

**PLANNING COMMISSION  
REGULAR MEETING  
February 23, 2010**

**ROLL CALL:**     **Present:** Mark Wiggins, Bruce Neil, Julie Dale, Keith Fakkema and Kristi Jensen.  
                  **Absent:** Nancy Fey and Greg Wasinger.  
                  **Staff Present:** Development Services Director, Steve Powers; Senior Planners, Ethan Spoo and Cac Kamak, Associate Planner, Melissa Sartorius and Civil Engineer, Brad Gluth.

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

**MINUTES:       MS. JENSEN MOVED, MS. DALE SECONDED, MOTION CARRIED TO APPROVE THE JANUARY 26, 2010 MINUTES AS PRESENTED.**

**PUBLIC COMMENT** – None present to offer comment.

**TEXT AMENDMENT TO INCLUDE RESTRICTIONS ON DWELLING UNITS IN THE C-3, COMMUNITY COMMERCIAL DISTRICT NORTH OF NE 16<sup>TH</sup> AVENUE – Public Hearing**

The Planning Commission held a public hearing on a text amendment that will restrict dwelling units in the C-3, Community Commercial District north of NE 16<sup>th</sup> Avenue.

Mr. Kamak reported:

The text amendment is a follow-up to the 2008 Comprehensive Plan Amendments during which recommendations were made to limit dwelling units in proximity to NAS Whidbey. The proposed text amendment furthers goals and policies in the Comprehensive Plan to ensure that new land use and development proposals do not include dwelling units that may impact the operation of aircraft or reduce the operational capability of NASWI Ault Field.

The current C-3 designation allows residential use as an accessory to the primary use above the ground floor. The proposed restriction on dwelling units in the C-3, Community Commercial District, is area specific; which means that dwelling units are not permitted in the C-3 district for properties located north of the line commensurate with the alignment of NE 16<sup>th</sup> Avenue, extending between Regatta Drive and Heller Road. Since the City believes that it is appropriate to continue support of dwelling units in the Community Commercial to promote mixed use developments and encourage urban densities where it can be supported; the proposed amendment will continue to permit dwelling units above the ground floor on C-3, Community Commercial for properties south of NE 16<sup>th</sup> Avenue.

Mr. Kamak detailed the review criteria for the text amendment. Amendments must be consistent with the Oak Harbor Comprehensive Plan and must substantially promote the public health, safety and welfare. As such, the restriction on dwelling unit in the area north of NE 16<sup>th</sup> Avenue is intended to protect human beings from exposure to high noise levels at their primary place of residence. The welfare of the community is enhanced by limiting the area for development that will not interfere with the safe operation of aircrafts or reduce the operational capability of Ault Field and thus retaining NAS Whidbey on the island and providing a stable economic base for the residents.

At present, the proposed text amendment will apply to three properties that are currently zoned C-3, Community Commercial on the west side of SR 20 and north of NE 16<sup>th</sup> Avenue. Any existing dwelling units located on the ground floor on these properties are currently non-conforming and will continue to remain non-conforming. Therefore their status will not be impacted by the proposed amendment.

The owners of property zoned C-3, Community Commercial, located north of NE 16<sup>th</sup> Avenue have been notified by letter of the proposed amendment and the public hearing. Letters have also been sent to the Commanding Officer of NAS Whidbey Island and community liaison planner. A SEPA checklist has also been completed for the amendment and the comment period ends on March 8, 2010.

Mr. Kamak concluded by recommending that the Planning Commission opening the public hearing on the proposed amendments to the C-3, Community Commercial District, to restrict dwelling units north of NE 16<sup>th</sup> Avenue, and to continue the hearing to March 23, 2010 in order to meet all the process requirements.

Planning Commission Questions/Comments

Mr. Neil asked if the County was also doing the same. Mr. Kamak stated that the County was not.

Mr. Fakkema asked if this text amendment was creating another zoning district. Mr. Kamak said that it can be looked at as an overlay zone.

Ms. Jensen asked if hotels would be considered as a dwelling. Mr. Kamak clarified that dwelling units are defined as a place of primary residence.

Ms. Jensen asked if the mobile home park was to make improvements, would they be able to continue their current use. Mr. Kamak stated that non-conforming uses are not able to increase units and are only able to continue as they are, they can make minor improvements.

Ms. Dale asked if there were residential zoned properties in that area. Mr. Kamak indicated that there were some in the County but if they were annexed into the City they would take on the City's zoning.

Mr. Wiggins asked if there had been any response from the letters that were sent to the property owners or NAS. Mr. Kamak stated that he was meeting with the NAS liaison tomorrow and he would have more information at the March 23<sup>rd</sup> meeting.

Mr. Wiggins opened the hearing for public comment. No members of the public were present to offer comment.

**ACTION: MS. DALE MOVED, MS. JENSEN SECONDED, MOTION CARRIED TO CONTINUE THE PUBLIC HEARING TO MARCH 23, 2010.**

**LOW IMPACT DEVELOPMENT (LID) CODE UPDATE PROJECT– Public Meeting (NO ACTION REQUIRED)**

Mr. Spoo started by passing out illustrations of LID street sections that should have been included in the agenda packet (Attachment 1).

Mr. Spoo outlined the LID discussion as follows:

The practices that will be discussed are: (1) LID streets, (2) LID parking facilities, and (3) Coverage limits. Within each of these topics, the discussion is organized as follows:

- **Summary of the practice.** A description of the practice.
- **The decision tool.** How the specific practice effects, the environment, city costs, private costs and the economy.
- **Policy issues/questions.** Questions for each specific practice that staff needs guidance on from Planning Commission. Staff requests that Planning Commission come prepared to discuss these questions.

### LID Streets

Mr. Spoo revealed that streets make up 65%-80% of total impervious surfaces. Residential streets make up 60% of that total, yet handle the least traffic. LID streets are usually focused on three things: layout, width and surface. Layout and width were covered as part of the subdivision code. Now the focus will be the street surface.

Mr. Spoo displayed three LID street sections which PSP has proposed. One consists of a 60 foot arterial, with swale on one side and 36 feet of pavement; the second consisted of a 50-foot right-of-way and only 24 feet of pavement; the third was of a local street with 24 feet of pavement, a pervious parking lane, a swale on one side, pervious parking lane, and pervious shoulder.

Mr. Spoo displayed the decision tool table to assist the Commission in making decisions about what the impact of LID streets are on environment, city costs, private costs, and the economy. Mr. Spoo pointed out, as you move from making LID streets voluntary to mandatory; the table indicates that the environmental impacts are lessened. But, there may be some added expense in maintaining LID streets. Currently, there's very little information on maintenance costs of LID streets. But logically, there will be some added maintenance because you have the maintenance for a regular street, but will also have to send the vector truck out, as well. Also, conventional streets don't have rain gardens, so there will be maintenance required for the rain gardens. But, there could be some cost savings from better use of the site due to having smaller ponds to maintain. There are also questions as to who maintains the rain gardens. City of Seattle requires the property owners to maintain these, but they've had limited success with that.

Mr. Spoo asked for the Commission's policy guidance on the use of pervious pavements and rain gardens in public rights-of-way, as well as the use of LID streets with narrow designs (as narrow as 20 feet). Do we make LID streets voluntary, incentive, mandatory, who maintains them? Does staff need to look into customized design for streets? What about arterials and collectors?

### Planning Commission Questions/Comments

Planning Commission offered the following:

- Make a certain percentage mandatory and the rest incentives to go above that percentage.
- Since the cost is unknown and there is limited income to the city, don't do anything until we have to.
- Uncomfortable with not knowing what that cost will be for maintenance because ultimately, the city will have to bear the cost because of the transient nature of the

community. Mr. Powers suggested that the maintenance cost could be built into the rate structure, but that is a question that the Council will have to answer.

- Commissioners liked the concept of LID and treating the stormwater at the source, aesthetically there is great potential, but not comfortable with making it mandatory.
- Commissioners liked the idea of offering open space credit for LID facilities.

### LID Parking Facilities

Mr. Spoo reported that parking facilities make up a large percentage of the impervious surfaces in urban areas, second only to streets. As with streets, the main issues are the added maintenance of pervious surfaces and rain gardens. But, there's also some maintenance saved because of the possibility of a smaller stormwater pond.

Mr. Spoo raised the issue of parking maximums and noted that some jurisdictions are beginning to use parking maximum numbers now instead of minimums. Over time, many jurisdictions have found out that parking goes unused during much of the year. Oak Harbor uses minimums, which means that that you have to provide a minimum number of spaces. So, the question is, do we set parking maximums and let people go over that maximum if they can show that the demand is there for them to do that. The policy questions are whether to make LID parking facilities voluntary, encourage them through incentives, or mandatory. Does the Planning Commission want to look into parking maximums? Is that something the City should pursue?

### Planning Commission Questions/Comments

- Consider hiring a company to perform the maintenance and build that cost into the utility bill.
- Commissioners liked the idea of having parking maximums and would like staff to pursue this idea.
- This would be a good place to start if the City was to make any of the LID practices mandatory. But mandatory is not the preference. A gradual approach may be to have larger parking lots have a percentage of pervious or other treatment.
- Commissioners expressed concern about mandating a practice that the research is still out on.

Mr. Gluth added, the longevity and clogging in the pours of the material is a concern and that he recently attended a class and found out that Seattle only allows pervious sidewalks in the public right-of-way. They don't allow pervious road sections because of the longevity concern and the special equipment needed to clean it. Mr. Spoo indicated that cities are allowing private property owners to use pervious surfaces because it is the private property owners' maintenance responsibility and those areas are not high traffic areas.

### Limits on Impervious Surfaces

Mr. Spoo explained that this practice would restrict the amount of impervious surface that can be built on each lot. Those limits apply for each zone. The higher intensity zones, such as commercial and multifamily, will have fewer restrictions because we know that they will use more of the site. Lower intensity zones, such as R1, residential will have higher restrictions – meaning more of the site must be left undisturbed or have pervious surfaces. The Oak Harbor code does not currently have any restrictions on the amount of impervious surface that you can have for each lot. These proposed limits on impervious surface are most likely to affect developments in the R4, RO, C1 and C3 zones.

Mr. Spoo displayed the following table that is expressed as a percentage of the site by zone and compares the existing and proposed limits on impervious surface with the typical (average amount) seen in each zone.

| Zone | Existing Limit | Proposed Limit      | Typical Impervious Maximum |
|------|----------------|---------------------|----------------------------|
| PRE  | None           | 45%                 | Less than 30               |
| R-1  | None           | 55%                 | 35 – 40%                   |
| R-2  | None           | 80%                 | 40%                        |
| R-3  | None           | 80%                 | 75%                        |
| R-4  | None           | 80%                 | 75-80%                     |
| RO   | None           | 80%                 | 80-90%                     |
| C-1  | None           | 90%                 | 80-90%                     |
| C-3  | None           | 90%                 | 70-90%                     |
| C-4  | None           | Encourage permeable | 75%                        |
| C-5  | None           | Encourage permeable | 90%                        |
| CBD  | None           | 90%                 | 75%                        |
| PBP  | None           | Encourage permeable | 75%                        |
| PIP  | None           | Encourage permeable | 75%                        |
| PF   | None           | 85%                 | 60%                        |
| M-H  | None           | 55%                 | 40-50%                     |

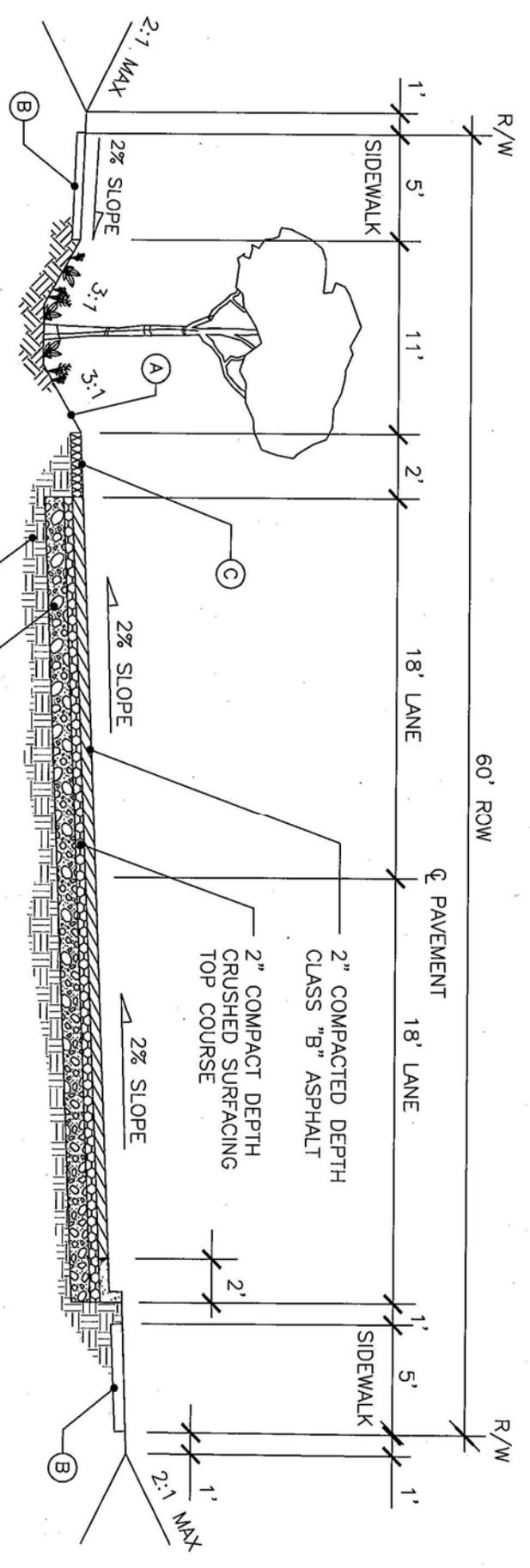
The policy questions are whether we make limits on pervious surfaces voluntary, incentive-based or mandatory? What does the Planning Commission think about the limits that have been proposed, are they restrictive enough, too restrictive?

Mr. Spoo noted, currently the City has an incentive-based system thorough our stormwater fees because our stormwater fees are tied to the amount of impervious surface that is on the site; so, the more hard surface there is, the more the stormwater fee is.

Mr. Powers conveyed, this topic will be discussed further at a later date as more of the pieces come together to put more context around limiting impervious surfaces.

Mr. Spoo indicated that next month the Planning Commission will consider open space in PRDs, native vegetation areas and grading practices.

**BEING NO FURTHER BUSINESS BEFORE THE PLANNING COMMISSION, THE MEETING WAS ADJOURNED AT 8:50 P.M.**



**NOTES:**

- 1 SITE SPECIFIC PAVEMENT DESIGNS ARE REQUIRED. PAVEMENT SECTION SHOWN IS MINIMUM REQUIRED.
  - 2 SLOPE EASEMENTS MAY BE REQUIRED.
- (A) BIORETENTION FACILITY SEE DETAIL ST-Li5
  - (B) PERVIOUS CONCRETE SIDEWALK SEE DETAIL ST-Li4
  - (C) PERVIOUS SURFACING SEE DETAIL ST-Li4

6" CLASS "B" COMPACT DEPTH GRAVEL BASE COURSE  
 1 FT COMPACTED SUBGRADE (95% OF MODIFIED PROCTOR)

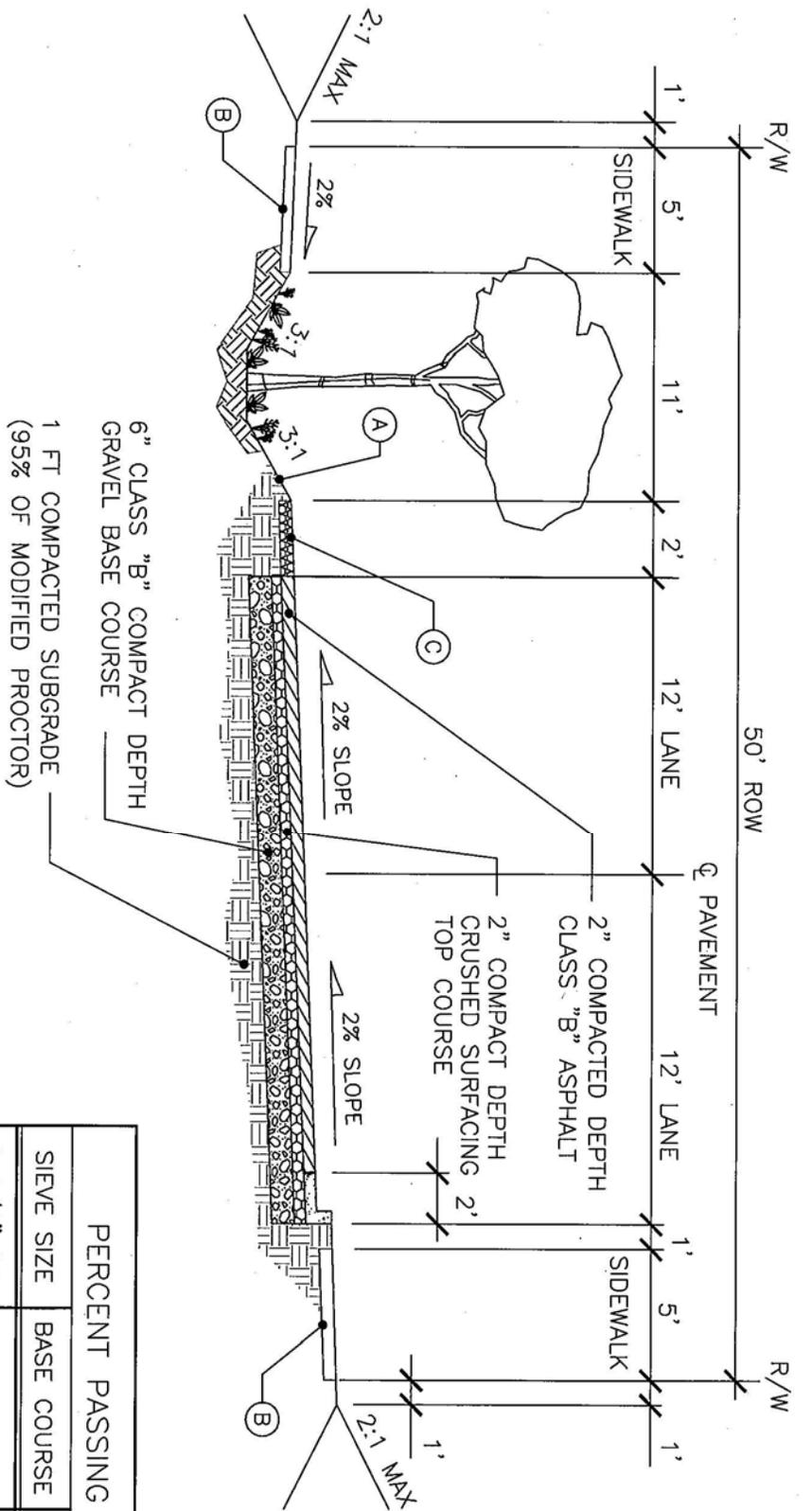
2" COMPACTED DEPTH CLASS "B" ASPHALT  
 2" COMPACT DEPTH CRUSHED SURFACING TOP COURSE

| AGGREGATE PARAMETERS |                         |                        |
|----------------------|-------------------------|------------------------|
| SIEVE SIZE           | BASE COURSE (% PASSING) | TOP COURSE (% PASSING) |
| 1 1/4" SQ.           | 100                     |                        |
| 3/4" SQ.             |                         | 100                    |
| 5/8" SQ.             | 50-80                   |                        |
| 1/4" SQ.             | 30-50                   | 55-75                  |
| US No. 40            | 3-18                    | 8-24                   |
| US No. 40            | 7.5 MAX.                | 10.0 MAX.              |
| % FRACTURE           | 75 MIN.                 | 75 MIN.                |
| SAND EQUIVALENT      | 35 MIN.                 | 35 MIN.                |

**City of Oak Harbor**  
 ENGINEERING DEPARTMENT  
 865 SE Barington Drive  
 Oak Harbor, WA 98277

**TYPICAL STREET SECTION  
 LOW IMPACT DEVELOPMENT  
 ARTERIAL - 60' ROW**

**ST-Li1**  
 revision date  
 12-3-08



- NOTES:
- 1 SITE SPECIFIC PAVEMENT DESIGNS ARE REQUIRED. PAVEMENT SECTION SHOWN IS MINIMUM REQUIRED.
  - 2 SLOPE EASEMENTS MAY BE REQUIRED.

- (A) BIORETENTION FACILITY  
SEE DETAIL ST-Li5
- (B) PERVIOUS CONCRETE  
SIDEWALK SEE DETAIL ST-Li4
- (C) PERVIOUS SURFACING  
SEE DETAIL ST-Li4

6" CLASS "B" COMPACT DEPTH  
GRAVEL BASE COURSE  
1 FT COMPACTED SUBGRADE  
(95% OF MODIFIED PROCTOR)

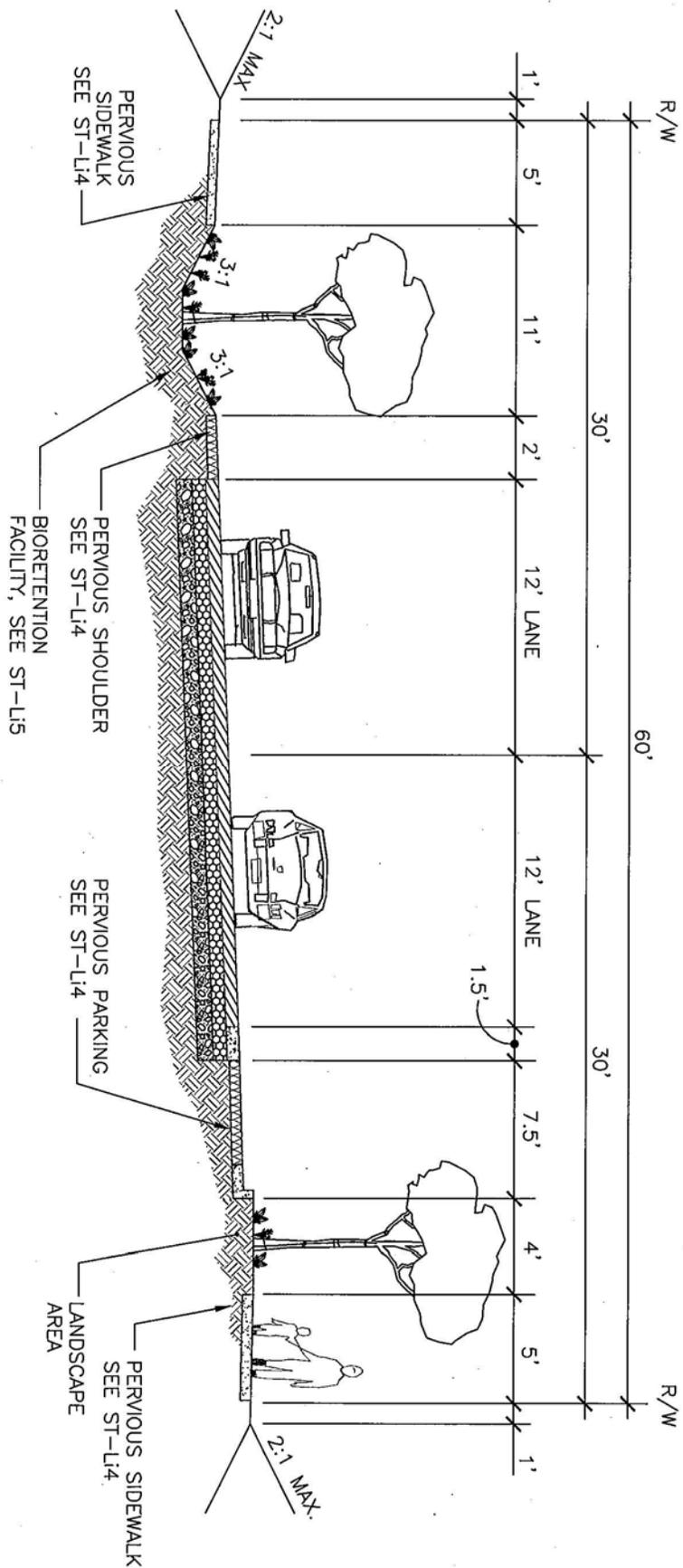
| PERCENT PASSING TABLE |             |            |
|-----------------------|-------------|------------|
| SIEVE SIZE            | BASE COURSE | TOP COURSE |
| 1 1/4" SQ.            | 100         |            |
| 3/4" SQ.              |             | 100        |
| 5/8" SQ.              | 50-80       |            |
| 1/4" SQ.              | 30-50       | 55-75      |
| US No. 40             | 3-18        | 8-24       |
| US No. 40             | 7.5 MAX.    | 10.0 MAX.  |
| % FRACTURE            | 75 MIN.     | 75 MIN.    |
| SAND EQUIVALENT       | 35 MIN.     | 35 MIN.    |

**City of Oak Harbor**  
ENGINEERING DEPARTMENT  
865 SE Barrington Drive  
Oak Harbor, WA 98277

TYPICAL STREET SECTION  
LOW IMPACT DEVELOPMENT  
ARTERIAL - 50' ROW

**ST-Li2**  
revision date  
12-3-08

# "LOW IMPACT DEVELOPMENT" STREETS



**NOTES:**

1. "LOW IMPACT DEVELOPMENT" STREETS ARE INTENDED TO SERVE AREAS WITH ZONING LESS THAN R-8 CLASSIFICATION.
2. SPECIFIC TREATMENT TO BE USED REQUIRES APPROVAL FROM PUBLIC WORKS DEPARTMENT.

TYPICAL ILLUSTRATION  
LOW IMPACT DESIGN  
RESIDENTIAL STREETS

**City of Oak Harbor**  
ENGINEERING DEPARTMENT  
855 SE Burlington Drive  
Oak Harbor, WA 98277

TYPICAL STREET SECTION  
LOW IMPACT DEVELOPMENT

**ST-Li3**  
revision date  
12-3-08