



# PLANNING COMMISSION

## AGENDA

May 26, 2015

CITY OF OAK HARBOR  
PLANNING COMMISSION  
REGULAR MEETING  
CITY HALL

AGENDA  
May 26, 2015  
7:30 P.M.

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

1.     **Approval of Minutes – April 28, 2015**
  
2.     **Public Comment** – Planning Commission will accept public comment for items not otherwise on the agenda for the first 15 minutes of the Planning Commission meeting.
  
3.     *Page 8*  
       **SITE PLAN CODE AMENDMENT – Public Hearing**  
       A portion of Oak Harbor Municipal Code Chapter 19.48, Site Plan Review Procedures, establishes the sequence of issuance for certain development permits. Staff proposes an amendment to this section that allows the permits to be issued in a different sequence. The proposed amendment will not eliminate the need for any permits. The Planning Commission will conduct a public hearing on the proposed code and forward a recommendation to the City Council.
  
4.     *Page 16*  
       **HOMELESS ENCAMPMENT CODE AMENDMENT – Public Meeting**  
       The Planning Commission will review additional information pertaining to the draft homeless encampment regulations.
  
5.     *Page 29*  
       **2016 COMPREHENSIVE PLAN UPDATE – Public Meeting**  
       Staff will provide an update on the progress of the 2016 Comprehensive Plan Update. The major scope of the 2016 Comprehensive Plan Update includes updates to the Land Use Element, Housing Element and the Transportation Element.

# MINUTES

April 28, 2015

**PLANNING COMMISSION  
REGULAR MEETING  
CITY HALL – COUNCIL CHAMBERS  
April 28, 2015**

**ROLL CALL: Present:** Greg Wasinger, Sandi Peterson, Mike Piccone, Cecil Pierce and Jes Walker-Wyse

**Absent:** Bruce Freeman and Ana Schlecht

**Staff Present:** Development Services Director, Steve Powers; Senior Planners, Cac Kamak and Dennis Lefevre; Associate Planner Ray Lindenburg

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

**MINUTES: MS. PETERSON MOVED, MR. PICCONE SECONDED, MOTION CARRIED TO APPROVE THE MARCH 24, 2015 MINUTES AS PRESENTED.**

**PUBLIC COMMENT:**

None.

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

Mr. Powers reported that the public hearing is a continuation of the public hearing that was opened at the March business meeting. Mr. Powers displayed the map depicting the Joint Planning Area, Urban Growth Area and the city limits. Mr. Powers noted that the staff report includes a section of the March 24<sup>th</sup> meeting minutes describing the Planning Commission recommendation for a revision to the draft CWPP, specifically policy 3.3.3a and c. Planning Commission recommended reducing the threshold triggering a UGA study from 50% to 30% population increase. Mr. Powers indicated that since last month staff has learned more about this policy and the 50% threshold may be more appropriate. Mr. Powers displayed a graphic (Attachment 1) to help explain why the 50% threshold is more appropriate. The 50% threshold acknowledges the 20-year planning period versus the 8-year periodic update cycle. A 30% threshold may prematurely trigger a review of the UGA. A study of the UGA at year 5 or 6, for example, based upon a 30% increase in population would be premature, knowing that in 2 years the regular UGA review would start since we would be at the beginning of another 8-year cycle.

Mr. Powers also pointed out the portion of the staff report that focuses in on the Land Capacity Analysis.

Mr. Powers concluded stating that staff's recommendation is to conclude the public hearing, consider some additional discussion on Policy 3.3.3a and c, and recommend approval of the draft CWPP to the City Council.

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

**Planning Commission Discussion**

Planning Commission discussed the expected military population increase over the next few years. Mr. Powers explained that staff worked with the Navy and included that expected increase in the population projection. Commissioners asked what the UGA review would look like. Mr. Powers explained that staff would perform the review, go through the public process and then get on the County's comprehensive plan annual review docket and go through the public process with the County. The entire review process can take 18 – 24 months. Planning

Planning Commission  
April 28, 2015  
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Commissioners asked if there had been a time in the past where the City had experienced a significant increase in population. Mr. Powers indicated that we have experienced the opposite. Population projections were not realized. At the conclusion of the discussion the Planning Commission agreed that the 50% threshold was more appropriate.

**MOTION: MS. PETERSON MOVED, MS. WALKER-WYSE SECONDED, MOTION CARRIED TO AMEND SECTION 3.3 3. A AND C, CHANGING 30% TO 50%.**

**MOTION: MR. PIERCE MOVED, MR. PICCONE SECONDED, MOTION CARRIED TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE DRAFT COUNTYWIDE PLANNING POLICIES AS AMENDED.**

#### **ADOPTION OF OFFICIAL ZONING MAP**

Mr. Lindenburg reported that this is a regular update to the zoning map. The update includes only one zoning change to 1000 SE City Beach Street, changing the zoning from R4, multifamily residential to PF, public facilities.

Mr. Wasinger opened the public hearing, seeing none the public hearing was closed.

**MOTION: MR. PICCONE MOVED, MR. PIERCE SECONDED, MOTION CARRIED TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE OFFICIAL ZONING MAP AS PRESENTED.**

#### **2016 COMPREHENSIVE PLAN UPDATE**

Mr. Kamak reviewed background regarding the review of the Comprehensive Plan 20-year vision statement.

Mr. Kamak stated that staff believes that the latest version of the vision incorporates the spirit of the original vision but reflects the times of the early 21st century. Since the Planning Commission indicated a preference for the categorized version of the Vision at its last meeting staff is moving that format forward. The categorized version of the Vision highlights four primary values within the community – Culture, Education, Economy, and Recreation.

#### **Planning Commission Discussion**

Mr. Pierce stated that he shared the Vision with some of his coworkers and received positive feedback. Mr. Piccone recommended reformatting the sentence that starts “Home of Naval Air Station Whidbey Island...” to make it a separate statement similar to the top statement. Planning Commissioners agreed that the Vision and the survey were ready to forward to the City Council and the public for comment.

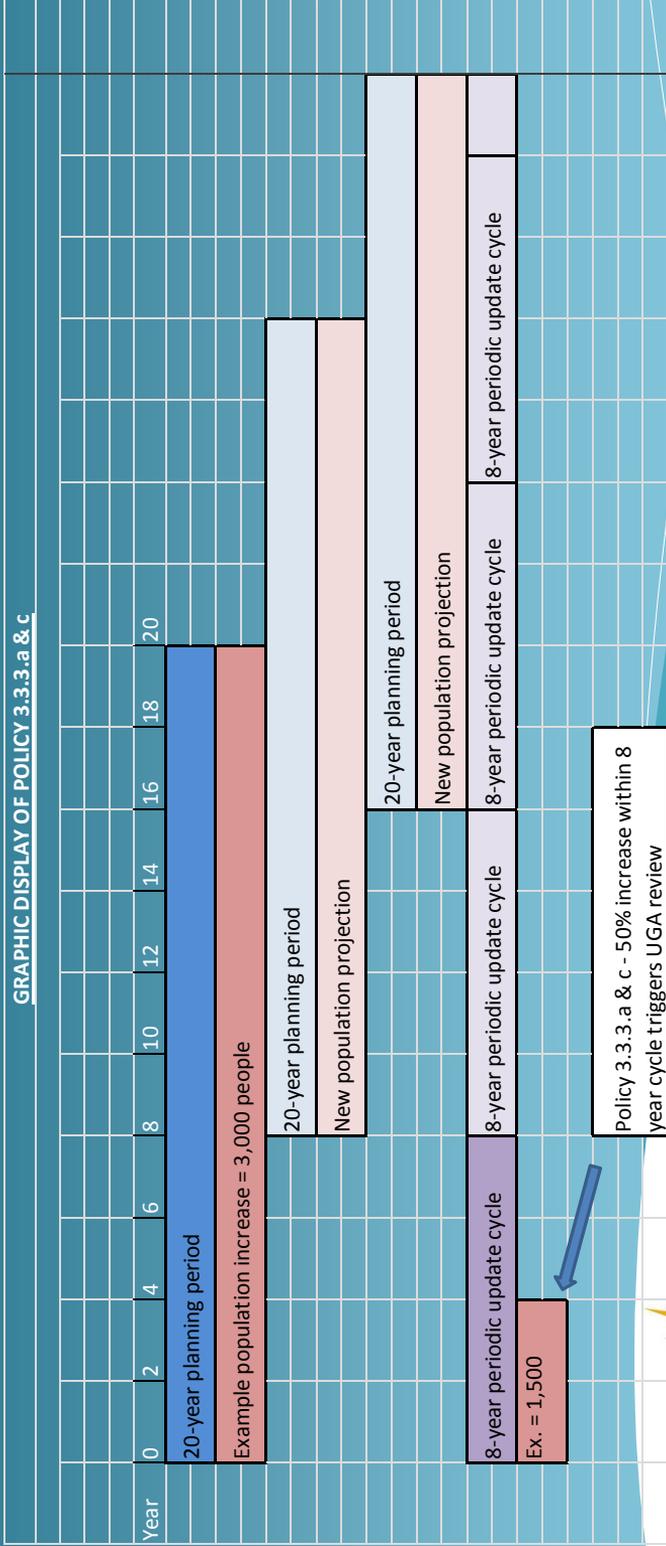
Mr. Kamak said staff would distribute the survey and collect feedback from the community over the next two months.

**ADJOURN: 8:02 p.m.**

Minutes submitted by: Katherine Gifford

# CWPP

GRAPHIC DISPLAY OF POLICY 3.3.3.a & c



SITE PLAN  
CODE AMENDMENT

Public Hearing

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

Date: May 26, 2015  
Subject: Amendment to Site Plan Review  
Procedures Code (OHMC 19.48)

FROM: Steve Powers, AICP  
Development Services Dept. Director

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**PURPOSE**

This staff report presents a draft ordinance that amends portions of Oak Harbor Municipal Code (OHMC) Chapter 19.48, Site Plan Review Procedures, to allow for an alternative sequence of issuing development permits.

**DISCUSSION**

OHMC Chapter 19.48, Site Plan Review Procedures, establishes the process necessary for the review and approval of site plans. Approval of the site plan is a key step in the overall approval of a project, be it a public or private project. Certain portions of the code (namely Sections 19.48.039 and 19.48.110) dictate the sequence by which permits that are related to the site plan must either be applied for or approved. Specifically, the current code requires that a site plan be approved, and the appeal period be completed, before any other permits may be issued. This permitting sequence works very well for the traditional method by which a project is delivered. This method is typically known as design-permit-bid-build, in that the project is first completely designed and permitted, then advertised for contractors to bid on it, and then it is built.

As the Planning Commission is well aware, the City is in the process of designing and constructing a new wastewater treatment plant (WWTP). The WWTP is being designed and built using what is known as an alternative delivery method or an alternative contracting procedure.<sup>1</sup> Specifically, the process is known as general contractor/construction manager (or GC/CM). One of the primary reasons for choosing this construction methodology is to take advantage of its efficiencies and possible cost savings that may result from a non-traditional approach to the design and construction sequence.

One of the ways the GC/CM process achieves efficiencies (and potential cost savings or cost containment) is by initiating certain portions of a construction project before other portions have been completely designed. For example, in the WWTP project this means starting the site grading/excavation process before the design is complete for the treatment buildings. Starting the grading and excavation early allows the City to better understand possible issues related to geotechnical conditions or cultural resource. The City's existing permit issuance sequence does

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<sup>1</sup>The City Council authorized the use of an alternative contracting procedure for construction of the new wastewater treatment plant through the adoption of Resolution No. 13-32 in 2013. Staff notes that Ordinance No. 1682 also adopted in 2013 amended the City's public works bidding procedures to specifically allow the use of an alternative contracting procedure.

not align well with this approach because a grading permit cannot be issued until the site plan is approved and a site plan cannot be approved until sufficient detail is available on a variety of other items (building appearance, landscape treatment, etc.). It is therefore desirable to amend OHMC Sections 19.48.039 and 19.48.110 in order that the permit issuance process may align with the desired construction sequence for the WWTP and with past City Council action regarding its construction. Draft Ordinance No. 1720 (Attachment 1) incorporates the necessary amendments to the site plan review procedures code.

It is important to note that while the proposed code amendment allows for a different permit sequencing, it does not relieve the City of the responsibility to obtain all necessary City permits. All code conditions required for the issuance of any particular permit must also be met.

### **RECOMMENDATION**

- Conduct public hearing
- Recommend approval of Ordinance No. 1720

### **ATTACHMENTS**

Attachment 1: Draft Ordinance No. 1720

ORDINANCE NO. 1720

AN ORDINANCE AMENDING OAK HARBOR MUNICIPAL CODE SECTION 19.48.039, TIMING OF CERTAIN ACTIONS IN SITE PLAN APPROVAL, REVIEWED DEVELOPMENT; AND SECTION 19.48.110, TIMING OF DEVELOPMENT PERMITS, TO ALLOW FOR AN ALTERNATIVE PERMIT ISSUANCE SEQUENCE TO MATCH THE ALTERNATIVE CONTRACTING PROCEDURES AUTHORIZED UNDER SECTION 2.330.010.

WHEREAS, through the adoption of Ordinance No. 1682 in 2013 the Oak Harbor City Council revised the City's public works bidding procedures found in Oak Harbor Municipal Code Section 2.330.010 to allow the use of the alternative contracting procedures set forth in Chapter 39.10 RCW; and

WHEREAS, through the adoption of Resolution No. 13-32 in 2013 the City Council authorized the use of the alternative contracting procedures, also known as GC/CM, for construction of the new wastewater treatment plant; and

WHEREAS, one of the primary reasons for choosing this construction methodology is to take advantage of its efficiencies and possible cost savings that may result from a non-traditional approach to the design and construction sequence; and

WHEREAS, the City's existing permit issuance sequence as required by the site plan review procedures contained in OHMC 19.48 does not align with the permit sequencing required in order to take full advantage of the GC/CM process; and

WHEREAS, it is desirable to amend certain OHMC Sections 19.48.039 and 19.48.110 in order that the permit issuance process may align with past City Council action regarding the construction of the wastewater treatment plant; and

WHEREAS, the Oak Harbor Planning Commission conducted a public hearing on May 26, 2015, said hearing being duly noticed as required, and at its conclusion recommended approval of the proposed code amendment; and

WHEREAS, the Oak Harbor City Council was briefed on the proposed code at its May 27, 2015 workshop, a publicly advertised meeting; and

WHEREAS, the City Council conducted a public hearing on June 2, 2015, said hearing being duly noticed as required; and

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

**Section One.** Oak Harbor Municipal Code Section 19.48.039, last amended by Section 22 of Ordinance 1522 in 2009, is hereby amended to read as follows:

**19.48.039 Timing of certain actions in site plan approval, reviewed development.**

Unless specifically excepted by other ordinances, generally, the development plan approval process requires the following items be provided at the times specified in the tables below.

Provided, however, nothing contained in this section shall be construed as limiting the city from issuing development permits as may be required by this code in a different sequence than required by this section, when use of the alternative contracting procedures set forth in Chapter 39.10 RCW is authorized by resolution of the city council. The sequence of development permits shall be determined by the director as necessary to meet the requirements of the project. Use of the alternative contracting procedures and alternative permit sequence does not relieve the city from the responsibility to obtain all necessary development permits.

(1) Permits to apply for before or with the site plan application:

<b>Permit</b>	<b>When Permit Application Must Be Made</b>
Limited clearing permit. (Only applicable when a SEPA application is not required).	Before site plan application.
Grading permit.	With site plan application.
Clearing permit.	With site plan application.
SEPA checklist.	With or before site plan application.
Concurrency application.	With or before site plan application.

(2) Actions that need to be taken, fees that need to be paid and plans that need to be submitted before the building permit will issue. All items can be provided concurrent with site plan application:

<b>Action</b>	<b>Actions That Need to Be Taken Before the Building Permit Will Be Issued</b>
Impact fees for park and transportation.	Fee to be paid before building permit will issue.
System development charges for water and sewer.	Fee to be paid before building permit will issue.

<b>Action</b>	<b>Actions That Need to Be Taken Before the Building Permit Will Be Issued</b>
Latecomer's agreement.	Fee to be paid and agreement filed, before building permit will issue
Engineering plan.	Approved before building permit will issue.
Landscape plan.	Approved before building permit will issue.
Installation of streets.	Before building permit will issue or when bonded for as provided in Chapter 19.90 OHMC.
Installation of public water utility improvements.	Before building permit will issue or when bonded for as provided in Chapter 19.90 OHMC.
Installation of public sewer improvements.	Before building permit will issue or when bonded for as provided in Chapter 19.90 OHMC.
Installation of surface water management facilities.	Before building permit will issue or when bonded for as provided in OHMC 12.30.535.

(3) Connections and installations to be made before an occupancy permit will be issued or the use will be approved:

<b>Connections and Installations</b>	<b>Timing</b>
Installation of private sewer improvements (as defined in OHMC 14.03.060) outside of	Before occupancy permit will issue or use is approved.

<b>Connections and Installations</b>	<b>Timing</b>
building.	
Connection to an approved water supply.	Before occupancy permit will issue or use is approved.
Connection to the sewer system.	Before occupancy permit will issue or use is approved.
Installation of landscaping and sprinkler system.	Before occupancy permit will issue or use is approved or when bonded for as provided in OHMC 19.46.090.

**Section Two.** Oak Harbor Municipal Code Section 19.48.110, last amended by Section 22 of Ordinance 1522 in 2009 is hereby amended to read as follows:

**19.48.110 Timing of development permits.**

Development permits may be processed simultaneously with the site plan review. Development permits shall not be issued until the appeal period for an approved site plan has expired.

Provided, however, nothing contained in this section shall be construed as limiting the city from issuing development permits as may be required by this code in a different sequence than required by this section, when use of the alternative contracting procedures set forth in Chapter 39.10 RCW is authorized by resolution of the city council. The sequence of development permits shall be determined by the director as necessary to meet the requirements of the project. Use of the alternative contracting procedures and alternative permit sequence does not relieve the city from the responsibility to obtain all necessary development permits.

**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 (5) five days following publication.

PASSED by the City Council this 2nd day of June, 2015.

( ) APPROVED by its Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
( ) Vetoed

CITY OF OAK HARBOR

\_\_\_\_\_  
SCOTT DUDLEY, MAYOR

Attest:

Approved as to Form:

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

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

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

DRAFT

HOMELESS  
ENCAMPMENT  
CODE AMENDMENT

Public Meeting

# City of Oak Harbor Planning Commission Report

Date: May 26, 2015  
Subject: Homeless Encampment Regulations  
– Code Amendment Project

**FROM:** Dennis Lefevre, AICP, Senior Planner

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## **PURPOSE**

This report continues the Planning Commission review of the draft ordinance pertaining to homeless encampment regulations and presents additional revisions based on staff comments.

## **BACKGROUND**

In 2014, the City's land use code and procedures were reviewed by the Washington Cities Insurance Authority (WCIA). WCIA made note of the lack of regulations pertaining to homeless encampments and recommended the City revise its Municipal Code to include such regulations.

## **DISCUSSION**

At the March 24<sup>th</sup> meeting staff presented responses to PC questions raised at the February 24<sup>th</sup> meeting. A revised draft ordinance (Attachment 1) reflects proposed revisions from your March version based on PC and City staff comments. Proposed additions to the March version are shown in red underline while proposed deletions are ~~red strikethrough~~.

Of particular interest is the addition of a definition for “place of worship” (19.35.060(1)(a)); providing consistency with the OHMC regarding exterior lighting (19.35.060(2)(a)(xii)(C)); adding noise restrictions (19.35.060(2)(a)(xx)(H)); and, restructuring the process to obtain sex offender and warrant checks based on Oak Harbor Police and Law Department comments (19.35.060(2)(a)(xxi).

Next steps include completion of the State Environmental Policy Act determination; schedule a Planning Commission public hearing; forward Planning Commission recommendation to City Council; City Council workshop presentation; City Council public hearing; and, City Council adoption.

## **RECOMMENDATION**

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

## **ATTACHMENTS**

1. Draft ordinance

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

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

WHEREAS, there are an estimated 115 homeless people in the greater Oak Harbor area each night; and

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

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

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

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

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

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

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

**WHEREAS, the Oak Harbor Planning Commission held additional review meetings on the proposed amendment on February 24, 2015; March 24, 2015; and, May 26, 2015, and;**

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

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

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

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

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

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

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

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

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

**19.35.060**  
**HOMELESS ENCAMPMENT REGULATIONS**

(1) **Definitions.**

- (a) **Place of Worship.** An establishment, the principal purpose of which is religious worship and for which the principal building or structure contains the sanctuary or principal place of worship and which includes related accessory uses in the principal building or in other separate structures.
- (ab) **Temporary Encampment.** A group of persons temporarily residing in one or more temporary structures except for recreational purposes, and located at a place of worship.
- (bc) **Temporary Encampment Sponsor.** A place of worship which owns the property or has an ownership interest in the property, for which a temporary encampment is to be located, and that has an agreement with the temporary encampment managing organization to provide basic services and support for the residents of a temporary encampment and liaison with the surrounding community and joins

with the managing organization in an application for a temporary encampment permit. A "sponsor" may be the same entity as the managing organization.

(ed) Temporary Encampment Managing Organization. A group or organization that has the capacity to organize and manage a temporary encampment. A temporary encampment "managing organization" may be the same entity as the temporary encampment sponsor.

(2) Temporary Encampment Permit.

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

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

shall be calculated from the last day of the prior temporary encampment within the one-half mile (½) radius.

- (viii) All temporary encampments shall obtain, prior to occupancy of the lots, all applicable city of Oak Harbor permits, licenses and other approvals.
- (ix) Each site occupied by a temporary encampment shall be left free of debris, litter, or other evidence of the temporary encampment upon completion of removal of the use.
- (x) The applicant shall submit a complete application for a temporary encampment permit at least seventy-five (75) days before or any occupancy by the temporary encampment.
- (xi) The encampment shall be limited to a maximum of fifty (50) persons. After the encampment reaches its fifty (50) person capacity, any individual(s) who arrive after sundown (and meet all screening criteria) will be allowed to stay for one (1) night, after which the individual(s) will not be permitted entry until a vacancy is available. Such occurrences shall be logged and reported to the director or his/her designee on a weekly basis.
- (xii) Because of their temporary nature, temporary structures within temporary encampments shall not be required to meet the site plan review procedures of OHMC 19.48 nor the commercial and industrial design guidelines criteria of OHMC 19.48.969. Any permanent structures, as determined by the director or his/her designee, shall meet all applicable Design Review criteria, and receive any necessary Design Review permits. All temporary structures for temporary encampments shall comply with the following design criteria:
  - A. Temporary encampment structures shall be located a minimum of twenty (20) feet from any property line that abuts a property that has a residential use, unless otherwise approved by the director or his/her designee. All other setbacks and yards applicable to permanent structures shall apply to temporary structures related to temporary encampments;
  - B. A six (6) foot high sight obscuring fence, vegetative screen or other visual buffering consistent with the provisions of OHMC 19.46.030, as applicable, shall be provided between the temporary encampment and any abutting existing residential property use and the right-of-way. The fence shall provide a privacy and a visual buffering among neighboring properties in a manner and material

approved by the director or his/her designee. The director or his/her designee shall consider existing vegetation, fencing, topographic variations and other site conditions in determining compliance with this requirement; and

- C. Exterior lighting ~~must be directed downward, away from adjoining properties, shall be shaded and directed so as not to be visible from any residentially classified property or property designated for residential uses~~ and be contained within the temporary encampment.
- (xiii) No children under the age of eighteen (18) are allowed to stay overnight in a temporary encampment unless accompanied by a parent or legal guardian. If any other child under the age of eighteen (18) attempts to stay overnight at the temporary encampment, the temporary encampment managing organization shall immediately contact the Washington State Department of Social and Health Services Child Protective Services, or its successor.
- (xiv) The temporary encampment shall comply with all applicable standards of the Island County Health Department, or its successor.
- (xv) The temporary encampment shall comply with all Washington State and City codes concerning, but not limited to, drinking water connections, human waste, solid waste disposal, electrical systems, cooking and food handling and fire resistant materials. Servicing of portable toilets and trash dumpsters is prohibited between the hours of 9:00 pm and 7:00 am on Mondays through Fridays, excluding legal holidays, and between the hours of 9:00 pm and 9:00 am on Saturdays, Sundays and legal holidays, except in the case of bona fide emergency or under permit from the director or his/her designee in case of demonstrated necessity.
- (xvi) The temporary encampment shall permit regular inspections by the city, including the police department, and Island County Health Department to check compliance with the standards for temporary encampments. Nothing in this ordinance shall require inspections by the Island County Health Department. The Oak Harbor Fire Department shall do an initial fire inspection and safety meeting at the inception of the temporary encampment.
- (xvii) All temporary encampments shall have services, such as food, water, and waste disposal, provided by a temporary encampment sponsor and supervised by a temporary encampment managing organization.

- (xviii) The managing organization and temporary encampment sponsor shall sign a hold harmless agreement for the temporary encampment.
- (xix) The temporary encampment managing organization shall maintain a resident log for all who are residing at the temporary encampment. Such log shall be kept onsite at the temporary encampment. Prospective encampment residents shall provide a verifiable form of identification when signing the log.
- (xx) The temporary encampment sponsor and encampment managing organization shall ensure enforcement of a code of conduct at the temporary encampment site. The code of conduct shall be in substantially the following form or address the following issues:
  - A. Possession or use of illegal drugs is not permitted;
  - B. No alcohol is permitted;
  - C. No weapons are permitted;
  - ~~D. All knives over three and one-half (3-1/2) inches must be turned in to the encampment managing organization for safekeeping;~~
  - ED. No violence is permitted;
  - FE. No open flames are permitted;
  - GF. No trespassing into private property in the surrounding neighborhood is permitted;
  - HG. No littering on the temporary encampment site or in the surrounding neighborhood is permitted; and
  - ~~I. No convicted sex offender shall reside in the temporary encampment.~~
  - H. Excessive noise shall be limited to the restrictions identified in OHMC 6.56.
- (xxi) The temporary encampment managing organization shall take all reasonable and legal steps to obtain verifiable identification from prospective encampment residents and use the identification to obtain sex offender and warrant checks from the appropriate agency. All

~~requirements by obtain warrant and sex offender checks from~~ the Oak Harbor Police Department ~~related to identified sex offenders or prospective residents with warrants shall be met, for all current camp residents within the seven (7) days prior to moving to Oak Harbor, as well as from all new residents checking into the temporary encampment. If said check reveals the subject is a sex offender or has an active warrant, the temporary encampment managing organization or sponsor shall immediately contact the Oak Harbor Police Department.~~ The temporary encampment sponsor shall be responsible for verifying that the warrant and sex offender checks occur, that the log of persons residing at the temporary encampment is kept and that verifiable forms of identification are being provided.

(xxii) Upon determination that there has been a violation of any condition of approval, the director or his/her designee may give written notice to the permit holder describing the alleged violation. Within seven (7) days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the seven (7) day period, the director or his/her designee shall sustain or revoke the permit. When a temporary encampment permit is revoked, the director or his/her designee shall notify the permit holder by certified mail of the revocation and the findings upon which revocation is based. Appeals of decisions to revoke a temporary encampment permit will be processed pursuant to RCW 36.70C. The availability of this procedure shall be in addition to the procedures set out in OHMC 18.20.510-550.

(xxiii) The director or his/her designee may require any other condition as necessary to mitigate impacts from temporary encampments.

(b) Permit Application. The applicant for a temporary encampment shall submit all of the following, unless waived by the director or his/her designee:

- (i) General application form;
- (ii) A site plan, which extends fifty (50) feet beyond the proposed site's property boundaries, drawn to scale showing all of the following:
  - A. all existing and proposed temporary structures;
  - B. Existing and proposed ingress and egress and existing or proposed parking stalls available for the temporary encampment use;
  - C. ~~parking stalls proposed to be unavailable for parking vehicles during the temporary encampment;~~

~~D.~~ ~~all proposed temporary structures;~~

~~E.C.~~ location of trash receptacles, including trash dumpsters;

~~F.D.~~ location of toilets and other sanitary facilities;

~~G.E.~~ location and details of any proposed connection to wastewater, potable water, stormwater, electrical supply, or other public or private utility systems;

~~H.F.~~ proposed and existing location of site lighting ~~ingress and egress~~;

~~I.G.~~ any permanent alterations on the lot, to the site, or structures; and

~~J.H.~~ designated smoking area;

- (iii) Proposed fencing detail or typical section;
- (iv) Written authorization from a temporary encampment sponsor on which the temporary encampment is located;
- (v) A hold harmless agreement, on a form approved by the City Attorney, with a signature of the temporary encampment sponsor;
- (vi) A copy of any agreements with other parties regarding use of parking, either on-site or off-site;
- (vii) A copy of any agreement between the temporary encampment sponsor, temporary encampment managing organization, and any schools and/or child care services;
- (viii) A copy of the code of conduct;
- (ix) The applicant shall provide:
  - A. The date, time, and location of the required informal public meeting;
  - B. The name of persons representing the temporary encampment managing organization and sponsor at the informal public meeting;
  - C. A summary of comments provided; and

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

school and/or child care concerns regarding the location of a temporary encampment within six hundred (600) feet of such a facility. Any such conditions agreed upon between the parties shall be submitted to the director or his/her designee for consideration, for inclusion within the temporary encampment permit. In the event the parties fail to agree on any conditions, either party may provide the director or his/her designee with a written summary of the parties' discussions, which the director or his/her designee may consider in evaluating whether the conditions for the temporary encampment permit are met, or the need for additional conditions upon the temporary encampment permit, without violating the legal rights of the temporary encampments sponsor.

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

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

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

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

THE CITY OF OAK HARBOR

Veto ( )  
Approve ( )

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

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

Attest:

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

Approved as to Form:

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

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

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2016  
COMPREHENSIVE PLAN  
UPDATE

Public Meeting

**City of Oak Harbor  
Planning Commission Report**

Date: May 26, 2015  
Subject: 2016 Comprehensive Plan  
Major Update

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

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Staff continue to work on the 2016 Comprehensive Plan update. The next step, in the update process, is to review the Land Use Element of the Plan. Staff will provide a brief presentation on the Element and facilitate a discussion on restructuring and reorganizing the goals and policies within the Element.

Staff will also provide more information on the survey that was created to gather feedback on the Vision.

Staff anticipates using at least the next couple Planning Commission meetings to gather input on the Land Use Element. The Housing Element will be up for discussion after that. After the discussions, a draft of the update to these elements will be ready for review. Staff anticipates these reviews to occur towards the end of this year and the beginning of 2016.

Staff will have a draft schedule for the Transportation Plan once the scope of services with the consultants have been finalized. Discussion on the Transportation Plan is also anticipated this summer.

There will also be some minor updates to the Urban Growth Area Element of the Comprehensive Plan to reflect the changes and updates to the County-Wide Planning Policies. These will be dealt with later this year as well.