



Planning Commission

Regular Business Meeting

August 25, 2020

Planning Commission Agenda

August 25, 2020

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

**AGENDA
AUGUST 25, 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.

To leave a public comment that will be made part of the meeting record, please call and leave a message at 360-279-4511.

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

2. Approval of Minutes – July 28, 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. CBD ZONING CODE - PUBLIC HEARING

Staff will present draft changes to the Central Business District section of the zoning ordinance.

B. HOUSING ACTION PLAN UPATE – Public Meeting

Staff will provide an update on the progress of the Housing Action Plan since the June PC presentation.

C. SHORELINE MASTER PROGRAM UPATE – Public Meeting

Staff will provide an update on the SMP Periodic Review and describe the anticipated draft review process.

D. 2020 COMP PLAN AMENDMENTS – Public Meeting

Staff will provide an update on the amendments that include the Housing Action Plan, Capital Improvements Plan and the Harbor Heights Land Use Change.

5. Adjournment

Planning Commission

Minutes

From July 28, 2020

Regular Business Meeting

August 25, 2020

**City of Oak Harbor
Planning Commission
Regular Meeting Minutes
July 28, 2020 at 6:00 PM**

Present:

Greg Wasinger (Chair)
Bruce Freeman (Vice Chair)
Tony Bates
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:

Zachary Philipp

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

2. Approval of Minutes – June 23, 2020

Motion: Commissioner Freeman moved to approve the June 23, 2020 minutes as presented.

Second: Commissioner Bates seconded the motion. Commissioner Wasinger abstained as he was not in attendance at that meeting. With all in favor, the motion carried unanimously.

3. Public Comment: There were no public comments.

4. Public Meetings and Hearings:

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

Staff Comment

Mr. Lindenburg discussed the changes being proposed to the accessory building standards which appears in four different areas of the OHMC. Those changes address multiple accessory buildings, building height, and exterior design. He also discussed the proposed changes to the building height definition which changes the average natural grade to be defined as the average elevation of the highest and lowest corners of the building itself rather than the lot or parcel.

Commissioner Comment

Commissioner Bates asked about the application of these code sections to accessory dwelling units. Commissioner Freeman asked about the potential of accessory dwelling units being added into the yard of an existing home.

Chairman Wasinger opened the public hearing at 6:16 PM.

Chairman Wasinger closed the public hearing at 6:19 PM.

Motion: Commissioner Freeman moved to recommend approval to the City Council the building height definition and accessory building standards code amendments.

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

B. CENTRAL BUSINESS DISTRICT ZONING CODE REVIEW – Public Meeting

Staff Comment

Mr. Lindenburg presented the draft changes to the purpose and intent of this code as well as the permitted use list and the dimensional standards. The purpose and intent statement would be modified to allow flexibility in areas where the current statement is worded in a more restrictive fashion on the types of uses. The proposed change to the permitted use list would simplify the list and the dimensional standards would be updated to include a minimum lot width and depth.

Commissioner Comment

Commissioner Malmkar asked about clarifying the differences or the names of CBD, CBD-1, and CBD-2 to help differentiate the zones and prevent confusion.

C. 2020 COMP PLAN AMENDMENTS – Public Meeting

Staff Comment

Mr. Kamak provided a brief update on each of the items included in the Comp Plan Amendments. For the Housing Element, the first Stakeholders meeting is occurring on July 30th. The Capital Improvements planning process starts in August. For the Harbor Heights property, the City has met with the consulting firm, had a project kick-off meeting and has begun the process. More information on the Harbor Heights land use change will be presented to the Planning Commission at the September/October meetings. The Joint Planning Area (JPA) discussion may not be in the County's work program until next year or later. The City staff is working to keep that process moving forward, although there have been additional delays on that work due to COVID 19.

Commissioner Comments

There were no Commissioner comments.

General Comments:

Chairman Wasinger welcomed Commissioner Southard to the Planning Commission.

5. The next regular business meeting is August 25, 2020.

The meeting adjourned at 6:50 PM.

Respectfully submitted,

Sarah Heller
Administrative Assistant
Development Services

Planning Commission

Public Hearing

Central Business District- Zoning Code Updates

August 25, 2020

City of Oak Harbor Planning Commission Report

Date: August 25, 2020
Subject: Central Business District- Zoning
Code Update Hearing

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

PURPOSE

The proposed text amendments will clarify and simplify the Central Business District (CBD) zoning regulations. The effort was precipitated by recent project proposals, related court decisions, design related guidelines, and a moratorium on certain size developments in the CBD. The Planning Commission is requested to hold and public hearing on the amendments and make a recommendation to the City Council.

BACKGROUND

Staff has been working over the past several months to draft revisions to the existing Central Business District zoning ordinance. The original goal was set at the request of the Oak Harbor Main Street Association to review design-related guidelines and was augmented by the recent court decision regarding the Low Income Housing Institute project proposed for SE Pioneer Way. Concurrent with the appeal of that project, the City Council adopted a moratorium on projects within the CBD, which has been extended to February 2021.

Ultimately, with the confluence of these events, staff has worked on a comprehensive revision to the CBD zone district with the intent of addressing the following issues:

- Clarity of language within the code: some terminology and wording in the purpose statement and elsewhere within the text was not clear and lead to competing interpretations and confusion.
- Reflect community desires: what is wanted by the larger community in the Central Business District.
- “Principal” versus “accessory” permitted uses: this distinction leads to confusion and problems with administration of the code.
- Specify lot dimensional standards: creating specific standards for lots to close loopholes and ensure rational lot development.

The changes proposed are summarized discussed below:

- OHMC 19.20.300 Purpose and Intent statement - the language seems to require the development of mixed use buildings that included three different use types, rather than encourage it. In other words, a hotel could not be constructed as a single use building – rather a single building would have to include a hotel, retail use and residential use. This was not the intent. Further language has been added to maintain an active interface between building façade and the street.
- Further confusion was created by the permitted use list, which included over 60 different uses, including some that were duplicated either within the CBD section itself, or other

zone districts within the code. Staff reduced the number of uses by creating several new categories, which will allow for similar rationalization of uses to be completed in the other zone districts. New definitions and use categories were created for:

- “Retail” uses, including major and minor versions depending on floor area;
 - “Service” uses, with the same major and minor distinction based on impact of the use;
 - A “retail workshop,” which will allow for small ‘maker’ operations such as jewelers, woodworkers and similar to create products for retail sale on site;
 - “Active façade” - creating a definition that gives words to the vision for an active, engaging and interesting pedestrian-oriented downtown;
 - New definitions for “bar” and “conference center,” which were uses listed in the code, but not defined.
- Through public outreach and discussion with the Planning Commission and City Council, staff was able to make some conclusions about what the community wants to see in the downtown. That vision, of an engaging, interesting and fun downtown area is possible through the existing code – the uses mentioned by the public are generally things that could be allowed under the current language, it just hasn’t happened because of market forces or outside influences. The revised code does not reduce the number of uses or make things previously allowed non-permissible. It does, however, make it easier for readers to understand what is desired and what is allowed.
 - In response to the moratorium and concerns voiced by the community over the creation of unbuildable lots in the CBD, staff determined that one key item missing from the code lead to what some considered to be a loophole in the process. The existing CBD code, unlike all other zone districts, did not have specific standards for lot dimensions. Staff proposes dimensional standards based on existing development patterns to create a minimum lot width and depth requirement. This requirement will eliminate the possibility of separation strips created with the intent of avoiding aspects of the code for future lot creation and boundary adjustment.

It is staff’s belief that while these changes appear minor on the surface, they have a great impact on how the code is administered. As noted above, the revised code is clearer, with fewer opportunities for unintended negative consequences, and is very much in line with the community’s wishes and desires for the Old Town area.

The proposed code amendments meets the established criteria in OHMC 19.80.020. The proposed amendments mainly clarify and simplify the regulations to align with the intent of the Comprehensive Plan and the communities desire. The proposed amendments will prevent the creation of unbuildable lots, promote pedestrian activity with active facades, and simplify the use list for easier interpretations thus promoting public health, safety and welfare.

RECOMMENDED ACTION

- Conduct public hearing.
- Recommend approval to City Council, amending the CBD Zoning Code
- Recommended motion: *I move to recommend adoption of the attached revisions to OHMC 19.20.300 through 330 “Central Business District” and the attached definitions to OHMC 19.08*

ATTACHMENTS

1. Red-lined version of code amendments
2. Clean version of code amendments
3. New definitions to be added to OHMC 19.08

Attachment 1:
Red-Line Version of
Code Amendments

August 25, 2020

Article VIII. CBD – Central Business District

19.20.300 Purpose and intent.

The central business district (CBD) is intended to preserve and enhance the unique harbor location of the city's heritage with the character of the traditional center of social, cultural and retail activity. Mixed-use developments, combining retail and visitor-oriented activities on the ground floor with office, retail ~~or and~~ residential uses above, ~~are required. Within the district, pedestrian-oriented activity is encouraged. Active façades at the street level on Pioneer Way are required and pedestrian-oriented development is encouraged throughout the district.~~ Standards and design guidelines are adopted to enhance and maintain a pedestrian-friendly environment. Incentives are also provided to encourage the development of mixed-use projects. Subdistricts CBD-1 and CBD-2 are created in order to provide for flexibility of residential development within specific areas of the central business district. Large surface parking lots are ~~discouraged. not encouraged.~~ Shared clustered parking areas in the middle of blocks are allowed away from street frontages. Access driveways are to be kept at a minimum to promote safety and convenience of pedestrians. (Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.305 ~~Principal P~~permitted uses.

In a central business district (CBD, CBD-1 or CBD-2), the following are ~~principal~~permitted uses (for the purposes of this district only, uses ~~considered to be "retail" are~~ denoted with an ~~asterisk (*) may be considered active façades when appropriate design elements are utilized~~(~~R~~)):

~~(1) Antique shop (R);~~

~~(2) Artist's studios and supplies (R);~~

~~(3) Bakery, retail only (R);~~

~~(4) Bank;~~

~~(5) Barber and beauty shops;~~

~~(6) Bars, Taverns and Cocktail Lounges(*R);~~

(7) Bed and breakfast inns subject to the following conditions:

(a) There shall be a full-time manager domiciled on the premises.

(b) Signs shall meet the requirements of OHMC 19.36.030.

(c) Bed and breakfast inns shall not be located in noise subdistrict C as that area is shown on the city of Oak Harbor's official zoning map.

(d) If exterior lighting is proposed for the bed and breakfast inn, it shall be downward directed so as not to impact adjacent properties.

(8) Bed and breakfast rooms (residential or commercial) subject to the following conditions:

- (a) A resident or manager is domiciled on site.
- (b) Signs shall meet the requirements of OHMC 19.36.030.
- (c) Bed and breakfast rooms (residential or commercial) shall not be located in noise subdistrict C as that area is shown on the city of Oak Harbor's official zoning map.
- (d) If exterior lighting is proposed for the bed and breakfast room (residential or commercial), it shall be downward directed so as not to impact adjacent properties.

~~(9) Bicycle shop (R);~~

(10) Billiards and pool hall (*R);

~~(11) Blueprinting;~~

~~(12) Bookstore (R);~~

(13) Brew pub (*R);

~~(14) Camera and supply shop (R);~~

~~(15) Clothes and apparel shop (R);~~

~~(16) Cocktail lounge (R);~~

~~(17) Coffee house (R);~~

~~(18) Confectionery store (R);~~

(19) Conference center (public lobbies*);

(20) Data processing facility;

~~(21) Delicatessen (R);~~

~~(22) Department store (R);~~

~~(23) Dry cleaners;~~

~~(24) Furniture shop (R);~~

~~(25) Florist shop (R);~~

~~(26) Gift shop (R);~~

~~(27) Grocery store, neighborhood, provided gross floor area shall not exceed 12,000 square feet (R);~~

~~(28) Hardware store (R);~~

~~(29) Hobby shop (R);~~

(30) Hotel and motel;

- (31) Ice cream shop (R);
- (32) Interior decorator studio (R);
- (33) Jewelry store (R);
- (34) Leather goods store (R);
- (35) Music store (R);
- (36) Offices (public lobbies and waiting areas*);
- (37) Office supply and equipment store (R);
- (38) Pet shop (R);
- (39) Pharmacy and drug store (R);
- (40) Photographic film processing and associated retail sales (R);
- (41) Photographic studio and supplies;
- (42) Photocopying;
- (43) Post office;
- (44) Printing shop;
- (45) Residential uses, provided:
- (a) In the CBD district: mixed use sites with multiple street frontages may locate dwelling units on the ground level on any street frontages other than Pioneer Way;
 - (b) In subdistricts CBD-1 or CBD-2: dwelling units may be located on the ground floor;~~the primary use of the site;~~
- (46) Restaurant or, coffee house, -including sidewalk cafe (*R);
- (xx) Retail Sales, Minor (*)
- (xx) Retail Service, Minor (*)
- (xx) Retail Workshop (*)
- (47) Schools for the fine arts;
- (48) Shoe repair shop (R);
- (49) Shoe store (R);
- (50) Sporting goods shop (R);
- (51) Tailor shop (R);
- (52) Tavern (R);

~~(53) Taxi service;~~

(54) Theater (public lobbies and ticket booths*);

~~(55) Tobacco shop (R);~~

~~(56) Toy store (R);~~

~~(57) Travel agencies;~~

~~(58) Trophy shop (R);~~

~~(59) Upholstery shop;~~

~~(60) Variety store (R);~~

(61) Visitor information center (*);

(62) Other uses similar to those identified above and having equal or less impact on the purposes of this section. (Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

~~19.20.310 Accessory permitted uses.Share~~

~~In a central business district (CBD, CBD-1, or CBD-2), the following are accessory permitted uses:~~

~~(1) A use customarily incidental and subordinate to a principal use permitted outright;~~

~~(2) On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone; provided, that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210;~~

~~(3) Television satellite dish reflectors, roof-mounted and within building setback lines not to exceed the height limitations and other standards as set out in OHMC 19.20.320; provided said height limitation may be increased when such height is permitted per OHMC 19.28.040 and 19.28.050. (Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).~~

19.20.315 Conditional uses permitted.

The following ~~principal uses and their accessory~~ uses may be permitted in a central business district (CBD, CBD-1, or CBD-2) when authorized by the hearing examiner:

(1) Coffee kiosk;

~~(2) Dancehall;~~

(3) Governmental buildings for administrative or protective services; (public lobbies*)

(4) Health club (public lobbies*);

- (5) Land reclamation with water-dependent marine development;
- (6) Parking lots or garages not in conjunction with permitted uses;
- (7) Places of entertainment and amusement, if conducted within a wholly enclosed building (*);
- (8) Private nursery school, kindergarten, or child day care center not qualifying as a home occupation on a legal lot; provided, there is established in connection therewith an outdoor play area having a minimum area of 1,000 square feet plus an additional 50 square feet for each child in excess of eight;
- (9) Public utility and communications facility;
- (10) Transit terminals;
- (11) Swimming pools or beaches, public or private;
- (12) Other uses similar to uses permitted or conditionally permitted and normally located in the central business district; provided:

(a), that there shall be no manufacturing, compounding, processing or treatment of products other than that which is essential to the retail store or business where all such products are sold on the premises;

(b) that uses conditionally permitted in the CBD district are open, utilized or otherwise operational during regular business hours at least 5 days per week.

(Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.320 Density provisions.

In CBD, CBD-1 and CBD-2, the following density provisions apply:

- (1) Allowable density:

District	Minimum	Maximum
CBD	None	None
CBD-1	9 du/ac	None
CBD-2	13 du/ac	None

- (2) Minimum lot area, no limitation;
- (3) Minimum lot width, 25 feet no limitation;
- (4) Minimum lot depth, 50 feet no limitation;
- (5) Minimum front yard, no limitation, except when opposite a residentially zoned property, then a 10-foot front yard is required. Front yard setback may also be increased to 10 feet if needed for traffic

safety; front yard setback shall be provided so as to maintain a 12-foot sidewalk measured from the existing curb or future curb line;

(6) Minimum side yard, no limitation except when abutting a residentially zoned property, then 10 feet each. For corner lots, side yard may also be increased to 10 feet if needed for traffic safety;

(7) Minimum rear yard, no limitation except when opposite a residentially zoned property, then 10-foot rear yard is required or except when abutting a public street where the setback may be increased to 10 feet if needed for traffic safety;

(8) Maximum building height; 35 feet; except:

(a) In CBD: building height may be increased to 45 feet if a ground floor active façade retail space ~~(as defined in OHMC 19.20.300)~~ is developed in conjunction with a residential use;

(b) In CBD-2: building height may be increased to 45 feet for residential development (without a retail component);

~~(c) In CBD: building height may be increased to 45 feet for nonresidential uses or mixed use projects upon approval of the design review board and by providing additional urban amenities as defined in the Oak Harbor commercial and industrial design guidelines;~~

~~(d) In CBD: building height may be increased to 55 feet for nonresidential uses or mixed-use projects upon approval of the design review board and by providing additional urban amenities as defined in the Oak Harbor Design Regulations and Guidelines-commercial and industrial design guidelines. The proposal will be specifically reviewed to determine The design review board shall specifically review the proposed project and building height for its impacts on waterfront and mountain views and require reasonable mitigation as necessary;~~

(9) Maximum lot coverage, no limitation;

(10) Parking.

(a) Nonresidential Uses. There shall be no required parking for nonresidential uses; except, however, if parking is provided, it shall meet the parking space size and access requirements of OHMC 19.44.110;

(b) Residential uses shall provide parking per Chapter 19.44 OHMC, except that guest parking need not be provided. If guest parking is provided it shall meet the parking space size and access requirements of OHMC 19.44.110;

(c) Any parking provided beneath a permitted residential use shall be enclosed with at least 50 percent solid material and designed to seamlessly blend with the architecture of the building;

(d) No more than 50 percent of the gross floor area along ~~pedestrian-oriented streets~~ frontages may be used for residential parking;

(11) Design Standards.

(a) Development shall be in accordance with the provisions of the Oak Harbor Design Regulations and Guidelines~~commercial and industrial design guidelines~~;

(b) Buildings with frontage on Pioneer Way must include at least 75% active façade on ground floor, street-facing walls.

(~~cb~~) Residential development shall have ground level access independent of nonresidential uses from an inside lobby, elevators and/or corridors, from an enclosed interior court, or from other separate access provisions;

(~~de~~) Nonresidential development along Pioneer Way, between SE City Beach Street and SE Midway Boulevard, shall meet the following standards:

(i) Ground-floor, nonretail development shall not comprise more than 50 percent of the lineal street frontage of the lot;

(ii) Window areas for nonresidential portions of a building's facades shall not be less than 40 percent or greater than 60 percent of the total facade area;

(iii) Conformance with the above standards shall be determined by using the design guideline applicability standards established under OHMC 19.48.040;

~~(d) Residential development in subdistrict CBD-1 or CBD-2 shall be under a planned residential development per Chapter 19.31 OHMC;~~

(e) Nonresidential development with building heights greater than 45 feet ~~, as approved by the design review board,~~ shall provide a minimum of 450 square feet of pedestrian-oriented space (as defined in the Oak Harbor Design Regulations and Guidelines~~commercial and industrial design guidelines~~) plus an additional 25 square feet for each vertical foot of building height above 45 feet;

(f) All buildings in the CBD greater than three stories must set back upper stories by at least 10 feet. (Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.325 Conditions governing permitted uses.

All ~~principal~~ uses permitted outright in a CBD, CBD-1, or CBD-2 district shall meet the following conditions:

(1) All business, service, repair, storage, or merchandise display shall be conducted within a wholly enclosed building, except for the following:

(a) Off-street parking and loading;

(b) Food and drink service in connection with cafes, restaurants or other eating establishments.

(2) The use of property must not result in the creation of offensive odors or offensive or harmful quantities of dust, smoke, exhaust fumes, noise or vibration.

(3) Landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter 19.46 OHMC. (Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.330 Site plan and design review required.

Site plan and design review shall be required as per Chapter 19.48 OHMC. (Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

DRAFT

Attachment 2:
Clean Version of
Code Amendments

August 25, 2020

Article VIII. CBD – Central Business District

19.20.300 Purpose and intent.

The central business district (CBD) is intended to preserve and enhance the unique harbor location of the city's heritage with the character of the traditional center of social, cultural and retail activity. Mixed-use developments, combining retail and visitor-oriented activities on the ground floor with office, retail or residential uses above, is encouraged. Active façades at the street level on Pioneer Way are required and pedestrian-oriented development is encouraged throughout the district. Standards and design guidelines are adopted to enhance and maintain a pedestrian-friendly environment. Incentives are also provided to encourage the development of mixed-use projects. Subdistricts CBD-1 and CBD-2 are created in order to provide for flexibility of residential development within specific areas of the central business district. Large surface parking lots are discouraged. Shared clustered parking areas in the middle of blocks are allowed away from street frontages. Access driveways are to be kept at a minimum to promote safety and convenience of pedestrians. (Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.305 Permitted uses.

In a central business district (CBD, CBD-1 or CBD-2), the following are permitted uses (for the purposes of this district only, uses denoted with an asterisk (*) may be considered active façades when appropriate design elements are utilized):

- (1) Bars, Taverns and Cocktail Lounges(*);
- (2) Bed and breakfast inns subject to the following conditions:
 - (a) There shall be a full-time manager domiciled on the premises.
 - (b) Signs shall meet the requirements of OHMC 19.36.030.
 - (c) Bed and breakfast inns shall not be located in noise subdistrict C as that area is shown on the city of Oak Harbor's official zoning map.
 - (d) If exterior lighting is proposed for the bed and breakfast inn, it shall be downward directed so as not to impact adjacent properties.
- (3) Bed and breakfast rooms (residential or commercial) subject to the following conditions:
 - (a) A resident or manager is domiciled on site.
 - (b) Signs shall meet the requirements of OHMC 19.36.030.
 - (c) Bed and breakfast rooms (residential or commercial) shall not be located in noise subdistrict C as that area is shown on the city of Oak Harbor's official zoning map.
 - (d) If exterior lighting is proposed for the bed and breakfast room (residential or commercial), it shall be downward directed so as not to impact adjacent properties.

- (4) Billiards and pool hall (*);
- (5) Brew pub (*);
- (6) Conference center (public lobbies*);
- (7) Data processing facility;
- (8) Hotel and motel;
- (9) Offices (public lobbies and waiting areas*);
- (10) Post office;
- (11) Residential uses, provided:
 - (a) In the CBD district: mixed use sites with multiple street frontages may locate dwelling units on the ground level on any street frontages other than Pioneer Way;
 - (b) In subdistricts CBD-1 or CBD-2: dwelling units may be located on the ground floor;
- (12) Restaurant or coffee house, including sidewalk cafe (*);
- (13) Retail Sales, Minor (*);
- (14) Retail Service, Minor (*);
- (15) Retail Workshop (*);
- (16) Theater (public lobbies and ticket booths*);
- (17) Visitor information center (*);
- (18) Other uses similar to those identified above and having equal or less impact on the purposes of this section. (Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.315 Conditional uses permitted.

The following uses may be permitted in a central business district (CBD, CBD-1, or CBD-2) when authorized by the hearing examiner:

- (1) Coffee kiosk;
- (2) Governmental buildings for administrative or protective services; (public lobbies*)
- (3) Health club (public lobbies*);
- (4) Land reclamation with water-dependent marine development;
- (5) Parking lots or garages not in conjunction with permitted uses;
- (6) Places of entertainment and amusement, if conducted within a wholly enclosed building (*);

(7) Private nursery school, kindergarten, or child day care center not qualifying as a home occupation on a legal lot; provided, there is established in connection therewith an outdoor play area having a minimum area of 1,000 square feet plus an additional 50 square feet for each child in excess of eight;

(8) Public utility and communications facility;

(9) Transit terminals;

(10) Swimming pools or beaches, public or private;

(11) Other uses similar to uses permitted or conditionally permitted and normally located in the central business district; provided:

(a) that there shall be no manufacturing, compounding, processing or treatment of products other than that which is essential to the retail store or business where all such products are sold on the premises;

(b) that uses conditionally permitted in the CBD district are open, utilized or otherwise operational during regular business hours at least 5 days per week.

(Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.320 Density provisions.

In CBD, CBD-1 and CBD-2, the following density provisions apply:

(1) Allowable density:

District	Minimum	Maximum
CBD	None	None
CBD-1	9 du/ac	None
CBD-2	13 du/ac	None

(2) Minimum lot area, no limitation;

(3) Minimum lot width, 25 feet;

(4) Minimum lot depth, 50 feet;

(5) Minimum front yard, no limitation, except when opposite a residentially zoned property, then a 10-foot front yard is required. Front yard setback may also be increased to 10 feet if needed for traffic safety; front yard setback shall be provided so as to maintain a 12-foot sidewalk measured from the existing curb or future curb line;

(6) Minimum side yard, no limitation except when abutting a residentially zoned property, then 10 feet each. For corner lots, side yard may also be increased to 10 feet if needed for traffic safety;

(7) Minimum rear yard, no limitation except when opposite a residentially zoned property, then 10-foot rear yard is required or except when abutting a public street where the setback may be increased to 10 feet if needed for traffic safety;

(8) Maximum building height; 35 feet; except:

(a) In CBD: building height may be increased to 45 feet if a ground floor active façade is developed in conjunction with a residential use;

(b) In CBD-2: building height may be increased to 45 feet for residential development (without a retail component);

(c) In CBD: building height may be increased to 55 feet for nonresidential uses or mixed-use projects by providing additional urban amenities as defined in the Oak Harbor Design Regulations and Guidelines. The proposal will be specifically reviewed to determine its impacts on waterfront and mountain views and require reasonable mitigation as necessary;

(9) Maximum lot coverage, no limitation;

(10) Parking.

(a) Nonresidential Uses. There shall be no required parking for nonresidential uses; except, however, if parking is provided, it shall meet the parking space size and access requirements of OHMC 19.44.110;

(b) Residential uses shall provide parking per Chapter 19.44 OHMC, except that guest parking need not be provided. If guest parking is provided it shall meet the parking space size and access requirements of OHMC 19.44.110;

(c) Any parking provided beneath a permitted residential use shall be enclosed with at least 50 percent solid material and designed to seamlessly blend with the architecture of the building;

(d) No more than 50 percent of the gross floor area along street frontages may be used for residential parking;

(11) Design Standards.

(a) Development shall be in accordance with the provisions of the Oak Harbor Design Regulations and Guidelines

(b) Buildings with frontage on Pioneer Way must include at least 75% active façade on ground floor, street-facing walls.

(c) Residential development shall have ground level access independent of nonresidential uses from an inside lobby, elevators and/or corridors, from an enclosed interior court, or from other separate access provisions;

(d) Nonresidential development along Pioneer Way, between SE City Beach Street and SE Midway Boulevard, shall meet the following standards:

(i) Ground-floor, nonretail development shall not comprise more than 50 percent of the lineal street frontage of the lot;

(ii) Window areas for nonresidential portions of a building's facades shall not be less than 40 percent or greater than 60 percent of the total facade area;

(iii) Conformance with the above standards shall be determined by using the design guideline applicability standards established under OHMC 19.48.040;

(e) Nonresidential development with building heights greater than 45 feet shall provide a minimum of 450 square feet of pedestrian-oriented space (as defined in the Oak Harbor Design Regulations and Guidelines) plus an additional 25 square feet for each vertical foot of building height above 45 feet;

(f) All buildings in the CBD greater than three stories must set back upper stories by at least 10 feet. (Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.325 Conditions governing permitted uses.

All uses permitted outright in a CBD, CBD-1, or CBD-2 district shall meet the following conditions:

(1) All business, service, repair, storage, or merchandise display shall be conducted within a wholly enclosed building, except for the following:

(a) Off-street parking and loading;

(b) Food and drink service in connection with cafes, restaurants or other eating establishments.

(2) The use of property must not result in the creation of offensive odors or offensive or harmful quantities of dust, smoke, exhaust fumes, noise or vibration.

(3) Landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter 19.46 OHMC. (Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.330 Site plan and design review required.

Site plan and design review shall be required as per Chapter 19.48 OHMC. (Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

Attachment 3:

New Definitions to be added to
OHMC 19.08

August 25, 2020

New/revised definitions

Active Façade – A building that features transparent windows, doors or similar structures that allows a view into a retail store or service; restaurant or pub; or the publicly-accessed lobby areas of offices, recreational, civic or government facilities and is utilized on a daily basis. Such transparency gives greater interest to the street frontage and increases public safety. No spandrel glass or other permanent opacity is allowed in an active façade area.

Bar, tavern or cocktail lounge - A commercial establishment open to the general public which sells and serves intoxicating beverages for consumption on the premises.

Conference Center – A facility used for service organizations, business and professional gatherings, seminars and training. Such facility may be part of a hotel, government building or other facility and include food preparation areas and restrooms not intended for the use of the general public.

Retail Sales, Minor – A commercial enterprise that provides goods directly to the customer, where such goods are available for either immediate purchase and removal from the premises or arrangements for package delivery. Minor Retail Sales businesses encompass less than 11,999 square feet of floor area. (verify Ace and others)

Retail Sales, Major – A commercial enterprise that provides goods directly to the customer, where such goods are available for either immediate purchase and removal from the premises or arrangements for package delivery. Major Retail Sales businesses encompass more than 12,000 square feet of floor area.

Retail Service, Minor – Offices and personal and professional services such as accountants, attorneys, beauty salons, photo studios and similar. No drive-through services available.

Retail Service, Major – Offices and personal and professional services with drive-through services.

Retail Workshop – A commercial enterprise of less than 4000 square feet of floor area where goods are produced on site. Such enterprise must include an active façade and space for retail display and sales. Any production of goods on site must not create noise, odors, dust or other environmental impacts beyond the building.

Planning Commission

Public Meeting

Housing Action Plan Update

August 25, 2020

City of Oak Harbor Planning Commission Report

Date: August 25, 2020
Subject: Housing Action Plan Update

FROM: Dennis Lefevre, AICP, Senior Planner, Development Services Department

PURPOSE

The purpose is to brief the Planning Commission on the progress of the Housing Action Plan (HAP).

BACKGROUND / SUMMARY INFORMATION

At the June Planning Commission meeting, staff presented the Project Charter, Public Involvement Plan, and schedule for the Housing Action Plan (HAP). Again, the intent of this plan is to provide us with an updated resource to assess our current housing profile and future housing needs and offer strategies and recommendations for policy or development regulations that will allow for improving a variety of housing types and residential lifestyles, accommodating households in varying income ranges. We are assisted in this effort by LDC, Inc.

Progress has been made since the June meeting. Data gathering has begun for the housing needs assessment (HNA). Research for the HNA includes: analysis of population trends/forecasts; quantification of existing and projected housing needs for all income levels, including extremely low-income households; documentation of housing and household characteristics; identify various levels of cost burdened households; and develop a plan for maintaining existing housing stock in the City. This assessment will also evaluate the effectiveness of our current code and identify barriers to accessing and the production of housing. Review of this assessment will be on a Planning Commission agenda this fall.

A Stakeholder Advisory Committee (SAC) has been formed with representation from various organizations and businesses having a vested interest in housing needs and availability (see Attachment 1). The purpose of the SAC is to provide perspective and input on the issues and challenges facing our housing market, review and comment on the HNA, and review and comment on policy recommendations. The first of three anticipated SAC meetings was held (virtually) July 30. Background of the HAP and purpose of the SAC were presented to the group. A productive discussion on housing needs, regulatory barriers, and future growth of the housing market in the City was had with most members providing key insight. Notes from this meeting are available on the Housing Action Plan webpage. The next SAC meeting is anticipated this fall.

The web-presence has been developed. This webpage allows citizens and interest groups to review draft documents and provide comments, view schedule information, check for meeting notices, and obtain general project information. The project landing page, www.oakharborwahap.konveio.com can be accessed via the Latest News tab on the City's home page.

RECOMMENDED ACTION

No action is being requested at this meeting.

ATTACHMENTS

1. Housing Action Plan Stakeholders Advisory Committee roster.

Attachment 1:

Housing Action Plan
Stakeholders Advisory
Committee Roster

August 25, 2020

Attachment 1 – City of Oak Harbor Housing Action Plan Stakeholder Advisory Committee Roster

Federal & State

Organization	Name	Title	Contact Info
NAS Whidbey	Brian Tyhuis	Community Planning Liaison Officer - NASWI	brian.tyhuis@navy.mil

Other Local Government/Organizations

Organization	Name	Title	Contact Info
Oak Harbor City Council	Jeff Mack	Councilmember	jmack@oakharbor.org
Oak Harbor Planning Commission	Amy Malmkar	Planning Commissioner	amy@cbkoetje.com
Island County Planning & Community Development	Jessica Carpenter	Director	j.carpenter@islandcountywa.gov

Business Stakeholders

Organization	Name	Title	Contact Info
Economic Development Council for Island County	Sharon Sappington	Executive Director	info@edcislandcounty.org

Housing & Community Service Providers

Organization	Name	Title	Contact Info
Island County Housing Support Center	Joanne Pelant	Housing Resource Coordinator	jpelant@islandcountywa.gov
Habitat for Humanity of Island County	Orin Kolaitis	Chief Executive Officer	volunteer@islandcountyhabitat.com

Real Estate Agents/Builders/Lenders

Organization	Name	Title	Contact Info
Clifton View Homes	Ted Clifton	Owner	cvhdw@whidbey.net
Eagle Building Company	Bill Criswell	Owner	info@eaglebuildingcompany.org

Lexar Homes	Dave Orth	Owner, Burlington Branch	dorth@lexarhomes.com
Valley High Investments, Inc	Colin Smith	Project technician	colin_smith30@hotmail.com
Huseby Homes, LLC	Darin Huseby	Owner	darin@husebyhomes.com
Skagit/Island Counties Builders Association	Charles (Wayne) Crider	Executive Officer	Wayne@sicba.org)
Peoples Bank	Catherine Martyn	Sr. Real Estate Loan Officer	Catherine.martyn@peoplesbank-wa.com

Planning Commission

Public Meeting

Shoreline Master
Program Update

August 25, 2020

City of Oak Harbor Planning Commission Report

Date: August 25, 2020
Subject: SMP Update.

FROM: Dennis Lefevre, AICP, Senior Planner, Development Services Department

PURPOSE

The purpose of this presentation is to provide an update on the Shoreline Master Program (SMP) Periodic Review.

BACKGROUND / SUMMARY INFORMATION

At the January and June Planning Commission meetings, 2 of the required 3 steps were addressed. The first step (January) involved revising our SMP to reflect amendments to the Shoreline Management Act and Department of Ecology (DOE) rule changes made since the last SMP update (2012). The second step (June) involved reviewing all pertinent local and regional planning documents and all new adopted development regulations to ensure consistency. The third step involves considering SMP amendments to reflect changed circumstances, new information, or improved data.

The third step is scheduled to be ready for review in early fall. Staff continues to coordinate with Coastal Geologic Services, Inc. to review our current policies and regulations in the Residential/Bluff Conservancy Designation. Existing documentation and field review have been performed which have identified data gaps requiring additional analysis. Also, part of this step will be a discussion on sea level rise and how it may affect our shoreline values and functions. Each of the aforementioned steps will have a stand-alone document describing where and why the revision is recommended.

Staff has also taken this opportunity to perform a polishing of the 2013 SMP. While the policies and regulations have been effective in managing our shoreline functions and values, there existed many minor errors including typographical errors, formatting issues, incorrect or outdated references, and extensive updates to the definitions. These revisions have been documented in a separate fourth document.

As we near the beginning of the draft review phase of this project I would like to provide some review preparation guidance in advance of the actual draft rollout. As expected, the primary draft will be the SMP Chapters. All proposed revisions will be shown in red. Strikethrough red text will indicate a deletion while underlined red text indicates an addition. To assist in your review, each proposed revision will be followed by a number, in parenthesis and highlighted in yellow. The number refers to the four documents that define the type and reason for the revision. All number 2's are followed by a date and letter, this corresponds to the DOE guidance document. Attachment 1 provides an example of the review process.

RECOMMENDED ACTION

No action is being requested at this meeting.

ATTACHMENTS

1. SMP draft review process example.

Attachment 1:
SMP draft review process
example

August 25, 2020

wetlands as may be determined on a site by site basis based on adopted definitions and technical criteria.

2. Applicable Area in Oak Harbor

The marine shoreline within the City of Oak Harbor is approximately 13.6 miles long, and the City's shoreline jurisdiction typically includes all shorelands within 200 feet of the ordinary high water mark of Oak Harbor and Crescent Harbor within the City limits, as well as all associated wetlands that are hydraulically connected, including the to these two waterbodies, including, but not necessarily limited to, Freund Marsh, Crescent Marsh and the Maylor Point wetland complex. However, shorelands extending south of the marina, including Maylor Point and Crescent Harbor are under exclusive federal jurisdiction and are not subject to the City's shoreline policies and regulations. This totals approximately 10.6 linear miles, or about 78 percent of shoreline within the Oak Harbor corporate limits. There are no streams, rivers, or lakes within the City's shoreline jurisdiction that qualify for regulation under the Shoreline Management Act. (4 & 2 – 2017f)

3. Official Map of Shoreline Jurisdiction

The shoreline jurisdiction map for the City of Oak Harbor is included as Exhibit 1. Each shoreline environment designation is described in Chapter 2, including the extent of designated areas. While the Shoreline Environment Designation map is a tool to present the extent of the shoreline jurisdiction and the location of specific environments to the public, the map is not a representation of the City's shoreline jurisdiction, as described in Chapter Section 1 Section 1.C.2 (1) above, and in RCW 90.58 shall control in the event of a conflict.

D. Applicability

1. General Applicability

The Shoreline Management Act grants the jurisdiction of the City of Oak Harbor over the provisions of the act, the policies and regulations of the Shoreline Management Act and the Administrator.

**Refer to Document 4: Amendments
To Reflect Changing Local
Circumstances, New Information, or
Improved Data**

2. Applicability to Federal Agencies

Direct federal agency actions and projects occurring in areas covered by the Oak Harbor SMP shall comply with WAC 173-272-0670. Areas and uses in those areas that are under exclusive federal jurisdiction as established through federal or state statutes are not subject to the jurisdiction of RCW 90.58. Direct federal agency activities affecting the uses or resources subject to the act must be consistent to the maximum extent practicable with the enforceable provisions of the act, regulations adopted pursuant to the SMA and the Oak Harbor SMP. The SMP, including the permit system, shall apply to all nonfederal developments and uses undertaken on federal lands and those federal lands leased to other persons, which fall within the definition of shorelands.

While not subject to Oak Harbor Master Program policy and regulation, the majority of shoreline jurisdiction which is under exclusive federal jurisdiction (NASWI) has been included within the inventory and characterization, cumulative impact analysis, and restoration plan prepared for the 2013 Oak Harbor Shoreline Master Program. Those areas begin south of the Maritime Designation at the Oak Harbor Marina and include Maylor Point, NASWI Seaplane Base, and Crescent Harbor. It is important to maintain shoreline policies and regulations for this area in the event land is transferred to non-federal ownership or leased to non-federal interests. Shoreline

Planning Commission

Public Meeting

2020 Comprehensive Plan

Amendments

August 25, 2020

City of Oak Harbor Planning Commission Report

Date: August 25, 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 familiar with the annual Comprehensive Plan amendment process. As with all other processes in the state and the county, review of the amendments has been impacted by the COVID 19 pandemic and its related restrictions. However, staff has been adapting and working to keep things moving. Below is a brief update on the docket items.

- Housing Element –The first stakeholder meeting was held on July 30, 2020. It was a virtual meeting and had a good representation from the building community. The topics spurred a good discussion of the housing issues surrounding Oak Harbor and the region.
- Capital Improvements Plan(CIP) – The City has initiated the budget process that will bring discussion to the CIP. The Island Region Transportation Planning Organization (IRTPO) has initiated their annual review of the six-year plan which will prompt some changes to the CIP as well. Currently most of these processes are in their initial stages of review. Staff will provide information to the Planning Commission as it becomes available.
- Land Use Map Changes – Harbor Heights Property – Staff will be notifying the surrounding properties on the land use change proposal this month. With regards to developing a plan for the property, David Evans consulting firm will develop a conceptual plan for the area and will eventually provide design services for the first phase of the development. They are preparing for some initial site investigation field trips and will likely create some exploratory pathways into the property for testing and surveying.
- 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 is 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