



Planning Commission

Regular Business Meeting

July 28, 2020

Planning Commission Agenda

July 28, 2020

**CITY OF OAK HARBOR
PLANNING COMMISSION
REGULAR MEETING**

**AGENDA
JULY 28, 2020
6:00 P.M.**

Due to COVID-19, there will be NO physical meeting location per WA Proclamation 20-28. Meeting may be viewed live via YouTube or Channel 10.

**1. ROLL CALL: WASINGER _____ FREEMAN _____ BATES _____
PHILIPP _____ SOUTHARD _____ MALMKAR _____**

2. Approval of Minutes – June 23, 2020 Regular Business Meeting

3. 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.

4. Public Meetings and Hearings:

A. ZONING CODE REVISIONS: BUILDING HEIGHT DEFINITION AND ACCESSORY BUILDING STANDARDS – PUBLIC HEARING

Staff will present draft versions of ordinance sections dealing with these two topics for review and possible recommendation to the City Council for adoption.

B. CENTRAL BUSINESS DISTRICT ZONING CODE REVIEW – Public Meeting

Staff will present information regarding possible changes to the Central Business District zoning ordinance based on public input and discussion with the Planning Commission and City Council.

C. 2020 COMP PLAN AMENDMENTS – Public Meeting

Staff will provide an update on the process and schedule of the amendments scheduled for this year.

5. Adjournment

Planning Commission

Minutes

From June 25, 2020

Regular Business Meeting

July 28, 2020

**City of Oak Harbor
Planning Commission
Regular Meeting Minutes
June 23, 2020 at 6:00 PM**

Present:

Bruce Freeman (Vice Chair)
Hal Hovey
Tony Bates
Zachary Philipp
Amy Malmkar
Kristy Southard

Staff Present:

Blaine Oborn, City Administrator
Cac Kamak, Interim Development Services Director
Ray Lindenburg, Associate Planner
Dennis Lefevre, Senior Planner

Absent:

Greg Wasinger (Chair)

Vice Chairman Freeman called the meeting to order at 6:00 PM.

2. Approval of Minutes – February 25, 2020

Motion: Commissioner Bates moved to approve the – February 25, 2020 minutes as presented.

Second: Commissioner Philipp seconded the motion. With all in favor, the motion carried unanimously.

3. Public Comment: There was one public comment left via voicemail that was played during the meeting.

4. Public Meetings:

A. CENTRAL BUSINESS DISTRICT ZONING CODE REVIEW – Public Meeting

Staff Comment

Mr. Lindenburg addressed the moratorium and the areas in the code that are being discussed which include a mixed-use definition pertaining to residential use, as well as other potential code updates which include fixing terms and closing loopholes. He also shared the results of the online survey which received over 300 responses.

Commissioner Comment

Commissioner Hovey asked for clarification on the meaning of mixed-use and what different types of uses/use combinations will be acceptable per the code. He also asked about renaming the “CBD” to help differentiate the zone from CBD-1 and CBD-2.

Commissioner Philipp commented on the suggestions made in the survey for additional businesses that people would like to see downtown and inquired as to whether there are sufficient resources that get the information out to the public on what exists there presently.

Commissioner Freeman commented on parking concerns related to additional businesses and activities in the downtown area.

B. HOUSING ACTION PLAN UPDATE – Public Meeting

Staff Comment

Mr. Lefevre shared the timeline of actions that have taken place since the legislature passed bill E2SHB 1923. He presented the goal, the contents, and the progress that has been made so far. Currently, the housing needs assessment is underway.

Commissioner Comment

Ms. Malmkar asked about the plan to implement the recommendations after the completion of this project.

Mr. Hovey commented on stakeholders contact list and shared concern regarding the absence of real estate agents and that more input from stakeholders should come from those within City limits.

C. SHORELINE MASTER PROGRAM UPDATE – Public Meeting

Staff Comment

Mr. Lefevre presented a progress report on the Shoreline Master Program Periodic Review. The four categories of items being addressed are: three SMA/DOE rule changes, local consistency, changed circumstances, and staff-initiated changes. He also discussed the consultant's work plan as well as the continued timeline of this review.

Commissioner Comment

There were no commissioner comments.

D. ZONING CODE REVISIONS: BUILDING HEIGHT DEFINITION AND ACCESSORY BUILDING STANDARDS – Public Meeting

Staff Comment

Mr. Lindenburg discussed zoning code sections pertaining to building height and accessory buildings that contain potentially confusing wording that staff is working to update in order to provide clarification.

Commissioner Comment

Mr. Hovey commented about clarifying the difference between accessory building standards and accessory dwelling units.

E. 2020 COMP PLAN AMENDMENTS – Public Meeting

Staff Comment

Mr. Kamak provided an update on the docket and the estimated timeline of each item. The four items on the docket are the Housing Element, Capital Improvements Plan, Land Use Map changes, and the Joint Planning Area.

Commissioner Comment

Commissioner Bates asked about the City park properties and the future of Fort Nugent Park.

General Comments:

Commissioner Freeman thanked Commissioner Hovey for his time on the Planning Commission as this is the end of his term serving on the Commission.

Mr. Kamak welcomed Commissioner Southard to the Planning Commission as this is her first meeting on the Commission.

5. The next regular business meeting is July 28, 2020.

The meeting adjourned at 7:21 PM.

Respectfully submitted,



Administrative Assistant
Development Services

DRAFT

Planning Commission

Public Hearing

Zoning Code Revisions: Building
Height Definition & Accessory
Building Standards

July 28, 2020

City of Oak Harbor Planning Commission Report

Date: July 28, 2020
Subject: Zoning Code Revisions: Building
Height Definition & Accessory
Building Standards

FROM: Ray Lindenburg, AICP, Associate Planner, Development Services Department

PURPOSE

Staff has identified sections within the Oak Harbor Municipal Code (OHMC) as targets for revision to allow either greater efficiency for users of the Code, or to clarify language that may be confusing or contradictory. These sections of code were introduced to the Planning Commission at the July 28, 2020 meeting as a discussion item. The Commissioners were supportive of the proposed changes and staff introduced the same presentation to the City Council on July 22, 2020.

BACKGROUND

Two sections of the OHMC are presented for revision:

Accessory Building Standards (Sections 19.20.120(10), 19.20.145(10), 19.20.180(10), 19.20.215(10) for the R-1, R-2, R-3 and R-4 zone districts, respectively)

The following paragraph appears as item #10 in the R-1 through R-4 zoning districts 'Density' sections. In the previous presentation to the Council at the July 22 workshop, staff detained a number of issues with the existing code that were either difficult to interpret or contrary to current building code standards.

Original OHMC: *“A single-story accessory building containing less than 600 square feet of floor area may be constructed within five feet of either sideline or rear property line provided there is six feet of unencumbered space between the principal structure and the accessory building. Accessory buildings shall not have a metal finish except when the finish is listed by the manufacturer or approved by the building department as a nonglare finish. The maximum floor area of an accessory structure shall not exceed 50 percent of the floor area of the primary structure”*

Staff identified the following concepts within the code section above were found to be confusing or potentially in conflict with other sections of the OHMC or building code:

- “Single-story” versus overall height.
- “Floor area” is not defined within the OHMC, but “building area” is – replacement reduces potential confusion.
- “Within five feet” - has no definitive meaning as a setback dimension.
- “Maximum floor area” - should be referred to by the existing designation of ‘building area’ as noted above.

Staff proposes the following revised section of the code:

Proposed revision: *An accessory building or buildings of less than 600 total square feet in building area and 15 feet in building height may be constructed in the rear yard a minimum of five feet from property lines and providing ten feet of unencumbered space between the principal structure and the accessory building. Additional building height is permitted with a corresponding increase in setback up to the maximum height in the zone district; or, location within the principal building setbacks. The exterior design of accessory buildings shall match or complement the design and materials of the primary structure on the property. The maximum building area of an accessory structure shall not exceed 50 percent of the building area of the primary structure.*

The proposed revision clarifies the total footprint that an accessory structure may occupy, refers to a maximum height as defined by the OHMC, places a specific number on setback requirements, and allows provision for increased height with an increased setback. In addition, staff strengthened the aesthetic requirement to better ensure that accessory buildings better blend into the built environment.

Building Height Definition (Section 19.08.115)

The building height definition is currently measured from the corners of the property rather than the building itself. This creates difficulties on sloping lots where buildings are limited in height below what would be allowed if the building height were measured at the building corners. Some developers have resorted to complicated boundary line adjustments or attempts at creating new lots to make the regulation work, creating extra processing time and potential future property issues.

Currently, staff is aware of several projects that have been affected some way by this code section, notably, the Park Terrace apartment project is on several different lots designed specifically to allow for the 3-story buildings to be constructed on the site. The processing of the lot adjustments and associated access and other easements added significant time to the review and approval of that project.

Original OHMC: *“Building height” means the vertical distance from the average natural grade level to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. Average natural grade shall be defined as the average elevation of the highest corners and the lowest corners of the lot or parcel.*

After discussion with Planning and Building staff, the following changes were made, simply making the height determination from the building instead of the property:

Proposed revision : *“Building height” means the vertical distance from the average natural grade level to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. Average natural grade shall be defined as the average elevation of the highest and lowest corners of the building.*

RECOMMENDED ACTION

Staff recommends that the Planning Commission review the draft code amendments and recommend approval to the City Council.

ATTACHMENTS

1. Red-line version of code revisions

Attachment 1:
Red-Line Version of
Code Revisions

July 28, 2020

The following four code sections contain the paragraph below with proposed changes in red:

- **19.20.120 Density Provisions**
- **19.20.145 Density Provisions**
- **19.20.180 Density Provisions**
- **19.20.215 Density Provisions**

(10) An ~~single-story~~ accessory building or buildings of containing less than 600 total square feet ~~of floor-in building area~~ and 15 feet in building height may be constructed in the rear yard a minimum of ~~within~~ five feet ~~from of either sideline or rear the~~ property line and providing provided, there is six ten feet of unencumbered space between the principal structure and the accessory building(s). Additional building height is permitted with a corresponding increase in setback up to the maximum height in the zone district; or, location within the principal building setbacks. The exterior design of A accessory buildings shall match or complement the design and materials of the primary structure on the property. ~~not have a metal finish except when the finish is listed by the manufacturer or approved by the building department as a nonlare finish.~~ The maximum ~~floor- building~~ area of an accessory structure shall not exceed 50 percent of the ~~floor- building~~ area of the primary structure;

19.08.115 Building Height

“Building height” means the vertical distance from the average natural grade level to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. Average natural grade shall be defined as the average elevation of the highest ~~corners~~ and ~~the~~ lowest corners of the ~~lot or parcel~~ building. (Ord. [1555](#) § 4, 2009).

Planning Commission

Public Meeting

Central Business District Zoning

Code Review

July 28, 2020

City of Oak Harbor Planning Commission Report

Date: July 28, 2020
Subject: Central Business District- Zoning
Code Review

FROM: Ray Lindenburg, AICP, Associate Planner, Development Services Department

PURPOSE

The Oak Harbor Main Street Association developed draft design guidelines that included significant discussion of uses and other zoning ordinance-related topics. Subsequently, a moratorium on development within the Central Business District was passed by the City Council based on recent community discussion regarding the uses that are allowed in that area. The moratorium has been extended until August 2020. Staff has determined that due to COVID-19 related delay, the previously reviewed work plan will need to be adjusted and another extension to the moratorium adopted. The following is an outline of the process:

- Introduction of topic to Planning Commission and City Council
- Online survey to introduce topic and solicit comments and ideas from the public and stakeholders.
- Prepare information received and make presentation to the Planning Commission for discussion.
- Public outreach
- Ordinance process presentation
- Draft ordinance presentation to the Planning Commission for recommendation to City Council.
- Presentation and discussion of draft ordinance with City Council.
- Adoption of new ordinance.

BACKGROUND

Staff has continued work on the proposed ordinance changes, and through that process, have determined that a simple ‘band-aid’ approach to fixing some minor issues in the code section will not be sufficient and likely lead to further revisions in the very near future. Therefore, staff has opened up the entire CBD code as well as investigating potential changes and revisions to the other commercial zone district regulations within the city. This presentation will focus on the following topics regarding the CBD code:

- The purpose and intent of the zone district: elements of this section were called out in the Hancock decision and need to be addressed.
- The permitted uses list: currently at 63 discrete uses, staff feels that this could easily be ‘boiled down’ to a more rational, understandable, and user friendly list. There are many uses that are quite simply just retail uses, but have very specific qualities on the use list.
- “Principal” versus “accessory” permitted uses: staff feels that this distinction leads to confusion and problems with administration of the code.
- Dimensional standards: the lack of lot size standards has created a situation where boundaries can be utilized for protection strips and other undesirable results.

RECOMMENDED ACTION

This is an informational presentation. No action is required.

ATTACHMENTS

None

Planning Commission

Public Meeting

2020 Comprehensive Plan

Amendments

July 28, 2020

**City of Oak Harbor
Planning Commission Report**

Date: July 28, 2020
Subject: 2020 Comprehensive Plan
Amendments

FROM: Cac Kamak, AICP, Interim Director, Development Services Department

PURPOSE

This memo presents a brief summary of the update process for the 2020 Comprehensive Plan amendments. This year the docket includes an update to the Housing Element, Capital Improvements Plan, and Land Use changes. The City is also tracking its work with Island County on the JPA through the Comprehensive Plan docket process.

BACKGROUND / SUMMARY INFORMATION

The Planning Commission is aware of the annual Comprehensive Plan amendment process. As with all other processes in the state and the county, the process of reviewing the amendments has been impacted by the COVID 19 pandemic and its related restrictions. However, staff have been adapting and working to keep things moving. Below is a brief update on the docket items.

- Housing Element –Staff has been working with the consultants in planning for the first stakeholders meeting scheduled for July 30, 2020.
- Capital Improvements Plan(CIP) – There are some ongoing discussion at City Council with the rate studies. These discussion and related decisions will impact the schedule of the capital projects planned over the next six-years. Staff will present information to the Planning Commission on these changes in the next few months.
- Land Use Map Changes – Harbor Heights Property – Staff will be notifying the surrounding properties on the land use change proposal next month. With regards to developing a plan for the property, the Parks Department has hired David Evans consulting firm to develop a conceptual plan for the area and eventually providing design services for the first phase of the development.
- Joint Planning Area (JPA) - The City and the County are continuing to discuss this topic. However, due to COVID 19 impacts, the timeline for considering this in flux as the County is vetting their Comprehensive Plan work program for the year.

RECOMMENDED ACTION

This is an update and no action is required.

ATTACHMENTS

None