

**City of Oak Harbor  
Planning Commission  
Regular Meeting Minutes  
August 23, 2016 at 7:30 PM**

**1. Roll Call**

**Present:**

Greg Wasinger (Chair)  
Bruce Freeman (Vice Chair)  
Jes Walker-Wyse  
Hal Hovey  
Alyssa Merriman  
Sandi Peterson

**Staff Present:**

Steve Powers, Development Services Director  
Cac Kamak, Senior Planner  
Dennis Lefevre, Senior Planner  
Ray Lindenburg, Associate Planner

**Absent:**

Cecil Pierce

Chairman Wasinger called the meeting to order at 7:30 PM.

**2. Approval of Minutes – July 26, 2016**

***Motion:*** Hal Hovey moved to approve the July 26, 2016 minutes as presented. ***Second:*** Bruce Freeman seconded the motion. *With all in favor, the motion carried unanimously.*

**3. Public Comment:** There were no comments from the public.

**4. CODE AMENDMENTS – TIME EXTENSIONS FOR PLATS – Public Hearing**

**Staff Presentation**

Cac Kamak, Senior Planner, presented to the Planning Commission Draft Ordinance No. 1782 [Attachment 1], to amend OHMC 21.20.080 and 21.40.020 to reflect the changes to time limit extensions for preliminary plats and the vesting period for final plats that were adopted by the State Legislature in SSB 6544 and SHB 1074. The time extensions vary based on dates of preliminary plat approval and Shoreline Management Act (SMA) jurisdiction. This presentation is a follow-up to the public meeting on the same subject at the Planning Commission Meeting held on July 26, 2016.

**Public Hearing / Planning Commission Questions and Comments**

Following the staff presentation, Chairman Wasinger opened the public hearing at 7:42 PM.

Brian Gentry with Landed Gentry Homes was called to speak. Mr. Gentry spoke in favor of the proposed code amendment.

Commissioner Hovey inquired if the City has any potential plats in the SMA area that these code changes would affect. Mr. Powers explained that there are not any plats in the SMA that are undeveloped that this code revision would impact. Commissioner Peterson inquired what would happen to plats which are not completed within the timeframes established by the code. Mr. Kamak replied that in this case the developer would have to reapply, and would be subject to the current code at the time. Regarding applying for extensions, the City code matches the maximum allowable extension under State Statute.

Chairman Wasinger closed the public hearing at 7:46 PM.

#### Motion

**Motion:** Sandi Peterson moved to recommend the City Council approve Draft Ordinance No. 1782 as written, which amends OHMC 21.20.080 "Effect of approval" and 21.40.020 "Timeline for submittal of final plat and extensions for completion of improvements". **Second:** Jes Walker-Wyse seconded the motion. With all in favor, the motion carried unanimously.

## **5. LOW IMPACT DEVELOPMENT – Public Meeting**

#### Staff Presentation

Dennis Lefevre, Senior Planner, gave a presentation on the process of aligning City code with Low Impact Development (LID) requirements as established by the Department of Ecology (DOE). Per the national ranking system regarding pollution standards, Oak Harbor is considered a phase 2 city. The Planning Commission reviewed the DOE Toolkit regarding LIDs [Attachment 2]. This presentation was a follow-up to one given in January 2016 by Brad Gluth, Civil Engineer, on LID Best Management Practices (BMPs). To date, Staff has conducted multiple meetings on this topic, both with an internal core management team, and an external team consisting of parties whose industry will be impacted. Staff has reviewed how the Comprehensive Plan, Shoreline Management Practices, existing design standards, including road design, and existing stormwater systems already incorporate LID standards. Staff is now in the process of a gap analysis to determine where the existing code does not address the specific subtopics and considerations that DOE has identified. The deadline to have the LID requirements in place is December 31, 2016; the topic will be brought before the Planning Commission and the City Council in the coming months to meet this deadline. There will likely be a Workshop scheduled specifically for code amendments for LID requirements.

#### Planning Commission Questions and Comments

The Commissioners made many inquiries to Staff as to the applicability of LID requirements in Oak Harbor. Mr. Powers explained Staff's concern about the resulting urban form that will come from the LID regulations, as they work better in a much denser urban area. Staff is striving to determine how the City can meet the State mandated permit requirements but still maintain a code that will yield a product that fits the community. The main goal of the LID requirements for Oak Harbor is to keep Puget Sound clean, and to improve on its current condition. Applicability of the requirements will depend on if the area in question can support the regulations, which will be determined by the soil conditions, and other considerations. The LID requirements are not a one-size-fits all, and this is why Staff is analyzing existing code and planning for practical application to see how LID requirements will actually be implemented in Oak Harbor.

#### **Additional Item**

Mr. Powers acknowledged Kathy Gifford for her 20 years of service to the City. Kathy worked for the Fire Department for four years and 16 years for Development Services and is now retiring. Mr. Powers and the Commissioners thanked Kathy for her exceptional service and contribution to the success of Development Services and the Planning Commission throughout her career.

Chairman Wasinger adjourned the meeting at 8:21 PM.

Respectfully submitted,



Lisa Felix  
Administrative Assistant, Development Services

ORDINANCE NO. 1782

AN ORDINANCE AMENDING OAK HARBOR MUNICIPAL CODE SECTION 21.20.080 “EFFECT OF APPROVAL” AND SECTION 21.40.020 “TIMELINE FOR SUBMITTAL OF FINAL PLAT AND EXTENSIONS FOR COMPLETION OF IMPROVEMENTS”

WHEREAS, RCW 58.17.140 and RCW 58.17.170 establish the time limits for filing for final plat approval and vesting periods for final plats; and

WHEREAS, the State Legislature adopted SSB 6544 in 2010, EHB 2152 in 2012, and SHB 1074 in 2013 to extend the time limit for filing final plats based on the time of preliminary plat approval and Shoreline Management Act jurisdiction; and

WHEREAS, the City of Oak Harbor finds that it is in the public’s best interest to amend the code to reflect the changes made by the State; and

WHEREAS, the Planning Commission held a public hearing on the code amendments on August 23, 2016; and

WHEREAS, after due and proper notice, public hearings on the amendments were conducted by the City Council on September 6, 2016;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF OAK HARBOR do ordain as follows:

**Section One.** Oak Harbor Municipal Code, Section 21.20.080 entitled “Effect of approval”, last amended by Ord. 1617 (2011), is hereby amended to read as follows:

**21.20.080 Effect of approval.**

- (1) Approval of the preliminary plat by the city council shall constitute approval for the applicant to develop construction plans and specifications for facilities and improvements, as required, in strict conformance with the approved preliminary plat, street and utility standards adopted by the city, and any special conditions required by the council.
- (2) Permission shall not be granted for installation of required improvements until all construction plans and specifications have been approved in writing by the city engineer.
- (3) **Time for Performance.** Except as provided for in OHMC 21.40.020, construction shall be completed within five (5) years of the date of the city council resolution approving the preliminary plat or the preliminary plat approval shall terminate and all permits and approvals issued pursuant to such authorization shall expire and be null and void. If construction has been commenced but the work has been abandoned for a period of one (1) year or more, and if no extension of time has been granted as provided in OHMC 21.40.020, the authorization granted for the preliminary plat shall terminate and all

permits and approvals issued pursuant to such authorization shall expire and be null and void except as provided below:

- (a) Construction shall be completed within ten (10) years of the date of city council resolution approving the preliminary plat if it was approved before January 1, 2008; or
- (b) Construction shall be completed within seven (7) years of the date of city council resolution approving the preliminary plat if it was approved before January 1, 2015 and within Shoreline Management Act jurisdiction.

**Section Two.** Oak Harbor Municipal Code Section 21.40.020, entitled “Timeline for submittal of final plat and extensions for completion of improvements”, last amended by Ord. 1658 (2010), is hereby amended to read as follows:

**21.40.020 Timeline for submittal of final plat and extensions for completion of improvements.**

- (1) Final plat approval is a Type IV review process, in accordance with Chapter 18.20 OHMC.
- (2) An application for final plat approval shall be submitted to the director within five (5) years of the preliminary plat approval and when either:
  - (a) The subdivider has completed and has received approval of the construction and installation of all improvements; or
  - (b) The subdivider has submitted an approved performance bond in lieu thereof.
- (3) An application for final plat approval shall be submitted to the director within ten (10) years of the preliminary plat approval if the plat was approved before January 1, 2008.
- (4) An application for final plat approval shall be submitted to the director within seven (7) years of the preliminary plat approval if the plat was approved before January 1, 2015 and within Shoreline Management Act jurisdiction.
- (5) The city council may grant a time extension for completion of the requirements for preliminary plat for a maximum of one (1) year. Said extension shall be conditioned upon:

  - (a) ~~The plat meeting all subdivision requirements which are in effect at the time the extension is granted; and~~
  - ~~(b) Upon a showing that the applicant has attempted in good faith to submit the final plat within the five (5) year period.~~

(6) Any lots in a final plat filed for record shall be a valid land use not withstanding any change in zoning laws, in accordance with time periods established in RCW 58.17.170 as hereafter amended.

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

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

PASSED by the City Council this 6<sup>th</sup> day of September, 2016.

Veto ( )  
Approve ( )

THE CITY OF OAK HARBOR

By \_\_\_\_\_  
Robert Severns, Mayor

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

Attest:

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

Approved as to Form:

\_\_\_\_\_  
Nikki Esparza, City Attorney

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



# PLAT EXTENSIONS CODE AMENDMENTS



## PLAT EXTENSIONS

- RCW 58.17.140 – sets time period to file Final Plats and Preliminary Plats
- That time limit is set at 5 years
- During down economical period legislature made several changes to extend that time – 2010, 2012 and 2013
- The changes extended filing periods to seven, nine and ten years
- The time periods apply differently based on when the Preliminary Plat was approved and whether it is under the SMA
- The time periods apply to preliminary plat extensions and final plat vesting





## OHMC CODE AMENDMENTS

- Two code section
  - Preliminary Plat – 21.20.080 Effect of Approval
  - Final Plat – 21.40.020 Timeline for submittal of final plat and extension

Questions?



PLAT EXTENSIONS  
CODE AMENDMENTS

Planning  
Commission

## **TOOLKIT (WDOE) TOPICS, SUBTOPICS & CONSIDERATIONS**

### **Site Planning and Assessment (Topic)**

- **Building locations (Subtopic)**  
Can the code be revised to require that buildings are located away from critical areas and preserve soils with good infiltration potential for stormwater management?  
*(Consideration)*
- **Parking area locations**  
Can the code be revised to encourage positioning parking areas near the entrance to the site to reduce long driveways?  
Are there any incentives to developers to provide parking within garages rather than surface parking lots?
- **Stormwater treatment/flow control BMP/facility locations**  
Can the code be revised to require infiltrating LID facilities in areas with good infiltration potential?  
Can the code include a site planning approach that emphasizes prioritizing the location of stormwater management facilities on site?

### **Healthy Soils**

- **Protecting and restoring healthy soil**  
Is a soil management plan in place that identifies soil protection zones and describes quantities of compost amendment?  
Are protection areas required to be fenced?
- **Compost amendments**  
Can code be revised to require amendment of disturbed soils?  
Could compost be provided to incentivize small projects?
- **Compaction**  
Can the code be revised to include types of equipment for clearing and grading that minimize compaction of soils?  
Can clearing, grading, and soil disturbance outside the building footprint be limited or restricted?  
Consider requiring contractors to reestablish permeability of soils that have been compacted by construction vehicles.

### **Landscaping, Native Vegetation, and Street Landscaping**

- **Tree preservation**  
Are there regulatory controls over tree clearance and removal of mature/forest stands?  
Can the code be revised to place greater emphasis on preservation of conifers?  
Can the code include strategies to orient retained vegetation and open space to disconnect impervious surfaces?

- Screening  
Can the screening requirements be revised to include provisions for retaining native vegetation or replanting?  
Can vegetation planted within LID facilities count towards site, parking, or perimeter screening requirements?
- Landscaping requirements for street frontages  
Can the street frontage code be revised to include other landscaping between the sidewalk and the street?  
Can vegetation planted within LID facilities count towards open space or landscaping requirements?
- Landscaping requirements for parking lots  
Are minimum tree canopy or vegetation requirements specified for parking lots?

### **Hard and Impervious Surfaces**

- Maximum impervious surface allowances  
Does the code include maximum impervious surface limits for different land use types?  
Can the maximum impervious surface limits be reduced in residential areas?  
Can a portion of the impervious surface be designated as non-pollution generating impervious surface?
- Shared driveways  
Are shared (or common) driveways for multiple single-family dwellings, multi-family structures, and/or commercial development allowed?  
Can the use of shared driveways (for up to 4 or 6 houses) be incorporated?
- Minimum driveway width  
Is a minimum driveway width specified?  
Can the minimum driveway width be reduced to 9 feet or less (one lane), 18 feet (two lanes), or 16 feet (shared driveway)?
- Use of permeable pavement for driveways  
Are alternative surfaces (other than conventional concrete or asphalt) allowed?  
Can the code be revised to include incentives for use of permeable pavement for driveways?
- Two-track driveway design  
Is a two-track driveway design allowed?

### **Bulk and Dimensional Considerations**

- Building setbacks  
Can setback distances be minimized in residential areas to increase flexibility in regard to house location?  
Can frontage areas requirement be reduced in open space residential developments?

Are irregular lot shapes (pie, flag, zipper, etc.) allowed?

- Height limits

Can the maximum building height be increased if building footprints are reduced?

- Maximum square footage

Can code be revised to incentivize or encourage minimizing building footprints?

- Clustering

Are cluster development designs allowed?

Are cluster development designs allowed “by right” (no special permit or zoning variance required)?

Are flexible site design criteria available for developers that utilize cluster design options?

### Clearing and Grading

- Protecting existing infiltration

Do clearing and grading regulations include provisions for minimizing site disturbance and protecting native vegetation and soils?

- Conserving native vegetation/soils

Is there an existing ordinance that requires or encourages the preservation of natural vegetation?

Is wholesale clearing (mass grading) of sites prohibited or limited?

Are developments required to set aside an undeveloped portion of the site?

Are there specific native vegetation retention standards based on land use and density?

Is there any incentive to developers or landowners to conserve land (open space design, density bonuses, stormwater credits, or lower property tax rates)?

Does the native vegetation definition (or other code section) include minimum tree density, minimum retention requirements, protecting native vegetation areas, replanting requirements, soil amendment standards, management plan specifications, and maintenance requirements?

- Construction sequencing

Does the code include methods for effective construction sequencing to minimize site disturbance and soil compaction?

Do engineering and street standards outline construction sequencing and practices for protecting pervious areas and LID BMPs during construction?

Can the code be revised to limit clearing to the building footprint and area needed for maneuvering machinery?

### Streets and Roads

- Travel lane widths

What minimum travel lane widths are required based on street classification?

Is the travel lane wider than required by the fire department or other emergency responders?

Can street widths be reduced for local access streets?

Are narrower pavement widths allowed along sections of roadway where there are no houses, building, or intersections, and where on-street parking is not anticipated?  
Are queuing lanes (i.e., cars wait between parked cars while approaching traffic passes) allowed?

- Right-of-way (ROW) widths  
Can the minimum ROW width be reduced or include flexibility for LID considerations?  
Can sidewalks be placed on one side of the street only in low-density residential areas?  
Can alternate pedestrian networks (e.g. trails through common areas) be substituted for sidewalks?
- Use of permeable pavement for streets and roads  
Can permeable pavement be used for road shoulders, parking lanes, and emergency parking areas?  
Does the code require or encourage use of permeable pavement for future street/road resurfacing projects?
- Placement of utilities under paved areas in the ROW  
Does the code allow utilities to be placed under the paved section of the ROW?
- Required turn around area (e.g., fire, USPS)  
Is the minimum street section necessary for safe access and emergency response being used?
- Sidewalk widths  
What is the minimum sidewalk width allowed?  
Can sidewalk width requirements be reduced in areas where LID BMPs are present?
- Sidewalk slope  
Does the code contain sidewalk slope direction requirements?
- Use of permeable pavement for sidewalks  
Is permeable pavement allowed for sidewalks?
- Minimum cul-de-sac radius  
What is the minimum cul-de-sac radius?  
Can a landscaped island be placed in the center of the cul-de-sac and used for stormwater flow control and treatment?
- Alternatives to cul-de-sacs  
Can hammerhead turnarounds or loop roads be used instead of standard cul-de-sacs?

### **Parking**

- Minimum/maximum parking ratios  
What is our minimum parking ratio for the following:  
Professional office building  
Shopping center

Single family home

Can the number of required parking spaces be reduced due to shared parking, proximity to transit, car sharing, etc.?

Are the parking requirements set as maximum or median (rather than minimum) requirements?

Can a maximum number of parking spaces be specified?

- Use of permeable pavement for parking lots (e.g., parking stalls, driving aisles)  
Can permeable pavement be used for parking areas, parking lanes, and/or parking spaces?  
Can permeable pavement be incentivized for spillover (infrequently used) parking areas?
- Parking stall dimensions  
What is the minimum stall length and width for a standard parking space?  
Can the parking stall length and/or width be reduced?  
Are a fixed percentage of stalls (15 to 35%) assigned to compact cars?
- Driving aisle dimensions  
Is the driving aisle wider than required by the fire department or other emergency responders?  
Can one-way aisles be used in conjunction with angled parking stalls instead of two-way aisles?
- Off-street parking regulations  
Can mechanisms be integrated to reduce parking requirements (e.g. shared parking, proximity to transit, car share, etc.)?  
Can structured or tuck-under parking be incentivized?

**Design Guidelines and Standards**

- Trees and bioretention  
Are specific street tree species included in the design guidelines and standards?  
Can flexibility be incorporated to allow alternative tree species that are compatible with bioretention and can also meet similar street tree aesthetic requirements?
- Continuous curb requirements  
Are conventional curbs and gutters required?  
Can the curb and gutter requirements be eliminated or adjusted to allow the use of curb cuts (breaks that allow runoff to flow into bioretention cells) or “invisible” curbs (flush with the road surface)?
- Curb radii  
Are minimum curb radii requirements specified for street intersections or pedestrian bulbs?  
Can curb radii requirements be reduced to provide additional space for LID BMPs?

### **Stormwater Management and Maintenance**

- Maintenance provisions  
Does the adopted stormwater manual outline maintenance standards and/or procedures?
- Inspection access (covenants, easements)  
Does the code allow access to inspect, maintain, and repair the facility if a private property owner fails to maintain the facility?
- Enforcement  
Does the code include mechanisms to ensure reimbursement for any maintenance activities conducted?  
Are public easements, maintenance covenants, or other legal agreements required?  
Are incentives (reduction in stormwater fees) provided for private property owners that meet their maintenance requirements?

### **Subdivision and Planned Unit Development**

- Individual open space requirements  
Does a minimum percentage of open space have to be managed in a natural condition?  
Can the open space requirement be increased?  
Are open space areas required to be consolidated into larger units?
- Passive vs. active open space requirements  
Are allowable and prohibited uses for open space defined?  
Can LID BMPs such as bioretention count towards passive open space requirements?  
Are native vegetation areas that integrate previous passive recreation areas, stormwater dispersion facilities, and/or stormwater restoration projects allowed?
- Opportunities for performance based designs (PUDs)  
Are PUDs required for high density areas, such as city centers?  
Are native vegetation and maximum impervious surface standards for PUDs and high density dwellings specified?

### **Critical Areas and Shoreline Management**

- Allowance of LID BMPs in critical areas/shorelines when compatible  
Are allowable or prohibited uses of buffers defined?  
Are LID BMPs allowed within or adjacent to critical areas/shoreline/sensitive area/wetland buffers?  
Can native vegetation associated with LID BMPs be used to meet buffer enhancement requirements?