial growth will be less dependent on military activity.

## EXISTING CONDITIONS

### Land Use Mix

Due to the location of the naval base and its supporting facilities, the amount of land traditionally developed within the community for both residential and non-residential uses has been affected by similar facilities built by the Navy to accommodate their personnel and their dependents. For example, NAS Whidbey Island has built 1552 units of housing for use by base personnel and their families. In addition, the base Exchange and Commissary are primary sources of goods purchased by Navy personnel and DOD retirees. As a result, the development of housing and commercial areas within the city has been slower than development in cities of comparable size. The city's mix of land uses also reflects its status as a regional provider of goods and services for the North Whidbey Island area.

In order to evaluate the adequacy of Oak Harbor's mix of land uses, a comparative survey of similarly-situated communities was performed. Cities selected for this survey were similar in population to Oak Harbor (Marysville, Port Angeles, Mukilteo), or they were a regional service provider dominated by one major employer (Bremerton, Port Townsend). In one case, the community met both criteria (Pullman). The survey examined data found in the comprehensive plans of each community (including data from the Oak Harbor 2001 Comprehensive Plan), identifying the percentage of land within each city devoted to residential, commercial, and industrial use.

This survey indicates that Oak Harbor's mix of residential, commercial, and industrial uses is fairly consistent with similar communities surveyed. One exception to this observation is in the area of industrial land, where Oak Harbor's total was significantly lower than other cities. None of the data includes land outside city limits but within Urban Growth boundaries. It is therefore likely that, as industrial land to the north of Oak Harbor is annexed over time, the percentage of industrial land will be more in line with that of other communities.

In 2011, the City recognized that there was no land use category to accommodate water-related and water-dependent commercial and industrial uses adjacent to the shoreline. This was apparent when there was a potential for a boat builder to locate within Oak Harbor. To accommodate such uses in the future, the City created a new land use category called "Maritime" that is intended to allow commercial activity and clean industrial uses along Catalina Drive.

**Figure 1**  
**Comparison of Land Uses by Community**

	% Residential	% Commercial	% Industrial
<b>Bremerton</b>	37.3	9.1	0.1
<b>Pullman</b>	37.2	6.4	5.8
<b>Port Angeles</b>	48.0	7.0	17.0
<b>Mukilteo</b>	52.0	8.0	15.0
<b>Marysville</b>	58.3	6.5	22.4
<b>Port Townsend</b>	68.0	1.0	5.0
<b>Average</b>	<b>50.1</b>	<b>6.3</b>	<b>10.9</b>
<b>Oak Harbor</b>	<b>51.0</b>	<b>7.0</b>	<b>1.0</b>

NOTE: Because these numbers do not include all land use types, the totals do not reach 100%

### **Residential Uses**

The predominant land use within the city is residential. The density of residential areas varies from 3 – 6 dwelling units per acre (du/ac), to as much as 22 du/ac. The higher densities are located primarily near the center of the city. These areas feature a mix of single-family and multi-family dwellings. Lower density areas, consisting mostly of single-family homes, are located to the east, west, and south of the city's central core. Residential development has been limited in the northern portion of the city, due largely to noise impacts from aircraft operations at Ault Field. A total of 4202 parcels of land within the city are devoted to residential uses. These parcels represent approximately 51% of the city's total land area.

Different residential areas of the city were developed over a span of time, resulting in identifiable neighborhoods with distinguishing characteristics. Six distinctive neighborhood areas have been previously defined for planning purposes: Northeast (#1) north from Whidbey Ave. to the Sea Plane Base, Southeast (#2) south from Whidbey Ave. to the waterfront, Northwest (#3) north Whidbey Ave. W to the city limits, Southwest (#4) east of Heller Road to Highway 20, south of Whidbey Ave W to Swantown Road and Highway 20, Far West (#5) all incorporated areas west of Heller Road, and South (#6) all incorporated areas south of Highway 20 and west of Oak Harbor Street. These neighborhoods are mapped on **Figure 2**.

The Northeast Neighborhood is primarily made up of ranch-style single-family houses dating from the 1950s and 1960s. Newer and larger homes are located near the eastern boundary, while multi-family units lie closer to commercial strips along Midway Boulevard and SR 20. Lot sizes range from approximately 8,000 square feet to one-half acre.

The Southeast Neighborhood includes the residences downtown, where most of the oldest homes in the city are located. This area includes some craftsman style homes from the 1920s and 1930s, and a few Victorian style homes from earlier dates. The majority of the housing in this area consists of tract homes from the 1950s and 1960s. There is also a large stock of multi-family units centered around the Central Business District. Lot sizes range from approximately 5,000 square feet to one-half acre.

The Northwest Neighborhood contains a wide variety of housing units, including mobile home parks, tract housing, ten and fifteen year old single-family homes, and new apartments and condominiums. The neighborhood contains a small number of single-family homes lacking improved streets and a sewer service that were given a "poor" rating in the most recent housing survey.

The Southwest Neighborhood consists of single-family subdivisions and planned unit developments. The area includes ranch-style homes, with apartments and condominiums located closer to SR 20. This area also provides view lots of Oak Harbor and the bay. Bordering the Whidbey Golf and Country Club are planned unit developments containing both attached and detached condominiums and single-family homes plus a gated community containing estate homes.

The Far West Neighborhood consists of single-family homes, with two large parcels of undeveloped single-family zoned land totaling 70 acres. Much of the anticipated residential growth is expected to occur in this neighborhood.

The South Neighborhood contains a mixture of new condominiums, older rural subdivisions, new planned unit developments, and approximately 50 acres of wetland and cultivated land. Recent development has been along Scenic Heights Road, which provides some of the best "view" land available.

***INSERT NEIGHBORHOOD MAP HERE***  
***(Figure 2)***

## **Neighborhood Map**



### **Commercial Uses**

Commercial uses include the Central Business District (CBD), smaller neighborhood businesses, and auto-oriented businesses and large retail facilities located along highway corridors. The CBD features older buildings that are home to a mix of office and retail uses, as well as restaurants. The area also includes several undeveloped and underdeveloped parcels that present unique opportunities for downtown development. Many of the properties in this area have water views that will make them attractive for redevelopment. However, construction on these sites may also impact existing views from other properties. City development regulations should consider the value of these views during the permitting process for new construction within the CBD. The commercial area along SR20 has developed in a manner that accommodates the auto-oriented public. In addition to automotive services, the area includes businesses that feature large-scale buildings and parking lots.

### **Industrial Uses**

Land developed or designated for industry is located primarily in the northern part of the city. This area is within the Air Installation Compatible Uses Zones (AICUZ) footprint designated by the Navy and based on noise impacts and Accident Potential Zones (APZs) associated with aircraft activity at Ault Field. Due to noise impacts and limited areas also within designated APZs, this area is better suited to industrial uses, and is not suitable for residential development.

From 1993 to 1995, the city participated in the development of the North Whidbey Community Diversification Action Plan. In recognition of the area's reliance on NAS Whidbey Island as its economic engine, the plan set forth a strategy to diversify the local economy.

In 1990, a total of 10,446 people were directly dependent on employment at NAS Whidbey Island: military personnel, civilian employees, and contractors. In 2002, that population is 10,058.<sup>1</sup> During the intervening time, there were periods of uncertainty regarding the future of the facility, based on a decision in early 1991 to include the NAS on the federal base closure list. Although the base was removed from the list shortly thereafter, the potential for closure resulted in economic uncertainty and a realization that the level of reliance on the naval base was unhealthy for the long-term benefit of the local area.

### **Public/Institutional Uses**

This category of uses includes public and private schools, churches, municipal buildings and facilities, park and recreation facilities, and open space (whether public or private).

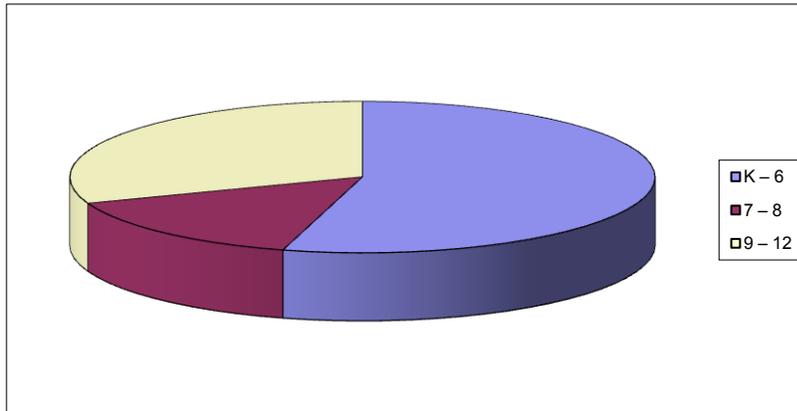
The greater Oak Harbor area is served by School District #201. The District operates one high school, two middle schools and six elementary schools, serving a total 2002 population of approximately 6,228 students in grades K – 12. Nearly one-third of this number (1,910) is high school age, with the remainder in earlier grades. Projected enrollments in coming years through 2007 suggest that the school population will decline slowly to a total of 5,886, a decline of approximately 5.5%.<sup>2</sup> Figures 3 and 4 illustrate the apportionment of students by age, and projected total enrollments.

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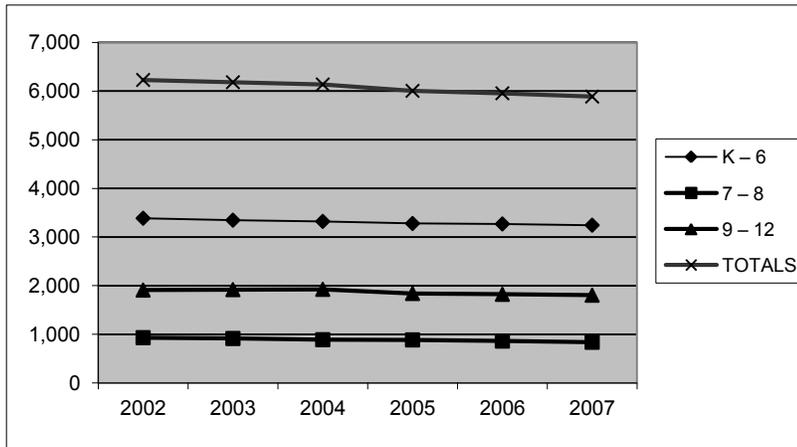
<sup>1</sup> SOURCE: NAS Whidbey Island

<sup>2</sup> SOURCE: State of Washington Superintendent of Public Instruction.

**Figure 3**  
**School Enrollment by Grade, 2002**



**Figure 4**  
**School District Enrollment Projections, 2002 – 2007**



In addition to public schools, several private schools provide educational services to the community. Among the larger programs are Lighthouse Christian Academy, Oak Harbor Christian School, Montessori Der Kinderhuis, Inc., Oak Harbor Seventh Day Adventist Elementary School, and Oak Harbor Bible Baptist Christian School. Except for Lighthouse Christian Academy (which serves grades K – 12), these private schools generally serve the K – 8 school population.

A branch of Skagit Valley College is located in Oak Harbor on 2.5 acres at the east end of Pioneer Way. The facilities include classrooms and vocational and technical buildings. In addition to their two-year study programs, the school also offers a four-year degree program in Education in association with Western Washington University. Various undergraduate and graduate degrees are also offered to the general public by a branch of Chapman University, which is located on the Navy Seaplane Base. Finally, Embry-Riddle Aeronautical University at NAS Whidbey Resident Center offers both Associate and Baccalaureate degrees in aviation-related fields.

Municipal facilities include City Hall on SE Barrington Drive, a police station located across the street from City Hall, a fire department Headquarters Station located on E. Whidbey Avenue, the library located on the Skagit Valley College campus, and the public works/municipal shops facility.

City parks and recreation facilities include 25 parks on approximately 88 acres of land within the city. In addition, the School District owns approximately 85 acres of playgrounds and athletic fields, and the Navy manages some 207 acres of parks and fields for use by their personnel and dependents. Open space areas within the city are many and varied, as described more fully in the Open Space Element.

### **Military Uses**

Two of the Navy's four facilities on Whidbey Island are located in or adjacent to Oak Harbor.

Ault Field, located immediately to the north of the city, totals approximately 4,250 acres in size. It is the most highly developed of the four NAS properties, featuring the main airfield, administrative and industrial buildings, a hospital, a variety of housing units, and several recreational areas including an 18-hole golf course.

The Seaplane Base encompasses approximately 2,820 acres. About twenty percent ( $\pm 600$  acres) of this land area is developed, primarily with family housing. The remainder of the site is in forest, wetlands, grasslands, and beaches, some of which is used as required open space to buffer military uses. The base includes 10.1 miles of shoreline on Crescent Harbor and Oak Harbor.

Activities at Ault Field can limit the type of development within the northern portion of the city due to the noise created by aircraft takeoffs and landings. The city has historically cooperated with the Navy in implementing land use plans that conform to the Navy's AICUZ program recommendations. These plans limit land uses near Ault Field to non-residential uses.

## **ECONOMIC AND DEMOGRAPHIC PROJECTIONS**

Existing conditions form the basis to predict future patterns of growth. By examining the area's population and employment growth potential, it is possible to anticipate the city's future land use needs.

The following sections analyze growth projections related to employment, population, and housing. As a base, these projections use data found in previous plans and studies. New data is based on the 2000 U.S. Census, and on information provided by NAS Whidbey Island. To maintain consistency, the methodology used to extend projections is identical to that used in previous years.

### **Population and Demographic Projections**

According to the U.S. Census, Oak Harbor's population in 2000 was 19,975. This figure represents an increase of approximately 4.5% over the 1993 population of 18,930. The city's actual rate of growth from 1993 (the most recent date when population projections were made by the state's Office of Financial Management and allocated by Island County) to 2000 was less than one percent per year. In 1993, the city elected to use a high growth estimate of 2.55% per

year for planning purposes. While this rate of growth may be attained over an extended period, short-term growth has been shown to occur at a significantly lower rate.

The rate of growth during the 1990s was tied to uncertainties related to the future of NAS Whidbey Island, which was initially slated for closure during an early round of federal base closures. Since that time, the mission of the base has been stabilized and the economy of the region has begun to diversify. With the stabilization of the employment and population base at NAS Whidbey Island and the development of new economic sectors within the local and regional economy, it is possible that the city's rate of growth will continue at rates predicted earlier.

Overall population figures tell only a small part of the story. Oak Harbor has a relatively young population, with a median age of 28.3 years. Nearly a quarter (23.6%) of the city's population falls into the school-age years of 5 to 19 years. About one in five (19.1%) of residents are between 25 and 34 years old. Only nine percent of the population is 65 years of age or older. *Figure 5* shows the full range of Oak Harbor's population by age.

The relatively young age of the city's population is due to the high percentage of military personnel, who tend to be younger than the general population. In addition, the families of military personnel contribute to the large number of school-age children, raising implications regarding the need for future school facilities.

**Figure 5**  
**Population by Age, 2000**

<b>Age Group</b>	<b>Population</b>	<b>Percent of Total</b>
<5 years	2,062	10.4
5 – 9 years	1,829	9.2
10 – 14 years	1,540	7.8
15 – 19 years	1,311	6.6
20 – 24 years	1,814	9.2
25 – 34 years	3,776	19.1
35 – 44 years	3,026	15.3
45 – 54 years	1,580	8.0
55 – 59 years	588	3.0
60 – 64 years	485	2.5
65 – 74 years	868	4.4
75 – 84 years	682	3.4
>85 years	234	1.2
<b>TOTALS</b>	<b>19,795</b>	<b>100.0</b>

SOURCE: 2000 U.S. Census

### **Existing and Projected Employment**

NAS Whidbey Island continues to exert a significant impact on the city and the region. In addition to the direct employment of more than 10,000 persons, the base generates the need for a wide variety of secondary businesses to serve the needs of the Navy and its employees.

**Figure 6**  
**Employment Forecast NAS and NON-NAS; 1980 to 2022**

	Military	NAS Civilian	Total	NAS- Depend.	NAS- Independ.	Non-NAS Total	Non-NAS Growth	Total Employment
<b>1980</b>	6,381	856	7,237	1,517	2,388	3,905	---	11,142
<b>1991</b>	8,510	786	9,296	2,024	5,666	7,690	3,785	16,986
<b>1993</b>	8,829	2,031	10,860	2,099	5,989	8,088	398	18,948
<b>2002<sup>1</sup></b>	8,521	1,537	10,058	2,026	8069	10,095	2,007	20,153
<b>2013<sup>2</sup></b>								
Low <sup>(a)</sup>	7,505	1,726	9,231	1,517	10,424	11,941	3,853	21,172
Medium <sup>(b)</sup>	8,829	2,031	10,860	2,099	10,424	12,523	4,435	23,383
High <sup>(c)</sup>	9,270	2,133	11,403	2,315	10,424	12,739	4,651	24,142
<b>2022<sup>3</sup></b>								
Low <sup>(d)</sup>	7,243	1,306	8,549	1,722	14,045	15,767		24,316
Medium <sup>(e)</sup>	8,521	1,537	10,058	2,026	14,045	16,071		26,129
High <sup>(f)</sup>	8,947	1,614	10,561	2,128	14,045	16,173		26,734

<sup>1</sup> Source of military data: NAS Whidbey Island.

<sup>2</sup> Source: *Employment Forecast for Greater Oak Harbor 1995-2013*; The Oak Harbor Planning Department (Revised 3/17/93). Based on annual growth rate of 2.81 on Non-NAS Employment and a 0.2378 Military/NAS-Dependent multiplier (using 1993 as base). (a)Assumes a 15% reduction, (b)Assumes no change, and (c)Assumes a 5% increase.

<sup>3</sup> Source: *Employment Forecast for Greater Oak Harbor 1995-2013*; The Oak Harbor Planning Department (Revised 3/17/93). Based on annual growth rate of 2.81 on Non-NAS Employment and a 0.2378 Military/NAS-Dependent multiplier (using 2002 as base). (d)Assumes a 15% reduction, (e)Assumes no change, and (f)Assumes a 5% increase.

### Housing Need Projections

A full study of housing needs was conducted by Island County in 1993.<sup>3</sup> That study formed the basis for much of the county's housing policy during the 1990s, and is discussed more fully in the Housing Element. This study was updated in 2004 with a new housing capacity analysis (see the Housing Element for details)

Throughout the 1990s, the trend toward smaller average household sizes continued in Oak Harbor and throughout Washington. The city's average household size in 2000 was 2.70

<sup>3</sup> *Housing Needs Assessment; Island County, Coupeville, Langley, Oak Harbor*. Judith Stoloff Associates, November, 1993.

persons, down from the 2.88 persons reported in the 1990 census. A smaller household size means that a larger number of housing units will be needed to accommodate the city's projected population. This trend also has implications for housing types, as smaller households do not require the larger single-family homes that were predominant in Oak Harbor in the 1950s through 1970s. *Figure 7* ties population projections to future household needs.

**Figure 7**  
**Population and Housing Growth**

Year	Population	# of Households	Avg. Household Size
1980	12,271	4,107	2.99
1990	17,176	5,971	2.88
2000	19,795	7,333	2.70
2010	24,249	9,185	2.64
2020	29,704	11,603	2.56

SOURCE: U.S. Census Bureau. 2010 and 2020 population projections assume the "medium" growth projection (2.05% annual growth rate) originally developed as a local planning estimate.

## FUTURE LAND USE NEEDS

A land use inventory was prepared for the city in 1994.<sup>4</sup> That study confirmed the city's role as a regional center for goods and services.

*Figure 8* details the extent of specific land uses within the city. This table does not include military uses at the Seaplane Base, even though this area is a part of the city. In addition to the aggregate numbers shown in this table, an understanding of the quality and character of land uses is also important. A discussion of land use quality and character must consider the density and intensity of development, as well as those elements that will ensure that new development is compatible with existing development in the city.

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<sup>4</sup> *Oak Harbor Urban Growth Area Report*, Makers Architecture and Urban Design, 1994.

Figure 8

*Land Use Inventory*

<b>Land Use</b>	<b>Acres</b>	<b>% of Total</b>	<b>% Developed</b>
Single Family	1358	50	73
Multiple Family	212	8	48
Commercial	204	8	36
Office	116	4	1
Industrial	51	2	1
Semi-Public	59	2	4
Public*	174	6	11
Parks	70	3	5
<u>Vacant</u>	<u>446</u>	<u>17</u>	<u>-</u>
<b>Total</b>	<b>2,690</b>	<b>100</b>	<b>100</b>

\* Includes local streets but not arterial streets.

Source: City of Oak Harbor Development Services Department 2002

The following table identifies the zoning districts, which implement the land use designations from the Comprehensive Plan.

<u>COMPREHENSIVE PLAN</u>		<u>ZONING DISTRICT</u>	
PRE	Planned Residential Estate	PRE	Planned Residential Estate
R-LD	Low Density Residential	R-1	Single-Family Residential
R-MD	Medium Density Residential	R-2	Limited Multiple Family Residential
R-MHD	Medium-High Density Residential	R-3	Multiple Family Residential
R-HD	High Density Residential	R-4	Multiple Family Residential
RO	Residential Office	R-O	Residential Office
NC	Neighborhood Commercial	C-1	Neighborhood Commercial
CC	Community Commercial	C-3	Community Commercial
CBD	Central Business District	CBD	Central Business District
AIC	Auto/Industrial Commercial	C-4	Highway Service Commercial
HCC	Highway Corridor Commercial	C-5	Highway Corridor Commercial
PBP	Planned Business Park	PBP	Planned Business Park
PIP	Planned Industrial Park	PIP	Planned Industrial Park
I	Industrial	I	Industrial
PF	Public Facilities	PF	Public Facilities
ORA	Open Space Recreation & Agriculture	OS	Open Space, Recreation & Agriculture

**Residential Uses**

The city contains a variety of residential uses and housing types, and varying densities. This plan is intended to ensure that sufficient land is available for future housing needs, while protecting the integrity of existing neighborhoods. For example, multi-family housing is an

important part of the city's housing mix, but its development would typically be discouraged in areas that are predominantly single-family in nature. The following types of residential development are contemplated:

***R-1 Single-Family.*** R-1 Single-Family Residential areas are intended for low density, urban, single-family residential uses, while providing sufficient density to allow the City to effectively provide needed urban services. Densities would range between a minimum of three (3) units per gross acre and a maximum of six (6) units per gross acre.

***R-2 Limited Multi-Family.*** R-2 Limited Multiple Family Residential areas are intended for medium density residential housing. Densities would range between a minimum density of three (3) units per gross acre and a maximum density of (12) twelve units per gross acre. The R-2 areas are intended only for those areas having safe and convenient access to improved collector or arterial streets and adequate public services.

***R-3 Multi-Family.*** The R-3 Multiple Family Residential designation is intended to provide for and protect areas for medium to high density multiple family residential development. The densities for this district range between a minimum density of six (6) units per gross acre and a maximum density of sixteen (16) units per gross acre. The R-3 areas are intended only for those areas adjacent to arterials or collector streets, where adequate public services are available.

***R-4 Multi-Family.*** This Multiple Family Residential designation is intended to provide for and protect areas for high density multiple family residential development for persons who desire to live in an apartment environment. Densities would range between a minimum of twelve (12) units per gross acre and a maximum density of twenty-two (22) units per gross acre. The R-4 district shall be considered only for those areas adjacent to arterials or collector streets. Safe and convenient streets must be available or developed to the district without generation of additional traffic upon existing residential streets.

***Residential/Office.*** It is the purpose of the RO Residential Office district to provide for areas appropriate for professional and administrative offices. It is intended that such districts would provide a buffer for residential districts, and that the development standards would be such that office uses would be compatible with residential districts. This designation would recognize areas where existing single-family homes may be functionally obsolete due to their size, and promote the conversion of such dwellings to office uses in a manner that retains the character of the larger single-family structure.

### **Commercial Uses**

A community needs a variety of retail and office areas to maintain economic health. For that reason, provision must be made to accommodate businesses serving small neighborhoods, as well as much larger businesses with a regional clientele. The following commercial uses are contemplated:

***C-1 Neighborhood Commercial.*** This commercial designation is intended to provide for limited commercial and mixed residential/commercial uses to serve the residents of a surrounding residential district. The scale of development, the architectural and site design and the operational character of allowed uses would be an important consideration for this type of development.

**Central Business District.** The Central Business District (CBD) is intended to preserve and enhance the unique harbor location of the City's heritage with the character of a traditional center of social, cultural and retail activity. Mixed-use developments, combining retail and visitor oriented activities on the ground floor with office, retail and residential uses above, would be required. Within the district, pedestrian-oriented activity would be encouraged. Standards and design guidelines adopted to enhance and maintain a pedestrian friendly environment would be implemented. Incentives would also be provided to encourage the development of mixed-use projects. Subdistricts within the CBD would provide for flexibility of residential development within specific areas. Large surface parking lots would not be encouraged. Shared clustered parking areas in the middle of blocks would be encouraged, away from street frontages. Access driveways would be kept at a minimum, to promote the safety and convenience of pedestrians. As with the Neighborhood Commercial areas, the scale of development within the CBD would be an important consideration.

**C-3 Community Commercial.** The Community Commercial designation would provide for those types of retail, wholesale, transportation, and service uses which, because of traffic and other requirements, depend upon particular locations or site characteristics to serve the needs of the community and its trading area. Generally, the permitted uses would contemplate large sites with access from either major or minor arterials.

**C-4 Auto/Industrial Commercial.** The Auto/Industrial Commercial district would permit the establishment of facilities oriented toward uses dependent upon a highway location, for purposes of either access or visibility. The district would primarily be intended to allow for the concentration of automobile and other motor vehicle sales centers. Other commercial and limited industrial activities would also be permitted. The uses permitted by this district must also be compatible with the NAS Whidbey AICUZ recommendations. Access to the highway would be controlled, so as to minimize turning movement conflicts and maximize traffic efficiencies.

**C-5 Highway Corridor Commercial.** The Highway Corridor Commercial would provide for those types of uses which, because of traffic and other requirements, are regional in impact and should be located in the highway corridor. This designation is intended to provide a means of allowing these uses along the highway corridor, but with limited access to SR 20.

### **Maritime Uses**

The City created this land use in 2012 to accommodate high intensity water related and water dependent commercial and industrial uses. This land use category and the Maritime designation in the Shoreline Master Program have similar intent. This land use would accommodate uses such as boat building, sail making, water dependent transportation ware housing and other clean industrial uses. This land use also accommodates commercial uses similar to the uses that are allowed in the Central Business District. The commercial uses are intended to draw residents and visitors to the area and enjoy the recreational facilities provided by the marina, Catalina Park and the Maylor Point trail. Commercial and industrial uses in this area will need to be sufficiently screened from each other. The Maritime Land Use should consider flexible standards for streets and parking as an incentive to foster development in the area. One of the major challenges in creating this land use category is the intersection of Pioneer Way, Catalina Drive and the security gate to the Seaplane Base. Since the proposed land uses in this area has the potential to generate traffic, creative solutions will need to be sought to address this issue. Creating flexible parking standards in this area is also intended to encourage the public to use the access provided by the waterfront trail with alternative modes of transportation.

### **Industrial Uses**

The city currently has a limited amount of developed industrial land. The designation of industrial areas within the city would also provide a basis of agreement with Island County regarding industrial development within the city's UGA located to the north of the city. This area, which is impacted by the noise and accident potential generated by aircraft operations at Ault Field, is well-suited to industrial development while accommodating the Navy's need for compatible uses near the airfield. Several types of industrial use may be contemplated, including uses that may also permit commercial development.

***PBP or PIP Planned Business or Industrial Parks.*** Planned business or industrial parks are intended to promote the development of larger-scaled master planned developments related to office complexes or complex manufacturing facilities. They would preserve or create environmental amenities superior to those generally found in conventional developments. The degree of planning required for such developments would promote a flexibility of development intended to result in a campus or park-like environment.

***Industrial.*** The Industrial district would accommodate certain industrial structures and uses having physical and operational characteristics that could have an adverse impact on adjoining residential or commercial uses. Regulations would be designed to permit those industrial uses that can be operated in a relatively clean, quiet and safe manner compatible with adjoining land uses.

### **Other Land Uses**

***Military.*** Although the Seaplane Base is located entirely within the Oak Harbor city limits, all land use and development within that area is governed directly by the Navy. Historically, the city and the Navy have worked cooperatively to ensure that development meets the needs and expectations of all the parties involved.

**Public Facilities.** The Public Facilities district accommodates public facilities and institutional land uses such as public parks, schools, churches, governmental offices, public works yards, utility structures, hospitals, and other similar public and quasi-public uses. This designation aids the City and the public in planning and budgeting for public facilities, while minimizing potential conflicts between incompatible land uses.

**Open Space.** Some outlying areas of the UGA continue to be used for agricultural purposes. This designation would allow the retention of natural areas, rural character, and open space areas within the City. It would also allow for annexation of lands to the City without forcing immediate development. Further, this designation would help promote development of special community resources such as golf courses, wetlands, forest land and farming areas that may have scenic and other environmental value. Except for special circumstances, it is anticipated that this district will be used only for land brought into the City by annexation or for which special tax considerations are already provided by Island County.

**Special Planning Area.** This 105-acre area encompasses the easternmost portion of the historic Fakkema Farm property. It was designated in 2005 as a “Special Planning Area” with the following land use goals:

1. Maintain the historic farm building cluster intact within a protected seven acre reserve area with specific design guidelines;
2. Designate areas for future residential growth to a maximum of 352 housing units, allowing for mixed densities where desirable;
3. Identify an area of ten acres for passive public open space or active recreational facilities within the Special Planning Area;
4. Dedicate a public trail easement through the drainage buffer from Fairway Lane to Swantown Lake;
5. Encourage transfer of development rights from the remaining agricultural land to upland areas on the southern edges of the Fakkema property.

# City of Oak Harbor Planning Commission

**Bill No.** 7  
**Date:** September 25, 2012  
**Subject:** 2012-2018 Capital  
Improvements Plan

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

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## **PURPOSE**

This memo presents a draft of the 2012-2018 Capital Improvements Plan (CIP). The CIP is reviewed annually as part of the annual Comprehensive Plan Amendment process.

## **BACKGROUND**

The Capital Improvements Plan is a planning document that lists the projects the City anticipates to plan, design and implement over a six year planning period. The City of Oak Harbor's CIP includes projects in Enterprise<sup>1</sup> Funds such as wastewater, stormwater, etc and also Non-Enterprise Funds such as streets, parks and recreation, fire and law enforcement. Since this is a "planning" document, it includes all the capital needs of the City and their estimates. Amendments are made every year based on available resources.

The CIP document includes goals and policies, revenue sources, rates and projections for enterprise and non-enterprise funds, infrastructure needs over the next six years and a proposed schedule for implementation. Below is a summary of the various sections contained within the CIP:

- Section 1 provides an introduction to the CIP, its link to the Growth Management Act and the Revised Code of Washington (RCW).
- Section 2 provides the planning context for the CIP and lists the goals and policies that provide the framework for the CIP.
- Section 3 is an inventory of the existing capital facilities within the City. It provides the basic foundation for the CIP.
- Section 4 of the CIP contains the list of projects for the non-enterprise funded systems such as Streets, Parks and Recreation, Windjammer etc., as well as the enterprise funded systems such as Sewer, Water, Wastewater and Marina.
- Section 5 includes the prioritization process for the non growth related capital facilities listed in Table 4.4. The prioritization process was done in 2006.
- Section 6 provides information on revenues sources for the various funds and includes projections for these revenues over the next six years.
- Section 7 is the implementation plan for the non-growth related projects that are listed in Table 4.4 and prioritized in Section 5.
- The appendix section of the CIP contains most of the details of the projects, their cost and the schedule.

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<sup>1</sup> Enterprise Funds are self supporting funds with user fees and includes utilities such as Water, Sewers, Stormwater, Solid Waste and Marina

## City of Oak Harbor Planning Commission

The highlights of the changes to this year's CIP are provided below:

- Removal of projects that have been completed – The Pioneer Way reconstruction project and related infrastructure projects have been struck out of the CIP. Though there will be some costs that will overflow into next year as the project gets closed out, it can be deleted from this planning document.
- Update to the current and projected revenues – This is done annually with information obtained from the Finance Department. Most of these changes are in Section 6 of the CIP.
- Updating the list of street projects to reflect the adopted Transportation Improvements Plan (TIP) – The Planning Commission held a hearing on May 22, 2012 on the TIP and made a recommendation to the City Council to approve the document. This year the changes include removing Pioneer Way improvements from the document, updates to cost estimates on the NE 7<sup>th</sup> Avenue reconstruction and reschedule of allocation for future projects.
- Update to project schedules – Most of these changes to the schedule are done in Appendix C of the documents since it contains more details of the project. The schedule is updated every year to match available funds. The major projects that are tracking for implementation over the next few years are:
  - Streets – NE 7<sup>th</sup> Avenue reconstruction followed by SE 4<sup>th</sup> Street
  - Parks – upgrades to the splash park, lagoon bridge, continuing to acquire land for open space, community and neighborhood parks
  - Wastewater System – sewer line replacements and continuing work on a new treatment facility
  - Water System – North Reservoir and associated improvements
  - Stormwater System – 42 inch outfall reconstruction
- Other updates –
  - The CIP document has been updated to reflect the City Council's decision on the location of the wastewater treatment facility.
  - The cost for the improvements on SR20 has been updated to reflect the most recent estimates.
  - Basic statistics (Section 3) on the various facilities that serve the community were updated.

It is clear from the document that the needs of the community greatly outweigh the resources available. Therefore, updates are made every year to reflect the implementation of projects over the upcoming budget year (2013-2014) and make the necessary adjustments over the six-year planning horizon.

The Planning Commission is requested to review the documents and provide input and comments. The CIP will come forward to the Planning Commission with the 2012 Comprehensive Plan amendments for a public hearing at the October 23, 2012 meeting.

### ATTACHMENTS

1. 2012-2018 Capital Improvements Plan (document attached separate from the PC agenda packet)

2012 Comprehensive Plan

Amendments

Scenic Views

Public Meeting

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**CITY OF OAK HARBOR**

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**TO:** PLANNING COMMISSION  
**FROM:** CAC KAMAK, SENIOR PLANNER  
**SUBJECT:** 2012 COMPREHENSIVE PLAN AMENDMENTS – SCENIC VIEW CORRIDORS  
**DATE:** 10/18/2012  
**CC:** STEVE POWERS, DEVELOPMENT SERVICES DIRECTOR

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**Purpose:** This memo introduces the study on scenic view corridors that was approved as part of the 2012 Comprehensive Plan Docket. The intent of this docket item was to identify existing desirable scenic views within the community and determine appropriate methodologies to eventually protect them. This study and any resulting action will flow into the 2013 amendment cycle.

**Background:** The Comprehensive Plan currently addresses scenic views in several locations. The Parks, Recreation and Open Space Plan that is incorporated by reference in the Comprehensive Plan, identifies a few scenic view corridors. A map from that plan is attached to this memo for your reference. The scenic views identified on this map are a transfer of information from the Open Space element of the Comprehensive Plan prior to its replacement by the goals and policies of the Park, Recreation and Open Space Plan in 2009. The identified scenic views are general and don't have specific regulations (codes) that would protect them.

The importance of protecting scenic views in Oak Harbor is also captured in goals and policy statements within the Urban Design section of the Comprehensive Plan. These are listed below:

- **Urban Design Element - Goal 5 - Protect viewsheds and view corridors:**  
Discussion - The City of Oak Harbor defines viewsheds as a panoramic view from a single location. Significant viewsheds include views of Mt. Baker, Mt. Rainier, Cascade mountain range, Olympic mountain range, Oak Harbor Bay, Maylor Point (especially wooded and tidal flat areas) and Saratoga Passage. The view corridors and viewsheds within the City should be identified and accurately mapped at a useable scale so they can appropriately guide development.
- **Policy: 5.a Consideration of building impacts on viewsheds and view corridors shall be exercised in all developments, and mitigation measures shall be applied to protect existing views.**  
Discussion: The City may incorporate policies and guidelines to protect these resources, such as developing: a unified bulk program for building

envelopes; performance based zoning; and, density bonuses as development incentives.

The zoning code, an implementation tool of the Comprehensive Plan, uses height limitations in zoning districts as a method to generally protect views. A view study done in 1999 established the height limitations for the Central Business District (CBD). The code also includes specific language in OHMC 19.20.320.8(d) under the CBD district that states “building height may be increased to 55 feet for nonresidential uses or mixed use projects upon approval of the design review board and by providing additional urban amenities as defined in the Oak Harbor commercial and industrial design guidelines. The design review board shall specifically review the proposed project and building height for its impacts on waterfront and mountain views and require reasonable mitigation as necessary”.

**Discussion:** The view study undertaken here can be considered as an implementation of Goal 5 of the Urban Design Element. Therefore it would be beneficial to identify and map the view corridors in Oak Harbor that the community intends to protect.

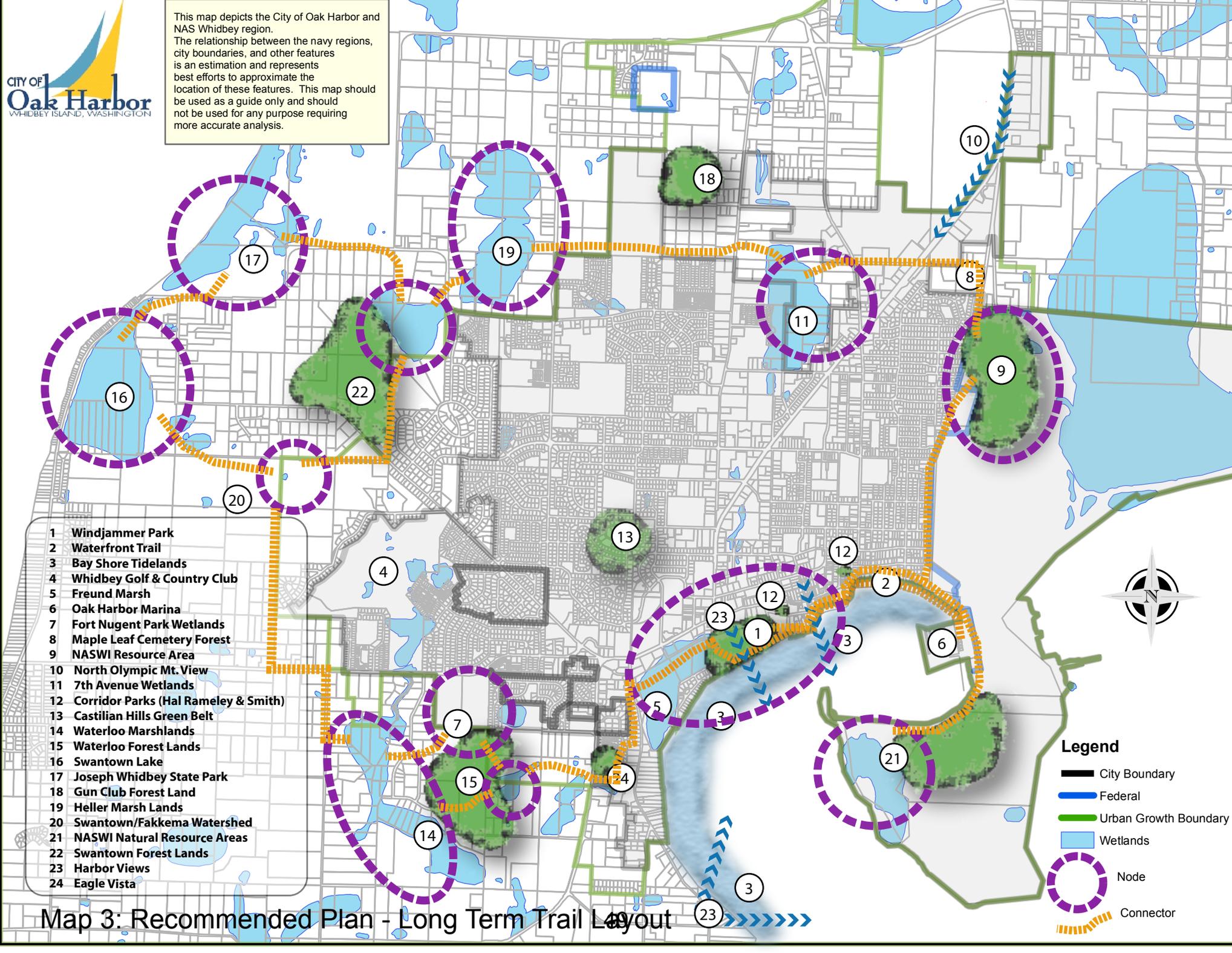
Process: The first step in this process is to identify the view corridors. Since early and continuous public input is integral to all Comprehensive Plan amendments, the process to identify view corridors around the community was initiated by including a flyer in the monthly utility bills that is mailed to all household in Oak Harbor. A copy of the flyer is attached to this memo. The flyer requested photos of scenic views from the public. All photos received were then posted in a public folder on Google. The City’s homepage has a link to scenic views that will lead to the public gallery. The Planning Commission is requested to visit the gallery. Staff will also display the gallery at the Planning Commission meeting to discuss thoughts and ideas and potentially add locations for further review.

The next step in the process is to map the public input received. Though there are many scenic points within Oak Harbor, the community may want to choose the ones that need protection. This is best done with some established criteria. Staff will discuss criteria selection with the Planning Commission as the next step in the process.

Once the criteria have been established, the scenic view corridors that need further review can be selected. Methodologies to protect the corridors will then have to be discussed.

As mentioned above, staff anticipates this study and discussion to extend into the 2013 amendment cycle.

This map depicts the City of Oak Harbor and NAS Whidbey region. The relationship between the navy regions, city boundaries, and other features is an estimation and represents best efforts to approximate the location of these features. This map should be used as a guide only and should not be used for any purpose requiring more accurate analysis.



- 1 Windjammer Park
- 2 Waterfront Trail
- 3 Bay Shore Tidelands
- 4 Whidbey Golf & Country Club
- 5 Freund Marsh
- 6 Oak Harbor Marina
- 7 Fort Nugent Park Wetlands
- 8 Maple Leaf Cemetery Forest
- 9 NASWI Resource Area
- 10 North Olympic Mt. View
- 11 7th Avenue Wetlands
- 12 Corridor Parks (Hal Rameley & Smith)
- 13 Castilian Hills Green Belt
- 14 Waterloo Marshlands
- 15 Waterloo Forest Lands
- 16 Swantown Lake
- 17 Joseph Whidbey State Park
- 18 Gun Club Forest Land
- 19 Heller Marsh Lands
- 20 Swantown/Fakkema Watershed
- 21 NASWI Natural Resource Areas
- 22 Swantown Forest Lands
- 23 Harbor Views
- 24 Eagle Vista

**Legend**

- City Boundary
- Federal
- Urban Growth Boundary
- Wetlands
- Node
- Connector

Map 3: Recommended Plan - Long Term Trail Layout

# Snap and send pictures of scenic views in Oak Harbor



to [scenicviews@oakharbor.org](mailto:scenicviews@oakharbor.org)

Include the location from which you shot in the subject line

Visit [www.oakharbor.org](http://www.oakharbor.org)



**WHO:** You, your family and friends. People of all ages can participate.

**WHAT:** Take pictures from the highway, neighborhood street and even your backyard of the incredible views from Oak Harbor of Mt. Baker, Mt. Rainier, North Cascades, Olympic Mountains, Puget Sound, farmland, wildlife, wetlands etc.

**HOW:** Take pictures with any camera—point and shoot, camera phone, DSLR etc.

**WHY:** A study on protecting views

**WHERE:** Send pictures to [scenicviews@oakharbor.org](mailto:scenicviews@oakharbor.org)

OHMC Chapter 17.24  
Sidewalks, curbs and gutters  
installation

Public Meeting

# Memo

**To:** Planning Commission  
**From:** Steve Powers, Development Services Director  
**CC:**  
**Date:** 10/23/12  
**Re:** OHMC 17.24, Sidewalks, Curbs and Gutters Installation

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Oak Harbor Municipal Code (OHMC) Chapter 17.24, Sidewalks, Curbs and Gutters Installation, establishes the requirement that a building permit may not be issued for new construction, or for remodeling projects over a certain size, unless that project provides for sidewalks, curbs and gutters if none exists on the property (see attached copy). The property owner may request a deferral from compliance with this code chapter. The City Engineer is authorized to grant such deferrals as outlined in the code.

Most property owners, contractors and/or developers expect to provide sidewalks as part of a new construction project. The same is not always true when the project involves the remodeling or expansion of an existing use. This is especially true in residential settings, especially in those neighborhoods where sidewalks are not found.<sup>1</sup> One on hand, the addition of sidewalks can add substantial cost to a project. On the other, sidewalks provide a safe place for pedestrians.

This item is presented at this time for the Planning Commission's discussion. It appears on your agenda at the request of Commissioner Wallin.

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<sup>1</sup> The lack of sidewalks in a neighborhood does not imply that somehow the requirement was not followed. Rather, it is most often related to the age of the neighborhood. At the time older neighborhoods were developed the City may not have had a requirement to provide sidewalks.

## Chapter 17.24 SIDEWALKS, CURBS AND GUTTERS INSTALLATION

### Sections:

- 17.24.010 Prerequisite for building permit – Exception.
- 17.24.020 Plans and specifications.
- 17.24.030 Permits.
- 17.24.040 Appeal.

### **17.24.010 Prerequisite for building permit – Exception.**

(1) No building permit shall hereafter be granted for a new commercial, industrial or residential building or structure or for the remodeling or alteration of a commercial, industrial or residential building exceeding 25 percent in value of the existing structures and buildings unless the plans and specifications therefor contain provisions for sidewalks and/or driveways across sidewalks on all sides of such property that may abut on a public street or highway to extend the full distance that such property sought to be occupied and/or developed; provided, however, that the city engineer may authorize the issuance of a building permit without compliance with the section where compliance is deemed to be impracticable or infeasible at that time or it is deemed to be in the best interest of the city to defer such construction. In making this decision, the city engineer shall consider the following:

- (a) Existence of Adjacent Walks. If no walks exist in the immediate area surrounding the site, construction may be postponed for the sidewalk installation.
- (b) Proposed Street Improvements in the Area. Alternatively, if widening or other street improvements are planned in the next five years that would require removal of the walks, a deferral may be considered.
- (c) Elevation of the Walk. If conditions require that the walk be installed at an elevation too high to be functional for access or drainage at the present time, a deferral may be granted.
- (d) Need. If there is no practical demand for sidewalks in the area, this factor will influence the decision to defer the construction.
- (e) Historical or Environmental Impact. Sidewalks may be deferred or not required if the sidewalk would destroy structures of historical significance or specimen trees such as Gerry Oaks.

(2) If determined that a deferral is acceptable to the city, the owner must be willing to sign and record an agreement binding installation at the city request or in five years, whichever is sooner. The agreement may provide for five-year extensions at the request of the owner and approval of the city council. Such deferral may be conditioned upon the posting of a satisfactory performance bond providing for said deferred construction or posting cash in lieu of a performance bond.

(3) Owners of properties proposing construction as defined in this chapter shall also construct curbs and gutters along the abutting streets unless, in the opinion of the city engineer, the conditions of drainage do not require such curbs and gutters and it is impracticable and infeasible and not in the best interest of the city to require the same. In making said decision, the city engineer shall take into consideration the history of

drainage in the area, and also the effect of the construction of the improvements proposed upon the drainage. (Ord. 750 § 1, 1986; Ord. 506 § 1, 1978).

**17.24.020 Plans and specifications.**

Plans for the construction of sidewalks, curbs and gutters required by this chapter shall be submitted to the building official as part of the plans submitted for obtaining a building permit. Grades for the construction of the improvements required by this chapter shall be established by the city engineer or by the approval of plans and grades furnished by the owner. All sidewalks, driveways, curbs and gutters required by this chapter shall be constructed of cement concrete and in accordance with the Standard Specifications for Municipal Public Works Construction as prepared by the Washington State Chapter, American Public Works Association. Openings for driveways for ingress and egress from the property shall be approved by the city engineer. (Ord. 750 § 2, 1986; Ord. 506 § 2, 1978).

**17.24.030 Permits.**

The building permit shall include the required improvement and the value of the sidewalks or other improvement and shall be added to the value of the structure and the permit fee based on the total cost. (Ord. 750 § 3, 1986; Ord. 506 § 3, 1978).

**17.24.040 Appeal.**

Appeal of the city engineer's decision shall be to the city council. (Ord. 750 § 4, 1986).