
HEARING EXAMINER AGENDA

March 4, 2014



OAK HARBOR HEARING EXAMINER
March 4, 2014
1:00 P.M.

Oak Harbor City Council Chambers
865 SE Barrington Drive
Oak Harbor, WA 98277

AGENDA

1. **Call to Order**
2. **THUNDER RIDGE DEVELOPMENT ACCESS – APPEAL OF CITY ENGINEER’S DECISION OF MAY 7, 2013 (PLN 13-00001)**
The Hearing Examiner will consider an appeal filed by Mr. Joel Douglas who is appealing the City Engineer’s decision to deny a new access permit at 34200 SR20 (Parcel Number R13325-317-2210).
4. **Adjourn**

**HARBOR LANDS CO.
Appeal of Access Denial
Staff Report to Hearing Examiner
For Hearing on March 4, 2014**

Appellant: Harbor Lands Co., PO Box 4082, Bellingham, WA 98227

Property Owner: Same as Appellant

Description of Appeal: Denial of Access to Regatta/Highway 20 from 12+ Acres (per appellant's 'Notice of Appeal')

Address of proposal: 34200 SR20, Oak Harbor, WA 98277

Parcel Number: Parcel R13325-317-2210

Comprehensive Plan Designation: Auto/Industrial Commercial

Zoning Designation: C-4, Highway Service Commercial

Application Presented for Action:
Appeal of a Type 1 Permit (Site Plan)

Attachments:

- Exhibit 1 Zoning map of site
- Exhibit 2 Aerial photograph of site
- Exhibit 3 Annexation agreement dated 12/10/99
- Exhibit 4 Pre-application materials (PRE-08-0002) submitted 4/15/08
- Exhibit 5 Staff review comments for PRE-08-0002 dated 5/1/08
- Exhibit 6 Site plan application (SIT-08-0004) for an access point submitted on 8/28/08
- Exhibit 7 City Engineer's technically incomplete letter dated 9/15/08
- Exhibit 8 Revised site plan dated 9/11/08 and traffic impact analysis dated 10/3/08
- Exhibit 9 City Engineer complete application letter dated 10/16/08
- Exhibit 8 City Engineer letter dated 11/13/08 denying proposed access and approving conditional access
- Exhibit 11 Corrected City Engineer letter dated 11/17/08
- Exhibit 12 "Regatta Drive Access Point Conceptual Site Plan" application dated submitted 3/20/13
- Exhibit 13 City Engineer's letter denying requested access permit dated 5/7/13
- Exhibit 14 WAC 468-52-040 Access control classification system and standards

- Exhibit 15 Easements AFN 334316 and AFN 4293153
- Exhibit 16 Easement AFN 4248800
- Exhibit 17 City's letter forwarding Notice of Appeal application dated 7/8/13
- Exhibit 18 Notice of Appeal submitted via fax dated 7/8/13
- Exhibit 19 Appellant's requests to delay hearing dated 5/17/13, 7/9/13, 7/15/13 and 8/14/13
- Exhibit 20 City's response letter regarding requests for delay and hearing examiner recusal dated 8/19/13
- Exhibit 21 City's letter setting hearing date for December 16, 2013 dated 10/29/13
- Exhibit 22 City's attorney's letter withdrawing City Engineer's decision of May 7, 2013 and request to cancel the hearing dated 1/9/14
- Exhibit 23 Appellant's attorney's letter of non-agreement to cancel hearing dated 1/21/14
- Exhibit 24 Appellant's requests that the City ask the hearing examiner to recuse himself for cause dated 6/17/13, 7/9/13, 7/11/13 and 10/9/13
- Exhibit 25 WSDOT right-of-way map dated 10/14/52
- Exhibit 26 Aerial photography of site from 1975
- Exhibit 27 Aerial photography of site from 1990
- Exhibit 28 Photographs of site from 1975
- Exhibit 29 City's Prehearing memorandum
- Exhibit 30 Appellant's letter regarding fire hydrant blocking 20 foot easement dated 11/5/12
- Exhibit 31 Access easements shown on parcel map
- Exhibit 32 Access easements shown on aerial photograph
- Exhibit 33 Conceptual site plan for a driveway submitted on March 20, 2013

SUMMARY RECOMMENDATION:

Staff recommends that the Hearing Examiner acknowledge the City's withdrawal of the City Engineer's decision dated May 7, 2013 and dismiss the appeal.

BACKGROUND:

The subject property is zoned C-4 and is located at 34200 SR20 in Oak Harbor, WA. The property is located on the east side of SR20, north of Case Road and north of the Regatta Drive/SR20 merge point. Please see Exhibit 1 for a zoning map of the area and Exhibit 2 for an aerial photograph of the site.

Annexation

The subject property was annexed into Oak Harbor in 1999 and was the subject of an annexation agreement recorded on December 10, 1999 (Exhibit 3)¹. There were several properties involved in this annexation (referred to as the 'Boyer Annexation') and all were subject to similar annexation agreements. The annexation agreement addresses a variety of topics including land

¹ Please note Harbor Lands Co. was not the landowner in 1999.

use, utilities, drainage, and streets/road improvements. Two sections of the agreement have relevance in relation to the applicant's access request:

- 4.1 Each Owner separately agrees that a portion of the Property abutting Auvil Road², S.R. 20 or Fakkema Road which is owned by him or her shall have the same number of road accesses it now has. If the property on Auvil Road or Fakkema Road has no current access to those roadways, that in association with future development of the property the City will permit for a minimum of one access per parcel. The precise number of access and the access points for undeveloped parcels will be determined during the Site Plan Review process with the City of Oak Harbor. The Owner shall assume all responsibility for procurement of any necessary access easements and installation of access improvements, subject to review and approval by the City of Oak Harbor.

- 9.1 It has been determined that street/road improvements are not needed to be a condition to or requirement of annexation. As each property is developed or redeveloped, compliance with traffic mitigation requirements under City ordinances will be required. In addition, a traffic study may be required of individual property owners on a case by case basis in the same manner and under the same conditions that it would be required of other similarly situated property within the City of Oak Harbor. At the time of development, all necessary public right-of-way for improved streets shall be dedicated at no cost to the City.

Section 4.1 is relevant to this matter because it determines the number of access points that may be approved by the City for a given parcel; that such approval will take place through the site plan approval process and that property owners assume all responsibility for procurement of easements to facilitate the proposed access point. Section 9.1 is relevant because it states quite clearly that the City may require a traffic study from owners as part of the development approval process.

Development Application History

Harbor Lands Co. has submitted several land development applications for the subject site known as 'Thunder Ridge' since February 2007. These applications include pre-applications, boundary line adjustment applications, site plan applications, grading applications and SEPA checklists. A list of the submitted applications and their disposition is shown below:

² After annexation Auvil Road was renamed to Regatta Drive.

| Date | Permit | Type | Description | Action |
|-------------|---------------|---|--|---|
| 2/28/07 | PRE-07-00002 | Pre-application | Proposed construction of 84,500 sq ft of storage A-H and 1 single family home 13.14 acres | Comments provided to applicant. Applicant withdrew application on 4/19/07. |
| 5/30/07 | LND-07-00006 | Land clearing | Proposal to clear brush from site | 10/25/2007 approved for land clearing only – no grading or site disturbing activity 11/6/2007 issued a DNS for clearing and grading |
| 7/13/07 | SEP-07-00007 | SEPA checklist | Proposed storage facility or dealership | Issued DNS on 11/06/2007 |
| 11/29/07 | GRA-07-00012 | Grading permit | 4,800 cubic yards grading | 11/28/2007 approved grading plan |
| 4/15/08 | PRE-08-00002 | Pre-application | Proposed construction of new storage facility | Application did not go forward after staff provided pre-application comments on 5/2/2008 |
| 8/29/08 | SIT-08-00004 | Site plan | Proposal to install single access point from property onto NE Regatta Drive for Thunder Ridge Storage Facility | 11/17/2008 City Engineer denied requested access granted conditional access until a public roadway or private easement to a public roadway becomes available. |
| 11/10/08 | DEV-08-00001 | Proposal to extend water main to Fakkema Road | Proposal to extend water main to Fakkema Road | 11/19/2008 withdrew application and requested a refund |
| 3/19/09 | SIT-08-00004 | Site plan | Revised site plan submitted for storage facility (traffic impact study also submitted) | 3/25/09 applicant's representative withdrew application and took submitted materials back |

| Date | Permit | Type | Description | Action |
|-------------|---------------|--------------------------|---|--|
| 12/11/09 | BND-09-00003 | Boundary line adjustment | Proposal to adjust property lines between four parcels on SR 20 | 8/31/2010 Boundary Line Adjustment approved and mylar received |

Previous Access Request

Harbor Lands Co. has previously requested City approval of an access point to their property at 34200 SR20 (Parcel R13325-317-2210), known as Thunder Ridge. The previous request was made in 2008.

That request began with the submittal of a pre-application for a self-storage facility on April 15, 2008 (Exhibit 4). City staff provided Harbor Lands Co. comments on the pre-application on May 2, 2008 (Exhibit 5). A site plan application for an access point was submitted on August 28, 2008 (Exhibit 6). The City Engineer determined the application was technically incomplete and notified the applicant of this in writing on September 15, 2008 (Exhibit 7). Specifically lacking was information regarding the proposed use for the site and information regarding the vehicular trips generated by the proposed use as required by OHMC 11.24.020 and WAC 468-51-060. The applicant submitted a traffic impact study and revised site plan depicting a mini-storage project on September 11, 2008 and October 3, 2008 (Exhibit 8) and the application was deemed technically complete on October 16, 2008 (Exhibit 9). In a letter dated November 13, 2008 the City Engineer denied the requested Category 1 access and conditionally approved a non-conforming access permit (Exhibit 10). On November 17, 2008 a revised letter was mailed correcting errors in the listed parcel numbers (Exhibit 11).

Current Request

The request which is the subject of this appeal was submitted by the appellant's engineer on March 20, 2013. The submittal consisted of a cover letter, an incomplete site plan application, legal description and a conceptual site plan entitled 'Regatta Drive Access Point Conceptual Site Plan' (Exhibit 12). In an effort to assist the applicant with their development proposal staff viewed this application as a continuation of SIT-08-00004. The application materials were routed to the City Engineer for his review, comment and action. In a letter dated May 7, 2013 the City Engineer denied the requested access permit (Exhibit 13).

The City Engineer's denial of the request was based on the following factors:

1. The portion of SR20 adjacent to the property is considered Class 2 by the Washington State Department of Transportation (WSDOT) and is regulated by Washington Administrative Code (WAC) 468-52-040 Access control classification system and standards (Exhibit 14). For Class 2, *"(ii) Private direct access to the state highway system shall be permitted only when the property has no other reasonable access to the general street system or if access to the general street system would cause traffic operational or safety concerns unacceptable to the local governmental entity."*

2. As mentioned previously, Section 4.1 of the Annexation Agreement supports WAC 468-52-040 by stating no additional access will be allowed and stating that the owner shall assume all responsibility for procurement of any necessary access easements and installation of access improvements, subject to review and approval by the City of Oak Harbor. As such easements currently exist, if the owner feels these do not meet his needs he may seek to obtain other easements from adjacent property owners that satisfy the requirements of WAC 468-52-040.
3. Reasonable access to the general street system can be attained via two easements. The first is a 20-foot easement along the west edge of R13325-280-2180 (Mariner Mini Storage) recorded as AFN 334316 later purchased by Mark Douglas and recorded as AFN 4293153(Exhibit 15). The second easement is a 30-foot easement, recorded as AFN 4248800 that appears to follow the existing drive isle for Mariner Mini Storage. (Exhibit 16). Both of these easements provide access to the intersection of Case Road and Regatta/SR20. Improvements to the intersection, such as a shared driveway, can be constructed and meet the requirements of WAC 468-52-040.

APPEAL HEARING

Appeal

The City provided Mr. Douglas a Notice of Appeal application form along with information related to the application process in a letter dated July 8, 2013 (Exhibit 17). Mr. Douglas submitted the Notice of Appeal via fax on July 8, 2013 (Exhibit 18) and paid the application fee on July 12, 2014 which completed the application process.

Scheduling of Hearing

Mr. Douglas requested to delay the hearing via fax for various reasons on May 17, 2013, July 9, 2013 and July 15, 2013 and in two faxed transmission dated August 14, 2013 (Exhibit 19). Staff responded to Mr. Douglas' requests for a delay and his requests for the hearing examiner to recuse himself on August 19, 2013 (Exhibit 20).

After coordinating with the Hearing Examiner, the City mailed a letter on October 29, 2013 setting the briefing schedule and the date for the hearing on December, 16, 2013 (Exhibit 21). Mr. Douglas phoned Development Services staff on October 30, 2013 to inform staff that his attorney would not be available on December 16, 2013 but would be available between January 14, 2014 and February 28, 2014 so the hearing was rescheduled for January 17, 2013. Then the parties agreed to a one-two month extension and the hearing was finally set for March 4, 2014.

On January 9, 2014 the City of Oak Harbor, through its attorney, sent a letter to Mr. Richard Aramburu, the appellant's attorney, stating the City was withdrawing its City Engineer's decision of May 7, 2013 and upon confirmation of the appellant would contact the Hearing Examiner to cancel the hearing (Exhibit 22). In addition to withdrawing the decision, this letter noted the City required a complete development application to make a decision on access, that the City would allow development of a shared driveway access abutting the north side of Case Road (taking

advantage of existing access easements) and that the City invites Harbor Lands Co. to be a participant in any future traffic circulation planning for this area.

Mr. Aramburu replied in a letter dated January 21, 2014 that the appellant insisted on their right to appeal the City's denial of access and would not agree to strike the scheduled hearing (Exhibit 23). The letter notes their disagreement with the options provided by the City. Of special note is the appellant's objection to the requirement to submit a complete application.

Request by Appellant that Hearing Examiner Recuse Himself

Mr. Douglas faxed four letters to the City, dated June 17, 2013, July 9, 2013, July 11, 2013 and October 9, 2013 in which he states, among other things, his objection to Mr. Bobbink as Hearing Examiner in this matter and asks the City to recuse him for cause (Exhibit 24). Staff responded to Mr. Douglas' recusal requests in a letter dated August 19, 2013 (see Exhibit 20). In short, the City stated it has no role in determining if the Hearing Examiner should recuse himself from any given proceeding; that responsibility rests with the Hearing Examiner. At the request of the Hearing Examiner staff notified Mr. Douglas that the Hearing Examiner was denying his request for recusal for lack of a showing of good cause (see Exhibit 21).

RESPONSE TO APPEAL ARGUMENTS

The applicant/appellant makes three arguments in Appellant's Prehearing Memorandum:

1. A general argument of a right of access to a State Highway,
2. An argument that access from the applicant's property to Highway 20 as proposed meets requirements of state law; and
3. An assertion of an historic, existing access and/or a right of access under a 1999 Annexation Agreement.

The applicant/appellant supplies with his prehearing memorandum title information concerning ownership of certain adjoining properties and a memo from Lervik Engineering dated October 14, 2013. Staff notes this memo proposes a different configuration for the proposed access than was previously submitted to, and reviewed by, the City. Staff believes it is inappropriate for the applicant to submit a different design as part of their appeal of the City's decision than their original, conceptual design.

The City offers the following response to the appellant's arguments.

The City does not dispute that abutting property owners have a general right of access to a State Highway. The proposed access does not meet the requirements of state law, however because that right of access is available only through pursuit of the process established by State regulation and City code in accordance with State standards and limitations on access. Here the applicant/appellant has not followed the process and procedures established by State regulation

and City code---and there is in fact today no decision to appeal---and the applicant/appellant is not entitled to an advisory opinion by the Hearing Examiner that he is entitled to any, or any particular access on to Regatta/SR 20.

There is no evidence of an historic access on the Thunder Ridge property and the appellant did not submit any with their Prehearing Memorandum. Staff has reviewed WSDOT right-of-way maps that date back to 1952 (Exhibit 25), aerial photography from 1975 (Exhibit 26) and 1990 (Exhibit 27) and photographs from 1975 (Exhibit 28). Neither the right-of-way maps nor the aerial photographs indicate historic access to the Thunder Ridge parcels.

The 1999 Annexation Agreement confers no specific right/type of access to the Thunder Ridge property. In their memorandum the appellant focuses on only one part of the annexation agreement. The City contends the question of future access to the affected parcels can be answered only by reading all applicable sections. For instance, Section 4.1 of the Annexation Agreement states in part³ that:

“The precise number of accesses and the access points for undeveloped parcels will be determined during the Site Plan Review process with the City of Oak Harbor. The Owner shall assume all responsibility for procurement of any necessary access easements and installation of access improvements, subject to review and approval by the City of Oak Harbor.”

Section 9.1 of the Annexation Agreement contemplates this approval will require the submittal of a traffic study.

ANALYSIS:

The legal issues associated with this appeal are addressed in a separate City’s Prehearing Memorandum (Exhibit 29). This memorandum presents the City’s argument as to why this appeal should be dismissed. For the Hearing Examiner’s benefit, however, staff will address the appellant’s assertions that Harbor Lands has no other access to its property other than to Highway 20/Regatta Road and that the proposed access to Highway 20/Regatta Road is fully functional and safe. It will also address the appellant’s statements in various faxes, letters and memos that the City approved an access point in 2008, that there has been no change in conditions since that time and that the City erred by not approving the request in 2013.

Harbor Lands Co. has no other access to its property other than to Highway 20/Regatta Road

In their memorandum, the applicant/appellant argues that they must be granted a separate access to Regatta/SR20 because they have no other means of accessing their site. However, in a letter

³ The entire text of Section 4.1 is reproduced earlier in this report and can also be found in Exhibit 1.

from Mr. Douglas dated November 5, 2012 (Exhibit 30), Mr. Douglas argues that a City fire hydrant is blocking the 20 foot easement (AFN 334316, AFN 4293153) for ingress and egress to the Thunder Ridge properties. This easement was recently (4/4/2011) acquired by Mark Douglas, a relative of Joel Douglas and extends from Parcel R13325-312-2050 (Harbor Lands) to the intersection of Case Road and Regatta Road along the west line of Parcel R13325-280-2180 (Mariner Mini Storage). Another 30 foot easement (AFN 4248800) acquired April 13, 2009 provides “*ingress and egress and utilities to and from [Thunder Ridge] to and from Case Road and/or Regatta Road.*” These access easements are shown on a parcel map and aerial photograph of the properties included in the Boyer Annexation (Exhibits 31 and 32, respectively). It is not clear to the City how the appellant now argues they have no ability to provide access to their property when they previously informed the City they believed the fire hydrant was blocking their access.

One or both of these access easements could be utilized by the applicant/appellant to provide access to his parcels. Should the applicant deem the two easements mentioned above do not meet their needs; an easement could be pursued from adjacent property owners to gain access and or use of Case Road and/or Fakkema Road. To staffs knowledge, adjacent property owners have not been contacted by the applicant/appellant

Also in the memorandum the applicant/appellant state that Case Road is not a public road that they have the right to access. While Case Road may be a private drive, a shared driveway adjacent to Case Road within the two easements described above could be constructed providing the necessary access between the Harbor Lands Properties and Regatta/SR-20 at a safe, preexisting location.

Access to Highway 20/Regatta Road is fully functional and safe

The Summary and Access Recommendations Memorandum provided by David Lervik on October 14, 2013 does not adequately address the traffic concerns related to their application. While the memorandum addresses traffic accident data, it does not meet the standards of a WSDOT Traffic Impact Analysis and it proposes another driveway geometry not previously submitted for approval. At a minimum, the analysis must include the proposed number of trips, level of service analysis, proposed use, accident data, road and driveway geometry and adequate design to demonstrate safe operation along with all relevant documentation. In addition, the analysis should also address how the proposed driveway will impact the acceleration lane and function of the highway.

The appellant claims the City approved an access point in 2008, that there has been no change in conditions and that the City erred by not approving the request in 2013.

In their memorandum and in other correspondence with the City the appellant notes several times that the City Engineer approved an access point in 2008, without mentioning either the requested

full access was denied or the conditional nature of that approval.⁴

A review of the approval letter finds the following statements and conditions of approval:

- 1) A permitted access to Parcel R13325-345-2160 will also provide access to Parcel R13325-367-2180 as allowed by the existing access and utility easement (AFN 357216). It is reasonable to assume that development of Parcel R13325-367-2180 will generate more than 2 AWDVTE, which, when added to the 99 AWDVTE proposed for the Thunder Ridge site, exceeds the maximum 100 AWDVTE limit for a Category I access permit. Together with the close proximity (less than 660 ft) to the intersection of SR-20 and Regatta Drive a Category I access permit, as proposed in the application, will not be approved by the City of Oak Harbor.
- 2) A non-conforming access permit (see WAC 468-51-100) to the benefit of Parcels R13325-312-2050, R13325-317-2210, R13325-357-2520, R13325-345-2160 and R13325-367-2180 will be granted by the City of Oak Harbor subject to the following conditions (WAC 468-51-040, WAC 468-51-100):
 - a) Common access easements or binding agreements shall be established and recorded between Parcels R13325-312-2050, R13325-314-2210, R13325-357-2520 and R13325-345-2160 prior to issuance of the permit.
 - b) The access shall be limited to the southern 150-ft of Parcel R13325-317-2210 to minimize conflicts existing channelization on SR-20.
 - c) The access permit will be restricted to “right in” and “right out” turning movements only. No left turns shall be allowed. A physical obstruction, or “pork chop” together with the appropriate signage, shall be incorporated into the access design to restrict the movements.
 - d) A driveway plan prepared by a licensed professional engineer in conformance with WSDOT design manual standards and guidelines, together with any necessary channelization within SR-20 ROW shall be submitted for review and approval.
 - e) The access permit will be limited to a not to exceed limit of 200 AWDVTE at the driveway.
 - f) The nonconforming access shall be removed at no cost to the City of Oak Harbor or the State of Washington should an access, by either public roadway or private easement, to a public roadway, that is not the State highway, become available.
 - g) Other conditions related to the construction, such as bonding, traffic control, time limits, etc as established with the permit issuance after submittal and review of the driveway access plan.
- 3) Comments on this application for an access permit or any future review or access approval shall in no way relieve the applicant of any requirement contained in the City of

⁴ As noted earlier the applicant’s initial application in 2008 was determined to be technically incomplete. The applicant subsequently submitted additional information to the City which identified “warehousing” as the intended use and provided some traffic generation information.

Oak Harbor Code related to site plan review or environmental review for the eventual development of the site. Please note that site plan submitted with the application reflects neither the recently completed grading nor the recent construction of the fencing and security wall.

The approval granted in 2008 was based on the property's circumstances at that time and was clearly conditional.

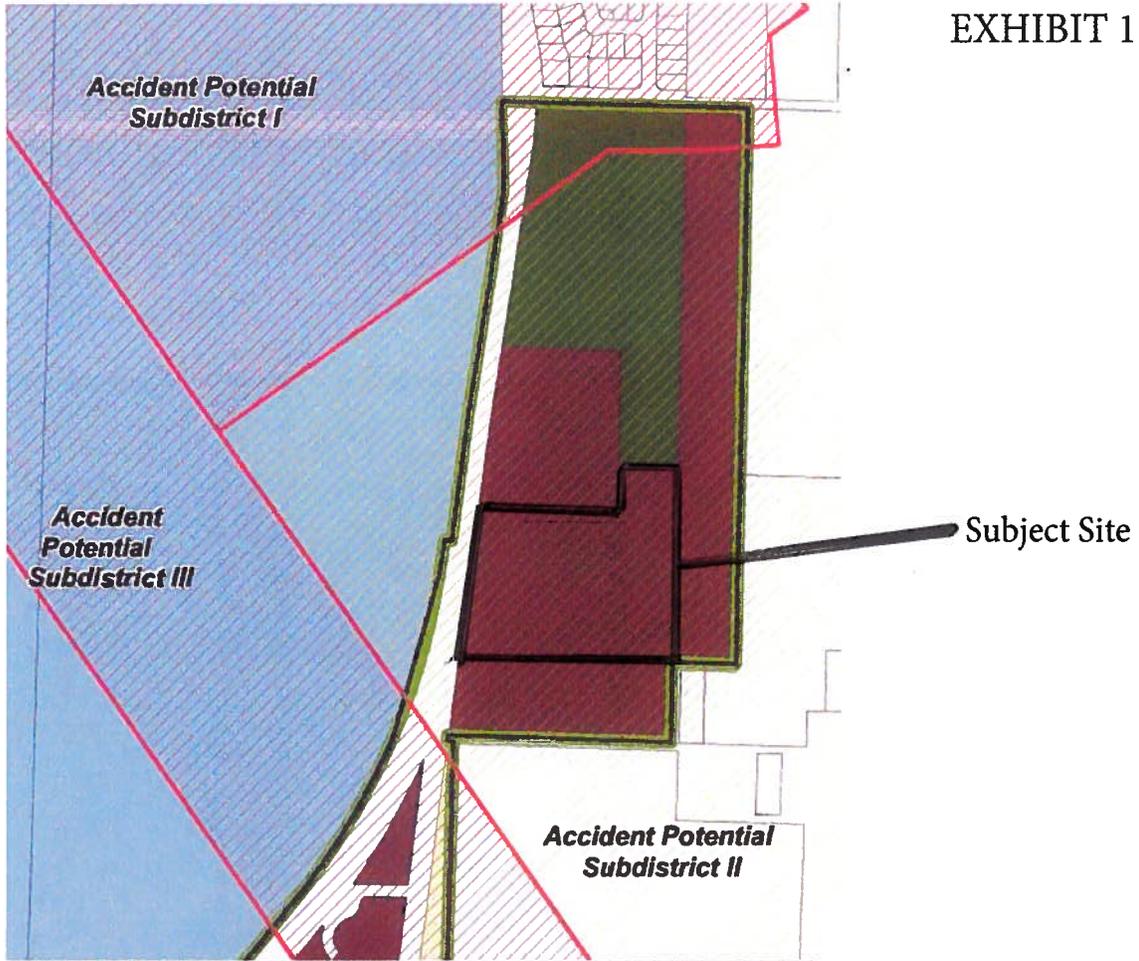
With respect to the subject request now on appeal, on March 20, 2013, Mr. David Lervik provided the City with a conceptual site plan for a driveway onto Regatta/SR-20 on behalf of Harbor Lands LLC. (Exhibit 33). A Traffic Impact Analysis was not provided at the time of submittal nor was the intended use identified. In an effort to determine whether the application was complete, the conditions of the 2008 conditional approval were reviewed. Condition 2(f) indicates "The nonconforming access shall be removed at no cost to the City of Oak Harbor or the State of Washington should an access, by either public roadway or private easement, to a public roadway, that is not the State highway, become available."

As was noted previously two access easements exist that could potentially provide access to the site. Had access been established based upon the 2008 approval, Condition 2(f) would have required the removal of said access once private easements serving the property were established. Such easements now exist. Both of these easements were acquired after the conditional approval in 2008 and are in fact a change in conditions since that time. The City Engineer utilized the previous approval as part of his review process and correctly considered the information available in 2013 when making his decision.

CONCLUSION:

For the reasons stated in this Staff Report to Hearing Examiner and the City's Prehearing Memorandum, applicant/appellant's appeal should be dismissed.

Should the Hearing Examiner allow the applicant/appellant to preserve his current application and should he direct further consideration by staff, the Hearing Examiner should require a complete application, including disclosure of the planned use, and require a traffic impact analysis meeting WSDOT standards. The analysis must, at a minimum include the proposed number of trips, level of service analysis, proposed use, accident data and adequate design to demonstrate safe operation along with all relevant documentation.



Official Zoning Map - City of Oak Harbor

- City Boundary
- Urban Growth Area Boundary* (Island County Adopted)
- Urban Growth Area Boundary* (City of Oak Harbor Adopted)
- Central Business District
- - - Enterprise Area
- NAS Noise Subdistricts
- Federal
- NAS Whidbey Accident Potential Zones
 - Subdistrict 1
 - Subdistrict 2
 - Subdistrict 3

ZONING

- (R-1) Single Family Residential
- (R-2) Limited Multi-Family Residential
- (R-3) Multi-Family Residential
- (R-4) Multi-Family Residential
- (R-O) Residential Office
- (C-1) Neighborhood Commercial
- (CBD) Central Business District
- (CBD-1) Central Business District 1
- (CBD-2) Central Business District 2
- (C-3) Community Commercial
- (C-4) Highway Service Commercial
- (C-5) Highway Corridor Commercial
- (PBP) Planned Business Park
- (I) Industrial
- (PIP) Planned Industrial Park
- (PF) Public Facilities
- (OS) Open Space
- Outside City Limits
- Planned Res. Dev. (PRD)
- Adult Entertainment Overlay Zone
- Contract Zoning
- * Conditional Use (does not represent all on record with City)
- Dwelling Units in C-3 Prohibited North of 16th Ave.

Disclaimer: Neither the City of Oak Harbor nor any agency, officer, or employee of the City of Oak Harbor warrants the accuracy, reliability or timeliness of any information contained on mapping products originating from the City of Oak Harbor and shall not be held liable for any losses caused by such reliance on the accuracy, reliability or timeliness of such information. Any person or entity who relies on any information obtained from the systems, does so at his or her own risk.

*Note - The Urban Growth Area (UGA) depicted on this map reflects the City of Oak Harbor's growth boundary as adopted by City Council in 2005. This boundary was updated in 2005 during the Comprehensive Plan review process and was amended to meet projected growth through 2025 as mandated by the Growth Management Act. Island County has not adopted the City of Oak Harbor's UGA and maintains a different UGA boundary as shown on this map.

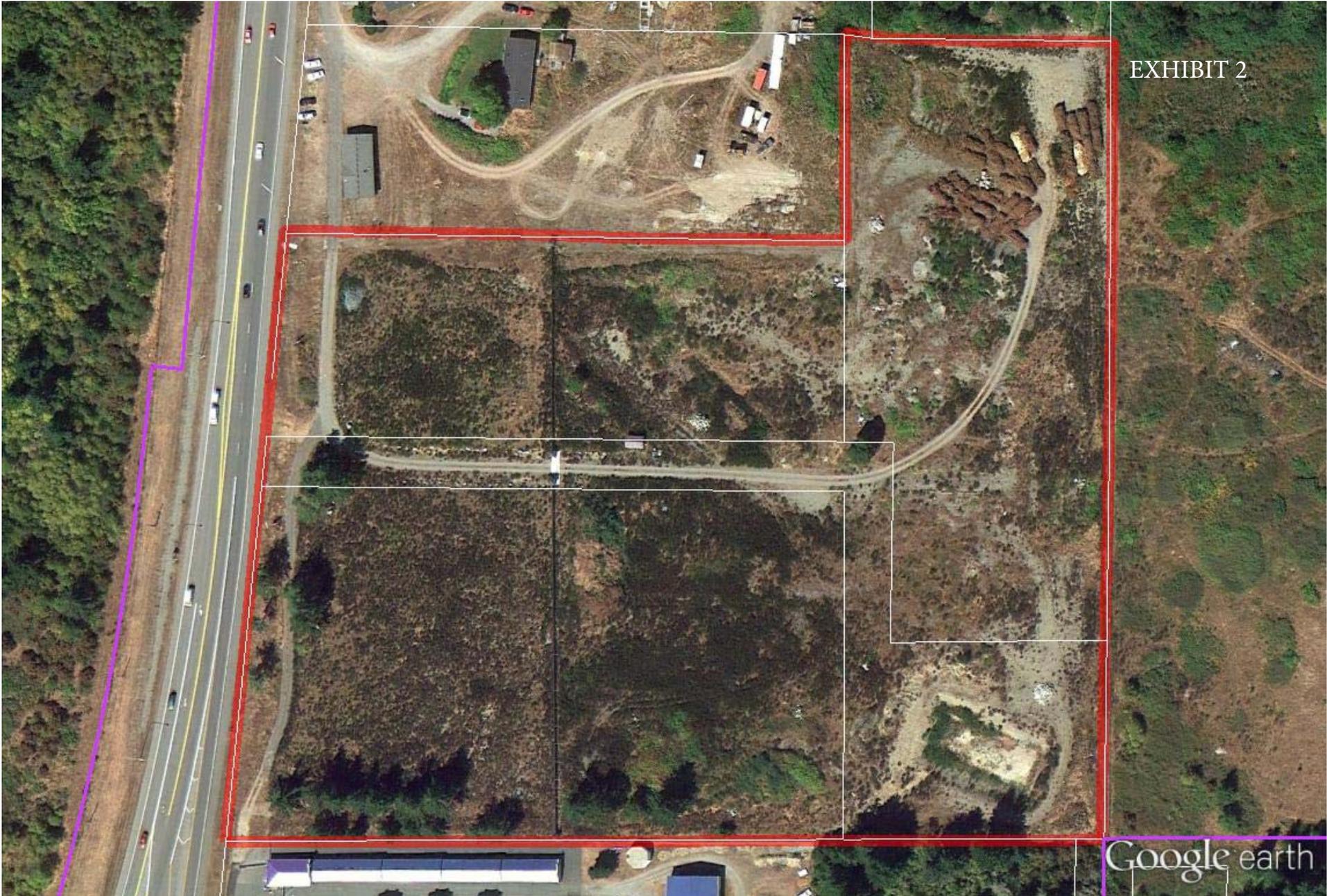


EXHIBIT 2

Google earth

feet
meters



EXHIBIT 3

#99 027889 TYPE: AGR \$26.00
BK 803 PG 2449 12/10/99 12:16:08 PM
ISLAND COUNTY AUDITOR
DEPUTY: GDW REQUESTED BY:
CITY OF OAK HARBOR

Return to:

City of Oak Harbor
865 SE Barrington Drive
Oak Harbor, WA 98277
Attn: City Clerk

Tax Parcel: R13325-317-2210 PTN SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25, Twp. 33 N, R1E, WM
Abbreviated Legal: S730' OF SE NW LY E OF HWY 20 EX S330' EX BG SE CR NW SEC 25
N378' W490'TPS W208.71' N208.71' E208.71' S TPB

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT, dated this 13th day of August,
19 99, is between the City of Oak Harbor, a municipal corporation of the State of Washington,
herein referred to as "City", and Paul Cathy C Weyand herein referred to
as "Owner" or "Property Owner", which includes any heirs, assigns, and/or successors of interest.

1. INTRODUCTION

1.1 The Owner owns real property located in Island County, Washington, identified and described on the legal description attached hereto as Exhibit "A". Hereafter, the Property

described in Exhibit "A" and depicted on the area map in Exhibit "C" is referred to as "the Owner's Property" or "the Property" unless otherwise indicated.

1.2 Owners are desirous of providing for the annexation of the Property into the City in order to ensure future development opportunities, infrastructure and utility access to the properties. Therefore, in consideration of the mutual covenants herein, the receipt and sufficiency of which are hereby acknowledged by each of the parties hereto, the City and Owner agree as follows:

2. EFFECTIVE DATE

2.1 This Annexation Agreement shall become effective upon final approval by the City Council of the annexation ordinance of the above described property.

3. FEES

3.1 All annexation costs and fees associated with this annexation shall be waived by the City, except for recording fees as referenced in Section 14 of this agreement.

4. LAND USE

4.1 Each Owner separately agrees that a portion of the Property abutting Auvil Road, S.R. 20 or Fakkema Road which is owned by him or her shall have the same number of road accesses it now has. If the Property on Auvil Road or Fakkema Road has no current access to those roadways, that in association with future development of the property the City will permit for a minimum of one access per parcel. The precise number of accesses and the access points for undeveloped parcels will be determined during the Site Plan Review process with the City of Oak Harbor. The Owner shall assume all responsibility for procurement of any necessary access easements and installation of access improvements, subject to review and approval by the City of Oak Harbor.

4.2 The properties except Assessors Tax Parcel No. R13325-122-1680 shall be zoned commercial (C-4; Highway Service Commercial) upon annexation and shall remain Highway Service Commercial pursuant to the City of Oak Harbor Comprehensive Plan. The Hansen Parcel (Assessors Tax Parcel No. R13325-122-1680) will be annexed as residential holding zone (R-1; single family residential) until such time as development plans are pursued for this site;

development plans and appropriate zoning will be coordinated between the City and the property owner during the preparation of development plans for this parcel.

4.3 The commercial C-4 zoning shall remain the same for at least three years; provided that additional uses may be authorized for implementation in the zone. Uses or buildings which are not in conformity with C-4 Highway Service Commercial zoning shall be considered legal non-conforming uses under the zoning code and shall conform to rules concerning legal non-conforming uses. The owner covenants that all new development or major redevelopment of existing improvements will conform to the Oak Harbor Municipal Code as is now in effect or may be amended in the future pursuant to adopted zoning codes at the time of development.

5. UTILITIES

5.1 Sanitary Sewer. Sanitary sewer extension is not presently funded for this annexation area. Any improvements required in order to provide sanitary sewer service to any properties will be made at the Property Owner's sole cost and expense and shall be performed and installed pursuant to the standards and specifications of the City of Oak Harbor at the time those improvements are made. Easements necessary for sanitary sewer infrastructure development are a condition of this annexation agreement. Easements for the sanitary sewer lines will be obtained from the property owners at no cost to the City upon sanitary sewer mainline development and prior to connection to sanitary sewer. Should it be necessary for a Property Owner to install sanitary sewer service to an area which may provide sanitary sewer service to more than one property, it is understood that the Owner or Owners may apply for appropriate latecomer fee agreements or reduction in system development charges as are allowable under State law by City ordinance at the time of development of the Property; additionally, the cost of oversizing shall be paid by the City, if applicable, and if funds are appropriated by City Council. Improved properties annexed into the City which presently utilize a septic system shall not be obligated to connect to the City sanitary sewer system until such time as the Property septic fails or upon redevelopment of the Property. Upon septic system failure, improved property owners

will need to coordinate with the City Engineering Department and Island County Health Department to determine if City sanitary sewer is within proximity for mandatory sanitary sewer connection, or if the City will permit for an upgrade or repair to the Property's septic system.

5.2 Water Service. Water service extension is not presently funded for this annexation area, any improvements required in order to provide water service to any properties which do not presently have access to the City of Oak Harbor water service will be made at the Property Owner's sole cost and expense and shall be performed and installed pursuant to the standards and specifications of the City of Oak Harbor which are adopted at the time improvements are made. Easements for water infrastructure development are a condition of this annexation agreement. Easements necessary for the water line will be obtained at no cost to the City upon water mainline development and prior to connection to water service. Should it be necessary for an Owner to install water service to an area which may provide water service to more than one property, it is understood that the Property Owner or Owners may apply for appropriate latecomer fee agreements or reduction in system development charges as are allowable under State law by City ordinance at the time of development of the Property; additionally, the cost of oversizing will be paid by the City, if applicable, and if funds are appropriated by City Council.

6. DRAINAGE

6.1 The Property will be subject to and must comply with future adopted Storm Water Management Plans. Easements will be provided by the Owners at no cost to the City for existing drainage facilities designated by the City Engineer as are needed for the storm water drainage for the City of Oak Harbor. Each Property Owner will be responsible for all on-site costs of storm water drainage and retention facilities for his or her separate property. Prior to development, Owners will provide all necessary off-site storm water drainage facilities and easements to extend the drainage system to adequate outfall points as will be determined by the City Engineer in accordance with the Comprehensive Storm Water Management Plan as now in effect or

amended. The City will provide, if lawful, that off-site costs will be subject to reimbursements by future developments in this drainage basin benefiting from the off-site improvements installed.

6.2 Owners of either developed or undeveloped parcels shall not be obligated to engage in property improvements of a substantial capital nature until such time as the property is redeveloped or developed; provided nothing herein shall be construed as to authorize continuance of a public nuisance as defined under State law or City ordinance.

7. WETLANDS/CRITICAL LAND

7.1 Before development, logging, clearing, grading or construction may begin on properties with identified wetland or other critical areas, each Owner covenants that a study will be completed of his or her separate property in the annexation area to determine the amount or extent of wetlands and other critical lands on that Property; and, before any of the identified activities can take place on the Property, the Owner(s) in question shall provide for appropriate buffers or mitigation measures identified in the study and as required under Oak Harbor's Critical Lands and Land Clearing Ordinance 19.47 of the City of Oak Harbor Municipal Code. Mining will not be a permitted use of the property.

8. FLOODPLAIN

8.1 All development will take place in accordance with restrictions upon development within floodplains as specified under Oak Harbor ordinance as now in effect or as hereafter amended or otherwise modified; provided, that the identification of floodplains and the level of restriction shall be in accordance with the FEMA map applicable to this area at the time of application for permit even though such map may not be adopted by local ordinance.

9. STREETS/ROAD IMPROVEMENTS

9.1 It has been determined that street/road improvements are not needed to be a condition to or requirement of annexation. As each property is developed or redeveloped, compliance with traffic mitigation requirements under City ordinances will be required. In addition, a traffic study may be required of individual property owners on a case by case basis in the same manner and

under the same conditions that it would be required of other similarly situated property within the City of Oak Harbor. At the time of development, all necessary public right-of-way for improved street, shall be dedicated at no cost to the City.

10. FIRE PROTECTION

10.1 Fire protection for new development or redevelopment will be coordinated with the City at the time of development or redevelopment of the Property in accordance with the City of Oak Harbor Fire Ordinances as now in effect or hereafter amended or otherwise modified.

10.2 Owners of either developed or undeveloped parcels shall not be obligated to engage in property improvements of a substantial capital nature until such time as the property is redeveloped or developed; provided nothing herein shall authorize a continuance of a public nuisance as defined under State law or City ordinance, or, authorization to continue use of a dangerous building as defined under the Uniform Abatement of Dangerous Building Code as now in effect or hereafter amended. If the Property is not developed or redeveloped and fire flow (waterline with hydrant) is not installed to the Property within ten (10) years from the date of annexation into the City, the Property Owner(s) will construct a waterline for fire flow to existing improved properties at that time which is presently estimated to be October 2009.

10.3 Annual inspections are performed by the Oak Harbor Fire Department with respect to health and life safety issues for existing structures. Life Safety items may be identified during these inspections and will be directed to the property owner for correction.

11. COVENANTS AND RESTRICTIONS TO RUN WITH THE LAND

11.1 All agreements, covenants, easements and licenses set forth above are deemed to burden the land and shall run with the land of each parcel separately inure to the benefit and shall bind all heirs, assigns and beneficiaries to the Property. In addition, the Agreement shall be personal to the Owners herein identified.

11.2 The entire annexation area is located in Air Installation Compatible Use Zone (AICUZ) Noise Zone 2. Conditions pertaining to construction requirements and uses in accordance with

AICUZ Noise Zone 2 areas shall be followed in any development plans for the area or properties contained within the annexation area.

12. FINANCIAL INSTITUTIONS

12.1 Before Council action on the annexation request, the Owner shall provide to the City proof of ownership (see attached Exhibit "B") with regard to the Property disclosing all lienholders on the said Property. Lienholders will also sign unless signature is waived by City Council.

13. RECORDING

13.1 The agreement shall be recorded with the Island County Auditor. Costs of recording shall be paid for by the Owner. Fifty Dollars (\$50.00) is paid to the City along with this Agreement to cover costs of recording. Should the Annexation Agreement not be approved by the City Council, the Owners shall be reimbursed this money.

14. AMENDMENTS

14.1 This Agreement may be amended only by written agreement after approval of the City Council. Such amendment shall be recorded in the records of Island County and shall be a covenant running with the land and shall be binding upon all persons or entities now or hereinafter having an interest in the Property subject to the amendment unless otherwise specified in the amendment.

15. INTERPRETATION

15.1 The headings set forth in the Agreement for the different sections of the Agreement are for reference only and shall not be construed as an enlargement or abridgment of language of the Agreement.

15.2 Obligation on the Property shall be only to the portion of the Property actually involved and the Property Owner, heirs, and successors who have an interest in that portion of the Property involved.

15.3 Nothing herein shall be construed as prohibiting the amendment of city codes or shall be construed as forbidding the application of City codes to the properties in question.

16. CLOSING

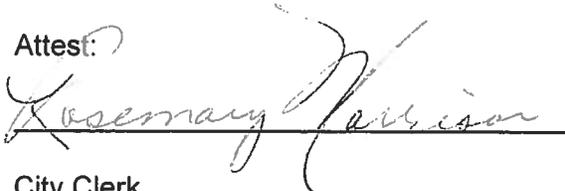
IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

CITY OF OAK HARBOR



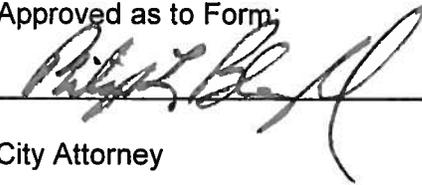
Mayor

Attest:



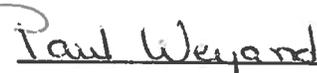
City Clerk

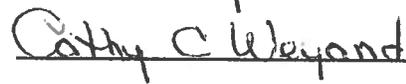
Approved as to Form:



City Attorney

PROPERTY OWNERS:





STATE OF WASHINGTON)

)ss:

COUNTY OF ISLAND)

THIS IS TO CERTIFY that on this 12th day of November, 1999, before me, the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, personally appeared Steve Dernbach, to me known to be the Mayor of the City of Oak Harbor, who executed the within and foregoing instrument, and acknowledged to em that the signed the same voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official deal the day and year in this certificate first above written.



Roberta J Shelton

Notary Public in and for the State

of Washington, Island County

Commission Expires: 1-15-02

INDIVIDUAL - SINGLE ACKNOWLEDGMENT

STATE OF WASHINGTON)

) SS:

COUNTY OF ISLAND)

THIS IS TO CERTIFY that on this 13TH day of AUGUST, 1998 before me, the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, personally appeared Paul Weyand, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged to me that said individual signed the same as said individual's free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.

Paul Weyand
Lani Spiekerman



Notary Public in and for the State
of Washington, ^{Clerk} ~~Island~~ County
Commission expires: 5/12/03

INDIVIDUAL - SINGLE ACKNOWLEDGMENT

STATE OF WASHINGTON)

) SS:

COUNTY OF ISLAND)

THIS IS TO CERTIFY that on this 13th day of August, 1999 before me, the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, personally appeared Cathy C Weyand, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged to me that said individual signed the same as said individual's free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.

Cathy C Weyand



Lani Spiekerman

Notary Public in and for the State of Washington, Clark Island County

Commission expires: 5/12/03

EXHIBIT A

LEGAL DESCRIPTION

R13325-317-2210

The South 730 feet to the Southeast Quarter of the Northwest Quarter of Section 25, Township 33 North, Range 1 E., W.M., lying East of S.R. 20. EXCEPT the South 330 feet thereof; and INCLUDING adjacent right-of-way (S.R. 20).

LT-27096

REAL ESTATE CONTRACT

FILED- RECORDED
VOL 199
PAGE 613

THIS CONTRACT, made and entered into this 6th day of January, 1981

JAN 9 3 31 PM '81

between Gary L. Givens and Patricia A. Givens, husband and wife

hereinafter called the "seller," and Paul Weyand and Cathy C. Weyand, licensed real estate persons, husband and wife, joint tenants with right of survivorship

hereinafter called the "purchaser,"

WITNESSETH: That the seller agrees to sell to the purchaser and the purchaser agrees to purchase from the seller the following described real estate, with the appurtenances, in Island County, State of Washington:

AS IN EXHIBIT "A" ATTACHED.

ISLAND COUNTY WASHINGTON
REAL ESTATE EXCISE TAX
PAID

JAN 9 1981

AMOUNT PAID \$ 9000.00
PATRICIA C. PFEIFER
ISLAND COUNTY TRESURER

The terms and conditions of this contract are as follows: The purchase price is Ninety Thousand and no/100--
----- (\$ 90,000.00) Dollars, of which
Ten Thousand and no/100----- (\$ 10,000.00) Dollars have
been paid, the receipt whereof is hereby acknowledged, and the balance of said purchase price shall be paid as follows:

ADDITIONAL TERMS AND CONDITIONS IN EXHIBIT "B" ATTACHED.

All payments to be made hereunder shall be made at Mt. Baker Mutual Savings Bank
or at such other place as the seller may direct in writing. P.O. Drawer KK, Oak Harbor, WA 98277
As referred to in this contract, "date of closing" shall be January 9, 1981

(1) The purchaser assumes and agrees to pay before delinquency all taxes and assessments that may as between grantor and grantee hereafter become a lien on said real estate; and if by the terms of this contract the purchaser has assumed payment of any mortgage, contract or other encumbrance, or has assumed payment of or agreed to purchase subject to, any taxes or assessments now a lien on said real estate, the purchaser agrees to pay the same before delinquency.

(2) The purchaser agrees, until the purchase price is fully paid, to keep the buildings now and hereafter placed on said real estate insured to the actual cash value thereof against loss or damage by both fire and windstorm in a company acceptable to the seller and for the seller's benefit, as his interest may appear, and to pay all premiums therefor and to deliver all policies and renewals thereof to the seller.

(3) The purchaser agrees that full inspection of said real estate has been made and that neither the seller nor his assigns shall be held to any covenant or agreement for alterations, improvements or repairs unless the covenant or agreement relied on is contained herein or is in writing and attached to and made a part of this contract.

(4) The purchaser assumes all hazards of damage to or destruction of any improvements now on said real estate or hereafter placed thereon, and of the taking of said real estate or any part thereof for public use; and agrees that no such damage, destruction or taking shall constitute a failure of consideration. In case any part of said real estate is taken for public use, the portion of the condemnation award remaining after payment of reasonable expenses of procuring the same shall be paid to the seller and applied as payment on the purchase price herein unless the seller elects to allow the purchaser to apply all or a portion of such condemnation award to the rebuilding or restoration of any improvements damaged by such taking. In case of damage or destruction from a peril insured against, the proceeds of such insurance remaining after payment of the reasonable expense of procuring the same shall be devoted to the restoration or rebuilding of such improvements within a reasonable time, unless purchaser elects that said proceeds shall be paid to the seller for application on the purchase price herein.

(5) The seller has delivered, or agrees to deliver within 15 days of the date of closing, a purchaser's policy of title insurance in standard form, or a commitment therefor, issued by Transamerica Title Insurance Company, insuring the purchaser to the full amount of said purchase price against loss or damage by reason of defect in seller's title to said real estate as of the date of closing and containing no exceptions other than the following:

- a. Printed general exceptions appearing in said policy form;
- b. Liens or encumbrances which by the terms of this contract the purchaser is to assume, or as to which the conveyance hereunder is to be made subject; and
- c. Any existing contract or contracts under which seller is purchasing said real estate, and any mortgage or other obligation, which seller by this contract agrees to pay, none of which for the purpose of this paragraph (5) shall be deemed defects in seller's title.

(6) If seller's title to said real estate is subject to an existing contract or contracts under which seller is purchasing said real estate, or any mortgage or other obligation, which seller is to pay, seller agrees to make such payments in accordance with the terms thereof, and upon default, the purchaser shall have the right to make any payments necessary to remove the default, and any payments so made shall be applied to the payments next falling due the seller under this contract.

(7) The seller agrees, upon receiving full payment of the purchase price and interest in the manner above specified, to execute and deliver to purchaser a statutory warranty deed to said real estate, excepting any part thereof hereafter taken for public use, free of encumbrances except any that may attach after date of closing through any person other than the seller, and subject to the following:

- A. Easement to U.S.A. recorded as Aud. #153251.
- B. Easement for ingress, egress and utilities recorded as Aud. #357216.
- C. Easement for ingress, egress and utilities recorded as Aud. #357216.
- D. Declaration of covenants recorded as Aud. #362605.

The Grantees by signing the acceptance below, evidence their intention to acquire said premises as joint tenants with the right of survivorship, and not as community property or as tenants in common.

(8) Unless a different date is provided for herein, the purchaser shall be entitled to possession of said real estate on date of closing and to retain possession so long as purchaser is not in default hereunder. The purchaser covenants to keep the buildings and other improvements on said real estate in good repair and not to permit waste and not to use, or permit the use of, the real estate for any illegal purpose. The purchaser covenants to pay all service, installation or construction charges for water, sewer, electricity, garbage or other utility services furnished to said real estate after the date purchaser is entitled to possession.

(9) In case the purchaser fails to make any payment herein provided or to maintain insurance, as herein required, the seller may make such payment or effect such insurance, and any amounts so paid by the seller, together with interest at the rate of 10% per annum thereon from date of payment until repaid, shall be repayable by purchaser on seller's demand, all without prejudice to any other right the seller might have by reason of such default.

(10) Time is of the essence of this contract, and it is agreed that in case the purchaser shall fail to comply with or perform any condition or agreement hereof or to make any payment required hereunder promptly at the time and in the manner herein required, the seller may elect to declare all the purchaser's rights hereunder terminated, and upon his doing so, all payments made by the purchaser hereunder and all improvements placed upon the real estate shall be forfeited to the seller as liquidated damages, and the seller shall have right to re-enter and take possession of the real estate; and no waiver by the seller of any default on the part of the purchaser shall be construed as a waiver of any subsequent default.

Service upon purchaser of all demands, notices or other papers with respect to forfeiture and termination of purchaser's rights may be made by United States Mail, postage pre-paid, return receipt requested, directed to the purchaser at his address last known to the seller.

(11) Upon seller's election to bring suit to enforce any covenant of this contract, including suit to collect any payment required hereunder, the purchaser agrees to pay a reasonable sum as attorney's fees and all costs and expenses in connection with such suit, which sums shall be included in any judgment or decree entered in such suit.

If the seller shall bring suit to procure an adjudication of the termination of the purchaser's rights hereunder, and judgment is so entered, the purchaser agrees to pay a reasonable sum as attorney's fees and all costs and expenses in connection with such suit, and also the reasonable cost of searching records to determine the condition of title at the date such suit is commenced, which sums shall be included in any judgment or decree entered in such suit.

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the date first written above.

Gary L. Givens
 Gary L. Givens
Patricia A. Givens
 Patricia A. Givens

ACCEPTED AND APPROVED:
Paul Weyand
 Paul Weyand
Cathy C. Weyand
 Cathy C. Weyand

STATE OF WASHINGTON } ss.
COUNTY OF Island }

STATE OF WASHINGTON } ss.
COUNTY OF _____ }

On this day personally appeared before me Gary L. Givens and Patricia A. Givens

On this day of 19 before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____

to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

and _____ to me known to be the _____ President and _____ Secretary, respectively, of the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that _____ authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

Paul Weyand
 Notary Public in and for the State of Washington, residing at Oak Harbor

Witness my hand and official seal hereto affixed the day and year first above written.
 Notary Public in and for the State of Washington, residing at _____



Transamerica Title Insurance Company

THIS SPACE PROVIDED FOR RECORDER'S USE

FILED FOR RECORD AT REQUEST OF

Land Title Company of Island County
P.O. Drawer K
Oak Harbor, WA 98277

WHEN RECORDED RETURN TO

Name Mt. Baker Mutual Savings Bank
 Address P.O. Drawer KK
 City, State, Zip Oak Harbor, WA 98277

EXHIBIT A

LT-27096

DESCRIPTION:

PARCEL I:

That portion of the Southeast Quarter of the Northwest Quarter in Section 25, Township 33 North, Range 1, East of the Willamette Meridian, described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 25;
 thence North along the East line of said Northwest Quarter 730 feet to the TRUE POINT OF BEGINNING;
 thence continue North along said East line of said Northwest Quarter 408 feet;
 thence West along a line which is parallel to and 1138 feet distant from the South line of said Northwest Quarter a distance of 270 feet;
 thence South and parallel to the East line of said Southeast Quarter of the Northwest Quarter 408 feet to a point on a line being 730 feet North of the South line of said Southeast Quarter of the Northwest Quarter and due West of the TRUE POINT OF BEGINNING;
 thence East along said line 270 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH an easement for ingress, egress and utilities over, under and across a thirty foot strip of land being 15 feet on each side of a centerline described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said section 25;
 thence North along the East line of said Northwest Quarter 1138 feet;
 thence West along a line which is parallel to and 1138 feet distant from the South line of said Northwest Quarter a distance of 270 feet;
 thence South and parallel to the East line of said Southeast Quarter of the Northwest Quarter 204 feet to the beginning point of said line;
 thence West and parallel to the South boundary of said Southeast Quarter of the Northwest Quarter to the Easterly right-of-way line of Secondary State Highway 525 and the terminus of said centerline.

ALSO TOGETHER WITH AND SUBJECT TO an easement for ingress, egress and utilities over, under and across the Southerly 10 feet of the above described property and to the existing well site.

PARCEL II:

That portion of the Southeast Quarter of the Northwest Quarter in Section 25, Township 33 North, Range 1, E.W.M., described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 25;
 thence North along the East line of said Northwest Quarter 1138 feet;
 thence West along a line which is parallel to and 1138 feet distant from the South line of said Northwest Quarter a distance of 270 feet;
 thence South and parallel to the East line of said Southeast Quarter of the Northwest Quarter 204 feet to the TRUE POINT OF BEGINNING;

1-9-01

thence running West and parallel to the South boundary of said Southeast Quarter of the Northwest Quarter to the Easterly right-of-way line of Secondary State Highway 525; thence South 6°02'30" West along said right-of-way line to its intersection with a line which is parallel to and 730 feet distant from the South line of said Northwest Quarter; thence East along said line to a point which lies South of the TRUE POINT OF BEGINNING and being 270 feet from the East line of said Southeast Quarter of the Northwest Quarter; thence North along a line which is parallel to and 270 feet from the East line of said Southeast Quarter of the Northwest Quarter a distance of 204 feet more or less to the TRUE POINT OF BEGINNING.

TOGETHER WITH and SUBJECT TO an easement for ingress, egress, and utilities over, under and across a thirty foot strip of land being 15 feet on each side of a centerline being the North line of the above described tract.

ALSO TOGETHER WITH and SUBJECT TO an easement for ingress, egress and utilities over, under and across the Westerly 30 feet of the above described property.

ALSO TOGETHER WITH and SUBJECT TO an easement for ingress, egress, and utilities over, under and across the Southerly 10 feet of the above described property.

PARCEL III:

That portion of the Southeast $\frac{1}{4}$, of the Northwest $\frac{1}{4}$, of Section 25, Township 33 North, Range 1, E.W.M., lying East of Highway 20, described as follows:

Beginning at the Southeast corner of the Northwest $\frac{1}{4}$ of Section 25, Township 33 North, Range 1, E.W.M., thence North along the East line of said Northwest $\frac{1}{4}$ 378 feet; thence West 490 feet to the TRUE POINT OF BEGINNING; thence continue West 208.71 feet; thence North 208.71 feet; thence East 208.71 feet; thence South to the TRUE POINT OF BEGINNING.

Situate in the County of Island, State of Washington.

PARCEL IV:

The South 730 feet of the Southeast $\frac{1}{4}$, of the Northwest $\frac{1}{4}$ of Section 25, Township 33 North, Range 1, E.W.M., lying East of Highway 20.

EXCEPT the South 330 feet thereof and

EXCEPT: Beginning at the Southeast corner of the Northwest $\frac{1}{4}$ of Section 25, Township 33 North, Range 1, E.W.M., thence North along the East line of said Northwest $\frac{1}{4}$ 378 feet; thence West 490 feet to the TRUE POINT OF BEGINNING; thence continue West 208.71 feet; thence North 208.71 feet; thence East 208.71 feet; thence South to the TRUE POINT OF BEGINNING.

Situate in the County of Island, State of Washington.

EXHIBIT "B"

\$5,000.00 payment every six (6) months. First payment due six (6) months from date of closing.

Interest at the rate of 10% per annum computed on the diminishing principal balance. Interest to commence on date of closing.

NOTWITHSTANDING the above payment schedule, the contract balance is due and payable fifteen (15) years from date of the first semi-annual payment.

Purchasers agree to reserve Westgate Mobile Homes two (2) water shares from the present water system.

Seller agrees to grant one (1) acre deed releases, of purchasers choice, from Parcel A and C of Short Plat #79/102.1.25/33/1 after each additional \$5,000.00 has been applied toward the principal balance over & above the regular payment.

It shall be agreed upon that the purchaser will be granted deed releases on the adjoining 7 1/2 acres as follows:

After \$187.00 per front foot has been applied over and above the regular payment for each parcel to be deed released. Deed release to be at purchasers choice of parcel.

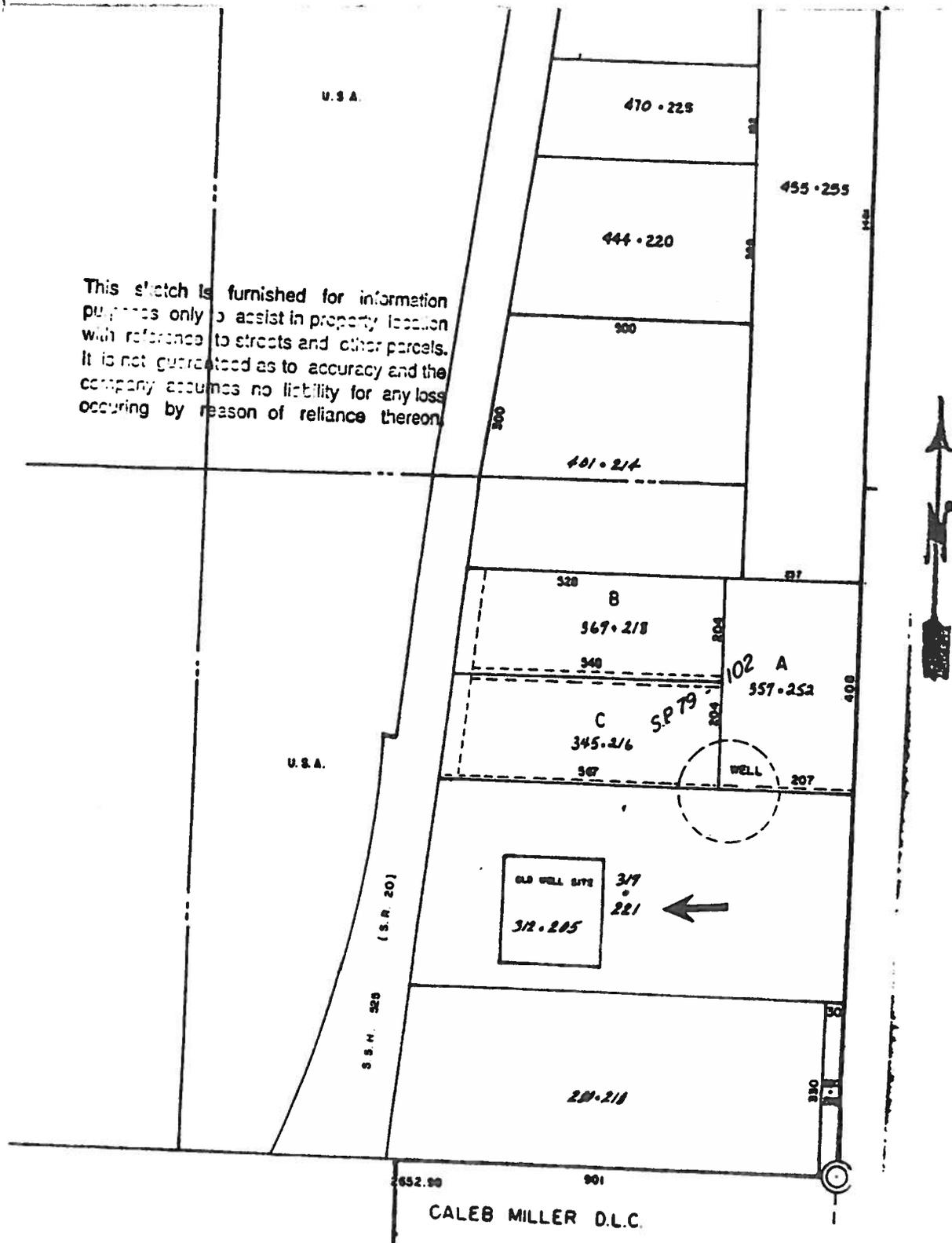
Seller agrees not to further encumber said property.


Gary L. Givens


Paul Weyand


Patricia A. Givens


Cathy C. Weyand



This sketch is furnished for information purposes only to assist in property location with reference to streets and other parcels. It is not guaranteed as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

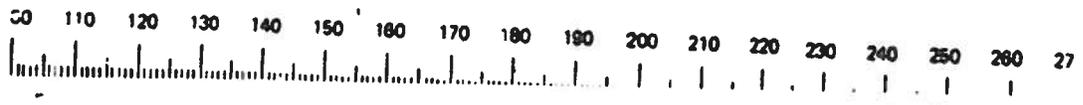
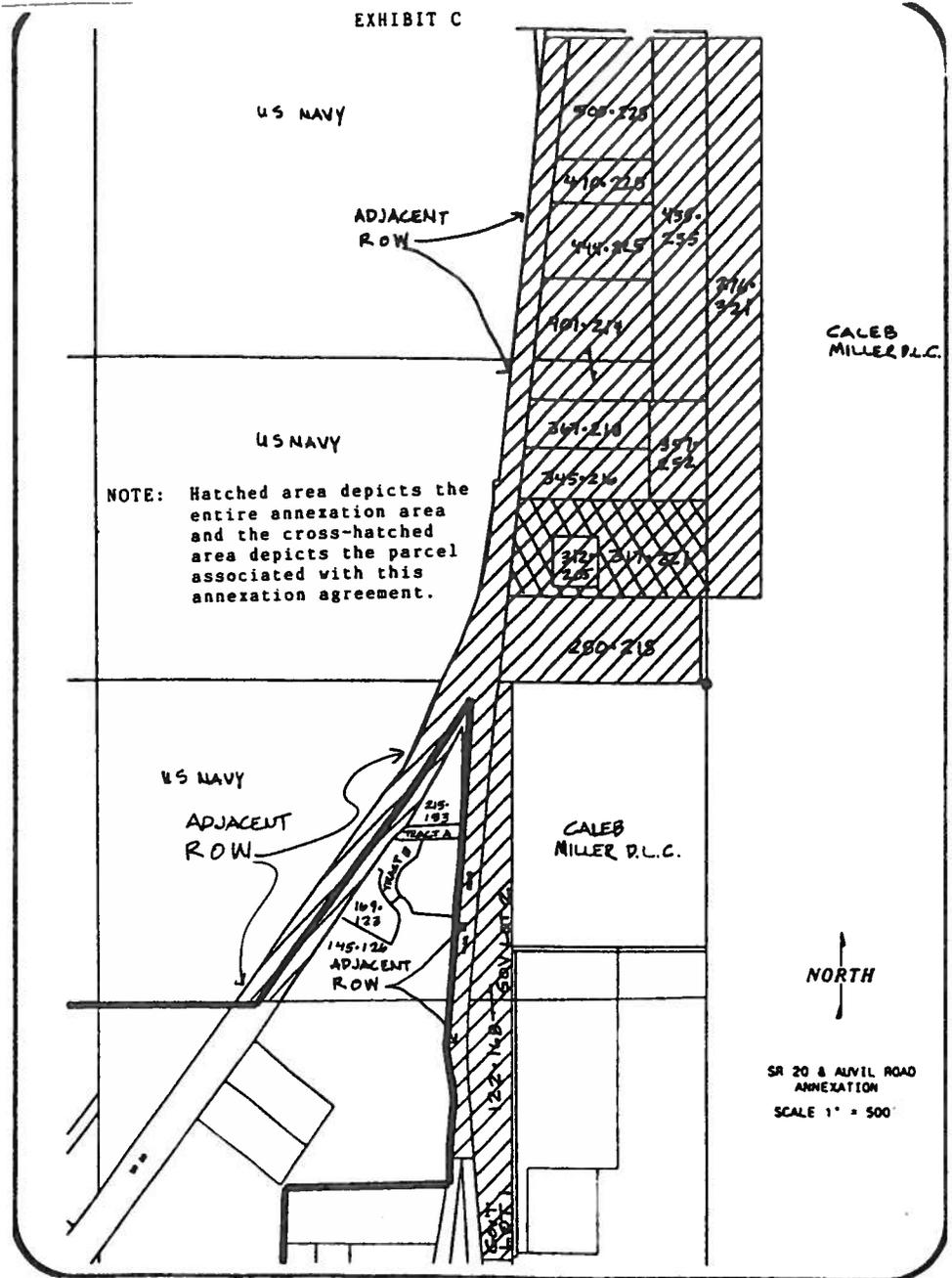


EXHIBIT C



NOTE: Hatched area depicts the entire annexation area and the cross-hatched area depicts the parcel associated with this annexation agreement.

NORTH
 SR 20 & ALVIL ROAD
 ANNEXATION
 SCALE 1" = 500'



CITY OF OAK HARBOR
Development Services Department

Pre-Application
Application Form

RECEIVED
 APR 15 2008
 CITY OF OAK HARBOR
 Development Services Department

Project Name: Thomson Ridge

Type(s) of Application: Storage outside

Description of Proposal: Vehicle on ground storage. 34150 HW 20.

| | |
|---|--|
| APPLICANT NAME/CONTACT PERSON (or legal representative): <u>Joe Decker</u> | Address: <u>PO Box 4082</u> |
| E-mail Address: <u>Joe@HansonLands.com</u> | Phone and Fax: <u>360 734 8191</u> |
| PROPERTY OWNER NAME (list multiple owners on a separate sheet): <u>Hanson Lands LP.</u> | Address: <u>PO Box 4082</u> <u>Bellasham - Wash. 98227</u> |
| E-mail Address: | Phone and Fax: |
| ENGINEER/SURVEYOR: <u>Lewis Eng</u> | Address: <u>Anacortes WA</u> |
| E-mail Address: | Phone and Fax: <u>360 888-1592</u> |
| PROJECT SITE INFORMATION (address/location) <u>C4-</u> | Comp Plan Designation: <u>C-4</u> |
| Zoning: <u>C4</u> | Parcel Number(s): <u>3</u> |
| Legal Description (attach separate sheet): | Acreage of Original Parcel(s): <u>14</u> |
| Section/Township/Range: <u>R1S3W2N</u> | Total Square Footage of Proposed Building or Number of Units: <u>No boxes just dwelling</u> |

AUTHORIZATION:

The undersigned hereby certifies that this application has been made with the consent of the lawful property owner(s) and that all information submitted with this application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request.

 Authorized Signature

 Date

30 APR 08



EXHIBIT "1"

Parcel A:

That portion of the Caleb Miller Donation Land Claim in Section 25, Township 33 North, Range 1 East of the W.M., described as follows:

Beginning at the concrete monument, as referenced upon that survey map recorded in Book 5 of Surveys, page 49, under Auditor's file No. 365533, records of Island County, Washington, marking the Northwest corner of said Claim, which said monument lies North 88°14'20" West 2624.97 feet from the concrete monument marking the Northeast corner of said Claim;

Thence South 01°08'03" West along the West line of said Claim, a distance of 2339.07 feet;

Thence South 88°04'26" East 263.74 feet;

Thence North 01°08'03" East parallel with the aforesaid West line, a distance of 2339.83 feet to the North line of said Claim at a point which lies 263.73 feet from the aforesaid Northwest corner thereof;

Thence North 88°14'20" West 263.73 feet to the Point of Beginning.

Except that portion as deeded to Island County by deed recorded July 25, 1988, under Auditor's File No. 88008984.

Also except any portion lying with Fakkema Road.

RECEIVED

APR 15 2008

CITY OF OAK HARBOR
Development Services Department



**CITY OF OAK HARBOR
Development Services Department**

Pre-Application Meeting Checklist

SEPA previously done on other site plan.

In addition to the permit(s) currently being applied for, the following checklist indicates other permit applications and studies/reports that may apply to this project (this is not an exhaustive list):

ASSOCIATED PERMIT APPLICATIONS

- Accessory Dwelling Unit Boundary Line Adj.
- Binding Site Plan Conditional Use Condominium Plat
- Final Plat Home Occupation Land Clearing
- Occupancy Planned Business Park (PBP)
- Planned Industrial Park (PIP) Planned Residential Development (PRD)
- Preliminary Plat Rezone Short Plat Sign Site Plan
- Temporary Use Transportation Concurrency Variance
- Zoning Change Other _____

ENVIRONMENTAL / CRITICAL AREAS PERMIT APPLICATIONS

- Archaeological Critical Area Identification Form
- Habitat Historic SEPA *done*
- Shoreline Oak Trees Other _____

REPORTS / STUDIES

- Stormwater Design *ans* Critical Areas Report Shoreline
- Traffic Impact Other _____

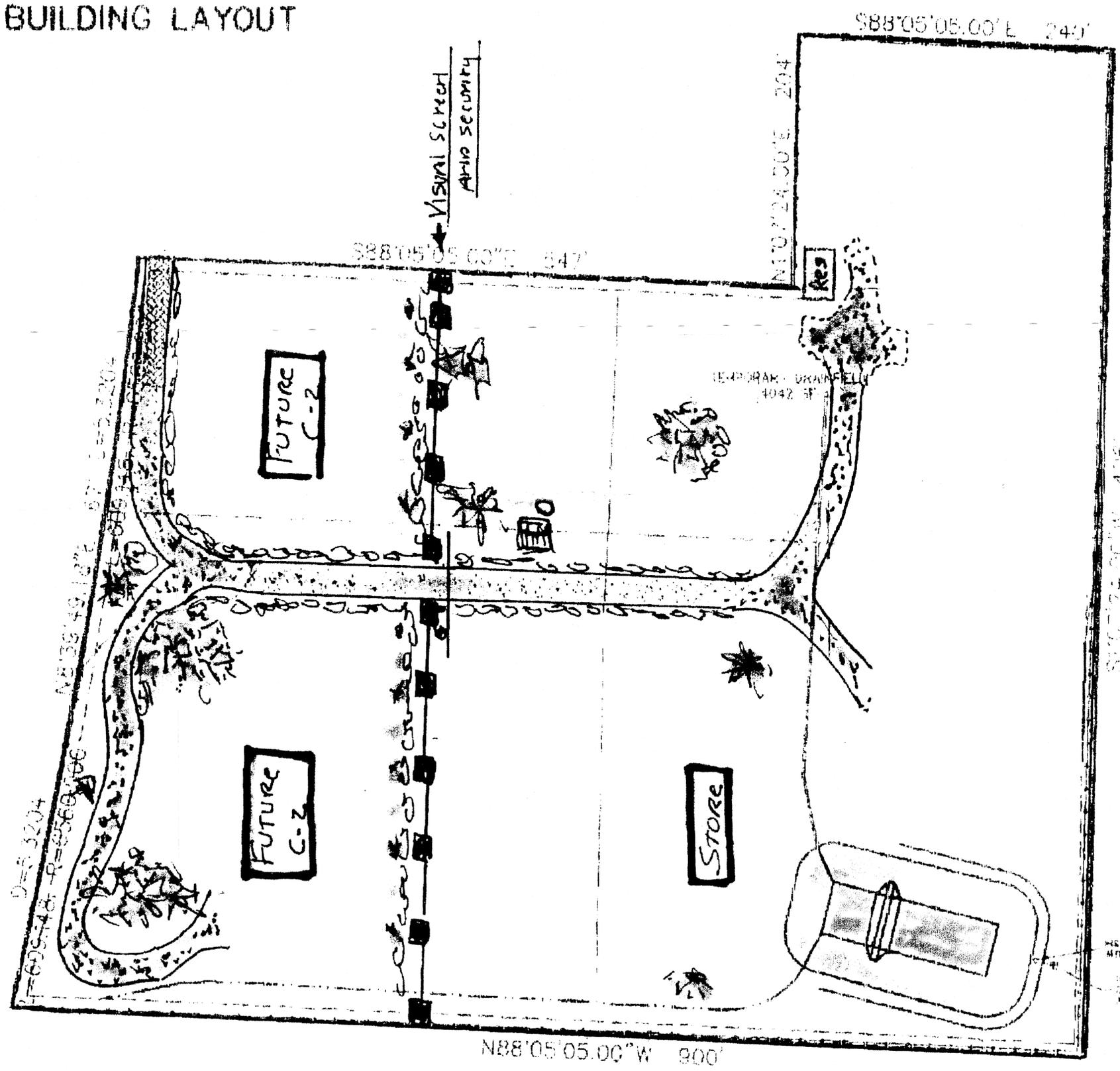
RECEIVED

APR 15 2008

CITY OF OAK HARBOR
Development Services Department

EXHIBIT 4

THUNDER RIDGE STORAGE
BUILDING LAYOUT



P.O. Box 4082
 BELLINGHAM, WA 98227
 (360)734-8191
 OR 734-2222
 FAX (360) 647-9223
 EMAIL: JOJO@HARBORLANDS.COM

JOEL DOUGLAS

HARBOR LANDS CO.
 SEASCAPE • (360) 332-6960
 GRANDVIEW BUSINESS CENTER
 HARBOR BUSINESS CENTER
 THE MONTICETO AT FRIDAY HARBOR
 LAIRMONT MANOR • (360)647-1444

Joachim Jun

SCALE 1" = 120' FT

NETTLE BUSH PLANT WITH CONTROL SYSTEM
 METALL MOUNTED LIGHT ASSEMBLY MAY BE INSTALLED AT THIS POINT



May 2, 2008

Mr. Joel Douglas
Harbor Lands Co.
PO Box 4082
Bellingham, WA 98227

Re: **Thunder Ridge Storage Facility** Pre-application (PRE-08-00002) (dated: 4/15/08)

Dear Mr. Douglas:

Staff have reviewed the pre-application packet (PRE-08-00002) (Dated: 4/15/08) of the proposed Thunder Ridge Storage Facility in accordance with the Oak Harbor Municipal Code (OHMC). Please consider these comments prior to site plan application submittal.

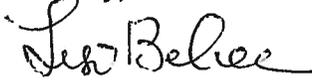
Staff are forwarding the attached review comments as they would have been outlined in the pre-application review meeting of May 1, 2008. If you have specific questions or comments please contact the appropriate staff person listed below:

Planning Rob Voigt, Senior Planner, at (360) 279-4513
Engineering Eric Johnston, City Engineer at (360) 279-4522
Fire Ray Merrill, Battalion Chief, at (360) 279-4702

Mr. Stan Stanley, Thunder Ridge project manager attended the pre-application meeting on May 1, 2008. Per the discussion at this meeting Mr. Stanley will receive a copy of the Pre-Construction PRE-08-00002 review comments dated 4/29/08 and additional attachments as listed: Douglas Waterline Extension drawing dated 3/21/07, Developer Reimbursement Agreement Application and Process, Annexation Agreements, Design Study for the Northeast Drainage Basin, City of Oak Harbor Design Regulations and Guidelines, City of Oak Harbor Critical Areas Mapping.

If you have any additional questions, please do not hesitate to contact the Permit Coordinator at (360) 279-4510. The City of Oak Harbor looks forward to working with you on this project.

Sincerely,



Lisa Bebee
Permit Coordinator
Development Services Department

cc: Mr. Randy Bradford, Harbor Lands Co.
Mr. Stan Stanley, project manager
Mr. David Lervik, Lervik Engineering
File

Enclosure: Pre-Application Staff Review Comments dated 4/29/08

Thunder Ridge PRE-08-00002
Pre-Application Review Comments
April 29, 2008

The following comments/requirements apply to the application as reviewed to this date. These comments apply to the information submitted for the pre-application review of the proposed storage use on April 15, 2008.

This is not an exhaustive list of the requirements for the proposal and more detailed requirements will be provided upon submission of additional plans or as changes are made to the application.

The Applicant should ensure that each of the comments/requirements listed below is addressed with their application submittal.

PLANNING

Misc.

1. As per Oak Harbor Municipal Code (OHMC) 19.20.375 and 19.20.385, self storage facilities and a caretaker unit are permitted. The Applicant must clarify the nature of all proposed uses. (The Applicant must clarify the "store" use identified on the submitted plans).
2. References to Future C-2 identified on the submitted plan must be clarified by the Applicant. Note: The Proposal site is zoned C-4 Highway Service Commercial.
3. Site plan and design review is required (OHMC 19.48) and will be a Type II process (OHMC 18.20.240). This is an administrative review process. Application requirements are outlined in OHMC 19.48.032.
4. Note the OHMC requirements associated with the site design (OHMC 19.20.400 Conditions Governing Permitted Uses) as they may affect your proposal and/or require changes to your submittal. The Applicant must provide additional drawings and information to illustrate the complete nature of the Proposal, and that it is meeting these requirements. At this time, insufficient information in terms of design has been submitted by the Applicant to provide additional comments.
5. The requirements of the Oak Harbor Design Regulations and Guidelines must be met; these include site, architectural and landscape design. The Applicant must provide additional drawings and information to illustrate the complete nature of the Proposal, and that it is meeting these requirements. At this time, insufficient information in terms of design has been submitted by the Applicant to provide additional comments.
6. Site plan approval is required prior to approval of engineering and building plans.

SEPA

7. A SEPA checklist shall be submitted by the Applicant. Note: the SEPA for the previously issued clearing permit is not applicable to the current Proposal.
8. NOTE: the Critical Aquifer Recharge Area map of the Comprehensive Plan Environmental Element indicates that the project site is located within a moderate to high aquifer susceptibility area. This must be reflected in the SEPA

Site Plan

9. NOTE: minimum parking requirements for proposed uses can be found in OHMC Chapter 19.44.

Any questions regarding the above comments should be addressed to Robert J. Voigt, Senior Planner, 360-279-4513.

Engineering

General

1. Any existing or proposed public and private easements need to be shown on the site plan, including any offsite easements affecting or associated with the project. OHMC 19.48.035(2)(c).
2. Fire lane access and turnaround are required. See Fire Department comments.

Water

Water main shall be extended the full frontage of the property. OHMC 13.20.010

3. If the sole purpose of a main larger than 8-inches is to meet a city requirement, then the project is eligible for oversizing reimbursement costs. This means that if a hydraulic analysis indicates that a 12-inch (as is shown on the plan submitted), or larger, main is necessary to meet the minimum fire flow demands of the project that the developer will bear the cost of the main. Therefore, if a hydraulic analysis indicates that the 12-inch main is the minimum size necessary, then the project would not be eligible for oversizing reimbursement. If a hydraulic analysis indicates that a 10-inch line is sufficient, then the project would be eligible for oversizing only if the City requested a larger size.

Oversizing reimbursement is subject to available funds and Council approval. OHMC 13.28.020(d)

4. A hydraulic analysis by a licensed professional engineer demonstrating that sufficient fire flow to meet the fire flow requirements is required to be submitted prior to approval of the site plan. The City will provide the known fire flows, pressures, and reservoir elevations from a fire flow test at the nearest hydrant.

5. The offsite waterline extension, regardless of size, is eligible for a latecomer's agreement. If a latecomer's agreement is developed assessments will be calculated using the front foot methodology described in OHMC 18.35.040 and governing section of the Revised Code of Washington (see RCW 35.91 & 35.44)
6. Water main 10-inches in diameter or smaller may be constructed with PVC pipe meeting the requirements of AWWA C900. Water mains larger than 10-inches in diameter shall be ductile iron, class 52 meeting the requirements of AWWA C151. OHMC 13.20
7. A 20' wide easement to the City of Oak Harbor for water mains as well as to and around the hydrants is required. The easement shall be recorded with Island County Assessor office prior to approval of the site plan. OHMC 13.20
8. Please indicate location and size of domestic water meter.

Sewer

9. The submitted plan indicates a proposed on-site septic system to serve the project. However, OHMC 14.03 requires connection to the City sewer system. A public sewer connection to this property at this time is not practical for the following reasons: The location of the property to be served makes the costs of extending a public sewer extraordinarily costly (reference, URS NE Drainage Basin Study, 2004) and it makes economic sense to delay hook-up to the sewer system until a more economically viable system can be built. Therefore, in accordance with OHMC 14.03.290(1) a variance to the OHMC requirement to connect to City sewer is likely appropriate. The variance request would be approved concurrent with the site plan approval. A variance request letter with documented justification for the variance including the economic basis and the topographic bases described in OHMC 14.030.290(1) shall be submitted by the applicant with the site plan submittal. Sewer connection variances are a Type I review process.

After approval of the variance request and pursuant to OHMC 14.03.290(2) the following shall be submitted to the City Engineer for review and approval prior to approval of a site plan:

- A copy of the approved septic permit from Island County Health Department
- The location of the approved septic system and reserve area shall be shown on the Site Plan.
- A copy of the easement prepared by a licensed professional surveyor and recorded with county Assessor's office for the septic system and associated reserve area from the adjacent parcel to the parcel being developed.

- A signed agreement with the City, recorded with the county Assessor's office, indicating that the property owner will contribute the proportionate share of the cost of the extension of the public sewer and or participate, with no protest, in a lawfully formed Local Improvement District.
- A signed agreement with the City, recorded with the County assessor's office, indicating that septic system is temporary and that the property owner will connect to the City sewer system, once it is made available, within six months following a lawful notice from the City.

Street

10. If not already provided, a ten foot utility easement shall be provided along the road frontages. In addition to City uses, this easement would provide for cable, telephone, gas, and power. Landscaping in the vicinity of the utility easement is to be designed in a manner to eliminate root utility intrusion/conflict. OHMC 11.17.080(4).
11. Adequate street lighting is required. It must adequately illuminate intersections and driveway-pedestrian conflict points. OHMC 11.17.080
12. Street frontage improvements are required for SR20. Frontage improvements include but are not limited to street lighting, storm drainage, curb, gutter, sidewalk, sewer, water and pavement. OHMC 19.48.037(4)(e).
13. Please indicate access location to SR-20 or provide access agreement easement with adjacent property owner. The access agreement or easement is required to be submitted prior to site plan approval

Transportation

14. An application for Transportation Concurrency is required. A traffic study is required as part of the application. The Engineering Division may provide guidance regarding specific intersections that need to be addressed in the study. Depending upon trip generation it may be necessary for WSDOT to review the study due to the site's proximity to SR20. OHMC 11.32.030

Stormwater and TESC

15. A storm water report compliant with the DOE Stormwater Management Manual for Western Washington (2005) is required (OHMC 12.30.310). It should define the measures that will be constructed to control and treat stormwater runoff and address both temporary erosion control measures for construction and permanent stormwater control for post construction. As part of the report, please provide Figure 2.2 or 2.3 of Volume I of the 2005 DOE stormwater manual with applicable path and resultant minimum requirements box delineated. OHMC 12.30

Any questions regarding the above comments should be addressed to Eric Johnston, City Engineer, 360-279-4522.

Fire

The following requirements apply to the proposed storage area. All requirements are in accordance with the International Fire Code, 2006 Edition and the Oak Harbor Municipal Code.

1. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into or within the jurisdiction. IFC 508.1
 - A. The fire flow for the storage buildings can not be determined until the building construction type is provided. The anticipated fire flow will be in 2,000 to 2,250 GPM range.
 - B. Minimum required fire flow for the manager's structure is 1,000GPM.

2. In accordance with Chapter 6 of the Fire Protections Features for the City of Oak Harbor; Fire hydrants shall be installed as per fire flow and spacing requirements specified for the type of development and in accordance with fire department specifications. 6.02.1
 - A. When any portion of a facility or building protected is in excess of one hundred and fifty (150) feet from a water supply on a public street, as measured by an approved route around the exterior of the facility or building on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the chief. Maximum distance between hydrants shall be not more than three hundred (300) feet.
 - B. On-site fire hydrants are required.
 - C. Fire hydrants shall be installed and made serviceable prior to combustibles being on site.

3. In accordance Chapter 7 of the Fire Protection Features for the City of Oak Harbor;
 - A. Dead End Water Mains: Eight (8) inch mains shall not exceed eight (800) hundred feet in length beyond a grid, and shall not supply more than two (2) hydrants from one direction. Chapter 7 7.01.2

4. Approved automatic fire sprinkler systems in new buildings and structures shall be provided in the locations described in this section. OHMC 8.05.060

EXHIBIT 5

- A. Group S-1; an automatic sprinkler systems shall be provided throughout all buildings containing a Group S-1 where the Group S-1 fire area exceeds 10,000 square feet. (Paraphrased)
- 5. The following shall be equipped, as a minimum, with an automatic and/or manual fire detection system throughout that shall alert all occupants of the building when a fire is detected and shall transmit an alarm for fire to a U.L. listed and approved monitoring station.
 - A. Group S Occupancies exceeding 2,500 square feet gross floor area.

General Note: The plans as submitted are very generic and as such detailed requirements are not provided.

The above list is not an all-inclusive list. Specific fire department requirements will be provided upon submission of site, and building plans.

For more information about Fire Department requirements, please contact Ray Merrill, Battalion Chief at (360) 279-4702.

Building

- 1. The comments listed in the April 10, 2007 Pre-Application Review are no longer valid. All structures constructed on the site are required to be in compliance with the most current code as adopted by the City of Oak Harbor Title 17 of the Oak Harbor Municipal Code. The current International Building Code is the 2006 Edition.
- 2. A caretaker or night watchmen quarters may be only allowed in a commercial coach that meet the requirements of WAC 296-150C for commercial coaches or 296-150F for factory built housing or commercial structures.
- 3. The proposed footprint of all structures should be shown to determine if the buildings will be able to meet the allowable area requirements of the building code.

For more information about Building Department requirements, please contact David Anderson, Building Official at (360) 279-4517.

L E R V I K E N G I N E E R I N G

CIVIL DESIGN AND DEVELOPMENT CONSULTING
PO Box 684 ANACORTES, WA 98221 P: 360 588.1592 F: 588.1593

August 28, 2008

Mr. Eric Johnston, PE
City of Oak Harbor
865 Barrington Drive
Oak Harbor, WA 98277

Subject: **Thunder Ridge Development**
 Regatta Drive Access Site Plan Cover Letter

Dear Eric,

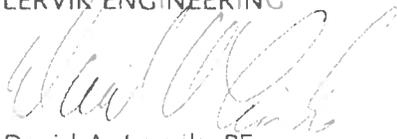
Attached please find the required site plan review documents requesting approval for the construction of a single access point off Regatta Drive near its connection with SR20 north of Case Road. As you are aware, the access route previously used for this site was outside of the recorded easement, and the owner of the property has subsequently obstructed this access. We therefore are requesting approval of the access point shown on the plans.

Please note that this application is not associated with any land use action or other development activity at this time. Its purpose is solely to provide access to the site. We are continuing the development of plans for the site and may, at a future time, request this access be more formally developed.

Please don't hesitate to call me if you have any questions, comments or concerns.

Very truly yours,

LERVIK ENGINEERING



David A. Lervik, PE
Principal Engineer

Cc: Joel Douglas

LERVIK ENGINEERING

CIVIL DESIGN AND DEVELOPMENT CONSULTING
PO Box 684 ANACORTES, WA 98221 P 360 588 1592 F 588 1593

Project Narrative for Thunder Ridge Development

This site plan application is for construction of an access point off SR20. This proposal is not associated with any building or development plan. The purpose is to establish a legal access to the property where no other access exists.

Currently, the site is unused. The applicant is evaluating development alternatives at this time, but no formal proposal has been developed. The parcels were formerly accessed via a driveway north of the site, but this access lies outside of the legal easement and has subsequently been obstructed by its legal owner. This left the parcels with no legal access, so a new access point was installed at the north end of an existing easement north of the subject property. WSDOT recently notified the City of Oak Harbor that this unpermitted access point must be addressed. This application seeks to establish this as a legal, permitted access point.

The proposal involves the construction of a gravel access road approximately 175 feet north of the north property line. Minimal clearing, grading and fill are required for this activity and it is expected to have negligible impacts on runoff.



CITY OF OAK HARBOR
Development Services Department

Site Plan
Application Form

Project Name:

THUNDER RIDGE PROJECT

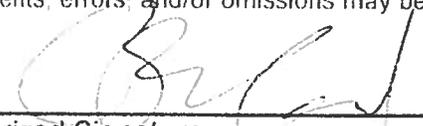
Description of Proposal:

Install single access point from property onto NE Regatta Drive

| | |
|--|--|
| APPLICANT NAME/CONTACT PERSON (or legal representative): <i>Harbor Lands Co.</i> | Address: <i>PO Box 4082 Bellingham, WA 98227</i> |
| E-mail Address: <i>None</i> | Phone and Fax: <i>P: 360.734.8191 F: 360.647.9223</i> |
| PROPERTY OWNER NAME (list multiple owners on a separate sheet): <i>Harbor Lands Co.</i> | Address: <i>PO Box 4082 Bellingham, WA 98227</i> |
| E-mail Address: <i>None</i> | Phone and Fax: <i>P: 360.734.8191 F: 360.647.9223</i> |
| ENGINEER/SURVEYOR/CONTRACTOR: <i>David A. Lervik, PE</i> | Address: <i>Lervik Engineering PO Box 684 Anacortes, WA 98221</i> |
| E-mail Address: <i>Dave@LervikEngineering.com</i> | Phone and Fax: <i>P: 360.588.1592 F: 360.588.1593</i> |
| PROJECT SITE INFORMATION (address/location): <i>SR20, approximately 500 feet north of Regatta Drive</i> | Comp. Plan Designation: <i>Highway Service Commercial</i> |
| Zoning: <i>Highway Service Commercial</i> | Parcel Number(s): <i>R13325-359-252; R13325-345-216; R13325-319-221</i> |
| Legal Description (attach separate sheet): <i>See attached</i> | Acreage of Original Parcel(s): <i>12.9 acres</i> |
| Section/Township/Range: <i>NW ¼ Section 25-33-01</i> | Total Square Footage of Proposed Building or Number of Units: <i>N/A</i> |

AUTHORIZATION:

The undersigned hereby certifies that this application has been made with the consent of the lawful property owner(s) and that all information submitted with this application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request.



Authorized Signature

8/28/08
Date

LEGAL DESCRIPTIONSPARCEL A:

That portion of the Southeast Quarter of the Northwest Quarter in Section 25, Township 33 North, Range 1 East of the Willamette Meridian, described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 25;
 thence North along the East line of said Northwest Quarter 730 feet to the true point of beginning;
 thence continue North along said East line of said Northwest Quarter 408 feet;
 thence West along a line which is parallel to and 1,138 feet distant from the South line of said Northwest Quarter a distance of 270 feet;
 thence South and parallel to the East line of said Southeast Quarter of the Northwest Quarter 408 feet to a point on a line being 730 feet North of the South line of said Southeast Quarter of the Northwest Quarter and due West of the true point of beginning;
 thence East along said line 270 feet to the true point of beginning.

(Also known as Tract A of Short Plat No. 79/102.1.25/33/1 approved July 17, 1979 and recorded August 9, 1979 under Auditor's File No. 357216, records of Island County, Washington)

PARCEL B:

That portion of the Southeast Quarter of the Northwest Quarter in Section 25, Township 33 North, Range 1 East of the Willamette Meridian, described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 25;
 thence North along the East line of said Northwest Quarter 1,138 feet;
 thence West along a line which is parallel to and 1,138 feet distant from the South line of said Northwest Quarter a distance of 270 feet;
 thence South and parallel to the East line of said Southeast Quarter of the Northwest Quarter 204 feet to the true point of beginning;
 thence running West and parallel to the South boundary of said Southeast Quarter of the Northwest Quarter to the Easterly right of way line of Secondary State Highway 525;
 thence South 6°02'30" West along said right of way line to its intersection with a line which is parallel to and 730 feet distant from the South line of said Northwest Quarter;
 thence East along said line to a point which lies South of the true point of beginning and being 270 feet from the East line of said Southeast Quarter of the Northwest Quarter;
 thence North along a line which is parallel to and 270 feet from the East line of said Southeast Quarter of the Northwest Quarter a distance of 204 feet, more or less to the true point of beginning.

(Also known as Tract C of Short Plat No. 79/102.1.25/33/1 approved July 17, 1979 and recorded August 9, 1979 under Auditor's File No. 357216, records of Island County, Washington)

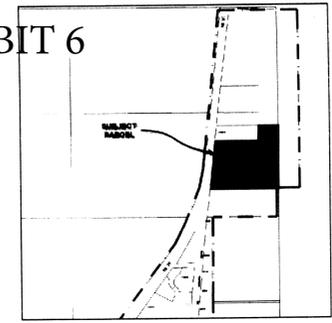
PARCEL C:

That portion of the Southeast Quarter of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian, lying East of Highway 20, described as follows:

Beginning at the Southeast corner of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian;
 thence North along the East line of said Northwest Quarter 378 feet;
 thence West 490 feet to the true point of beginning;
 thence continue West 208.71 feet;
 thence North 208.71 feet;
 thence East 208.71 feet;
 thence South to the true point of beginning

LEGAL DESCRIPTION

EXHIBIT 6



VICINITY MAP

PARCEL A:

That portion of the Southeast Quarter of the Northwest Quarter in Section 25, Township 33 North, Range 1 East of the Willamette Meridian, described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 25;
 thence North along the East line of said Northwest Quarter 730 feet to the true point of beginning;
 thence continue North along said East line of said Northwest Quarter 408 feet;
 thence West along a line which is parallel to and 1,138 feet distant from the South line of said Northwest Quarter a distance of 270 feet;
 thence South and parallel to the East line of said Southeast Quarter of the Northwest Quarter 408 feet to a point on a line being 730 feet North of the South line of said Southeast Quarter of the Northwest Quarter and due West of the true point of beginning;
 thence East along said line 270 feet to the true point of beginning.

(Also known as Tract A of Short Plat No. 79/102.1.25/33/1 approved July 17, 1979 and recorded August 9, 1979 under Auditor's File No. 357216, records of Island County, Washington)

PARCEL B:

That portion of the Southeast Quarter of the Northwest Quarter in Section 25, Township 33 North, Range 1 East of the Willamette Meridian, described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 25;
 thence North along the East line of said Northwest Quarter 1,138 feet;
 thence West along a line which is parallel to and 1,138 feet distant from the South line of said Northwest Quarter a distance of 270 feet;
 thence South and parallel to the East line of said Southeast Quarter of the Northwest Quarter 204 feet to the true point of beginning;
 thence running West and parallel to the South boundary of said Southeast Quarter of the Northwest Quarter to the Easterly right of way line of Secondary State Highway 525;
 thence South 6°02'30" West along said right of way line to its intersection with a line which is parallel to and 730 feet distant from the South line of said Northwest Quarter;
 thence East along said line to a point which lies South of the true point of beginning and being 270 feet from the East line of said Southeast Quarter of the Northwest Quarter;
 thence North along a line which is parallel to and 270 feet from the East line of said Southeast Quarter of the Northwest Quarter a distance of 204 feet, more or less to the true point of beginning.

(Also known as Tract C of Short Plat No. 79/102.1.25/33/1 approved July 17, 1979 and recorded August 9, 1979 under Auditor's File No. 357216, records of Island County, Washington)

PARCEL C:

That portion of the Southeast Quarter of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian, lying East of Highway 20, described as follows:

Beginning at the Southeast corner of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian;
 thence North along the East line of said Northwest Quarter 378 feet;
 thence West 490 feet to the true point of beginning;
 thence continue West 208.71 feet;
 thence North 208.71 feet;
 thence East 208.71 feet;
 thence South to the true point of beginning.

PARCEL D:

The South 730 feet to the Southeast Quarter of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian, lying East of Highway 20;

EXCEPT the South 330 feet thereof;

ALSO EXCEPT beginning at the Southeast corner of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian;
 thence North along the East line of said Northwest Quarter 378 feet;
 thence West 490 feet to the true point of beginning;
 thence continue West 208.71 feet;
 thence North 208.71 feet;
 thence East 208.71 feet;
 thence South to the true point of beginning.

ALL Situated in Island County, Washington

SITE ADDRESS: 34260 SR20

TAX ID NOS: R13325-359-252
 R13325-345-216
 R13325-319-221

LAND CLEARING PERMIT LND-07-00006
 EX. ZONING: HWY SERVICE COMMERCIAL
 PROP. ZONING: HWY SERVICE COMMERCIAL

NUMBER OF UNITS:
 EXISTING: 0
 PROPOSED: 1 (SECURITY/OFFICE BLDG)

CUT VOLUME = 15 CU.YD.
 FILL VOLUME = 20 CU.YD.
 NET VOLUME = 5 CU.YD.

TOPOGRAPHY OBTAINED FROM THE PUGET SOUND LIDAR CONSORTIUM.
 NAVD 1988
 STATE PLANE COORDINATE SYSTEM

LERVIK ENGINEERING
 CIVIL DESIGN AND DEVELOPMENT CONSULTING
 360.588.1592
 PO BOX 684 ANACORTES, WA 98221

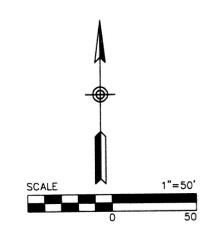
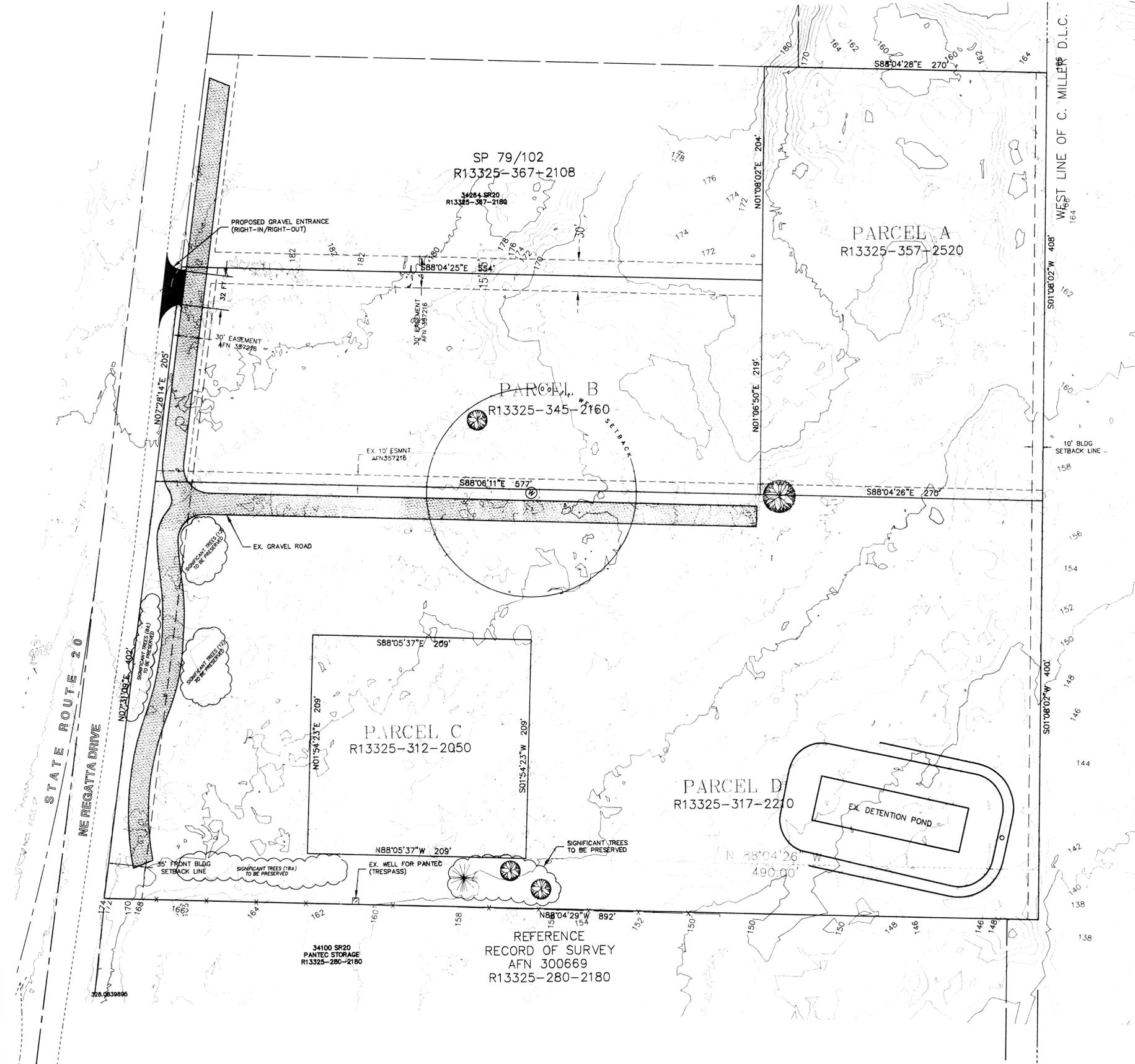


Designer: DLERVIK
 Drafter: DLERVIK
 Checked by: DLERVIK
 Date: AUGUST 2008
 Revision No. 1 2 3 4

HARBOR LANDS CO.
 PO BOX 4082
 BELLINGHAM, WA 98227
THUNDER RIDGE
 SE 1/4 OF THE NW 1/4 OF SECTION 25, TOWNSHIP 33N, RANGE 01E

REGATTA DRIVE ACCESS
SITE PLAN

C1 OF C1



RECEIVED
 AUG 28 2008
 CITY OF OAK HARBOR
 Development Services Department



September 15, 2008

Mr. Randy Bradford
Harbor Lands Co.
PO Box 4082
Bellingham, WA 98227

Re: Thunder Ridge Project Site Plan submittal (dated 8/28/08)

Dear Mr. Bradford,

This letter is to inform you that the site plan/access permit packet (SIT-08-00004) (Dated: 8/28/08) and additional supplemental information received on September 4 and September 12 for the proposed construction single access point to SR-20 is considered technically incomplete for processing at this time. Staff is unable to review the access permit application until it has been determined to be technically complete in accordance with OHMC 18.20.350.

Oak Harbor Municipal Code section 11.24.020 adopts WAC 468-51 and WAC 468-52 for the regulation and permitting of access to SR-20. In order to be technically complete, the application must include the information required in WAC 468-51-060 (emphasis added) as follows:

WAC 468-51-060 (2) (b) Property uses and traffic information. The ultimate planned property uses shall be indicated in sufficient detail to determine the appropriate permit classification. Estimated average weekday vehicle trip ends to be generated by the development, based on the planned property use, consistent with the latest trip generation information published by the Institute of Transportation Engineers, Washington, D.C., (ITE) shall be included as appropriate. If local or special trip generation rates are used, instead of the ITE rates the latest and best information shall be used and all documentation for the rate development shall be submitted with the application. For residential developments with ten or fewer units, ten trips per day per unit may be assumed. The requirement for an average weekday vehicle trip ends estimate may be waived for agricultural uses where no retail marketing is proposed.

WAC 468-51-060 (2) (c) (v) Joint driveway use.

- **If the driveway is to serve more than one property, the plan shall detail information for all properties using the connection and the application shall include copies of legally enforceable agreements of concurrence for all property owners on joint driveway usage.**
- **Joint driveway use serving adjoining properties is encouraged on all highways and may be required on some highways, in compliance with rules adopted by the department.**

In addition, please provide a copy of the easement referenced on the site plan as AFN 357216.

As specified in Oak Harbor Municipal Code (OHMC) 18.20.350 you now have 90 calendar days to submit the information. If after 90 days the application is not technically complete, the City will take one of the following three actions allowed by the OHMC:

- (a) reject and return the application and 80 percent of the application fees and mail to the applicant a written statement which lists the remaining additional information needed to make the application technically complete,
- (b) issue a decision denying the application, based on a lack of information, or
- (c) allow the applicant to start the technically complete review process a second time by providing the required missing information by a date specified by the review authority

The review process for SR-20 access permits allows for and encourages a conceptual review of the proposed access. While we have previously met to discuss the application we would be happy to meet with you again for a non-binding conceptual review of the proposed access. It will be necessary, as part of the conceptual review, for you to be prepared to discuss the ultimate use and associated trip generation for any meaningful discussion of a new access. As we discussed at our meeting on September 4, 2008 it may be possible to consider a "Category IV -temporary connection" access permit without designating the future use. However, as the application did not provide sufficient information for review of the requested Category I access permit we are unable to provide any further comment on this subject.

If you have any questions, please do not hesitate to contact me directly at (360) 279-4522.

Sincerely,



Eric Johnston, P.E.
City Engineer

Cc: Harbor Lands Co.
David A Lervik, P.E., Lervik Engineering
File

L E R V I K E N G I N E E R I N GCIVIL DESIGN AND DEVELOPMENT CONSULTING
PO Box 684 ANACORTES, WA 98221

P: 360.588.1592 F: 588.1593

**Project Narrative
for
Thunder Ridge Development**

This site plan application is for construction of an access point off NE Regatta Drive between Case Road and SR20. This proposal is not associated with any building or development plan. The purpose is to establish a legal access to the property.

Currently, the site is unused although preliminary site preparation for future uses is underway. The applicant is evaluating development alternatives at this time, but no formal proposal has been developed. The parcels were formerly accessed via a driveway north of the site, but this access lies outside of the legal easement and has subsequently been obstructed by its legal owner. This has left the parcels with no legal access.

The proposal involves the construction of a gravel access road near the northwest property corner. Minimal clearing, grading and fill are required for this activity and it is expected to have negligible impacts on runoff.

RECEIVED

SEP 03 2008

CITY OF OAK HARBOR
Development Services Department

EXHIBIT 7

LERVIK ENGINEERING

CIVIL DESIGN AND DEVELOPMENT CONSULTING
PO Box 684 ANACORTES, WA 98221 P: 360.588.1592 F: 588.1593

September 3, 2008

Mr. Eric Johnston, PE
City of Oak Harbor
865 Barrington Drive
Oak Harbor, WA 98277

**Subject: Thunder Ridge Development
Regatta Drive Access Site Plan Cover Letter**

Dear Eric,

Attached please find the required site plan review documents requesting approval for the construction of a single access point off Regatta Drive/SR20 near the northwest corner of the Thunder Ridge site. As you are aware, the access route previously used for this site was outside of the recorded easement, and the owner of the property has subsequently obstructed this access. We therefore are requesting approval of the access point shown on the plans.

Please note that this application is not associated with any land use action or other development activity at this time. Its purpose is solely to provide access to the site. We are continuing the development of plans for the site and may, at a future time, request this access be more formally developed.

Please don't hesitate to call me if you require any further information to complete this application.

Very truly yours,

LERVIK ENGINEERING



David A. Lervik, PE
Principal Engineer

Cc: Joel Douglas

L E R V I K E N G I N E E R I N G

CIVIL DESIGN AND DEVELOPMENT CONSULTING
PO Box 684 ANACORTES, WA 98221 P: 360 588 1592 F: 588.1593

August 28, 2008

Mr. Eric Johnston, PE
City of Oak Harbor
865 Barrington Drive
Oak Harbor, WA 98277

Subject: **Thunder Ridge Development**
 Regatta Drive Access Site Plan Cover Letter

Dear Eric,

Attached please find the required site plan review documents requesting approval for the construction of a single access point off Regatta Drive near its connection with SR20 north of Case Road. As you are aware, the access route previously used for this site was outside of the recorded easement, and the owner of the property has subsequently obstructed this access. We therefore are requesting approval of the access point shown on the plans.

Please note that this application is not associated with any land use action or other development activity at this time. Its purpose is solely to provide access to the site. We are continuing the development of plans for the site and may, at a future time, request this access be more formally developed.

Please don't hesitate to call me if you have any questions, comments or concerns.

Very truly yours,

LERVIK ENGINEERING



David A. Lervik, PE
Principal Engineer

Cc: Joel Douglas

Project Narrative
for
Thunder Ridge Development

This site plan application is for construction of an access point off SR20. This proposal is not associated with any building or development plan. The purpose is to establish a legal access to the property where no other access exists.

Currently, the site is unused. The applicant is evaluating development alternatives at this time, but no formal proposal has been developed. The parcels were formerly accessed via a driveway north of the site, but this access lies outside of the legal easement and has subsequently been obstructed by its legal owner. This left the parcels with no legal access, so a new access point was installed at the north end of an existing easement north of the subject property. WSDOT recently notified the City of Oak Harbor that this unpermitted access point must be addressed. This application seeks to establish this as a legal, permitted access point.

The proposal involves the construction of a gravel access road approximately 175 feet north of the north property line. Minimal clearing, grading and fill are required for this activity and it is expected to have negligible impacts on runoff.



**CITY OF OAK HARBOR
Development Services Department**

**Site Plan
Application Form**

Project Name:
THUNDER RIDGE PROJECT

Description of Proposal:
Install single access point from property onto NE Regatta Drive

| | |
|--|--|
| APPLICANT NAME/CONTACT PERSON (or legal representative): <i>Harbor Lands Co.</i> | Address: <i>PO Box 4082 Bellingham, WA 98227</i> |
| E-mail Address: <i>None</i> | Phone and Fax: <i>P: 360.734.8191 F: 360.647.9223</i> |
| PROPERTY OWNER NAME (list multiple owners on a separate sheet): <i>Harbor Lands Co.</i> | Address: <i>PO Box 4082 Bellingham, WA 98227</i> |
| E-mail Address: <i>None</i> | Phone and Fax: <i>P: 360.734.8191 F: 360.647.9223</i> |
| ENGINEER/SURVEYOR/CONTRACTOR <i>David A. Lervik, PE</i> | Address: <i>Lervik Engineering PO Box 684 Anacortes, WA 98221</i> |
| E-mail Address: <i>Dave@LervikEngineering.com</i> | Phone and Fax: <i>P: 360.588.1592 F: 360.588.1593</i> |
| PROJECT SITE INFORMATION (address/location): <i>SR20, approximately 500 feet north of Regatta Drive</i> | Comp. Plan Designation: <i>Highway Service Commercial</i> |
| Zoning: <i>Highway Service Commercial</i> | Parcel Number(s): <i>R13325-359-252; R13325-345-216; R13325-319-221</i> |
| Legal Description (attach separate sheet): <i>See attached</i> | Acreage of Original Parcel(s): <i>12.9 acres</i> |
| Section/Township/Range: <i>NW ¼ Section 25-33-01</i> | Total Square Footage of Proposed Building or Number of Units: <i>N/A</i> |

AUTHORIZATION:

The undersigned hereby certifies that this application has been made with the consent of the lawful property owner(s) and that all information submitted with this application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request.

8/28/08
Date

Authorized Signature

LEGAL DESCRIPTIONSPARCEL A:

That portion of the Southeast Quarter of the Northwest Quarter in Section 25, Township 33 North, Range 1 East of the Willamette Meridian, described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 25;
 thence North along the East line of said Northwest Quarter 730 feet to the true point of beginning;
 thence continue North along said East line of said Northwest Quarter 408 feet;
 thence West along a line which is parallel to and 1,138 feet distant from the South line of said Northwest Quarter a distance of 270 feet;
 thence South and parallel to the East line of said Southeast Quarter of the Northwest Quarter 408 feet to a point on a line being 730 feet North of the South line of said Southeast Quarter of the Northwest Quarter and due West of the true point of beginning;
 thence East along said line 270 feet to the true point of beginning.

(Also known as Tract A of Short Plat No. 79/102.1.25/33/1 approved July 17, 1979 and recorded August 9, 1979 under Auditor's File No. 357216, records of Island County, Washington)

PARCEL B:

That portion of the Southeast Quarter of the Northwest Quarter in Section 25, Township 33 North, Range 1 East of the Willamette Meridian, described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 25,
 thence North along the East line of said Northwest Quarter 1,138 feet;
 thence West along a line which is parallel to and 1,138 feet distant from the South line of said Northwest Quarter a distance of 270 feet;
 thence South and parallel to the East line of said Southeast Quarter of the Northwest Quarter 204 feet to the true point of beginning;
 thence running West and parallel to the South boundary of said Southeast Quarter of the Northwest Quarter to the Easterly right of way line of Secondary State Highway 525;
 thence South 6°02'30" West along said right of way line to its intersection with a line which is parallel to and 730 feet distant from the South line of said Northwest Quarter;
 thence East along said line to a point which lies South of the true point of beginning and being 270 feet from the East line of said Southeast Quarter of the Northwest Quarter;
 thence North along a line which is parallel to and 270 feet from the East line of said Southeast Quarter of the Northwest Quarter a distance of 204 feet, more or less to the true point of beginning.

(Also known as Tract C of Short Plat No. 79/102.1.25/33/1 approved July 17, 1979 and recorded August 9, 1979 under Auditor's File No. 357216, records of Island County, Washington)

PARCEL C:

That portion of the Southeast Quarter of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian, lying East of Highway 20, described as follows:

Beginning at the Southeast corner of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian;
 thence North along the East line of said Northwest Quarter 378 feet;
 thence West 490 feet to the true point of beginning;
 thence continue West 208.71 feet;
 thence North 208.71 feet;
 thence East 208.71 feet;
 thence South to the true point of beginning.

LERVIK ENGINEERING

CIVIL DESIGN AND DEVELOPMENT CONSULTING
PO Box 684 ANACORTES, WA 98221 P: 360.588.1592 F: 588.1593

EXHIBIT 8

**Project Narrative
for
Thunder Ridge Development
Access Point Site Plan**

RECEIVED
SEP 11 2008
CITY OF OAK HARBOR
Development Services Department

Revision Date: September 11, 2008.

This document replaces all previous versions.

Introduction:

This document is prepared pursuant to *WSDOT Standards for Access Permitting on State Managed Highways* (Chapter 468-51 WAC), as adopted by the City of Oak Harbor.

This narrative, along with other supporting documents, is submitted in support of an application for a *Category I Nonconforming Connection* (per 468-51-040(5) WAC) to the parcels known collectively as the Thunder Ridge Development.

Project Description:

This site plan application is for construction of a *Category I Nonconforming Connection* access point off SR20 north of Case Road and south of Fakkema Road. The purpose is to establish a legal access to the property. While this proposal is not associated with any building or development plan at this time, it is the applicant's desire to create permanent access and circulation routes that are easy to use, safe and economically advantageous.

The applicant previously enjoyed use of the existing driveway serving Westgate Homes, approximately 500 feet north of the site. No express easement exists that ensures access from that driveway. Recently, the owners of the adjacent property revoked the permission to use that access.

The applicant, therefore, seeks to establish an identical access to the one previously enjoyed on the Westgate Homes parcel.

Minimal clearing, grading and fill are required for this activity and it is expected to have negligible impacts on runoff.

EXHIBIT 8

Project Location:

The project is located on the east side of SR20 north of Regatta Drive in the SE¼ of the NW¼ of Section 25, Township 33N, Range 01E.

Connection Location Information – 468-51-060(2)(c)(iii) WAC

Proposed connection milepost = 34.15

- Location of highway centerline with respect to existing and proposed property lines:

The highway centerline runs parallel to west property line, with a half-ROW width of 50 feet.

- Distance of proposed access to public or private access connection to intersecting roads, streets, railroads.

The subject property is located between three other access points or intersections. Approximately 500 feet north of the northern property line is an existing access point for Westgate Mobile Home sales. Case Road intersects with NE Regatta Drive 350 feet south of the southern property line, and a left turn pocket from SR20 onto southbound NE Regatta Drive exists near the southern property line.

Our proposal places the access point near the center of the western property line. The proposed location of the access point relative to the other features is as follows:

| | |
|--------------------------------------|--------|
| Westgate driveway..... | 660 FT |
| SR20/Regatta turn pocket..... | 400 FT |
| Case Road/Regatta intersection | 735 FT |

Connection Design Information – 468-51-060(2)(c)(iv) WAC

- Proposed connection and approach improvements including its profile approaching the state highway, width, radii, angle to the highway, auxiliary pavement.

EXHIBIT 8

Please refer to the plans for details

- Existing and proposed grading (or contouring that affects the natural drainage pattern or runoff impacting the state highway and the proposed connection.

Please refer to the plans for details. The intent is to create a short connection from the edge of pavement to the existing on-site driveway.

- Drainage calculations and other pertinent data.

Soils in this area are highly permeable gravels. There are no formal collection/conveyance facilities in the vicinity of the proposed access. Runoff from the highway typically flows off the shoulder and disperses to the adjacent property where it infiltrates.

The proposed access slopes away from the highway onto the subject property. Runoff from this new surface will disperse onto the property and infiltrate as before.

- Driveway, auxiliary lanes and crossover pavement design, including subgrade, base, surface materials and thicknesses.

The current proposal involves the construction of a gravel entrance. Future paving of the access will be coordinated with on-site paving of future development.

Joint Driveway Use - 468-51-060(2)(c)(v) WAC

The aggregation of properties known as the Thunder Ridge Development will all use this driveway for access. Current site planning shows improvements spanning existing property lines. Development of the site is planned as a single entity.

Timing of Construction and Removal

The applicant wishes to install the access immediately upon approval from the City. The access will remain in use indefinitely.

EXHIBIT 8

Non-Conforming Connection Justification

The proposed connection location is designated as "non-conforming" due to the lack of required separation from adjacent access points and/or intersections. As shown on the plans, the proximity to the Westgate Homes driveway and the SR20/Regatta intersection is insufficient to provide 660 feet of separation from both points.

The proposed design places the access point 660 feet south of the Westgate driveway, but only 410 feet from the SR20/Regatta turn-pocket intersection. Because the southern intersection is a left-turn only turn pocket, this intersection has less influence or impact than a full left-right intersection. The intersection with Case Road exceeds the 660 feet minimum separation.

LERVIK ENGINEERING

CIVIL DESIGN AND DEVELOPMENT CONSULTING
PO Box 684 ANACORTES, WA 98221 P: 360.588.1592 F: 588.1593

TRAFFIC IMPACT STUDY
for
THUNDER RIDGE DEVELOPMENT
ACCESS POINT SITE PLAN APPLICATION

EXHIBIT 8
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OCT 03 2008

CITY OF OAK HARBOR
Development Services Department

This traffic analysis is prepared in support of the applicant's request for a Category 1 Access to the properties collectively known as the Thunder Ridge Development. In the City's response letter dated September 15, 2008 the previous application was determined to be technically incomplete due to the absence of a proposed use. Therefore, we have attached a site plan that shows a potential, likely use of the property as mini-storage.

Based upon the data contained in the ITE Manual (7th Edition, 2003), the average weekday trip ends generated by the conceptual proposed use of the site as "warehousing" (aka, mini-storage) is 0.28 AWDVTE/unit. The directional distribution is assumed to be 50:50 (north and south on SR20).

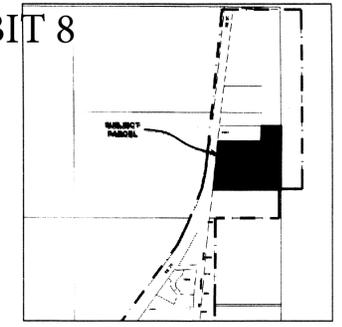
The attached conceptual site plan shows a possible layout for mini-storage on the site totaling 353 units. Applying the trip generation rate of 0.28 AWDVTE/unit results in a total of 98.8 trips generated by this site. This traffic volume is less than WSDOT's Category 1 Access threshold of 100 AWDTE.



EXPIRES: 6/28/10

LEGAL DESCRIPTION

EXHIBIT 8



VICINITY MAP

SITE ADDRESS: 34260 SR20

TAX ID NOS: R13325-359-252
R13325-345-216
R13325-319-221
R13325-357-2520

LAND CLEARING PERMIT LND-07-00006

EX. ZONING: HWY SERVICE COMMERCIAL

PROP. ZONING: HWY SERVICE COMMERCIAL

NUMBER OF UNITS:
EXISTING: 0
PROPOSED: 1 (SECURITY/OFFICE BLDG)

CUT VOLUME = 15 CU.YD.
FILL VOLUME = 20 CU.YD.
NET VOLUME = 5 CU.YD.

TOPOGRAPHY OBTAINED FROM THE PUGET
SOUND LIDAR CONSORTIUM.
NAVD 1988
STATE PLANE COORDINATE SYSTEM

PARCEL A:

That portion of the Southeast Quarter of the Northwest Quarter in Section 25, Township 33 North, Range 1 East of the Willamette Meridian, described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 25;
thence North along the East line of said Northwest Quarter 730 feet to the true point of beginning;
thence continue North along said East line of said Northwest Quarter 408 feet;
thence West along a line which is parallel to and 1,138 feet distant from the South line of said Northwest Quarter a distance of 270 feet;
thence South and parallel to the East line of said Southeast Quarter of the Northwest Quarter 408 feet to a point on a line being 730 feet North of the South line of said Southeast Quarter of the Northwest Quarter and due West of the true point of beginning;
thence East along said line 270 feet to the true point of beginning.

(Also known as Tract A of Short Plat No. 79/102.1.25/33/1 approved July 17, 1979 and recorded August 9, 1979 under Auditor's File No. 357216, records of Island County, Washington)

PARCEL B:

That portion of the Southeast Quarter of the Northwest Quarter in Section 25, Township 33 North, Range 1 East of the Willamette Meridian, described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 25;
thence North along the East line of said Northwest Quarter 1,138 feet;
thence West along a line which is parallel to and 1,138 feet distant from the South line of said Northwest Quarter a distance of 270 feet;
thence South and parallel to the East line of said Southeast Quarter of the Northwest Quarter 204 feet to the true point of beginning;
thence running West and parallel to the South boundary of said Southeast Quarter of the Northwest Quarter to the Easterly right of way line of Secondary State Highway 525;
thence South 6°02'30" West along said right of way line to its intersection with a line which is parallel to and 730 feet distant from the South line of said Northwest Quarter;
thence East along said line to a point which lies South of the true point of beginning and being 270 feet from the East line of said Southeast Quarter of the Northwest Quarter;
thence North along a line which is parallel to and 270 feet from the East line of said Southeast Quarter of the Northwest Quarter a distance of 204 feet, more or less to the true point of beginning.

(Also known as Tract C of Short Plat No. 79/102.1.25/33/1 approved July 17, 1979 and recorded August 9, 1979 under Auditor's File No. 357216, records of Island County, Washington)

PARCEL C:

That portion of the Southeast Quarter of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian, lying East of Highway 20, described as follows:

Beginning at the Southeast corner of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian;
thence North along the East line of said Northwest Quarter 378 feet;
thence West 490 feet to the true point of beginning;
thence continue West 208.71 feet;
thence North 208.71 feet;
thence East 208.71 feet;
thence South to the true point of beginning.

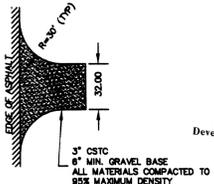
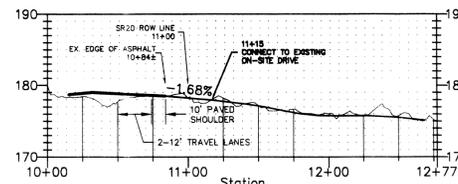
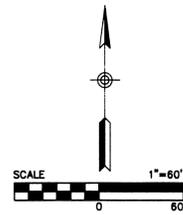
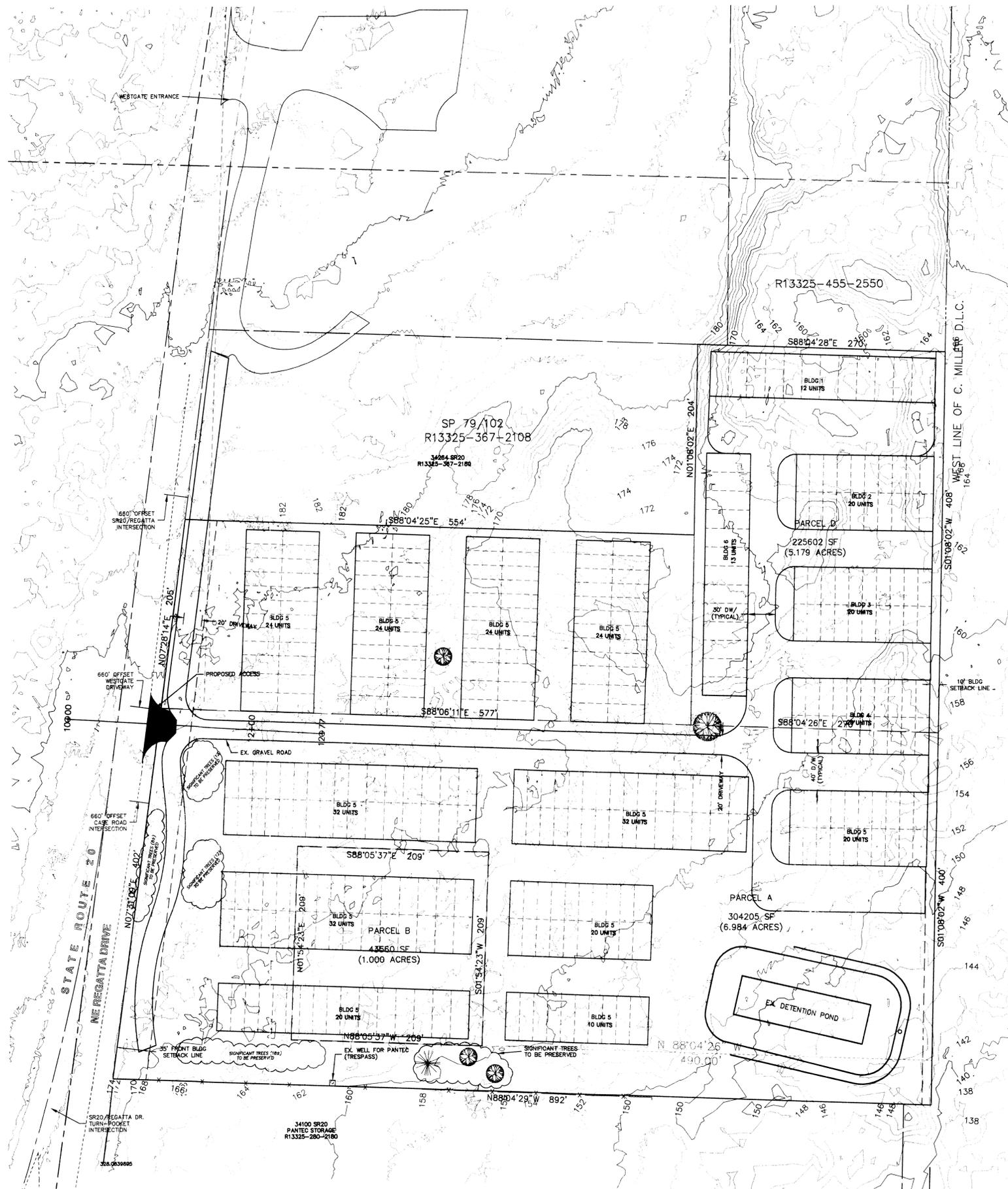
PARCEL D:

The South 730 feet to the Southeast Quarter of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian, lying East of Highway 20;

EXCEPT the South 330 feet thereof;

ALSO EXCEPT beginning at the Southeast corner of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian;
thence North along the East line of said Northwest Quarter 378 feet;
thence West 490 feet to the true point of beginning;
thence continue West 208.71 feet;
thence North 208.71 feet;
thence East 208.71 feet;
thence South to the true point of beginning.

ALL Situated in Island County, Washington



RECEIVED
OCT 03 2008
CITY OF OAK HARBOR
Development Services Department

LERVIK ENGINEERING
CIVIL DESIGN AND DEVELOPMENT CONSULTING
PO BOX 684 ANACORTES, WA 98221 360.588.1592



Designer: D. LERVIK
Checker: D. LERVIK
Checked by: D. LERVIK
Date: AUGUST 2008
Revision No. 1 2 3 4

HARBOR LANDS CO.
PO BOX 4082
BELLINGHAM, WA 98227
THUNDER RIDGE
SE¼ OF THE NW¼ OF SECTION 25, TOWNSHIP 33N,
RANGE 01E

SR20 ACCESS
SITE PLAN



October 16, 2008

Mr. Joel Douglas
Harbor Lands Co.
PO Box 4082
Bellingham, WA 98227

Re: **Thunder Ridge Access - Site Plan Application (SIT-08-00001)** (dated: 10/15/08)

Dear Mr. Douglas:

This letter is to inform you that the site plan application packet (SIT-08-00001) (dated: 8/28/08 with additional submittals on 9/4/08, 9/12/08, 10/03/08) for the proposed access to the Thunder Ridge Storage Facility project, located at 34200 SR 20 has been deemed complete for the purpose of processing on October 15, 2008. A copy of the permit and receipt has been enclosed for your files.

The plans have been circulated to City staff for review and comments. After staff has completed the review of your application, you will be notified. There will be no review meeting for this application unless deemed necessary. If a review meeting is deemed necessary, you will be notified by staff.

If you have any questions, please do not hesitate to contact me at (360) 279-4510. The City of Oak Harbor looks forward to working with you on this project.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Bebee".

Lisa Bebee
Permit Coordinator
Development Services Department

cc: Mr. David A Lervik, PE, Lervik Engineering
File

enclosure: Permit and receipt



November 13, 2008

Mr. Randy Bradford
Harbor Land Co.
PO Box 4082
Bellingham, WA 98277

*Found site plan
attached*

RE: Thunder Ridge storage facility access permit application (#SIT-08-00004)

Dear Mr. Bradford:

In considering the application and associated materials for the Thunder Ridge Access permit staff considered the following:

2180

1. The City of Oak Harbor has sole jurisdiction for access permits to SR-20 inside the corporate City limits.
2. The City of Oak Harbor adopts RCW 47.50 and WAC 468-51 468-52 as the standard for considering access permits to SR-20.
3. Access easements exist between the two parcels making up short Plat 79/102, being R13322-367-2108 and R13325-345-2160.
4. Access easements are proposed between parcels R13325-312-2050, R13325-317-2210, R13325-357-2520 and R1332-345-2160.
5. Parcels R3325-367-2108, R13325-345-2160 and R13325-317-2210 have frontage but no permitted access along SR-20, at approximate MP 34.06, and there exists no reasonable access to any public right of way and that denial of an access permit would leave property without reasonable access to the public road system.
6. Parcels R13325-312-2050, R13325-317-2210, R13325-357-2520 and R1332-345-2160 are owned in common by Harbor Lands LP at the time of application.
7. Parcel R13325-367-2108 is owned by a third party not part of the submitted applications.
8. Proposed access easements between Parcel R13325-317-2210 and R13325-345-2160 will, through the existing access easement (AFN 357216), provide access to Parcel R13325-367-2108 through the proposed SR-20 driveway.

2180

R13325-345-2160

2180

2180

9. Average daily traffic volumes on SR-20 were reported in WSDOT's 2007 Annual Traffic Report to be approximately 18,000 vpd.
10. SR-20 at the proposed access location is a Class 2 highway with a posted speed limit of 50mph.
11. The proposed access is within 660-ft of the turning, acceleration and merge lanes of the intersection of SR-20 and Regatta Drive. However, "a nonconforming access permit may be issued to provide access to parcels whose highway frontage, topography, or location would otherwise preclude issuance of a conforming connection permit." (WAC 468-52-040 2(b)ii(B)).
12. There is a striped median separating northbound traffic on SR-20 from traffic accelerating from Regatta Drive to the merge with SR-20 extending approximately 150-ft north of the southern property line of Parcel R13325-317-2210. Crossing this striped median is an illegal movement.
13. Between 2003 and 2007 there were 45 collisions within 0.5 miles either direction of the proposed access of which 18 were collisions involving injuries.
14. The application materials indicated that approximately 99 average weekday vehicle trip ends (AWDVTE) were expected with the intended use being "warehousing." The trip generation was based on the ITE 7th edition trip generation manual.

Based on this information and the requirements of the Oak Harbor Municipal Code staff have the following comments:

1. A permitted access to Parcel R13325-367-2160 will also provide access to Parcel R13325-367-2108 as allowed by the existing access and utility easement (AFN 357216). It is reasonable to assume that development of Parcel R13325-367-2108 will generate more than 2 AWDVTE, which, when added to the 99 AWDVTE proposed for the Thunder Ridge site, exceeds the maximum 100 AWDVTE limit for a Category I access permit. Together with the close proximity (less than 660 ft) to the intersection of SR-20 and Regatta Drive a Category I access permit, as proposed in the application, will not be approved by the City of Oak Harbor.

345
T/A
2. A non-conforming access permit (see WAC 468-51-100) to the benefit of Parcels R13325-312-2050, R13325-317-2210, R13325-357-2520, R1332-345-2160 and R13325-367-2108 will be granted by the City of Oak Harbor subject to the following conditions (WAC 468-51-040, WAC 468-51-100):

R13325-34
2160

 - a) Common access easements or binding agreements shall be established and recorded between Parcels R13325-312-2050, R13325-317-2210, R13325-357-2520 and R1332-345-2160 prior to issuance of the permit.
 - b) The access shall be limited to the southern 150-ft of Parcel R13325-317-2210 to minimize conflicts existing channelization on SR-20.
 - c) The access permit will be restricted to "right in" and "right out" turning movements only. No left turns shall be allowed. A physical

November 12, 2008

- obstruction, or "pork chop" together with the appropriate signage, shall be incorporated into the access design to restrict the movements.
- d) A driveway plan prepared by a licensed professional engineer in conformance with WSDOT design manual standards and guidelines, together with any necessary channelization within SR-20 ROW shall be submitted for review and approval.
 - e) The access permit will be limited to a not to exceed limit of 200 AWDVTE at the driveway.
 - f) The nonconforming access shall be removed at no cost to the City of Oak Harbor or the State of Washington should an access, by either public roadway or private easement, to a public roadway, that is not the State highway, become available.
 - g) Other conditions related to the construction, such as bonding, traffic control, time limits, etc as established with the permit issuance after submittal and review of the driveway access plan.
3. Comments on this application for an access permit or any future review or access permit approval shall in no way relieve the applicant of any requirement contained in the Oak Harbor Code related to site plan review or environmental review for the eventual development of the site. Please note that site plan submitted with the application reflects neither the recently completed grading nor the recent construction of the fencing and security wall.

If you have any questions or would like to discuss this further please contact me at 360-279-4522.

Sincerely,



Eric Johnston, PE
City Engineer

Cc: File
Dave Lervik
Westgate Homes



November 17, 2008

Mr. Randy Bradford
Harbor Land Co.
PO Box 4082
Bellingham, WA 98227

Re: Thunder Ridge storage facility access comment letter dated November 13, 2008

Dear Mr. Bradford:

Please find attached a revised letter regarding the Thunder Ridge storage facility access review comments dated 11/13/08. The appropriate corrections have been made to the parcel numbers.

We apologize for any inconvenience this may have caused you. If you have any additional questions please contact me at (360) 279-4522.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Johnston". The signature is written in a cursive style and is positioned above the printed name and title.

Eric Johnston, P.E.
City Engineer

Cc: Katherine Hohn
Dave Lervik
Westgate Homes



November 17, 2008

Mr. Randy Bradford
Harbor Land Co.
PO Box 4082
Bellingham, WA 98227

RE: Thunder Ridge storage facility access permit application (#SIT-08-00004)

Dear Mr. Bradford:

In considering the application and associated materials for the Thunder Ridge Access permit staff considered the following:

1. The City of Oak Harbor has sole jurisdiction for access permits to SR-20 inside the corporate City limits.
2. The City of Oak Harbor adopts RCW 47.50 and WAC 468-51 468-52 as the standard for considering access permits to SR-20.
3. Access easements exist between the two parcels making up short Plat 79/102, being ~~R13322-367-2108~~ R13325-367-2180 and R13325-345-2160.
4. Access easements are proposed between parcels R13325-312-2050, R13325-317-2210, R13325-357-2520 and ~~R1332-345-2160~~ R13325-345-2160.
5. Parcels ~~R3325-367-2108~~ R13325-367-2180, R13325-345-2160 and R13325-317-2210 have frontage but no permitted access along SR-20, at approximate MP 34.06, and there exists no reasonable access to any public right of way and that denial of an access permit would leave property without reasonable access to the public road system.
6. Parcels R13325-312-2050, R13325-317-2210, R13325-357-2520 and ~~R1332-345-2160~~ R13325-345-2160 are owned in common by Harbor Lands LP at the time of application.
7. Parcel ~~R13325-367-2108~~ R13325-367-2180 is owned by a third party not part of the submitted applications.
8. Proposed access easements between Parcel R13325-317-2210 and R13325-345-2160 will, through the existing access easement (AFN 357216), provide

- access to Parcel ~~R13325-367-2108~~ R13325-367-2180 through the proposed SR-20 driveway.
9. Average daily traffic volumes on SR-20 were reported in WSDOT's 2007 Annual Traffic Report to be approximately 18,000 vpd.
 10. SR-20 at the proposed access location is a Class 2 highway with a posted speed limit of 50mph.
 11. The proposed access is within 660-ft of the turning, acceleration and merge lanes of the intersection of SR-20 and Regatta Drive. However, "a nonconforming access permit may be issued to provide access to parcels whose highway frontage, topography, or location would otherwise preclude issuance of a conforming connection permit." (WAC 468-52-040 2(b)ii(B)).
 12. There is a striped median separating northbound traffic on SR-20 from traffic accelerating from Regatta Drive to the merge with SR-20 extending approximately 150-ft north of the southern property line of Parcel R13325-317-2210. Crossing this striped median is an illegal movement.
 13. Between 2003 and 2007 there were 45 collisions within 0.5 miles either direction of the proposed access of which 18 were collisions involving injuries.
 14. The application materials indicated that approximately 99 average weekday vehicle trip ends (AWDVTE) were expected with the intended use being "warehousing." The trip generation was based on the ITE 7th edition trip generation manual.

Based on this information and the requirements of the Oak Harbor Municipal Code staff have the following comments:

1. A permitted access to Parcel ~~R13325-367-2160~~ R13325-345-2160 will also provide access to Parcel ~~R13325-367-2108~~ R13325-367-2180 as allowed by the existing access and utility easement (AFN 357216). It is reasonable to assume that development of Parcel ~~R13325-367-2108~~ R13325-367-2180 will generate more than 2 AWDVTE, which, when added to the 99 AWDVTE proposed for the Thunder Ridge site, exceeds the maximum 100 AWDVTE limit for a Category I access permit. Together with the close proximity (less than 660 ft) to the intersection of SR-20 and Regatta Drive a Category I access permit, as proposed in the application, will not be approved by the City of Oak Harbor.
2. A non-conforming access permit (see WAC 468-51-100) to the benefit of Parcels R13325-312-2050, R13325-317-2210, R13325-357-2520, ~~R1332-345-2160~~ R13325-345-2160 and ~~R13325-367-2108~~ R13325-367-2180 will be granted by the City of Oak Harbor subject to the following conditions (WAC 468-51-040, WAC 468-51-100):
 - a) Common access easements or binding agreements shall be established and recorded between Parcels R13325-312-2050, R13325-317-2210, R13325-357-2520 and ~~R1332-345-2160~~ R13325-345-2160 prior to issuance of the permit.

November 17, 2008

- b) The access shall be limited to the southern 150-ft of Parcel R13325-317-2210 to minimize conflicts existing channelization on SR-20.
 - c) The access permit will be restricted to "right in" and "right out" turning movements only. No left turns shall be allowed. A physical obstruction, or "pork chop" together with the appropriate signage, shall be incorporated into the access design to restrict the movements.
 - d) A driveway plan prepared by a licensed professional engineer in conformance with WSDOT design manual standards and guidelines, together with any necessary channelization within SR-20 ROW shall be submitted for review and approval.
 - e) The access permit will be limited to a not to exceed limit of 200 AWDVTE at the driveway.
 - f) The nonconforming access shall be removed at no cost to the City of Oak Harbor or the State of Washington should an access, by either public roadway or private easement, to a public roadway, that is not the State highway, become available.
 - g) Other conditions related to the construction, such as bonding, traffic control, time limits, etc as established with the permit issuance after submittal and review of the driveway access plan.
3. Comments on this application for an access permit or any future review or access permit approval shall in no way relieve the applicant of any requirement contained in the Oak Harbor Code related to site plan review or environmental review for the eventual development of the site. Please note that site plan submitted with the application reflects neither the recently completed grading nor the recent construction of the fencing and security wall.

If you have any questions or would like to discuss this further please contact me at 360-279-4522.

Sincerely,



Eric Johnston, PE
City Engineer

Cc: File
Katherine Hohn
Dave Lervik
Westgate Homes

L E R V I K E N G I N E E R I N G

CIVIL DESIGN AND DEVELOPMENT CONSULTING
PO Box 684 ANACORTES, WA 98221 P: 360.588.1592 F: 588.1593

March 11, 2013

Mr. Joe Stowell, PE
City of Oak Harbor Engineering Dept.
865 SE Barrington Drive
Oak Harbor, WA 98277

RECEIVED

MAR 20 2013

CITY OF OAK HARBOR
Development Services Department

**Subject: Thunder Ridge Development
Access Point Permit**

Dear Joe,

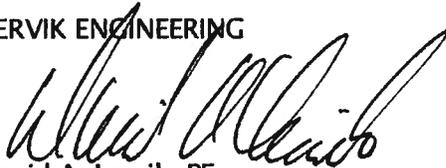
Attached please find a conceptual drawing of a right-in/right-out access point onto Regatta Drive. This conforms to the requirements and recommendations previously provided to us by the City of Oak Harbor.

Upon approval of this conceptual design, a formal engineering design will be prepared and submitted for construction approval.

Please don't hesitate to contact me if you have any questions, comments or concerns.

Very truly yours,

LERVIK ENGINEERING



David A. Lervik, PE
Principal

EXHIBIT 12
3



CITY OF OAK HARBOR
Development Services Department

Site Plan
Application Form

RECEIVED

MAR 20 2013

CITY OF OAK HARBOR
Development Services Department

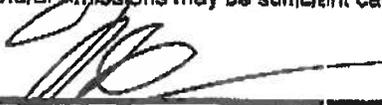
Project Name:
THUNDER RIDGE RIGHT IN/OUT ACCESS SITE PLAN

Description of Proposal:
Construct new site access point off Regatta Drive NE

| | |
|--|--|
| APPLICANT NAME/CONTACT PERSON (or legal representative): <i>Harbor Lands Co.</i> | Address: <i>PO Box 4082</i> <i>Bellingham, WA 98227</i> |
| E-mail Address: <i>None</i> | Phone and Fax: <i>P: 360.734.8191</i> <i>F: 360.647.9223</i> |
| PROPERTY OWNER NAME (list multiple owners on a separate sheet): <i>Harbor Lands Co.</i> | Address: <i>PO Box 4082</i> <i>Bellingham, WA 98227</i> |
| E-mail Address: <i>None</i> | Phone and Fax: <i>P: 360.734.8191</i> <i>F: 360.647.9223</i> |
| ENGINEER/SURVEYOR/CONTRACTOR: <i>David A. Lervik, PE</i> | Address: <i>Lervik Engineering</i> <i>PO Box 684</i> <i>Anacortes, WA 98221</i> |
| E-mail Address: <i>Dave@LervikEngineering.com</i> | Phone and Fax: <i>P: 360.588.1592</i> <i>F: 360.588.1593</i> |
| PROJECT SITE INFORMATION (address/location): <i>SR20, approximately 500 feet north of Regatta Drive</i> | Comp. Plan Designation <i>Highway Service Commercial</i> |
| Zoning: <i>Highway Service Commercial</i> | Parcel Number(s): <i>R13325-357-2520; R13325-345-2180; R13325-317-2210; R13325-312-2050</i> |
| Legal Description (attach separate sheet): <i>See attached.</i> | Acreage of Original Parcel(s): <i>12.9 acres</i> |
| Section/Township/Range: <i>NW ¼ Section 25-33-01</i> | Total Square Footage of Proposed Building or Number of Units: <i>N/A</i> |

AUTHORIZATION:

The undersigned hereby certifies that this application has been made with the consent of the lawful property owner(s) and that all information submitted with this application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request.


Authorized Signature

5 Feb 2013
Date

Z:\Douglas, Joel\Thunder Ridge\...
REV: 2/6/13

Harbor Lands LP-Joel Douglas
202 Por La Mar Circle
Santa Barbara, CA 93103
ph805-962-6383fx805-963-9363

...ess Point 20130125.doc

Joel Douglas

LEGAL DESCRIPTIONS**PARCEL A:**

That portion of the Southeast Quarter of the Northwest Quarter in Section 25, Township 33 North, Range 1 East of the Willamette Meridian, described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 25;
 thence North along the East line of said Northwest Quarter 730 feet to the true point of beginning;
 thence continue North along said East line of said Northwest Quarter 408 feet;
 thence West along a line which is parallel to and 1,138 feet distant from the South line of said Northwest Quarter a distance of 270 feet;
 thence South and parallel to the East line of said Southeast Quarter of the Northwest Quarter 408 feet to a point on a line being 730 feet North of the South line of said Southeast Quarter of the Northwest Quarter and due West of the true point of beginning;
 thence East along said line 270 feet to the true point of beginning.

(Also known as Tract A of Short Plat No. 79/102.1.25/33/1 approved July 17, 1979 and recorded August 9, 1979 under Auditor's File No. 357216, records of Island County, Washington)

PARCEL B:

That portion of the Southeast Quarter of the Northwest Quarter in Section 25, Township 33 North, Range 1 East of the Willamette Meridian, described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 25;
 thence North along the East line of said Northwest Quarter 1,138 feet;
 thence West along a line which is parallel to and 1,138 feet distant from the South line of said Northwest Quarter a distance of 270 feet;
 thence South and parallel to the East line of said Southeast Quarter of the Northwest Quarter 204 feet to the true point of beginning;
 thence running West and parallel to the South boundary of said Southeast Quarter of the Northwest Quarter to the Easterly right of way line of Secondary State Highway 525;
 thence South 6°02'30" West along said right of way line to its intersection with a line which is parallel to and 730 feet distant from the South line of said Northwest Quarter;
 thence East along said line to a point which lies South of the true point of beginning and being 270 feet from the East line of said Southeast Quarter of the Northwest Quarter;
 thence North along a line which is parallel to and 270 feet from the East line of said Southeast Quarter of the Northwest Quarter a distance of 204 feet, more or less to the true point of beginning.

(Also known as Tract C of Short Plat No. 79/102.1.25/33/1 approved July 17, 1979 and recorded August 9, 1979 under Auditor's File No. 357216, records of Island County, Washington)

PARCEL C:

That portion of the Southeast Quarter of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian, lying East of Highway 20, described as follows:

Beginning at the Southeast corner of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian;
 thence North along the East line of said Northwest Quarter 378 feet;
 thence West 490 feet to the true point of beginning;
 thence continue West 208.71 feet;
 thence North 208.71 feet;
 thence East 208.71 feet;
 thence South to the true point of beginning.

EXHIBIT 12

PARCEL D:

The South 730 feet to the Southeast Quarter of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian, lying East of Highway 20;

EXCEPT the South 330 feet thereof;

ALSO EXCEPT beginning at the Southeast corner of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian;
thence North along the East line of said Northwest Quarter 378 feet;
thence West 490 feet to the true point of beginning;
thence continue West 208.71 feet;
thence North 208.71 feet;
thence East 208.71 feet;
thence South to the true point of beginning.

ALL Situated in Island County, Washington

LEGAL DESCRIPTIONS

PARCEL A:

That portion of the Southeast Quarter of the Northwest Quarter in Section 25, Township 33 North, Range 1 East of the Willamette Meridian, described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 25, thence North along the East line of said Northwest Quarter 730 feet to the true point of beginning; thence continue North along said East line of said Northwest Quarter 406 feet; thence West along a line which is parallel to and 1,138 feet distant from the South line of said Northwest Quarter a distance of 270 feet; thence South and parallel to the East line of said Southeast Quarter of the Northwest Quarter 406 feet to a point on a line being 730 feet North of the South line of said Southeast Quarter of the Northwest Quarter and due West of the true point of beginning; thence East along said line 270 feet to the true point of beginning.

(Also known as Tract A of Short Plat No. 79/102.1.25/33/1 approved July 17, 1979 and recorded August 9, 1979 under Auditor's File No. 357216, records of Island County, Washington)

PARCEL B:

That portion of the Southeast Quarter of the Northwest Quarter in Section 25, Township 33 North, Range 1 East of the Willamette Meridian, described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 25, thence North along the East line of said Northwest Quarter 1,138 feet; thence West along a line which is parallel to and 1,138 feet distant from the South line of said Northwest Quarter a distance of 270 feet; thence South and parallel to the East line of said Southeast Quarter of the Northwest Quarter 204 feet to the true point of beginning; thence running West and parallel to the South boundary of said Southeast Quarter of the Northwest Quarter to the Easterly right of way line of Secondary State Highway 525; thence South 6°02'30" West along said right of way line to its intersection with a line which is parallel to and 730 feet distant from the South line of said Northwest Quarter; thence East along said line to a point which lies South of the true point of beginning and being 270 feet from the East line of said Southeast Quarter of the Northwest Quarter; thence North along a line which is parallel to and 270 feet from the East line of said Southeast Quarter of the Northwest Quarter a distance of 204 feet, more or less to the true point of beginning.

(Also known as Tract C of Short Plat No. 79/102.1.25/33/1 approved July 17, 1979 and recorded August 9, 1979 under Auditor's File No. 357216, records of Island County, Washington)

PARCEL C:

That portion of the Southeast Quarter of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian, lying East of Highway 20, described as follows:

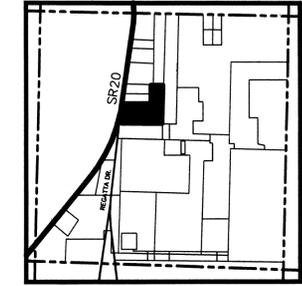
Beginning at the Southeast corner of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian, thence North along the East line of said Northwest Quarter 378 feet; thence West 490 feet to the true point of beginning; thence continue West 208.71 feet; thence North 208.71 feet; thence East 208.71 feet; thence South to the true point of beginning.

PARCEL D:

The South 730 feet to the Southeast Quarter of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian, lying East of Highway 20, EXCEPT the South 330 feet thereof.

ALSO EXCEPT beginning at the Southeast corner of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian, thence North along the East line of said Northwest Quarter 378 feet; thence West 490 feet to the true point of beginning; thence continue West 208.71 feet; thence North 208.71 feet; thence East 208.71 feet; thence South to the true point of beginning.

ALL Situated in Island County, Washington



VICINITY MAP

SITE ADDRESS: 34260 SR20

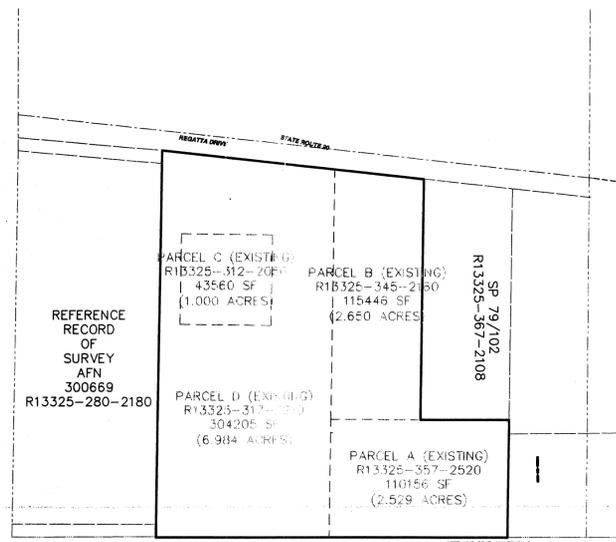
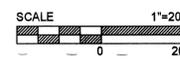
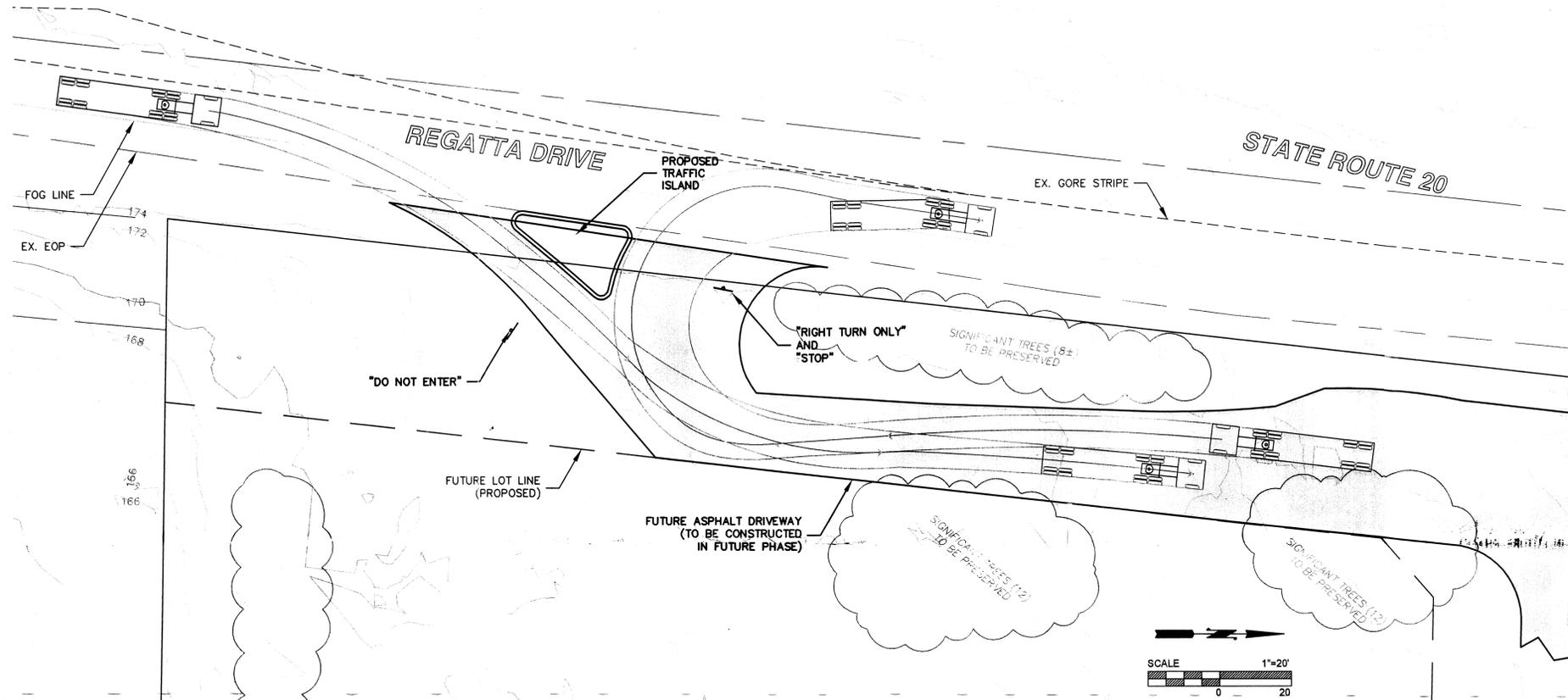
TAX ID NOS: R13325-357-2520
R13325-345-2160
R13325-317-2210
R13325-312-2050

LAND CLEARING PERMIT LND-07-00006

CURRENT ZONING: C-4 FREEWAY SERVICE COMMERCIAL
PROPOSED ZONING: C-4 FREEWAY SERVICE COMMERCIAL

PROPOSED STRUCTURES: NONE

CUT VOLUME = 36,300 CU.YD.
FILL VOLUME = 36,300 CU.YD.
NET VOLUME = 0
(NO IMPORT/EXPORT PLANNED)



PARCEL VICINITY MAP
(1"=200')

RECEIVED

MAR 20 2013

CITY OF OAK HARBOR
Development Services Department

LERVIK ENGINEERING



Designer: D. LERVIK
Drafter: D. LERVIK
Checked by: D. LERVIK
Date: AUGUST 2008
Revision No.: 1
FEBRUARY 2013

HARBOR LANDS CO.
PO BOX 4082
BELLINGHAM, WA 98227
THUNDER RIDGE PHASE I
SE¼ OF THE NW¼ OF SECTION 25, TOWNSHIP 33N,
RANGE 01E

REGATTA DR. ACCESS POINT
CONCEPTUAL SITE PLAN



May 7, 2013

Joel Douglas
Harbor Lands Co.
PO Box 4082
Bellingham, WA 98227

RE: Thunder Ridge Development Access Point - Access and ingress from
parcel R13325-317-2210 (34200 SR20) to SR20

Dear Mr. Douglas:

Per your site plan application dated March 20, 2013, the City has reviewed your request to construct a new private access driveway for your property at 34200 SR20 (Parcel Number R13325-317-2210).

Access to SR20 is managed by the City of Oak Harbor, but is regulated by state law. We have researched the extent of the highway right-of-way with WSDOT and find the acceleration lane adjacent to your property is part of the highway system and not part of Regatta Way. The acceleration lane is a necessary part of the highway system that allows traffic to safely accelerate to match the speed of traffic in the main travel lanes of the highway. Acceleration lanes function the same way as a freeway on-ramp and therefore are directly associated with the highway.

Highways in Washington are classified based on width, design speed and other factors to provide safe travel. The State implements regulations based on the classification of the highway. The portion of SR20 adjacent to your property is considered Class 2 by the Washington State Department of Transportation (WSDOT) and is regulated by Washington Administrative Code (WAC) 468-52-040 Access control classification system and standards. For Class 2, *"(ii) Private direct access to the state highway system shall be permitted only when the property has no other reasonable access to the general street system or if access to the general street system would cause traffic operational conditions or safety concerns unacceptable to the local governmental entity."*

In addition to the regulation listed above, the annexation agreement dated August 13, 1999 for Harbor Lands parcels R13325-317-2210, R13325-357-2520, R13325-312-2050, and R13325-345-2160 indicates that no direct access to SR20 would be allowed.

May 7, 2013

● Page 2

Since receipt of your original request in 2008 and subsequent response from former City Engineer, Eric Johnston, an easement has been recorded with Island County (AF#4248800) allowing legal access from your property across parcel number R13325-280-2180 to Case Road and Regatta Road

Since Harbor Land's parcels have "*reasonable access to the general street system*" by means of the aforementioned access easement (Island County AF#4248800), it would run counter to the above cited WAC and annexation agreement to issue a new driveway permit to the requested parcel. Consequently, your request for a new access permit at the proposed location is denied.

If you have any questions or concerns regarding your application, please don't hesitate to call me at 360-279-4520 or by e-mail at jstowell@oakharbor.org.

Sincerely,



Joe Stowell, P.E.
City Engineer

CC: File

WAC 468-52-040

EXHIBIT 14

Access control classification system and standards.

This section provides an access control classification system consisting of five classes. The functional characteristics and the access control design standards for each class are described. The classes are arranged from the most restrictive, class one, to the least restrictive, class five. This access control classification system does not include highways or portions thereof that have been established as limited access highways in compliance with chapter 47.52 RCW. For state highways that are planned for the establishment of limited access control in accordance with the *Master Plan for Limited Access Highways*, an access control classification will be assigned to each highway segment to remain in effect until such time that the facility is established as a limited access facility.

On all access classes, property access shall be located and designed to minimize interference with transit facilities and/or high occupancy vehicle (HOV) facilities on state highways where such facilities exist or where such facilities are proposed in a state, regional, metropolitan, or local transportation plan. In such cases, if reasonable access is available from the general street system, primary property access shall be provided from the general street system rather than from the state highway.

(1) Class one.**(a) Functional characteristics:**

These highways have the capacity for safe and efficient high speed and/or high volume traffic movements, providing for interstate, interregional, and intercity travel needs and some intracity travel needs. Service to abutting land is subordinate to providing service to major traffic movements. Highways in this class are typically distinguished by a highly controlled, limited number of public and private connections, restrictive medians with limited median openings on multilane facilities, and infrequent traffic signals.

(b) Access control design standards:

(i) It is the intent that the design of class one highways be generally capable of achieving a posted speed limit of fifty to sixty-five mph. Spacing of intersecting streets, roads, and highways shall be planned with a minimum spacing of one mile. One-half mile spacing may be permitted, but only when no reasonable alternative access exists.

(ii) Private direct access to the state highway shall not be permitted except when the property has no other reasonable access to the general street system. The following standards will be applied when direct access must be provided:

(A) The access connection shall continue until such time that other reasonable access to a highway with a less restrictive access control classification or access to the general street system becomes available and is permitted.

(B) The minimum distance to another public or private access connection shall be one thousand three hundred twenty feet. Nonconforming connection permits may be issued to provide access to parcels whose highway frontage, topography, or location would otherwise preclude issuance of a conforming connection permit; however, variance permits are not allowed. No more than one connection shall be provided to an individual parcel or to contiguous parcels under the same ownership.

(C) All private direct access shall be for right turns only on multilane facilities, unless special conditions warrant and are documented by a traffic analysis in the connection permit application, signed and sealed by a qualified professional engineer, registered in accordance with chapter 18.43 RCW.

(D) No additional access connections to the state highway shall be provided for newly created parcels resulting from property divisions. All access for such parcels shall be provided by internal road networks. Access to the state highway will be at existing permitted connection locations or at revised connection locations, as conditions warrant.

(iii) A restrictive median shall be provided on multilane facilities to separate opposing traffic movements and to prevent unauthorized turning movements.

(2) Class two.**(a) Functional characteristics:**

These highways have the capacity for medium to high speeds and medium to high volume traffic movements over medium and long distances in a safe and efficient manner, providing for interregional,

intercity, and intracity travel needs. Direct access service to abutting land is subordinate to providing service to traffic movement. Highways in this class are typically distinguished by existing or planned restrictive medians, where multilane facilities are warranted, and minimum distances between public and private connections.

(b) Access control design standards:

(i) It is the intent that the design of class two highways be generally capable of achieving a posted speed limit of thirty-five to fifty mph in urbanized areas and forty-five to fifty-five mph in rural areas. Spacing of intersecting streets, roads, and highways shall be planned with a minimum spacing of one-half mile. Less than one-half mile intersection spacing may be permitted, but only when no reasonable alternative access exists. In urban areas and developing areas where higher volumes are present or growth that will require signalization is expected in the foreseeable future, it is imperative that the location of any public access be planned carefully to ensure adequate signal progression. Addition of all new connections, public or private, that may require signalization will require an engineering analysis signed and sealed by a qualified professional engineer, registered in accordance with chapter 18.43 RCW.

(ii) Private direct access to the state highway system shall be permitted only when the property has no other reasonable access to the general street system or if access to the general street system would cause traffic operational conditions or safety concerns unacceptable to the local governmental entity. When direct access must be provided, the following conditions shall apply:

(A) The access connection shall continue until such time that other reasonable access to a highway with a less restrictive access control classification or acceptable access to the general street system becomes available and is permitted.

(B) The minimum distance to another public or private access connection shall be six hundred sixty feet. Nonconforming connection permits may be issued to provide access to parcels whose highway frontage, topography, or location would otherwise preclude issuance of a conforming connection permit. No more than one connection shall be provided to an individual parcel or to contiguous parcels under the same ownership unless the highway frontage exceeds one thousand three hundred twenty feet and it can be shown that the additional access would not adversely affect the desired function of the state highway in accordance with the assigned access classification, and would not adversely affect the safety or operation of the state highway.

(C) Variance permits may be allowed if conditions warrant and are demonstrated to the satisfaction of the department by a traffic analysis, signed and sealed by a qualified professional engineer, who is registered in accordance with chapter 18.43 RCW, which is included with the connection permit application.

(D) All private direct access shall be for right turns only on multilane facilities, unless special conditions warrant and are demonstrated, to the satisfaction of the department, by a traffic analysis, signed and sealed by a qualified professional engineer, who is registered in accordance with chapter 18.43 RCW, included with the connection permit application and only if left turn channelization is provided.

(E) No additional access connections to the state highway shall be provided for newly created parcels resulting from property divisions. All access for such parcels shall be provided by internal road networks. Access to the state highway will be at existing permitted connection locations or at revised connection locations, as conditions warrant.

(iii) On multilane facilities a restrictive median shall be provided to separate opposing traffic movements and to prevent unauthorized turning movements; however, a nonrestrictive median or a two way left turn lane may be used when special conditions exist and mainline volumes are below 20,000 ADT.

(3) Class three.

(a) Functional characteristics:

These highways have the capacity for moderate travel speeds and moderate traffic volumes for medium and short travel distances providing for intercity, intracity, and intercommunity travel needs. There is a reasonable balance between direct access and mobility needs for highways in this class. This class is to be used primarily where the existing level of development of the adjoining land is less intensive than maximum buildout and where the probability of significant land use change and increased traffic demand is high. Highways in this class are typically distinguished by planned restrictive medians, where multilane facilities are warranted, and minimum distances between public and private connections. Two-way left-

turn-lanes may be utilized where special conditions warrant and mainline traffic volumes are below 25,000 ADT. Development of properties with internal road networks and joint access connections are encouraged.

(b) Access control design standards:

(i) It is the intent that the design of class three highways be generally capable of achieving a posted speed limit of thirty to forty mph in urbanized areas and forty-five to fifty-five mph in rural areas. In rural areas, spacing of intersecting streets, roads, and highways shall be planned with a minimum spacing of one-half mile. Less than one-half mile intersection spacing may be permitted, but only when no reasonable alternative access exists. In urban areas and developing areas where higher volumes are present or growth that will require signalization is expected in the foreseeable future, it is imperative that the location of any public access be planned carefully to ensure adequate signal progression. Where feasible, major intersecting roadways that may ultimately require signalization shall be planned with a minimum of one-half mile spacing. Addition of all new connections, public or private, that may require signalization will require an engineering analysis signed and sealed by a qualified professional engineer, registered in accordance with chapter 18.43 RCW.

(ii) Private direct access:

(A) No more than one access shall be provided to an individual parcel or to contiguous parcels under the same ownership unless it can be shown that additional access points would not adversely affect the desired function of the state highway in accordance with the assigned access classification, and would not adversely affect the safety or operation, of the state highway.

(B) The minimum distance to another public or private access connection shall be three hundred thirty feet. Nonconforming connection permits may be issued to provide access to parcels whose highway frontage, topography, or location would otherwise preclude issuance of a conforming connection permit.

(C) Variance permits may be allowed if conditions warrant and are demonstrated to the satisfaction of the department by a traffic analysis, signed and sealed by a qualified professional engineer, who is registered in accordance with chapter 18.43 RCW, which is included with the connection permit application.

(4) Class four.

(a) Functional characteristics:

These highways have the capacity for moderate travel speeds and moderate traffic volumes for medium and short travel distances providing for intercity, intracity, and intercommunity travel needs. There is a reasonable balance between direct access and mobility needs for highways in this class. This class is to be used primarily where the existing level of development of the adjoining land is more intensive and where the probability of major land use changes is less probable than on class three highway segments. Highways in this class are typically distinguished by existing or planned nonrestrictive medians. Restrictive medians may be used as operational conditions warrant to mitigate turning, weaving, and crossing conflicts. Minimum connection spacing standards should be applied if adjoining properties are redeveloped.

(b) Access control design standards:

(i) It is the intent that the design of class four highways be generally capable of achieving a posted speed limit of thirty to thirty-five mph in urbanized areas and thirty-five to forty-five mph in rural areas. In rural areas, spacing of intersecting streets, roads, and highways shall be planned with a minimum spacing of one-half mile. Less than one-half mile intersection spacing may be permitted, but only when no reasonable alternative access exists. In urban areas and developing areas where higher volumes are present or growth that will require signalization is expected in the foreseeable future, it is imperative that the location of any public access be planned carefully to ensure adequate signal progression. Where feasible, major intersecting roadways that may ultimately require signalization shall be planned with a minimum of one-half mile spacing. Addition of all new connections, public or private, that may require signalization will require an engineering analysis signed and sealed by a qualified professional engineer, registered in accordance with chapter 18.43 RCW.

(ii) Private direct access:

(A) No more than one access shall be provided to an individual parcel or to contiguous parcels under the same ownership unless it can be shown that additional access points would not adversely affect the desired function of the state highway in accordance with the assigned access classification, and would not adversely affect the safety or operation of the state highway.

(B) The minimum distance to another public or private access connection shall be two hundred fifty feet. Nonconforming connection permits may be issued to provide access to parcels whose highway frontage, topography, or location would otherwise preclude issuance of a conforming connection permit.

(C) Variance permits may be allowed if conditions warrant and are demonstrated to the satisfaction of the department by a traffic analysis, signed and sealed by a qualified professional engineer, who is registered in accordance with chapter 18.43 RCW, which is included with the connection permit application.

(5) Class five.

(a) Functional characteristics:

These highways have the capacity for moderate travel speeds and moderate traffic volumes for primarily short travel distances providing for intracity and intracommunity trips primarily for access to state highways of higher classification. Access needs may generally be higher than the need for through traffic mobility without compromising the public health, welfare, or safety. These highways will generally have nonrestrictive medians.

(b) Access control design standards:

(i) It is the intent that the design of class five highways be capable of achieving a posted speed limit of twenty-five to thirty-five mph. In rural areas, spacing of intersecting streets, roads, and highways shall be planned with a minimum spacing of one-quarter mile. Less than one-quarter mile spacing may be permitted where no reasonable alternative exists. In urban areas and developing areas where higher volumes are present or growth that will require signalization is expected in the foreseeable future, it is imperative that the location of any public access be planned carefully to ensure adequate signal progression. Where feasible, major intersecting roadways that may ultimately require signalization shall be planned with a minimum of one-quarter mile spacing. Addition of all new connections, public or private, that may require signalization will require an engineering analysis signed and sealed by a qualified professional engineer, registered in accordance with chapter 18.43 RCW.

(ii) Private direct access:

(A) No more than one access shall be provided to an individual parcel or to contiguous parcels under the same ownership unless it can be shown that additional access points would not adversely affect the desired function of the state highway in accordance with the assigned access classification, and would not adversely affect the safety or operation of the state highway.

(B) The minimum distance to another public or private access connection shall be one hundred twenty-five feet. Nonconforming connection permits may be issued to provide access to parcels whose highway frontage, topography, or location would otherwise preclude issuance of a conforming connection permit.

(C) Variance permits may be allowed if conditions warrant and are demonstrated to the satisfaction of the department by a traffic analysis, signed and sealed by a qualified professional engineer, who is registered in accordance with chapter 18.43 RCW, which is included with the connection permit application.

(6) Corner clearance. Corner clearances for connections shall meet or exceed the minimum connection spacing requirements of the applicable access class where the highway segment has been assigned a classification. A single connection may be placed closer to the intersection, in compliance with the permit application process specified in chapter 468-51 WAC, and in accordance with the following criteria:

(a) If, due to property size, corner clearance standards of this chapter cannot be met, and where joint access meeting or exceeding the minimum corner clearance standards cannot be obtained, or is determined by the department to be not feasible because of conflicting land use or conflicting traffic volumes or operational characteristics, then the following minimum corner clearance criteria may be used:

| corner clearance at intersections | | |
|-----------------------------------|--------------------|----------------|
| With Restrictive Median | | |
| Position | Access Allowed | Minimum (feet) |
| Approaching intersection | Right In/Right Out | 115 |

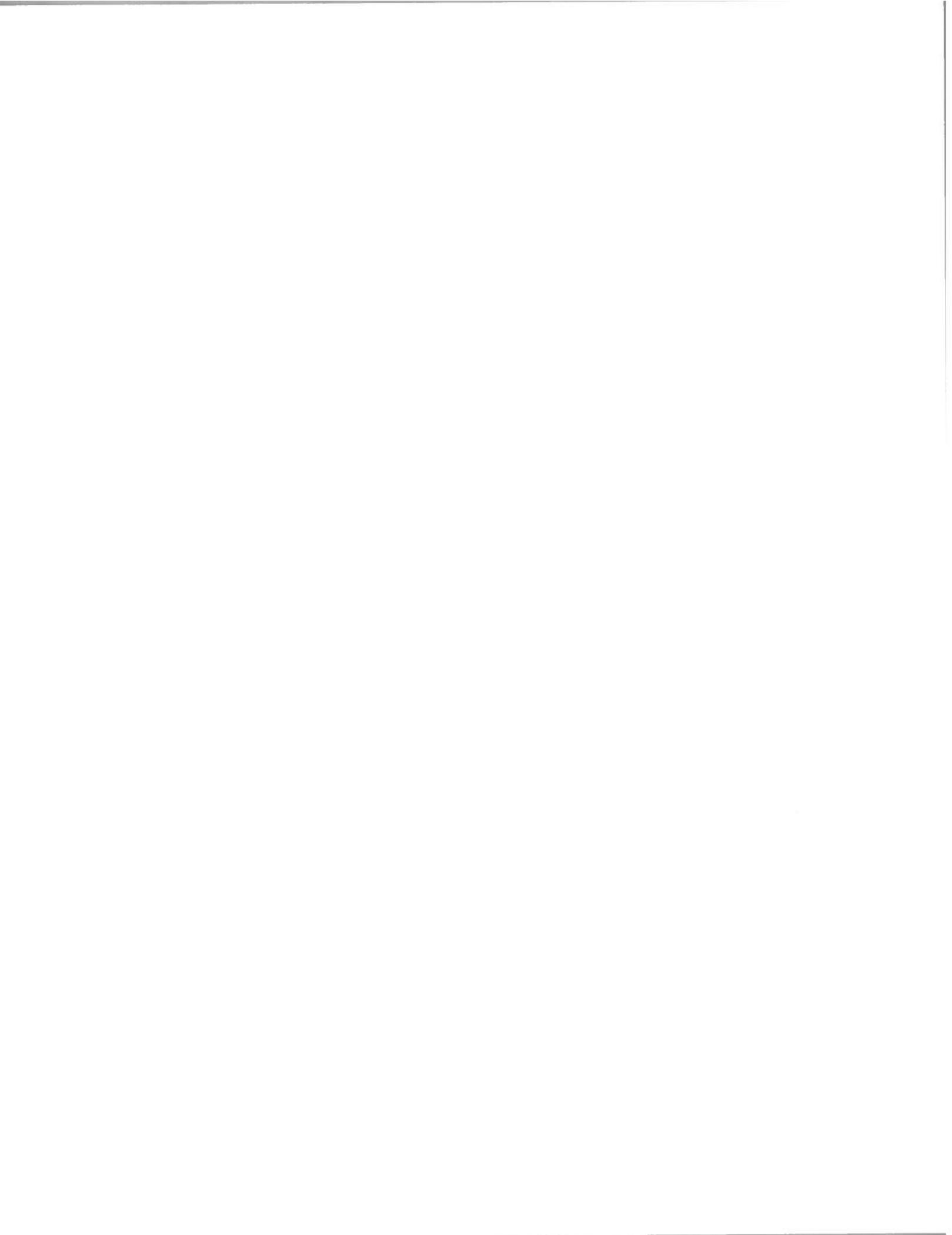
| | | |
|-----------------------------------|--------------------|---------------------------|
| Approaching intersection | Right In Only | 75 |
| Departing intersection | Right In/Right Out | 230* |
| Departing intersection | Right Out Only | 100 |
| Without Restrictive Median | | |
| | | Minimum (feet) |
| Approaching intersection | Full Access | 230* |
| Approaching intersection | Right In Only | 100 |
| Departing intersection | Full Access | 230* |
| Departing intersection | Right Out Only | 100 |

*For Access Class 5 and for speeds less than thirty-five mph, one hundred twenty-five feet may be used.

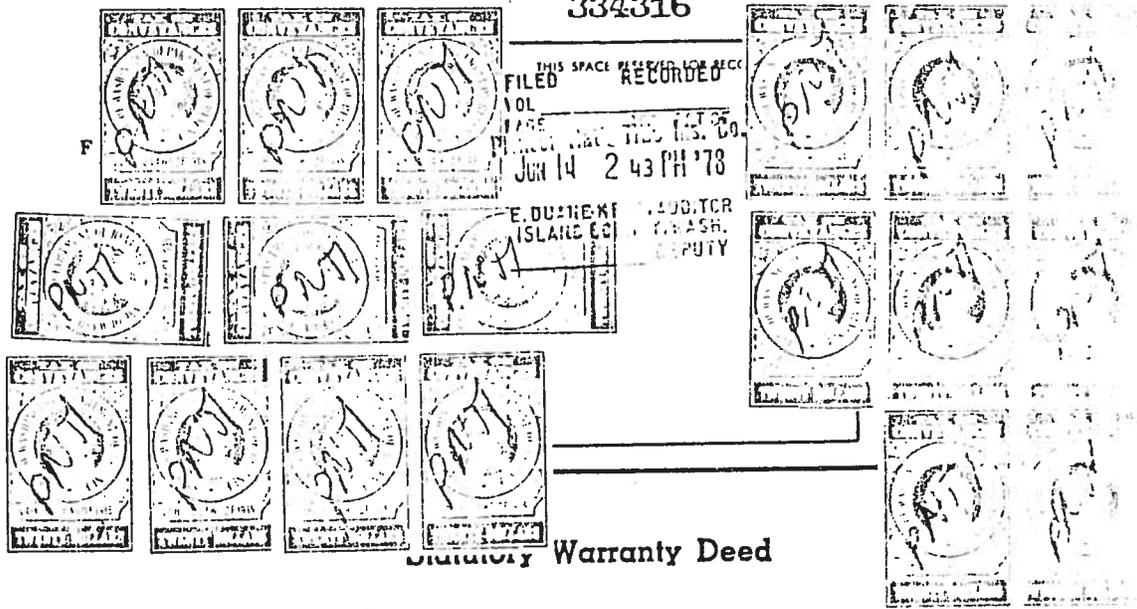
(b) In cases where connections are permitted under the above criteria, the permit issued in compliance with chapter 468-51 WAC shall contain the following additional conditions:

- (i) There shall be no more than one connection per property frontage on the state highway.
- (ii) When joint or alternate access meeting or exceeding the minimum corner clearance standards becomes available, the permit holder shall close the permitted connection, unless the permit holder shows to the department's satisfaction that such closure is not feasible.
- (iii) Variance permits are not allowed.

[Statutory Authority: Chapter 47.50 RCW. WSR 99-06-035 (Order 188), § 468-52-040, filed 2/25/99, effective 3/28/99. Statutory Authority: RCW 47.01.101 and chapter 47.50 RCW. WSR 93-03-033 (Order 135), § 468-52-040, filed 1/13/93, effective 2/13/93.]



334316



Statutory Warranty Deed

THE GRANTOR PANTEC MINI-STORAGE OAK HARBOR, a limited Partnership,
M. BARRY RUSSELL, General Partner

for and in consideration of TEN DOLLARS and no/100 (\$10.00) and other valuable considerations

in hand paid, conveys and warrants to F and F ASSOCIATES, a Limited Partnership

the following described real estate, situated in the County of ISLAND, State of Washington:

The South 330 feet of that portion of the Southeast quarter of the Northwest quarter of Section 25, Township 33 North, Range 1 East, W.M., lying Easterly of the State Highway 525. (S.S.R. 20) EXCEPT the Easterly 30 feet thereof.

THE GRANTOR HEREIN RESERVES UNTO THEMSELVES, THEIR HEIRS AND ASSIGNS AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER, UNDER AND ACROSS THE WEST 20 FEET OF THE ABOVE DESCRIBED PROPERTY.

SUBJECT TO:

Deed of Trust dated April 26, 1977 recorded May 4, 1977 under Auditor's file No. 313156 which grantee agrees to assume and pay according to the terms and conditions thereof.

Mortgage dated April 26, 1976 recorded May 3, 1976 under Auditor's file No. 296877 which grantee agrees to assume and pay according to the terms and conditions thereof.

Security Interest in Goods filed May 4, 1977 under Auditor's file No. 313157.

Assignment Assigning all Rents recorded May 4, 1977 under Auditor's file No. 313158.

Easement for Avigation Easement in perpetuity, together with the right to clear glide paths, clear obstructions and related rights recorded March 28, 1963 under Auditor's file No. 151559.



Dated this

JUN 14 1978

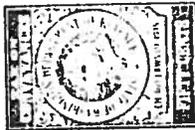
TEN DOLLARS and no/100 June, 1978

PATRICIA C. PFEIFER
ISLAND COUNTY TRESURER

PANTEC MINI-STORAGE OAK HARBOR

BY: M. Barry Russell (SEAL)
General Partner
BY: _____ (SEAL)

STATE OF WASHINGTON,
County of



On this day personally appeared before me M. Barry Russell
to me known to be the individual described in and who executed the within and foregoing instrument, and
acknowledged that he signed the same as his free and voluntary act and deed, for the
uses and purposes therein mentioned.

GIVEN under my hand and official seal this 7th day of June, 1978
Shirley McLeod
Notary Public in and for the State of Washington,
Residing at Bainbridge Island



6-14-78



HARBOR LANDS CO.
P.O. BOX 4082
BELLINGHAM, WA 98227

**QUIT CLAIM DEED
FOR EASEMENT**

mo3311 B

664-

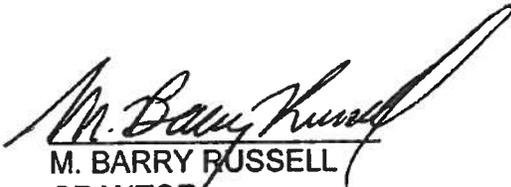
THE GRANTOR, M. BARRY RUSSELL, an individual and General Partner of Pantec Mini-Storage Oak Harbor, a Limited Partnership, by and for consideration of Five Hundred Dollars (\$500.00) and other valuable consideration in hand paid, conveys and warrants to **THE GRANTEE, MARK DOUGLAS**, an individual and a single man, the following Easement reserved and described in the Statutory Warranty Deed dated June 14, 1978, and recorded in **Island County, Washington** and as attached and incorporated herein as **Exhibit A**:

An Easement for Ingress, egress and utilities over, under and across the West 20 feet of the following described property:

The South 330 feet of that portion of the Southeast quarter of the Northwest quarter of Section 25, Township 33 North, Range 1 East, W.M., lying Easterly of the State Highway 525. (S.S.H. 20) EXCEPT the Easterly 30 feet thereof.

TAX PARCEL NO. R13325-280-2180

In witness where of, the parties hereto have executed this instrument as of the date of 30 Day of Apr. 2008.


M. BARRY RUSSELL
GRANTOR


MARK DOUGLAS
GRANTEE

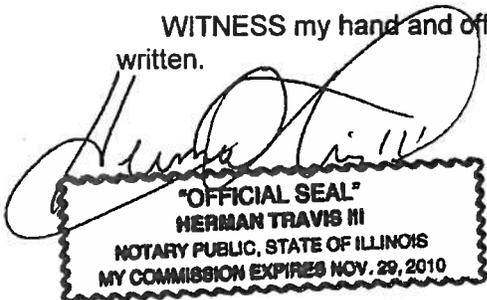


STATE OF MISSOURI)

COUNTY OF)

THIS IS TO CERTIFY that on this 22 day of Aug 2008, before me, the undersigned, a notary public in and for the State of Missouri, ^{Illinois} duly commissioned and sworn, personally appeared M. Early Russell, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged to me that said individual signed the same as said individual's free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.



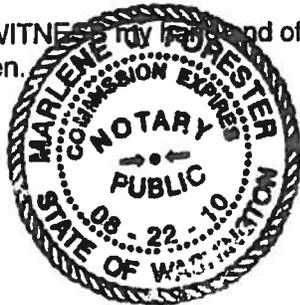
Notary Public in and for the State of Missouri, ^{Illinois} St. Clair County
Commission expires:
Nov 29, 2010

STATE OF WASHINGTON)

COUNTY OF Whatcom)

THIS IS TO CERTIFY that on this 30 day of Aug 2008, before me, the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, personally appeared Mark Douglas, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged to me that said individual signed the same as said individual's free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.

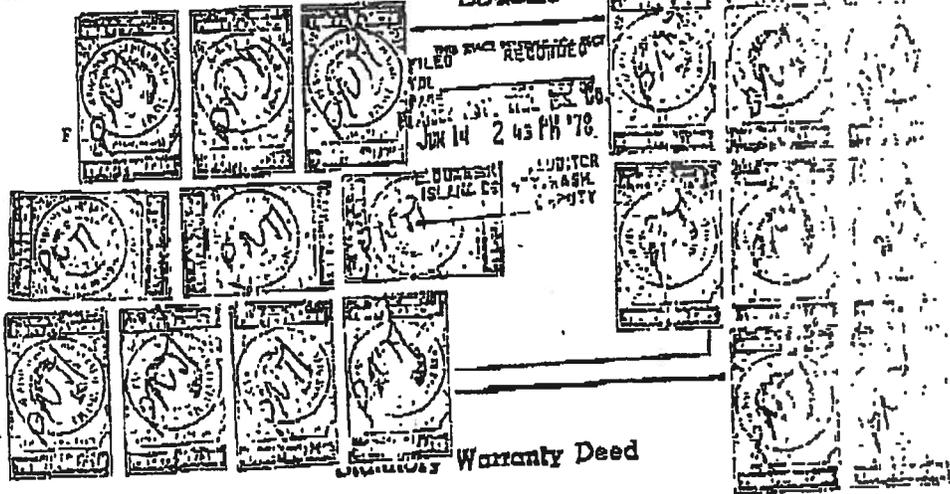


Marlene J. Forester
Notary Public in and for the State of Washington, Whatcom County
Commission expires:
8-22-10



25-33-1-SENW

334316



Warranty Deed

THE GRANTOR **PANTEC MINI-STORAGE OAK HARBOR**, a Limited Partnership,
M. BARRY RUSSELL, General Partner
for and in consideration of **THE DOLLARS and no/100 (\$10.00)** and other valuable considerations
in hand paid, conveyed and warrants to **F and F ASSOCIATES**, a Limited Partnership

the following described real estate, situated in the County of **ISLAND**, State of
Washington:
The South 3/40 part of the portion of the Southeast quarter of the Northwest
quarter of Section 25, Township 33 North, Range 1 East, W.M., lying easterly
of the State Highway 125. (S.R.N. 20) EXCEPT the westerly 30 feet thereof.
THE GRANTOR HEREBY RESERVES INTO THEMSELVES, THEIR HEIRS AND ASSIGNS an EASEMENT
FOR INGRESS, EGRESS AND UTILITIES OVER, UNDER AND ACROSS THE WEST 20 FEET OF THE
ABOVE DESCRIBED PROPERTY.

SUBJECT TO:
Deed of Trust dated April 26, 1977 recorded May 4, 1977 under Auditor's file No.
113156 which grantor agrees to assume and pay according to the terms and conditions
thereof.
Mortgage dated April 26, 1976 recorded May 3, 1976 under Auditor's file No. 256877
which grantor agrees to assume and pay according to the terms and conditions thereof.
Security Interest in Goods filed May 4, 1977 under Auditor's file No. 113157.
Assignment Assigning All Rights recorded May 4, 1977 under Auditor's file No. 113158.
Easement for Aviation Easement in perpetuity, together with the right to clear
slide paths, clear obstructions and related rights recorded March 28, 1963 under
Auditor's file No. 15155.

1557
3



PAID
JUN 14 1978
Dated this 14th day of June, 1978
AMOUNT PAID \$10.00
PATRICIA C. PRATER
ISLAND COUNTY TREASURER
BY: M. Barry Russell
PANTEC MINI-STORAGE OAK HARBOR

Return to:
Katherine M. Hohn
Attorney at Law
PO Box 4082
Bellingham, WA 98227

04/13/2009 02:32:37 PM
Recording Fee \$49.00 Page 1 of 8
Easement
Island County Washington

4248800

EXHIBIT 16



EXCISE TAX EXEMPT

APR 13 2009

LINDA E. RIFFE
ISLAND COUNTY TREASURER
**EASEMENT
AND
ACCESS AGREEMENT**

LT-97081

50-

GRANTORS: Debbie R. Salazar, who acquired title as Debbie R. Benson, as her separate estate

GRANTEES: Harbor Lands LP

WHEREAS, Grantor, Debbie R. Salazar, is the owner of the fee simple title to those lands and premises commonly known as 34268 SR 20, Oak Harbor, Washington and described fully in Exhibit "A". Tax Account No. R13325-280-2180, commonly known as 34100 SR 20, Oak Harbor, WA 98277.

WHEREAS, Grantee is the owner of the fee simple title to those lands and premises described in Exhibit "B" which includes short plat lots A, B, C, D. Tax Account NO: R13325-357-2520; R13325-317-2210; R13325-345-2160; R13325-312-2050.

GRANTOR, in consideration of ten Dollars (\$10.00), License Agreement dated February 09, 2009, and other valuable consideration whereof hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and confirm unto Grantee its successors and assigns, a perpetual, nonexclusive easement over, through, under and across described in Exhibits "C" and map Exhibit "D" and attached hereto.

EASEMENT: This easement shall run with the land and shall remain an encumbrance upon the Grantor's property for the benefit of Grantee and their successor and assigns. This easement shall be for the use and benefit of the real property described in Exhibit B, together with any individual portions of said tracts in Exhibit B which may hereafter be created through any future boundary changes or subdivision. This easement is for the purposes of ingress and egress and utilities to and from properties described in Exhibit B to and from Case Road and/or Regatta Road.

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Recording Fee \$49.00 Page 2 of 8
Easement
Island County Washington

4248800



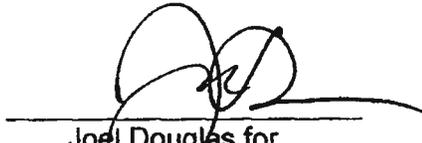
WHEREAS, The Grantor and the Grantee shall not obstruct, impede, or interfere, with the other, in the reasonable use of such easement for the purposes of ingress and egress to and from the respective properties used for their lawful purposes.

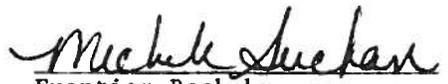
WHEREAS, Grantor may alter the exact boundaries of the easement, within the same general avenue that currently exists so that Grantor retains maximum sighting exposure.

WHEREAS, Grantor and Grantee agree to share cost of maintenance of that portion of the roadway shared, according to vehicle trips generated as approximately calculated on an annual basis

In witness where of, the parties hereto have executed this instrument as of the date of 9th Day of February 2009.


Debbie R. Salazar
Grantor


Joel Douglas for
Harbor Lands LP, A Washington Limited
Partnership/ Grantee


Frontier Bank by
Michele Suchan Loan Officer

04/13/2009 02:32:37 PM
Recording Fee \$49.00 Page 4 of 8
Easement
Island County Washington

4248800



STATE OF WASHINGTON)

)

COUNTY OF ISLAND)

)

THIS IS TO CERTIFY that on this 9 day of Feb 2009, before me, the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, personally appeared Joel Douglas, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged to me that said individual signed the same as said individual's free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.



Notary Public in and for the State of Washington, Whatcom County
Commission expires:
8-22-10

04/13/2009 02:32:37 PM
Recording Fee \$49.00 Page 3 of 8
Easement
Island County Washington

4248800



STATE OF WASHINGTON)

)

COUNTY OF ISLAND)

THIS IS TO CERTIFY that on this 9th day of Feb. 2009, before me, the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, personally appeared Debbie R. Salazar, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged to me that said individual signed the same as said individual's free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.



Nissa R. Herron

NISSA R. HERRON
MY APPOINTMENT EXPIRES: 8-19-09

Notary Public in and for the State of
Washington, King County

Commission expires: 8-19-09



Attached to and made part of that Easement and Access Agreement dated February 9, 2009 by and between Debbie R. Salazar, Harbor Lands LP and Frontier Bank

STATE OF WASHINGTON)

COUNTY OF SNOHOMISH)

THIS IS TO CERTIFY that on this 24th day of March 2009, before me, the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, personally appeared Michele Suchan, Loan Officer, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged to me that said individual signed the same as said individual's free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.



Notary Public in and for the State of Washington, Snohomish County
Commission expires:

6-10-10

04/13/2009 02:32:37 PM
Recording Fee \$49.00 Page 6 of 8
Easement
Island County Washington

4248800



EXHIBIT A

The South 330 feet of that portion of the Southeast Quarter of the Northwest Quarter of Section 25, Township 33 North, Range 1 East, W.M., lying Easterly of the State Highway 525 (S.S.H 20) right of way;

EXCEPT the East 30 feet thereof.

Situate in the County of Island, State of Washington.

END OF EXHIBIT A



EXHIBIT B

PARCEL A:

That portion of the Southeast Quarter of the Northwest Quarter in Section 25, Township 33 North, Range 1 East of the Willamette Meridian, described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 25;
thence North along the East line of said Northwest Quarter 730 feet to the true point of beginning;
thence continue North along said East line of said Northwest Quarter 408 feet;
thence West along a line which is parallel to and 1,138 feet distant from the South line of said Northwest Quarter a distance of 270 feet;
thence South and parallel to the East line of said Southeast Quarter of the Northwest Quarter 408 feet to a point on a line being 730 feet North of the South line of said Southeast Quarter of the Northwest Quarter and due West of the true point of beginning;
thence East along said line 270 feet to the true point of beginning.

(Also known as Tract A of Short Plat No. 79/102.1.25/33/1 approved July 17, 1979 and recorded August 9, 1979 under Auditor's File No. 357216, records of Island County, Washington)

PARCEL B:

That portion of the Southeast Quarter of the Northwest Quarter in Section 25, Township 33 North, Range 1 East of the Willamette Meridian, described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 25;
thence North along the East line of said Northwest Quarter 1,138 feet;
thence West along a line which is parallel to and 1,138 feet distant from the South line of said Northwest Quarter a distance of 270 feet;
thence South and parallel to the East line of said Southeast Quarter of the Northwest Quarter 204 feet to the true point of beginning;
thence running West and parallel to the South boundary of said Southeast Quarter of the Northwest Quarter to the Eastern right of way line of Secondary State Highway 622;
thence South 6°02'30" West along said right of way line to its intersection with a line which is parallel to and 730 feet distant from the South line of said Northwest Quarter;
thence East along said line to a point which lies South of the true point of beginning and being 270 feet from the East line of said Southeast Quarter of the Northwest Quarter;
thence North along a line which is parallel to and 270 feet from the East line of said Southeast Quarter of the Northwest Quarter a distance of 204 feet, more or less to the true point of beginning.

(Also known as Tract C of Short Plat No. 79/102.1.25/33/1 approved July 17, 1979 and recorded August 9, 1979 under Auditor's File No. 357216, records of Island County, Washington)

PARCEL C:

That portion of the Southeast Quarter of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian, lying East of Highway 20, described as follows:

Beginning at the Southeast corner of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian;
thence North along the East line of said Northwest Quarter 378 feet;
thence West 480 feet to the true point of beginning;
thence continue West 208.71 feet;
thence North 208.71 feet;
thence East 208.71 feet;

LPS No. 10

PARCEL D:

That South 730 feet to the Southeast Quarter of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian, lying East of Highway 20;

EXCEPT the South 330 feet thereof;

ALSO EXCEPT beginning at the Southeast corner of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian;
thence North along the East line of said Northwest Quarter 378 feet;
thence West 480 feet to the true point of beginning;
thence continue West 208.71 feet;
thence North 208.71 feet;
thence East 208.71 feet;
thence South to the true point of beginning.

ALL Situated in Island County, Washington

END OF EXHIBIT B



**EXHIBIT C
EASEMENT DESCRIPTION**

STATE OF WASHINGTON
ISLAND COUNTY

The Easement following the existing road that begins on the southerly line of Grantor's property at Case Road and which is approximately thirty-eight (38) feet east of Regatta Road. The existing road and easement is approximately thirty (30) feet wide and three hundred thirty-three feet in length extending south to north until it touches Grantee's Parcel "C's" southern line.

END OF EXHIBIT C



July 8, 2013

Mr. Joel Douglas
405 Fieldston Road
Bellingham WA 98225

PO Box 4082
Bellingham WA 98227

Re: Thunder Ridge Development Access
Appeal of City Engineer's Decision of May 7, 2013

Dear Mr. Douglas,

On May 7, 2013 the City Engineer issued a written decision denying your request for a new access point to SR-20 from your Thunder Ridge property located at 34200 SR-20 (Parcel No. R13325-317-2210). On May 17, 2013 you submitted a letter to the City of Oak Harbor appealing this decision. As part of a public records request response dated May 20, 2013, the City agreed to accept your appeal as timely. However, the City cannot process this appeal until you provide the completed application and fee.

Enclosed is a Notice of Appeal application together with the appropriate Oak Harbor Municipal Code Sections 18.20.510-550 and 18.40.120 that provide information on the appeal process. Your completed application must be accompanied by the application fee of \$313.00 and be received by the Development Services Department within 14 calendar days (by July 24, 2013). Appeals must be received by 5:00 pm on the last business day of the appeal period, and may be delivered to the Department by hand or by mail. If the application and fee are not received by the due date the City will conclude that you have abandoned your appeal and will close the file.

Please do not hesitate to contact me at (360) 279-4511 if you have any questions regarding this letter or the appeal process.

Sincerely,

Steve Powers, AICP
Development Services Department Director

Enclosures – Notice of Appeal Application (4 pages)

cc: Ms. Valerie Loffler, City Clerk ✓
Mr. Joe Stowell, City Engineer
Ms. Lisa Bebee, Permit Coordinator
File



CITY OF OAK HARBOR

NOTICE OF APPEAL Application Fee \$313.00

TO: The City of Oak Harbor

Please take notice that the below named person seeks review of certain decisions related to development of property as follows:

Name of Appellant _____

Mailing Address _____

City _____ **State** _____ **Zip Code** _____

Telephone Number _____

Are you represented by an attorney in the appeal? _____ (yes/no)

If so, please list name, address and telephone number of your attorney.

Claim standing to appeal _____

(Appellant for permit, property owner, neighboring property owner or other bases giving right to seek review of the decision)

Permit or review process being appealed _____

(Number and Name)

Decision(s) being appealed _____

Claimed errors _____

Dated _____

Appellant's Name

Appellant's Signature

You must prepare a separate appeal notice for each permit which is the subject of an appeal.

Please refer to OHMC 18.20.510-550 and OHMC 18.40.120 (Attached) when filing an appeal.

18.20.510 Hearings and appeals.

- (1) Hearing examiner decisions of appeal of permit application Types I and II shall be final except for those provided closed record appeals to city council. Appeal of a hearing examiner's final decision is to the Island County superior court pursuant to Chapter 36.70C RCW. Appeals of the planning commission's final decision shall be to the Island County superior court.
- (2) Planning commission open public hearings shall be in the form of recommendations which shall be reviewed by the city council in closed record review. Decisions of the city council shall be final and subject only to review by the Island County superior court pursuant to Chapter 36.70C RCW.
- (3) Review process VI – final plat decision by city council shall be final and appealable only to Island County superior court pursuant to Chapter 36.70C RCW. (Ord. 1376 § 32, 2004; Ord. 1278 § 30, 2001).

18.20.515 Closed record appeal on certain Type I review processes.

- (1) The following Type I and Type II review processes shall be subject to closed record appeal to the city council by an aggrieved party or the city:
 - (a) Transportation concurrency;
 - (b) Transportation impact fees;
 - (c) Park impact fees;
 - (d) Dedication in lieu of park impact fees;
 - (e) Other permits or variances under OHMC Title 13.
- (2) Appeals for closed record review shall be filed within 10 days of the date of the decision with the city clerk's office with a fee for appeal of \$50.00.
- (3) If other permits are to be issued prior to determination of the closed record appeal, the person, if appellant, is required to pay the fees or complete other actions and shall post a bond, cash or other assurances acceptable to the city sufficient to cover the fee or assessments or complete the requirements appealed; provided further, that the city shall not be required to post fees, cash or other assurances. If the city appeals, issuance of permits will be conditional upon payment of fees or completing conditions if the city should win.
- (4) A closed record appeal shall be considered solely on the record and decision of the hearing examiner.
- (5) Issues of law shall be reviewed de novo.
- (6) Issues of fact shall be reviewed on the basis that the determinations of the hearing examiner shall stand unless there is found to be no substantial evidence supporting the same.
- (7) The city council may adopt such other procedures to effect closed record appeals as are needed by motion or resolution.
- (8) Decision of city council is final, subject to appeal to the superior court of Island County under Chapter 36.70C RCW. (Ord. 1376 § 33, 2004; Ord. 1278 § 31, 2001).

18.20.520 Consolidated appeals – Concurrent review process.

- (1) No more than one consolidated open record hearing shall be provided.
- (2) All appeals of review process I or II project permit decisions, and any appeal of environmental determinations other than an appeal of a determination of significance (DS) under SEPA, shall be considered together in a single consolidated open record appeal hearing before the highest level body designated for public review of a permit applied for under this code.
- (3) Any appeal of a SEPA determination (other than a DS) for a review process IV land use permit decision shall be considered in a single consolidated open record hearing before the highest level body designated for public review of a permit applied for under this code. The reviewing authority shall hold a single consolidated hearing on the SEPA appeal and the land use permit application. The reviewing authority on both the SEPA appeal and the land use application shall be final.
- (4) An appeal of a determination of significance, if filed within 14 calendar days of its issuance in accordance with OHMC 18.20.530 in a separate open record hearing, prior to the further processing of the land use permit application or issuance of a decision. (Ord. 1376 § 34, 2004; Ord. 1278 § 32, 2001).

18.20.530 Appeal deadline and filing requirements.

- (1) Any administrative appeal of the project decision shall be combined with any appeal of any

environmental determinations, and shall be filed within 14 calendar days after the notice of the decision or after other notice that the decision has been made and is appealable.

- (2) All appeals must be filed on forms provided by the department and will not be considered valid unless the appeal form is filled out clearly, completely and legibly and is accompanied by the applicable fee.
- (3) Appeals must be received by the department by 5:00 p.m. on the last business day of the appeal period, and may be delivered to the department by hand or by mail.
- (4) For purposes of computing the time period for appeal, the day from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. Legal holidays are prescribed in RCW 1.16.050 and by city ordinance. (Ord. 1376 § 35, 2004; Ord. 1278 § 33, 2001).

18.20.540 Standing.

Standing to bring a land use appeal for a review process I, II, III and IV decision under this title is limited to the following persons:

- (1) The applicant and the owner of property to which the land use decision is directed; and
- (2) Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
 - (a) The land use decision has prejudiced or is likely to prejudice that person;
 - (b) That person's asserted interests are among those that the city was required to consider when it made the land use decision; and
 - (c) A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision. (Ord. 1376 § 36, 2004; Ord. 1278 § 34, 2001).

18.20.550 Reports by city staff and applicant/appellant.

- (1) For any appeal heard pursuant to this title, the following procedure shall apply:
 - (a) Within 10 calendar days of filing the appeal and at least 20 calendar days prior to the date of the scheduled hearing on the appeal, the appellant shall file with the reviewing authority a memorandum setting forth the appellant's arguments and authority. Such arguments and authority shall be restricted to those issues set forth in the appellant's written appeal statement;
 - (b) At least 10 calendar days prior to the date of the scheduled hearing, city staff shall file with the office of the reviewing authority and provide the appellant with a staff report responding to the appellant's memorandum concerning the appeal; and
 - (c) At least five calendar days prior to the date of the scheduled hearing, the appellant shall file with the office of the reviewing authority any reply memorandum which the appellant desires to file. The scope of the reply memorandum shall be restricted to responding to issues raised in the staff report.
- (2) Failure to comply with the requirements of this title may result in the reviewing authority taking such action in regard to the failure as is appropriate including, but not limited to, continuing the hearing, postponing the hearing or limiting testimony at the hearing. (Ord. 1376 § 37, 2004; Ord. 1278 § 35, 2001).

18.40.120 Form of appeal.

Unless otherwise specified, any person entitled to an appeal of a decision made by an official, agency or department of the city may appeal from the notice and order or any action complained of by filing at the office of the city clerk a written appeal containing:

- (1) A caption reading: "Appeal of _____," and giving the names of all appellants participating in the appeal;
- (2) A brief statement setting forth the legal interest of each of the parties applying for review in the matter in the notice and order and/or part thereof;
- (3) A brief statement in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the appellant;
- (4) A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed and how the protested order or action would be reversed, modified or otherwise set aside;
- (5) The signatures of all parties named as appellants and their official mailing addresses;
- (6) The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within 14 days from the date of such order or action. (Ord. 1375 § 13, 2004).

EXHIBIT 18



CITY OF OAK HARBOR



NOTICE OF APPEAL Application fee \$313.00

To: The City of Oak Harbor

City Bellingham State WA Zip Code 98227

Telephone Number 360 734 2222

Intent to Follow

Are you represented by an attorney in the appeal? (yes/no) *possibly to be determined*

If so, please list name, address and telephone number of your attorney.

Claim standing to appeal Appellant for Permit: (Harbor Lands Co.)
(Appellant for permit, property owner, neighboring property owner or other bases giving right to seek review of the decision)

Permit or review process being appealed DENIAL OF ACCESS TO OWNERS PROPERTY
(Number and Name)

Decision(s) being appealed DENIAL of ACCESS to Regatta / How to FROM 12+ BC.

Claimed errors TO Follow - Citations

Dated 9 July 2013
Appellant's Name Harbor Lands Co.

Appellant's Signature *[Signature]*

You must prepare a separate appeal notice for each permit which is the subject of an appeal.

Please refer to OHMC 18.20.510-550 and OHMC 18.40.120 (Attached) when filing July 8 2013

Harbor Lands Co.
Coastman Inn / Pacific Resources Inc.

APPROVED
Joel Douglas 360-734-8191
Fax 360-647-9223



Development Services
City Hall:
865 S.E. Barrington Drive
Oak Harbor, WA 98277
(360) 279-4500
Fax No: (360) 279-4519

Permit #: PLN-13-00001
Issue date:
Expire date: 01/11/2014

24 Hours Notice Required for Inspections

Job Address: 34200 SR 20
OAK HARBOR WA 98277

Parcel #: R13325-317-2210 Permit Type: Appeals
Project:

Description of work: Notice of Appeal for Thunder Ridge Access from Regatta and SR 20 decision.

Applicant: JOEL DOUGLAS

Owner: JOEL DOUGLAS

Address:

Address: PO BOX 4082
BELLINGHAM 98227

Phone: (360) 734-2222

Phone: (360) 734-2222

Contractor:

Address:

Phone:

License #:

General Information:

Type of Use: OTH

Fees:

| | |
|-------------------------------|--------|
| Appeal of Admin. Decision Fee | 313.00 |
| Total Calculated: | 313.00 |
| Deposits/Receipts: | 0.00 |
| Total Due: | 313.00 |

City of
Oak Harbor

JUL 12 2013

PAID
Finance Department

This permit will remain valid for one year * provided that the work is commenced within 180 days after issuance. This permit will become null and void after 180 days if the approved work has not yet been commenced, or the work is suspended or abandoned for a period of 180 days after the works have commenced. This signed permit will act as a receipt of approval to the above described work detailed in the approved plans and specifications. This permit is subject to all provisions of the local, state or federal laws and ordinances governing this type of work, whether stated herein or not. I hereby certify that I have read and examined this permit and know the same to be true and correct.

* Unless a different length of time is specified by the Oak Harbor Municipal Code.

Joel Douglas 7/15/13

Applicant Signature

Date

Issued By:

Date

City Clerk - DMH.
Extension Request

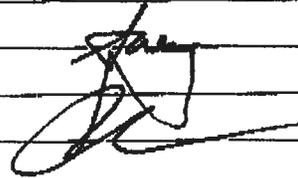
I Believe the City should
extend our dates of appeal
on the Denial issue until
we have been responded to
on the questions imposed by us.

Will you extend our appeal.

To a set date after such documents

are received. We also have a request

to Det. for information.



Cell

360 319 5335

JOEL DOUGLAS-HARBOR LANDS
202 POR LA MAR CIRCLE
SANTA BARBARA, CA 93103
805-962-6383 Fax:805-963-9363

Temp address
of office.

Approved By
Harbor Lands Co.
MAY 17 2013
360-734-8181
By

ERIC CYSY
Reports in part.

July 9/2013

To: Mr Steve Powers, AICP ✓
Development Services Director
865 SE Barrington Dr,
Oak Harbor, WA 98277

From: Joel Douglas
Harborlands LLP
Po Box #4082
Bellingham Wa. 98227

| | |
|-----------|---------------|
| Fax to | File |
| Addressed | Subject |
| ✓ | 7/9/13 MWA |

Harbor Lands Co.
Coachman Inn / Pacific Resources Inc.

JUL 10 2013

APPROVED
Joel Douglas 360-734-8181
Fax 360-647-9223



Request for delay of appeal hearing due to failure of the City to provide requested documents and confirmation that Mr Bobbink has been recused from hearing this issue despite several written requests from us about this concern.

RE: Appeal to city engineers decision regarding access to Thunder Ridge property (May 7,2013)

- 1) We are awaiting identification of documents. Citing the annexation agreement specifically denying us access (1999). There are volumes of contracts we requested with specifics on the wording cited in these documents. As well as provision of pages where such wording is located.
- 2) We also requested that we be provided with copies of any communication between the City of Oak Harbor and the Department of Transportation regarding this access. We are advised that the city does have the authority from DOT to grant access rights on Washington state highways.
- 3) We request confirmation that the city will make provision for the recusal of Mr Bobbink from any hearings on this matter for reasons specified in earlier correspondence, he has some very serious conflicts. We have made this concern known in writing to the City several times and can provide documents upon request.
- 4) We requested a copy of the letter of commitment written by Mr Eric Johnston (City Engineer) allowing us an entry and right of ingress and egress. This was written prior to the City obtaining a 20ft right of way from us for a water service line. We held off construction of this entryway as we wished to save ourselves and the city the cost of repair or rebuild on this entranceway after installation of the waterline.
- 5) The documents regarded indicate that the decision to deny this access was made in part because of an existing access via Case road. Case road does not exist. The city has not provided any evidence that a viable right of way so quoted in the letter of denial exists. Our Title company also has concurred in writing that no access exists to our property.
- 6) City and state laws require that all parcels are required a reasonable access. This access, required by law has been denied to us by the city and state.
- 7) We are enclosing a statement by our Engineer Mr Lervic indicating the water line easement and our hesitancy to act at the time.
- 8) We are in the process of obtaining legal counsel.
- 9) The foregoing documents have been requested from the city clerks office using the city formatted document request form we have yet to receive these documents.

We await your reply.

Sincerely  (July 9, 2013)
Joel Douglas / Harborlands LLP

Harbor Lands Joel Douglas
PO Box 4082
360-734-222x Fx 360-647-9223
Bellingham, WA 98227

REC'D JUL 23 2013

July 15, 2013

City of Oak Harbor
865 SE Barrington
Oak Harbor, WA 98277
(360)279-4500 (360)279-4507

RECEIVED

JUL 22 2013

CITY OF OAK HARBOR
Development Services Department

Amendment to Declaration of appeals to City of Oak Harbor, WA
By Harbor Lands LP

****10. By providing access to our property the city will not create any traffic safety concerns.**

****11. We ask the city to grant us a variance under WAC 468-52-050 based upon the circumstances in this case.**

****12. Production: We have pending requests for documents yet to be received from the City of Oak Harbor. Until such documents are received and the matter of the recusal of Mr. Bibbink is resolved we must request a minimal delay.**

****13. Cost and loss of use: Due to this denial by the city the applicant can be expected to incur a severe financial loss which may at some time become part of the claim in the event appeals are involved.**

Sincerely,

Joel S. Douglas
Harbor Lands L.P.

 HARBOR LANDS CO.
PACIFIC RESOURCES, INC.
GRANDVIEW BUSINESS CENTER
HARBOR BUSINESS CENTER
THE MONTICETO AT FRIDAY HARBOR
LAIRMONT MANOR • (360) 647-1444

P.O. Box 4082
BELLINGHAM, WA 98227
(360) 734-8191
OR 734-2222
FAX (360) 647-9223
EMAIL: HARBORLAND@AOL.COM

 Coachman Inn

JOEL DOUGLAS

EXHIBIT 19

August 14, 2013

| | |
|-----------|---------|
| Fax to | File |
| Addressee | Subject |
| Mayor. | |

City of Oak Harbor
 Mayor Dudley
 865 SE Barrington Dr
 Oak Harbor, WA 98277
 Fax: 360-279-4507

RE: Thunder Ridge Appeal

Mayor Dudley,

We have opinions from two traffic engineers/consultants that agree we have a workable option. It may be good to hold off on appeals until these are considered.

Sincerely,


 Joel Douglas

Approved By
 Harbor Lands Co.
 AUG 14 2013
 360-734-8191
 By 

Harbor Lands Joel Douglas
 PO Box 4082
 360-734-2222 Fx 360-647-9223
 Bellingham, WA 98227

Please FWD.

Scott. Dudley.

11 AM.

I hope the city will wait for the

following ~~present~~ prior to scheduling a

hearing -

1. Our Attorney's letter Re: Mr Bubbrink's
Invitation.

2. Review. Traffic Engineer letter. Leung /
Gibson Reports

3. Review. Eric Johnston's letter of Commitment.
Nov. 2008. "Hoffman has changed"

319-5555

Harbor Lands Co.
 Coehman Inn / Pacific Resources Inc.
 AUG 14 2013
 APPROVED
 Joel Douglas 360-734-8191
 Fax 360-647-9223

Initial



August 19, 2013

Mr. Joel Douglas
405 Fieldston Road
Bellingham WA 98225

PO Box 4082
Bellingham WA 98227

Re: Thunder Ridge Development Access
Appeal of City Engineer's Decision of May 7, 2013

Dear Mr. Douglas,

This letter responds to some of the items raised in your recent faxes concerning the above noted matter.

You have asked that the City recuse its Hearing Examiner (Mr. Michael Bobbink) from your appeal and have included various information related to that request as part of your faxes. Such a decision is not the City's to make. Mr. Bobbink has the responsibility to determine if he can hear a case scheduled for review or if he must recuse himself due to a conflict. You may of course formally present your concerns to Mr. Bobbink regarding this matter as part of the appeal proceedings.

As is our standard practice after receiving an appeal application, the City has requested possible hearing dates from Mr. Bobbink. We are awaiting word from his office as to what dates might be available. You have asked the City to delay the scheduling this hearing for various reasons. The City of Oak Harbor will agree to your requests to delay the scheduling of the appeal hearing based on the reasons described below.

In faxes dated May 17th, July 9th and July 15th you asked for a delay until such time as you had received documents in response to various public records requests. The City Clerk responded to your requests as required by State law and informed you when records were available for your pick up. The City Clerk informs me that as of August 16th you have finally picked up all docu-

ments related to those requests. It is also my understanding that you submitted a new records request that same day. In two different faxes dated August 14th you again asked for the City to delay scheduling the hearing, stating you will provide additional traffic engineering opinions as to the viability of your proposed access.

Your requests for a hearing delay related to receiving public records from the City are presumably based on your need for time to review those documents. Similarly, your requests for delay related to the submittal of new information to the City are presumably so that we will have time to review that information. The City will agree to your requests to delay the scheduling of the appeal hearing based on these factors.

Finally, in several of your correspondence you indicate that you may be represented by an attorney at the appeal hearing. If this is in fact the case the City requests you confirm this for us at this time and advise who will be representing you.

Please contact me at (360) 279-4511 if you have any questions regarding this letter or the appeal process.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Powers", with a long horizontal flourish extending to the right.

Steve Powers, AICP
Development Services Department Director

cc: Mr. Larry Cort, City Administrator
Mr. Joe Stowell, City Engineer
Ms. Lisa Bebee, Permit Coordinator
File



October 29, 2013

Mr. Joel Douglas
405 Fieldstone Road
Bellingham WA 98225

**SUBJECT: Thunder Ridge Development Access
Appeal of City Engineer's Decision of May 7, 2013**

Dear Mr. Douglas:

This letter is to inform you that the Oak Harbor Hearing Examiner has set the hearing on the above referenced case for Monday, December 16, 2013, beginning at 10:00 a.m., or as soon as possible thereafter, and will be held in the City Council chambers at 865 SE Barrington Drive in Oak Harbor.

As the appellant in this case, you are entitled to present evidence for the hearing pursuant to Oak Harbor Municipal Code 18.20.550, a copy of which is enclosed. You must provide a memorandum and supporting documents setting forth your arguments and authority. The memorandum and supporting documents must be submitted as a single document and must be submitted at least 20 calendar days prior to the date of the scheduled hearing. Please mail or hand-deliver your document to:

City of Oak Harbor
Attn: Mr. Michal Bobbink
c/o Katherine Gifford
865 SE Barrington Drive
Oak Harbor WA 98277

At least 10 calendar days prior to the date of the scheduled hearing, city staff shall file with the Hearing Examiner and provide you with a staff report responding to your memorandum.

If you desire, you may file with the Hearing Examiner care of Katherine Gifford, a reply memorandum at least five calendar days prior to the date of scheduled hearing. The memorandum shall be restricted to responding to issues raised in the staff report.

You may appear at the hearing with or without representation by an attorney. If you are represented by an attorney, please provide the name, address and phone number of the attorney so that all written correspondence can be sent to the attorney of record.

The Hearing Examiner will decide the appeal based on sworn and recorded testimony given by the parties and witnesses during the hearing, along with any written documents entered into the record at the time of the hearing. Only issues raised in the written statement of appeal may be

considered by the Hearing Examiner. The Hearing Examiner's decision is considered a final decision unless appealed to the superior court within 21 days of the issuance of the decision. Appeal of a hearing examiners' final decision is to the Island County superior court pursuant to Chapter 36.70C RCW.

Also, Mr. Bobbink has asked me to let you know that he is denying your request that he recuse himself for lack of a showing of good cause.

Please feel free to contact me at (360) 279-4512 or kgifford@oakharbor.org with any questions about the procedural aspects of your appeal.

Sincerely,



Katherine Gifford
Administrative Assistant

Encl: OHMC 18.20.550

cc: Michael Bobbink, Hearing Examiner
Scott Dudley, Mayor
Larry Cort, City Administrator
Joe Stowell, City Engineer
✓ File

18.20.550 Reports by city staff and applicant/appellant.

(1) For any appeal heard pursuant to this title, the following procedure shall apply:

(a) At least 20 calendar days prior to the date of the scheduled hearing on the appeal, the appellant shall file with the reviewing authority a memorandum setting forth the appellant's arguments and authority. Such arguments and authority shall be restricted to those issues set forth in the appellant's written appeal statement;

(b) At least 10 calendar days prior to the date of the scheduled hearing, city staff shall file with the office of the reviewing authority and provide the appellant with a staff report responding to the appellant's memorandum concerning the appeal; and

(c) At least five calendar days prior to the date of the scheduled hearing, the appellant shall file with the office of the reviewing authority any reply memorandum which the appellant desires to file. The scope of the reply memorandum shall be restricted to responding to issues raised in the staff report.

(2) Failure to comply with the requirements of this title may result in the reviewing authority taking such action in regard to the failure as is appropriate including, but not limited to, continuing the hearing, postponing the hearing or limiting testimony at the hearing. (Ord. 1589 § 4, 2010; Ord. 1376 § 37, 2004; Ord. 1278 § 35, 2001).

LAW OFFICES OF

WEED, GRAAFSTRA and BENSON, INC., P.S.

George E. Benson
Cheryl L. Beyer
Grant K. Weed

Patrick B. Anderson, Of Counsel
Thom H. Graafstra, Of Counsel

WGB
Municipal Attorneys

21 Avenue A
Snohomish, WA 98290

360.568.3119
425.334.1480
425.259.9199
206.283.1819

FAX: 360.568.4437
www.snohomishlaw.com

January 9, 2014

J. Richard Aramburu
Aramburu & Eustis, LLP
720 Third Avenue
Pacific Building Suite 2000
Seattle, WA 98104-1860

Via USPS and Via Email: rick@aramburu-eustis.com

Re: Oak Harbor / Thunder Ridge
Appeal of City Engineer's Decision of May 7, 2013 PLN – 13- 00001

Dear Rick:

I met with Joe Stowell, City Engineer, Brad Gluth, Civil Engineer, Steve Powers, Director of Development Services and Bob Glasow and Roland Storme of the Washington Department of Transportation on January 8, 2014. I also drove by the site.

The City has authorized me to advise you that it is withdrawing its City Engineer's Decision of May 7, 2013. On your confirmation, we will advise the Hearing Examiner that the appeal and hearing set for March 4, 2014 are stricken.

In consultation with the Department of Transportation, the City has determined that it cannot make an access determination without having clear information on current and future uses as disclosed in a full development application. At such time as your client submits a complete application for development, and if that application proposes direct access onto SR 20, the application will be decided on its merits based upon then applicable City and DOT criteria.

I am advised by City staff that your client has concerns about interim access, especially if there is a change in status or relationship with the Westgate property to the north, and that in the past there has been an exchange of ideas about access across the property to the south. I am informed that your client has two easements from the south boundary of its property to the north edge of Case Road, and that at least one of these easements abuts the SR 20 right of way. The City has indicated that it would allow development of a shared driveway access abutting the north side of Case Road to provide access to SR 20 / Regatta on an interim basis allowing your client to make use of one or more of these easements. The exact location, configuration, etc. of this shared driveway would of course require City approval prior to its construction by your client.

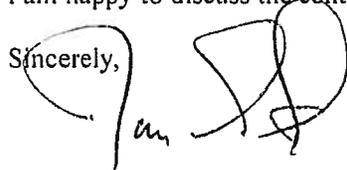
In the conversations with WSDOT, a strong suggestion was made that a looped access to these properties be developed, consisting of improvements at the intersection of SR 20 and Fakkema Road, improvement of Case Road to a public street, and a new public street connection running between Case Road and Fakkema Road. You may be aware that the City owns properties to the north of your client's property.

Aramburu & Eustis, LLP
January 9, 2014
Page 2

As the planning process for these potential projects proceeds, your client will be encouraged to be an active participant.

I am happy to discuss the contents of this letter with you. Feel free to call at any time.

Sincerely,

A handwritten signature in black ink, appearing to read 'THG', written over a large, loopy scribble.

Thom H. Graafstra

THG/kkp

cc: Joe Stowell

/oh-13-040/l.aramburu.010914

ARAMBURU & EUSTIS, LLP

Attorneys at Law

J. Richard Aramburu
rick@aramburu-eustis.com
Jeffrey M. Eustis
eustis@aramburu-eustis.com

720 Third Avenue, Suite 2000
Seattle, WA 98104
Tel 206.625.9515
Fax 206.682.1376
www.aramburu-eustis.com

January 21, 2014

Thom H. Graafstra
Attorney for the City of Oak Harbor
Weed, Graafstra and Benson, Inc., P.S.
21 Avenue A
Snohomish WA 98290

Re: Oak Harbor/Thunder Ridge Appeal before Oak Harbor Hearing Examiner
2013 PLN 13-00001

Dear Mr. Graafstra:

I have your letter of January 9, 2014 concerning the issue of access to the Thunder Ridge parcel in Oak Harbor. As you noted in your letter, a hearing before the Oak Harbor Hearing Examiner is scheduled for March 4, 2014 on my client's appeal of a May 7, 2013 City Engineer's decision.

The substance of your letter is that my client must prepare a "complete application for development" before the City and State DOT will decide whether this parcel will receive access to Highway 20/Regatta Road. In addition, you claim that interim access is, or can be provided, over other easements and streets. Your letter is not accompanied by either title reports or any engineering analysis. We address these matters in order.

First, it is unreasonable and inappropriate to require a complete development application prior to deciding access issues. A "complete application" for development of the Thunder Ridge property sufficient to meet the requirements of local codes will require thousands of dollars of planning, architectural, surveying and engineering costs. No property owner would make such expenditures without knowing that there was access to the property, because if access is not available, such funds would be wasted. Given the history of this matter, and the City's/State's position that access would not be allowed, such expenditures would indeed be foolhardy. In any event, the Thunder Ridge owner has provided an engineering report to the City that indicates that access to Highway 20/Regatta Road is "both practical and feasible." No contrary engineering

January 21, 2014
Page 2

information has been provided by the City or State.

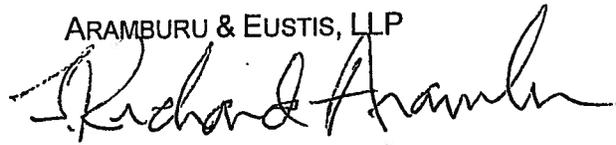
Second, you contend that legal access exists to the Thunder Ridge parcel by means other than by Highway 20/Regatta Road. You have outlined an elaborate scheme for access to Case Road and/or Fakkema Road. However, in its letter dated October 17, 2013, Land Title and Escrow Company, a respected local title company, indicates there is no access to Case Road and, even if there was, Case Road is not a public street and the Thunder Ridge owners have no right to use it.

Your letter also contains a reference to a "looped access" connecting the Thunder Ridge property with Fakkema Road and making Case Road into a public street. However, there is no legal access (public or private) from the Thunder Ridge property to Fakkema Road and my client cannot make Case Road into a public street, all of which was confirmed by the Land Title letter. In sum, this looped access concept is without substance.

We can only conclude that the City is intent on delay, obfuscation and denial of my client's right to access Highway 20/Regatta Road. We will insist on our right to appeal the city's denial of access and accordingly will not agree to strike the hearing scheduled for March 4. If the City and State continue on this course of action, we will have no choice but to pursue our client's right to access adjacent public roads in the courts.

Sincerely yours,

ARAMBURU & EUSTIS, LLP



J. Richard Aramburu

JRA:cc

cc: Clients

June 17, 2013

cc: Larry Cort
Valerie Loffler

EXHIBIT 24

City of Oak Harbor
Mayor Dudley
City Clerk
865 SE Barrington Dr
Oak Harbor, WA 98277
Fax: 360-279-4507

RE: Denial of Access 12 Acres (Thunder Ridge)

On May 17th (approx) we made a timely appeal to the decision to the city's denial of access. There were prior to that and after several requests for documents and documentation made. The city had 5 days to respond to these by statute or advise why there is no reply. To date we have received nothing that I'm aware of.

If the city wishes to maintain its decision I hope you will strongly consider:

1. We have no confirmed access via Case Road (see title manager's letter).
2. We were granted a provisional right in and right out permit by Eric Johnston prior to the water line right of way being installed. (in which we granted an easement to the city) Our reason for waiting on install of the right of way access was to save city costs and avoid tearing up our entry road. This history does not appear to construct the assurance of good faith (by city standard) on the part of the city of Oak Harbor.

Recusal Request:

If in this case we need to resolve this by a hearing examiner we are asking that Michael Bobbink be recused for just cause. If he does not voluntarily do so and the city provide an alternative, we will forward a declaration of "severe" conflict against Mr. Bobbink and challenge his ability to serve on that capacity due to issues involved in his actions on Harbor Lands LP vs. the city of Blaine in 2006.

Sincerely,


Joel Douglas

 HARBOR LANDS CO.
SEASCAPE • (360) 332-6960
GRANDVIEW BUSINESS CENTER
HARBOR BUSINESS CENTER
THE MONTICETO AT FRIDAY HARBOR
LAIRMONT MANOR • (360) 647-1444
 Checkman JRP

P.O. Box 4082
BELLINGHAM, WA 98227
(360) 734-8191
OR 734-2222
FAX (360) 647-9223
EMAIL: HARBORLAND@AOL.COM
JOEL DOUGLAS

Approved By
Harbor Lands Co.
JUN 18 2013
360-734-8191



EXHIBIT 24

July 11, 2013

REC'D JUL 12 2013

DECLARATION AND APPEALS TO CITY OF OAK HARBOR

Fax: 360-279-4507

RE: DENIAL OF ACCESS TO THUNDER RIDGE 12+ ACRES DATED MAY 7, 2013

1. We have attached a copy of a November 17, 2008, Exhibit A, letter to Randy on our behalf from Eric Johnston, as a "right in right out" appeal of an access to Highway 20. This was a final administrative decision by the city and as such cannot be withdrawn as to a provision for access.

2. We want to be clear that there exists no access to Highway 20 via "Case Road" which is not a road and we have no authority to use this driveway! Exhibit B. We have no other direct legal access to another street across our frontage.

3. We are attaching our most recent correspondence as exhibits hereto.

4. RE: Annexation restriction to Highway 20, we do not recollect any annexation document that restricts access by us or anywhere to Highway 20. If there are such documents the city should provide them. (They have been requested from city.)

5. Under WAC 468-52-050 a variance is permitted. A variance is permissible and appropriate in this case if Mr. Johnston's letter is found not to be in force.

6. The access as provided in the letter of Mr. Johnston on November 17, 2008 will not create any unreasonable safety or traffic impairments. We will if necessary provide expert authority for this provision, Exhibit C attached indicates the rights of providing access under WAC 468-52-040.

7. The appellants Harbor Lands LP are owners represented by partners Joel Douglas and Mark Douglas or their attorney yet to be selected.

8. We object and will challenge any involvement with Michael Bobbink as hearing examiner. We will ask his recusal for cause. These causes include:

A. Our belief that during a hearing Harbor Lands vs City of Blaine that he presented a travel voucher to the city for travel on an occasion where he was driven as a passenger by our attorney to his home. This charge should not have been made to the city as a cost.

B. Our belief is that during the appeals process of the foregoing case, Mr. Bobbink was engaging in negotiations for a judiciary position contract with the city staff and at such time did not declare this conflict with the applicant in session or our attorneys. We believe these actions disqualify him as a hearing examiner!

9. At this time we do not have an attorney however we will in the event of a hearing.

The foregoing statements are truthful to the best of our knowledge and belief.


Harbor Lands LP

Joel Douglas or Mark Douglas

Harbor Lands Joel Douglas
PO Box 4082
360-734-2222 Fx 360-647-9223
Bellingham, WA 98227

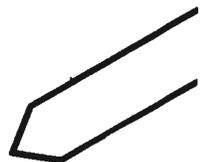


EXHIBIT 24

July 9/2013

To: Mr Steve Powers, AICP
Development Services Director
865 SE Barrington Dr,
Oak Harbor, WA 98277

From: Joel Douglas
Harborlands LLP
Po Box #4082
Bellingham Wa. 98227

| | |
|-----------|------------|
| Fax to | File |
| Addressee | Subject |
| ✓ | JLD MAM |

Harbor Lands Co.
Coachman Inn / Pacific Resources Inc.

JUL 10 2013

APPROVED
Joel Douglas 360-734-6181
Fax 360-647-9223



Request for delay of appeal hearing due to failure of the City to provide requested documents and confirmation that Mr Bobbink has been recused from hearing this issue despite several written requests from us about this concern.

RE: Appeal to city engineers decision regarding access to Thunder Ridge property (May 7,2013)

- 1) We are awaiting identification of documents. Citing the annexation agreement specifically denying us access (1999). There are volumes of contracts we requested with specifics on the wording cited in these documents. As well as provision of pages where such wording is located.
- 2) We also requested that we be provided with copies of any communication between the City of Oak Harbor and the Department of Transportation regarding this access. We are advised that the city does have the authority from DOT to grant access rights on Washington state highways.
- 3) We request confirmation that the city will make provision for the recusal of Mr Bobbink from any hearings on this matter for reasons specified in earlier correspondence, he has some very serious conflicts. We have made this concern known in writing to the City several times and can provide documents upon request.
- 4) We requested a copy of the letter of commitment written by Mr Eric Johnston (City Engineer) allowing us an entry and right of ingress and egress. This was written prior to the City obtaining a 20ft right of way from us for a water service line. We held off construction of this entryway as we wished to save ourselves and the city the cost of repair or rebuild on this entranceway after installation of the waterline.
- 5) The documents regarded indicate that the decision to deny this access was made in part because of an existing access via Case road. Case road does not exist. The city has not provided any evidence that a viable right of way so quoted in the letter of denial exists. Our Title company also has concurred in writing that no access exists to our property.
- 6) City and state laws require that all parcels are required a reasonable access. This access, required by law has been denied to us by the city and state.
- 7) We are enclosing a statement by our Engineer Mr Lervic indicating the water line easement and our hesitancy to act at the time.
- 8) We are in the process of obtaining legal counsel.
- 9) The foregoing documents have been requested from the city clerks office using the city formatted document request form we have yet to receive these documents.

We await your reply.

Sincerely  (July 9, 2013)
Joel Douglas / Harborlands LLP

Harbor Lands Joel Douglas
PO Box 4082
360-734-2222 Fx 360-647-9223
Bellingham, WA 98227

October 9, 2013

City of Oak Harbor
Steve Powers
Mayor Scott Dudley
Fax: 360-279-4507

RECEIVED

OCT 09 2013

CITY OF OAK HARBOR
Development Services Department

RE: Thunder Ridge Appeal

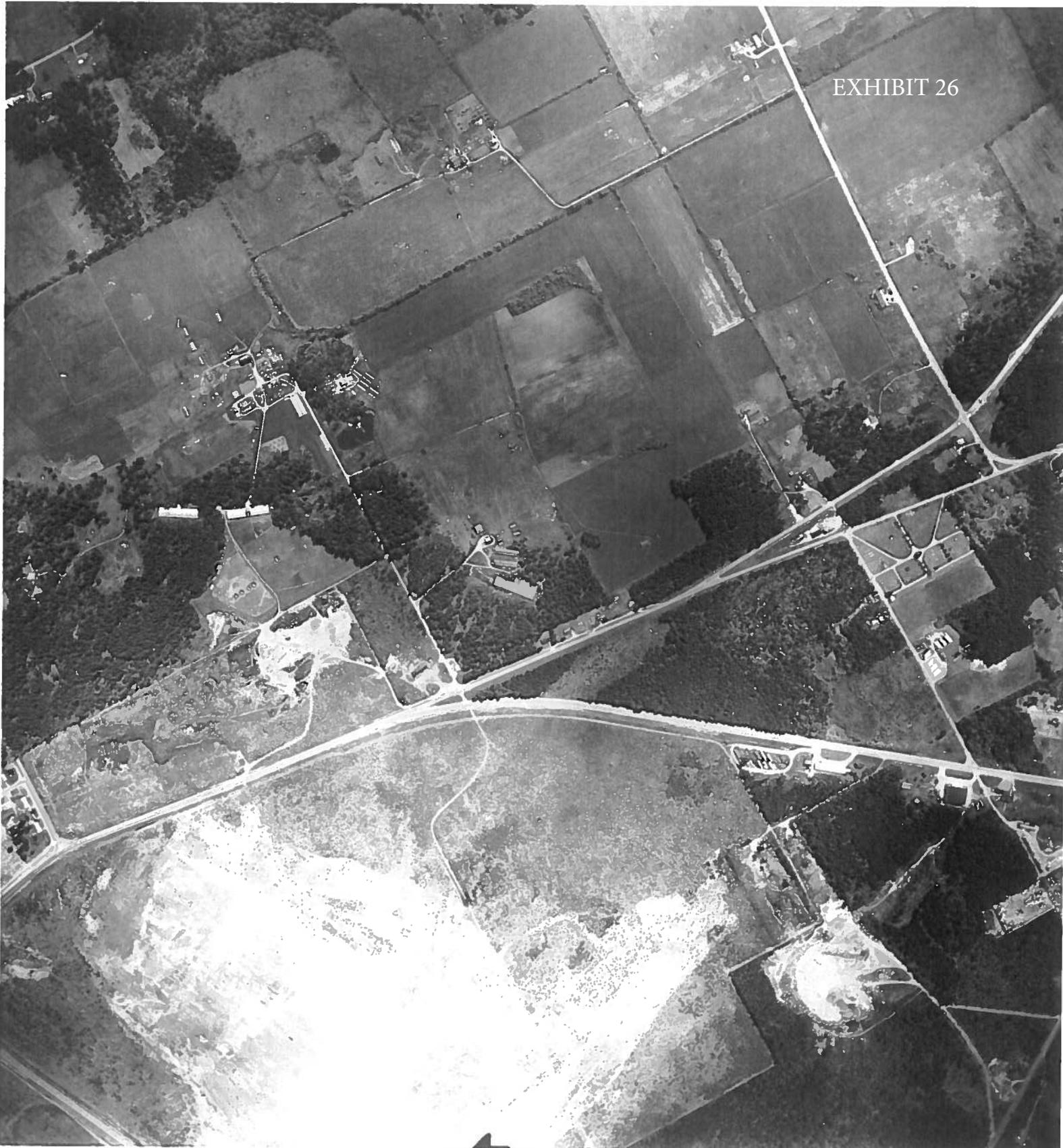
1. We will be gone until March 15, 2014 approximately. This would be a good hearing date for us.
2. We have objected to Mr. Bobbink as hearing examiner, if we appeal, his standing will be brought before the court for consideration. He is not qualified to hear this case!
3. The city gave us permission for entry in November of 2008. This was not withdrawn, nothing has changed.
4. We have no alternate access to the property, the title officer has attested to this and will be present as needed in any hearings.
5. The city has been requested to demonstrate alternate access points but has failed to do so to this point. This request remains open. We have a right to understand the city's position clearly!
6. There were prior to 1991, up to 3 accesses from this property directly to highway 20 equally grandfathered as Westgate RV! Does the city dispute the air photo proof?
7. We have a qualified engineer testimony including opinions from a traffic engineer that we can design a safe and compliant entry right in and right out from our site. We also could safely use other access points grandfathered prior to 1991.
8. We are open to discuss mediation, however the access via Mariner Self Storage over "Case" road is not a legally viable nor a practical option for us in any circumstance. There are physical impairments including turn radius factors, sign placement and of course the lack of a viable easement over "Case" road, a private property.

Sincerely,


Joel Douglas

Harbor Lands L.P. - J. Douglas
P.O. Box 4082
Bellingham, WA 98227
Ph. 1-360-734-2222 Fax 647-9223

EXHIBIT 26



9-26-75

EXHIBIT 27

Google earth

Image U.S. Geological Survey



800

200

feet
meters

Google earth



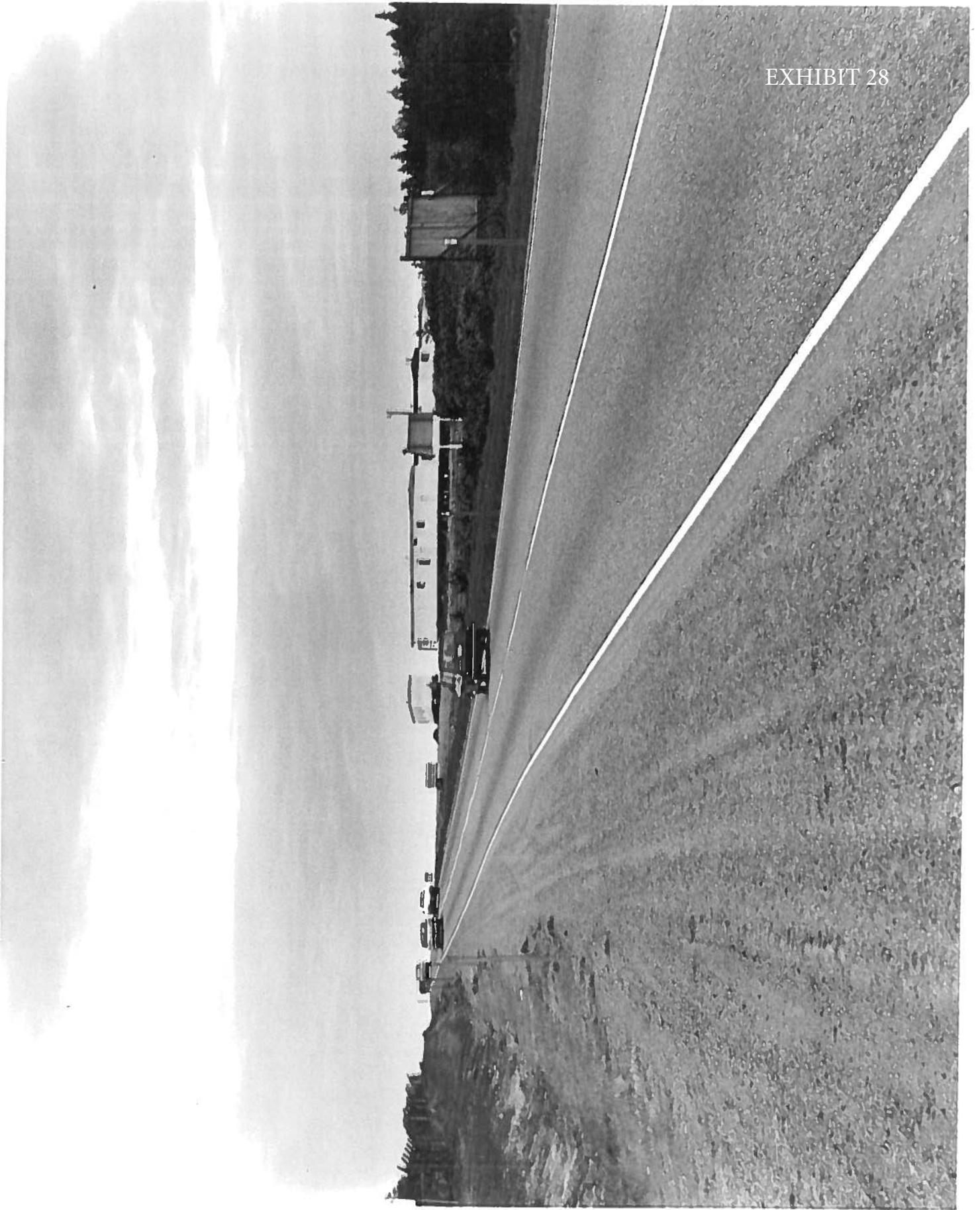


5/14/70



5-14-70

EXHIBIT 28



5-14-70

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BEFORE THE HEARING EXAMINER
OAK HARBOR, WASHINGTON

In the Matter of:

THUNDER RIDGE DEVELOPMENT
ACCESS

APPEAL OF CITY ENGINEER’S DECISION
OF MAY 7, 2013.

NO. PLN 13-00001

CITY OF OAK HARBOR’S
PREHEARING MEMORANDUM

City Staff has submitted to the Hearing Examiner a Staff Report to Hearing Examiner. This City of Oak Harbor’s Prehearing Memorandum addresses issues preliminary to any action or decision by the Hearing Examiner and then addresses the process for and the standards for access on to Regatta/SR 20. The City asks that this appeal be dismissed.

THERE IS NO DECISION TO APPEAL AT THE PRESENT TIME

An appeal to the Hearing Examiner under OHMC 18.40.120 (3) requires the person appealing to specify “the specific order or action protested.” The written appeal here specifies a letter of City Engineer Joe Stowell dated May 7, 2013. The City of Oak Harbor has withdrawn Mr. Stowell’s letter in a letter from legal counsel for the City dated January 9, 2014 and reading as follows:

I met with Joe Stowell, City Engineer, Brad Gluth, Civil Engineer, Steve Powers, Director of Development Services and Bob Glasow and Roland Storme of the

1 Washington Department of Transportation on January 8, 2014. I also drove by the site.

2 The City has authorized me to advise you that it is withdrawing its City Engineer's
3 Decision of May 7, 2013. On your confirmation, we will advise the Hearing Examiner that the appeal and hearing set for March 4, 2014 are stricken.

4 In consultation with the Department of Transportation, the City has determined that it cannot make an access determination without having clear information on current and
5 future uses as disclosed in a full development application. At such time as your client submits a complete application for development, and if that application
6 proposes direct access onto SR 20, the application will be decided on its merits based upon then applicable City and DOT criteria.

7 I am advised by City staff that your client has concerns about interim access, especially if there is a change in status or relationship with the Westgate property to
8 the north, and that in the past there has been an exchange of ideas about access across the property to the south. I am informed that your client has two easements from the
9 south boundary of its property to the north edge of Case Road, and that at least one of these easements abuts the SR 20 right of way. The City has indicated that it would
10 allow development of a shared driveway access abutting the north side of Case Road to provide access to SR 20 / Regatta on an interim basis allowing your client to make
11 use of one or more of these easements. The exact location, configuration, etc. of this shared driveway would of course require City approval prior to its construction by
12 your client.

13 In the conversations with WSDOT, a strong suggestion was made that a looped access to these properties be developed, consisting of improvements at the
14 intersection of SR 20 and Fakkema Road, improvement of Case Road to a public street, and a new public street connection running between Case Road and Fakkema
15 Road. You may be aware that the City owns properties to the north of your client's property. As the planning process for these potential projects proceeds, your client
16 will be encouraged to be an active participant.

17 I am happy to discuss the contents of this letter with you. Feel free to call at any
18 time.

19 There is simply no decision to appeal at this time and it is unknown why appellant persists in
20 this appeal because the "specific order or action" protested (Mr. Stowell's letter dated May 7,
21 2013) has been withdrawn.

22 **THE HEARING EXAMINER HAS NO JURISDICTION**
23 **TO ISSUE AN ADVISORY DECISION**

24 City Code provides as follows:

18.40.100 Powers.

The examiner shall receive and examine available information, conduct public hearings and prepare a record thereof, and/or enter decisions as provided for as follows:

(1) Final Decisions (Type I and Type II). The decision of the hearing examiner on Type I and Type II decision appeals shall be final.

The Hearing Examiner enters decisions on appeals of administrative decisions. Here no administrative decision – Mr. Stowell’s letter has been withdrawn – has been made, and there is no basis for a “decision of the hearing examiner.” This is consistent with the state enabling legislation:

RCW 35A.63.170

Hearing examiner system -- Adoption authorized -- Alternative -- Functions -- Procedures.

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative body may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

- (a) Applications for conditional uses, variances, subdivisions, shoreline permits, or any other class of applications for or pertaining to development of land or land use;
- (b) Appeals of administrative decisions or determinations; and
- (c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The Hearing Examiner cannot render an advisory decision in this matter, but may only hear and decide an appeal of an administrative decision.

THE STATE LAW AND CITY CODE FOR ISSUING AN ADMINISTRATIVE DECISION ON ACCESS

1 The Appellant here wishes the Hearing Examiner to issue a determination that he is
2 entitled to a certain type of access onto Regatta/SR 20. As shown in the prior section, the
3 Hearing Examiner has no such power under City Code (or for that matter under state law).

4 Indeed, City staff themselves have no such general power under City Code to issue
5 access determinations in a vacuum. One will search the entire Oak Harbor municipal code in
6 vain to find any reference to “an access determination,” or an “access action”, or “access
7 order”, or an “access permit”, or any variation of “access” and land use decision. There
8 simply is no such reference.

9 Chapter 11.24 OHMC entitled “Highway Access Management” in its entirety reads as
10 follows:

11 Chapter 11.24
12 HIGHWAY ACCESS MANAGEMENT

13 Sections:

- 14 11.24.010 RCW sections adopted.
- 15 11.24.020 WAC sections adopted.
- 16 11.24.030 Severability.

17 **11.24.010 RCW sections adopted.**

18 Chapter 47.50 RCW is hereby adopted by reference to provide for the
regulation and control of vehicular access and connection points of ingress to,
and egress from, the state highway system within the incorporated area of the
city of Oak Harbor.

19 **11.24.020 WAC sections adopted.**

20 Pursuant to the requirements and authority of Chapter 47.50 RCW, there is
hereby adopted by reference the provisions of Chapters 468-51 and 468-52
21 WAC, together with all future amendments, in order to implement the
requirements of Chapter 47.50 RCW.

22 11.24.030 Severability.

23 If any provision of this chapter or its application to any person or
24 circumstance is held invalid, the remainder of the chapter or the application of
the provision to other persons or circumstances is not affected.

1 In fact, as the record in this case shows, the City administers access management to a
2 site through the City's site plan approval process. OHMC 19.48.010 provides in part:

3 19.48.010 Purpose and intent.

4 The purpose of site plan approval shall be to assure that the site plan of
5 proposed uses is compatible with existing and potential uses and complies
6 with development regulations and the comprehensive plan of the city of Oak
7 Harbor. Site plan elements subject to this section include, but are not limited
8 to, site layout, building orientation, pedestrian and *vehicular access*, signage,
9 landscaping, natural features of the site, screening and buffering, parking and
10 loading arrangements, and illumination [emphasis added].

11 Had the applicant/appellant processed a site plan application to completion, and
12 secured an unacceptable decision (even one on access), then a proper appeal to the Hearing
13 Examiner could have been maintained. Depending upon the character of the site plan review,
14 under OHMC 18.20.210 site plan review might be under either review process I, review
15 process II or even review process IV.

16 The applicant/appellant neither in 2008 nor at any time subsequent ever completed the
17 process for site plan review. An application for a site plan requires the following under City
18 code:

19 **19.48.032 Requirements for application submittal.**

20 The applicant shall submit the following items:

- 21 (1) An application fee;
- 22 (2) A verified statement by the applicant that the property affected by the
23 application is in the exclusive ownership of the applicant, or that the applicant
24 has submitted the application with the consent of all owners of the affected
25 property;
- (3) Ten copies of the following:
- (a) A cover sheet listing contents of the application package;
 - (b) An application form with at least one original copy signed by the applicant in ink;
 - (c) A written narrative that describes the existing conditions and proposed project in detail, describing how the project meets and/or exceeds the site plan review criteria as listed in OHMC 19.48.037 and 19.48.050 and including all information about the proposed and existing use, size, landscaping, screening, lighting, noise, structure(s),

structural changes, hours of operation, and capacity (storage, students, etc.) of the project;

(d) A complete and accurate site plan map that conforms to the requirements listed in OHMC 19.48.035;

(e) All associated applications, to the extent applicable, e.g., SEPA, floodplain, habitat, shoreline, wetland, variances, conditional use, transportation concurrency, land clearing;

(f) A mailing list of all property owners adjacent to the project site, along with a map showing locations of the adjacent property owners unless the application requires a review process IV, in which case the list of property owners must include all owners within a 300-foot radius of the site;

(g) Any additional information requested in, or as a result of any, preapplication conference;

(4) Three copies of the following:

(a) A preliminary storm water report. If the project involves the addition or redevelopment of 2,000 square feet or more of impervious surfacing, storm water review will be required for the project;

(b) A traffic impact study, if applicable, indicating the number of additional average daily trips the proposal could be expected to generate, prepared by a professional engineer certified to practice in Washington State;

(c) Any other environmental studies required;

(5) Any other additional copies of application package needed for public hearings.

A key component of an application is a site plan map satisfying the criteria of OHMC

19.49.035:

19.48.035 Requirements for the site plan map.

The applicant shall submit a site plan map that is complete and accurate with a minimum scale of one inch the equivalent of 20 feet, and of a minimum size of 24 inches by 36 inches with the following information:

(1) General Information.

(a) Project name;

(b) Street address of property;

(c) Page border;

(d) Title block containing the drawing title, scale, revision number, if applicable, north arrow, date;

(e) Vicinity map including streets and surrounding landmarks within 500 feet of the property or enough information to easily locate the site on a large city map;

(f) Legal description of the property as provided by the Island County assessor's office;

- (g) Parcel number as provided by the Island County assessor's office;
- (h) Parcel map as provided by the Island County assessor's office showing all adjacent parcels;
- (i) Existing zoning;
- (j) Square footage of floor area in each structure;
- (k) Parking spaces and parking lot dimensions;
- (l) Type of Construction Proposed. Indicate color and texture of exterior surfaces, e.g., wood, concrete, block, composite;
- (m) Number of units, if applicable;
- (n) If project will be developed in phases, indicate the number of units or buildings for each phase;
- (o) Project density, including number of units per gross acre.

(2) Site Information.

- (a) Location of property lines, indicating exterior lines with bold solid lines and interior property lines with long dashed lines;
- (b) Topographic contour lines showing both existing and proposed elevations, at no more than five-foot intervals, extending a minimum of 10 feet beyond the property line. The interval should be such that the existing and proposed slopes of the property can be determined on the drawing. Proposed contours shall show ties to existing contours and show spot elevations as needed;
- (c) Easements showing all existing, proposed, public and private easements;
- (d) Building setbacks indicating the front, rear and side building setbacks with clear dimensions;
- (e) Distance to adjacent structures on site, if applicable;
- (f) Proposed building(s), including dimensions;
- (g) Sizes and locations of solid waste containers showing details of any site screening fences or structures and screening of dumpsters, etc.;
- (h) Location of existing and proposed signs including elevation, size, material, color, design and method of illumination;
- (i) Locations and dimensions of off-street parking, including handicap parking, how parking is designated per unit if applicable, lot striping, wheel stops and curbing, include turning radii in the circulation pattern;
- (j) Locations and sizes/widths of existing and proposed driveways, traffic flow, and parking lot circulation and maneuvering;
- (k) Locations and dimensions of existing and proposed rights-of-way, streets, curbs, gutters, and street centerlines, including pavement edges;
- (l) Dimensions and locations of sidewalks and wheelchair ramps;
- (m) Limits of the paved areas.

- 1 (3) Building Information.
- 2 (a) Architectural elevations of existing and proposed buildings,
3 including height and number of stories, along with any
4 mechanical roof-mounted equipment;
- 5 (b) Generalized floor plans, planned uses for each area of building
6 (including occupancy type, if known), finished floor elevations,
7 exiting and accessibility accommodations.
- 8 (4) Infrastructure Improvements.
- 9 (a) Location of existing and proposed storm sewers, catch basins,
10 manholes, parking lot storm drains, detention structures, etc.;
- 11 (b) Location and size of existing and proposed water mains,
12 valves, service lines, size of water meters, sprinkler systems,
13 fire hydrants, and backflow devices;
- 14 (c) Location and size of existing and proposed sanitary sewer
15 collectors, manholes, pumping stations, force main and side
16 services, including cleanouts;
- 17 (d) Location of other existing and proposed utilities, including, but
18 not limited to, gas, power, telephone, streetlights.
- 19 (5) Landscaping. The applicant shall submit a landscape plan that is
20 consistent with the proposed site plan. The plan shall be complete and
21 accurate with a minimum scale of one inch equivalent of 20 feet, and of
22 minimum size of 24 inches by 36 inches with the following information:
- 23 (a) Project name;
- 24 (b) Street address of property;
- 25 (c) Page border;
- (d) Title block containing the drawing title, scale, revision number
if applicable, north arrow, date;
- (e) For lots larger than 1.5 acres in size the landscape plan shall be
prepared by and bear the seal of a landscape architect,
architect, or other professional with similar qualifications;
- (f) Dimensions and distance;
- (g) Existing and proposed parking spaces, or other vehicle areas,
access aisles, driveways, and similar features;
- (h) All landscape features including height, quality, type, botanical
and common names, places of planting and all areas of
vegetation shall be shown in context with the location and
outline of any existing or proposed and other improvements on
the site including fences, walls or berms;
- (i) Gross acreage, area of preservation, number of trees to be
planted and/or preserved, other plants to be planted and/or
preserved, and square footage of paved areas shall be included
in a table that clearly displays this and other relevant
information necessary for the evaluation of compliance with
the provisions of Chapter 19.46 OHMC, Landscaping and
Screening;

- (j) Percentage of parking lot area to be landscaped;
- (k) Planting details including soil and staking requirements;
- (l) Maintenance requirements; and
- (m) Irrigation plan showing number, location and type of heads, zones, and drip systems, if applicable, as well as water meter locations and sizes.

The Hearing Examiner will note that a number of the requirements for the site plan map elicit information about the development and how access is to be provided.

On the assumption of a complete application, and based upon the information in the application, the actual review process is determined:

19.48.040 Basis for determining the review process.

- (1) Unless otherwise directed, the approval of a site plan is a Type II review process.
- (2) The site plan approval shall be a Type I review process for projects with a total building square footage less than or equal to 4,000 square feet.
- (3) The site plan approval shall be a Type IV review process when one of the following conditions applies:
 - (a) The director determines that based on departmental comments or public input there are significant unresolved concerns that are raised by the proposal; or
 - (b) The applicant has requested a public hearing; or
 - (c) The proposed project is larger than any one of the following:
 - (i) One hundred semi-attached or attached residential units;
 - (ii) One hundred fifty thousand square feet of gross floor area for industrial uses;
 - (iii) Thirty-five thousand square feet of gross floor area for commercial offices or similar uses;
 - (iv) Four stories or 45 feet in height;
 - (v) Ten acres in size.

The bottom line is that neither City staff nor the Hearing Examiner issue access determinations in a vacuum. City staff make a final access determination in the context of a site plan application. The Hearing Examiner decides an appeal of a final staff determination either under review process I (building square footage “less than or equal to 4,000 square feet”) or review process II (most instances). The Hearing Examiner makes a recommendation on access issues to the City Council for review process IV site plans (when “larger than any one of the following . . .”).

1 As the Staff Report to the Hearing Examiner demonstrates, on August 29, 2008 the
2 City opened a file on an application for "Site Plan." The application was deemed "technically
3 complete" on October 16, 2008. An access determination was actually made on May 7, 2013.
4 However, final site plan approval, to this date has never been given.

5 Instead, on March 20, 2013, the applicant/appellant submitted a cover letter, an
6 incomplete site plan application, legal description and a conceptual site plan entitled 'Regatta
7 Drive Access Point Conceptual Site Plan.' As a favor to the applicant/appellant, the City
8 deemed this a "continuation" of the old application. Mr. Stowell then subsequently issued his
9 determination on May 7, 2013 which has since been withdrawn.

10 The Hearing Examiner should not allow the appellant here to "short-circuit" the City's
11 required land use processes when no final decision has ever been made upon a proper new
12 application for site plan approval.

13 STATE LAW CONFERS NO RIGHT TO AN ACCESS
14 DETERMINATION NOW FROM THE HEARING EXAMINER

15 Substantively, ultimately at issue here is the appellant's right, if any, to a new, private
16 access on to Regatta/SR 20. The appellant seeks a new private access for right in/right out
17 traffic on to Regatta where Regatta is located in the state right of way for SR 20 and Regatta
18 serves as the acceleration lane for northbound traffic. SR 20 is classified as a Class 2
19 highway at this location.

20 State law speaks in broad standards in an effort to provide access to the State Highway
21 System. RCW 47.50.010(3)(b)

22 Every owner of property which abuts a state highway has a right to reasonable
23 access to that highway, unless such access has been acquired pursuant to
24 chapter 47.52 RCW, but may not have the right of a particular means of
25 access. The right of access to the state highway may be restricted if, pursuant
to local regulation, reasonable access can be provided to another public road
which abuts the property.

1 This broad standard however does not mean that every abutting property owner is entitled to
2 any particular type of access on to the state highway. Rather, the State has adopted standards
3 for access permitting that cities, if the state highway is within a city, are required to follow:

4 **RCW 47.50.030**
5 **Regulating connections.**

6 (1) Vehicular access and connections to or from the state highway system
7 shall be regulated by the permitting authority in accordance with the
8 provisions of this chapter in order to protect the public health, safety, and
9 welfare.

10 (2) The department shall by July 1, 1992, adopt administrative procedures
11 pursuant to chapter 34.05 RCW which establish state highway access
12 standards and rules for its issuance and modification of access permits, closing
13 of unpermitted connections, revocation of permits, and waiver provisions in
14 accordance with this chapter. The department shall consult with the
15 association of Washington cities and obtain concurrence of the city design
16 standards committee as established by RCW 35.78.030 in the development
17 and adoption of rules for access standards for city streets designated as state
18 highways under chapter 47.24 RCW.

19 (3) Cities and towns shall, no later than July 1, 1993, adopt standards for
20 access permitting on streets designated as state highways which meet or
21 exceed the department's standards, provided that such standards may not be
22 inconsistent with standards adopted by the department.

23 The State standards appear at WAC 468-51 and WAC 468-52. In Chapter 11.24
24 OHMC Highway Access Management, City Code expressly adopts the State's access
25 management standards.

The State standards require an application which, if within the city, and the City has its
own application, can be a city application:

26 **WAC 468-51-060** No agency filings affecting this section since 2003
27 **Application requirements and procedures.**

28 This rule shall be used where the department is the permitting authority.
29 Where the local governmental entity is the permitting authority, the applicable
30 procedures of the local governmental entity must be followed. If the local
31 governmental entity has no procedures then this rule may apply.

1 (1) Connection permit application and information. The appropriate
2 application form and the application information are available from the
3 designated local department offices. An application shall consist of the above
4 form; application fee, as specified in WAC 468-51-070; plans; traffic data;
5 and connection information specified in this section.

6 All connection and roadway design documents for Category II and III permits
7 shall bear the seal and signature of a professional engineer, registered in
8 accordance with chapter 18.43 RCW.

9 (2) Information required – all permits. The following information is
10 required of all applicants for all permit categories, unless the department
11 determines that specific information will not be required on individual
12 applications. Additional information required of Category II, III, and IV
13 permit applications is specified in this chapter. In all cases it would be
14 prudent, prior to submittal of the application, for the applicant to inquire of the
15 department whether the application needs additional information. The
16 department reserves the right to request clarification or additional information
17 during the application review process. Failure to provide the requested
18 information within the time limits specified in the request shall result in
19 withdrawal of the permit application.

20 (a) Identification and signature of property owner and applicant. The
21 current complete names, mailing addresses, and telephone numbers of the
22 property owner(s), the developer(s), the applicant, the transportation and legal
23 consultants representing the applicant (if any), and the local government
24 representative(s) responsible for processing the development's approval shall
25 be provided as part of the application. If the property owner desires to have a
representative sign the application, a notarized letter of authorization from the
applicant is to be provided with the application. When the owner or applicant
is a company, corporation, or other public agency, the name, address, and
telephone number of the responsible officer shall be furnished. The names of
all individuals signing the application and their titles shall be typed or printed
directly below the signature.

(b) Property uses and traffic information. The ultimate planned property
uses shall be indicated in sufficient detail to determine the appropriate permit
classification. Estimated average weekday vehicle trip ends to be generated by
the development, based on the planned property use, consistent with the latest
trip generation information published by the Institute of Transportation
Engineers, Washington, D.C., (ITE) shall be included as appropriate. If local
or special trip generation rates are used, instead of the ITE rates the latest and
best information shall be used and all documentation for the rate development
shall be submitted with the application. For residential developments with ten
or fewer units, ten trips per day per unit may be assumed. The requirement for

1 an average weekday vehicle trip ends estimate may be waived for agricultural
2 uses where no retail marketing is proposed.

3 (c) Site plan. The application shall include a plan to scale, or a schematic
4 drawing showing critical dimensions (allowable on Category I permits only),
5 the location of the property, and existing conditions and the character and
6 extent of work proposed. The location of existing and proposed on-site
7 development with respect to the existing and proposed driveway location(s)
8 and the highway shall be shown. Minimum information on the plan shall
9 include:

- 10 (i) Road information.
- 11 • State route number.
 - 12 • County or local road name.
 - 13 • Highway pavement type.
 - 14 • Cross section.
 - 15 • Posted speed limit.
 - 16 • The existence and location of any existing and/or future
17 proposed public or private road abutting or entering the property;
18 the horizontal and vertical curvature of the road(s) noting the
19 location of existing and proposed connections and any other
20 pertinent information.
- 21 (ii) Property information.
- 22 • Location of all existing and proposed buildings, and other
23 structures, such as gasoline pumps, lights, trees, etc., with respect
24 to the existing and proposed property and right of way lines.
 - 25 • Any adjacent properties that are owned or controlled by the
applicant, or in which the applicant has a financial interest, and
indicate whether these properties will be accessed by means of
the proposed connection(s).
 - Proof of legal ownership or legal easement.
 - The application shall include a boundary survey. The
requirement for a boundary survey may be waived for Category I
connections, at the discretion of the department.
 - Any existing or proposed parcels segregated from the
applicant's property for separate development also shall be
clearly designated on the plan.
- (iii) Connection location information.
- The proposed connection milepost and highway engineer's
station, if available.
 - Location of the highway centerline with respect to existing and
proposed property lines.
 - Distance of proposed public or private access connection to
intersecting roads, streets, railroads.

1 • Existing or proposed median openings (crossovers) and
2 connections on all sides of the state highway and other roads
3 within six hundred sixty feet of the proposed connection location
4 in urban areas and one thousand three hundred twenty feet in
5 nonurban (rural) areas.

6 • Location of existing or proposed public or private retaining
7 walls, fences, poles, sidewalks, bike paths, drainage structures
8 and easements, traffic control devices, fire hydrants, utilities, or
9 other physical features, such as trees, landscaping, green belts,
10 and wetlands, that could affect driveway location.

11 • It shall be the responsibility of the applicant to physically
12 identify the location of the proposed connection at the proposed
13 site.

14 (iv) Connection design information.

15 • Proposed connection and approach improvements including its
16 profile approaching the state highway, width, radii, angle to the
17 highway, auxiliary pavement.

18 • Existing and proposed grading (or contouring that affects the
19 natural drainage pattern or runoff impacting the state highway
20 and the proposed connection).

21 • Drainage calculations and other pertinent data.

22 • Driveway, auxiliary lanes and crossover pavement design,
23 including subgrade, base, surface materials, and thicknesses.

24 • Specific requirements for design information on individual
25 Category I permit applications may be relaxed, or waived, at the
discretion of the department.

(v) Joint driveway use.

• If the driveway is to serve more than one property, the plan
shall detail information for all properties using the connection
and the application shall include copies of legally enforceable
agreements of concurrence for all property owners on joint
driveway usage.

• Joint driveway use serving adjoining properties is encouraged
on all highways and may be required on some highways, in
compliance with rules adopted by the department.

(3) Additional information required, Category II and Category III permits.
The following is a list of additional information that may be required for each
phase of the development from the applicant. Prior to the submittal of the
application, the applicant shall coordinate with the appropriate designated
local office of the department on the level of detail and the analysis techniques
to be used.

(a) Circulation plans. All parking, interior drives, and internal traffic
circulation plans.

1 (b) Connection users. All internal and external adjacent parcels which will
2 use the requested connection. All existing and proposed connecting roadways
and potential means of alternate access through the final buildout stage of
development shall be shown on the plans submitted with the application.

3 (c) Traffic control devices and illumination. Proposed traffic control
4 devices and lighting locations.

5 (d) Sight distance. Analysis of horizontal and vertical sight distance on the
6 state highway with respect to the proposed connection.

7 (e) Traffic data and analysis. Traffic data submitted by the applicant shall
8 be signed and sealed by a qualified professional engineer, registered in
accordance with chapter 18.43 RCW. The following traffic study information
may be required:

9 (i) Turning movements. Vehicle turning movements for present and
10 future traffic conditions.

11 (ii) Volume and type. Amount and type of traffic that will be
12 generated by the proposed development including a breakdown of
anticipated peak hour traffic and an analysis of the impact on the level
of service on the state highway.

13 (iii) Parking and circulation. Analysis of off-street parking and traffic
14 circulation, including distances to secondary access points on the
connection roadway and their impact on the operation of the state
highway.

15 (iv) Traffic signal data. If a traffic signal is requested, the following
16 studies may be required: Traffic signal warrants; phasing and timing
analysis; signal progression analysis; signalization, signing, and
17 lighting plans in compliance with department standards. A separate
department traffic signal permit is required.

18 (v) Offsite improvements. A traffic analysis to determine the need
for offsite related roadway and geometric improvements and
mitigation requirements.

19 (vi) Traffic control plan. A traffic control plan conforming to current
20 department standards set forth in the "Manual on Uniform Traffic
Control Devices," documenting how the permit holder will provide for
21 safe and efficient movement on the state highway system during the
construction of the connection.

22 (4) Additional information required, Category IV permits. Permit
23 applications must contain the specific dates that the connection is to be open
and must contain assurances acceptable to the department that the shoulder,
24 curbing, sidewalks, bikeways, ditch, right of way, and any other amenities will
be restored to their original condition at the permit holder's expense upon
25 closure of the temporary connection.

1 Oak Harbor uses its site plan process in Chapter 19.48 OHMC to provide the
2 application and information required by the Regulation.

3 An access determination under the regulation and thus under the City's site plan
4 review process is therefore site characteristic and use dependent. An access determination
5 cannot be made unless and until the use and its trip generation are known. Only this type of
6 information provides a basis to determine the access category and if/whether a nonconforming
7 access must be allowed:

8 **WAC 468-51-040** No agency filings affecting this section since 2003
9 **Connection categories.**

10 All connections, public or private shall be determined by the department to be
11 in one of the following categories:

12 (1) "Category I - Minimum connection" provides connection to the state
13 highway system for up to ten single family residences, a duplex, or a small
14 multifamily complex of up to ten dwelling units, which use a common
15 connection. The category shall also apply to permanent connections to
16 agricultural and forest lands, including field entrances; connections for the
17 operation, maintenance, and repair of utilities; and connections serving other
18 low volume traffic generators expected to have an average weekday vehicle
19 trip ends (AWDVTE) of one hundred or less.

20 (2) "Category II - Minor connection" provides connection to the state
21 highway system for medium volume traffic generators expected to have an
22 AWDVTE of one thousand five hundred or less, but not included in
23 Category I.

24 (3) "Category III - Major connection" provides connection to the state
25 highway system for high volume traffic generators expected to have an
AWDVTE exceeding one thousand five hundred.

(4) "Category IV - Temporary connection" provides a temporary, time
limited, connection to the state highway system for a specific property for a
specific use with a specific traffic volume. Such uses include, but are not
limited to, logging, forest land clearing, temporary agricultural uses,
temporary construction, and temporary emergency access. The department
reserves the right to remove any temporary connection at its sole discretion
and at the expense of the property owner after the expiration of the permit.
Further, a temporary connection permit does not bind the department, in any

1 way, to the future issuance of a permanent connection permit at the temporary
2 connection location.

3 (5) "Nonconforming connection" designation may be issued for Category
4 I through IV permits after an analysis and determination by the department
5 that a conforming connection cannot be made and a finding that the denial of a
6 connection would leave the property without a reasonable means of access to
7 the public road system. In such instances, the permit shall be noted as
8 nonconforming and contain specific restrictions and provisions, including
9 limits on the maximum vehicular use of the connection, the future availability
10 of alternate means of reasonable access for which a conforming connection
11 permit could be obtained, the removal of the nonconforming connection at the
12 time the conforming access is available, and other conditions as necessary to
13 carry out the provisions of chapter 47.50 RCW.

14 (6) "Variance connection" means a special nonconforming or additional
15 connection permit, issued for a location not normally permitted by current
16 department standards, after an engineering study demonstrates that the
17 connection will not adversely affect the safety, maintenance or operation of
18 the highway in accordance with its assigned classification. This permit will
19 remain valid until modified or revoked by the permitting authority.

20 (7) "Median opening" includes openings requested for both new
21 connections and for existing connections. New median openings proposed as
22 part of a new driveway connection shall be reviewed as part of the permit
23 application review process. Request for the construction of new median
24 openings to serve existing permitted connections shall require a reevaluation
25 of the location, quantity, design of existing connection, and traffic at the
existing connections. The property owner must file a new connection permit
application, for the proper connection category, showing the new proposed
median opening location and design and its relationship to the existing or
modified driveway connections. Nothing contained herein shall be construed
to prohibit the department from closing an existing median opening where
operational or safety reasons require the action. The department shall notify
affected property owners, permit holders and tenants, in writing, thirty days in
advance of the closure of a median opening unless immediate closure is
needed for safety or operational reasons.

City code therefore, as it must, mirrors state law and prohibits access determinations
onto a state highway in a vacuum. Only in the context of a full and complete site plan
application under City code is a property owner entitled to an access determination. Only in
review of a site plan application (under review process I, II or IV) can the Hearing Examiner
render a decision on access.

1 Mr. Stowell’s letter of May 7, 2013 was not a proper subject of Hearing Examiner
2 review when issued and certainly is not amenable to Hearing Examiner review now when
3 withdrawn. State law requires review of an access determination only where a very specific
4 type of application has been made for development in the context of review of that
5 development application. City code imposes the same standard – review in the context of a
6 complete site plan development application.

7 REVIEW NOW OF AN ACCESS DETERMINATION
8 WOULD VIOLATE REGULATORY REFORM

9 Under Chapter 36.70B RCW local government is allowed to provide for one open
10 record hearing and one closed record appeal. RCW 36.70B.060 (6) provides as follows:

11 (6) Except for the appeal of a determination of significance as provided in
12 RCW 43.21C.075, if a local government elects to provide an appeal of its
13 threshold determinations or project permit decisions, the local government
14 shall provide for no more than one consolidated open record hearing on such
15 appeal. The local government need not provide for any further appeal and may
16 provide an appeal for some but not all project permit decisions. If an appeal is
17 provided after the open record hearing, it shall be a closed record appeal
18 before a single decision-making body or officer;

19 Under regulatory reform, applicant/appellant here is not entitled to review of an access
20 determination independent of a determination on a proper application for site plan review.

21 CONCLUSION

22 For a myriad of procedural reasons, applicant/appellant is not entitled to an access
23 determination by the Hearing Examiner at this time. The applicant/appellant must complete
24 the City’s site plan review process of Chapter 19.48 OHMC and City staff must then issue a
25 decision on a full and complete site plan application. If the access component in staff’s
decision is unacceptable to applicant/appellant then, not *now*, an appeal of that decision can
be brought to the Hearing Examiner.

1 DATED this 20th day of February, 2014.

2 WEED, GRAAFSTRA AND BENSON, INC., P.S.

3
4 By: 
5 Thom H. Graafstra, WSBA #7099
6 Attorney for City of Oak Harbor
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EXHIBIT 30

November 5, 2012

City of Oak Harbor
Mayor Dudley
Fax: 360-279-4507

RE: Blocking of Right of Way

Zz

Some months ago we requested that the city look at the hydrant located west of Mariner Self Storage. Its in our right of way.

The hydrant is located in a 20' easement belonging to Mark Douglas. This easement is open for ingress and egress. The hydrant interferes with good traffic flow.

The hydrant should be relocated to the west at least 15' to avert blockage of our right of way. No reply was received from Mr. Johnston to our earlier request.

The R/W serves 12 acres and provides a partial outlet for our property. We will need a direct in and out curb cut in front of our site sometime soon.

Thank you,

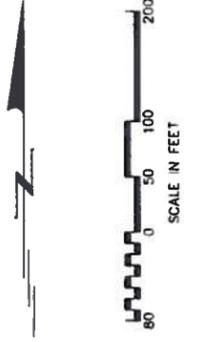
Joel Douglas

 HARBOR LANDS Co.
SEASCAPE - (360) 332-8980
GRANDVIEW BUSINESS CENTER
HARBOR BUSINESS CENTER
THE MONTICETO AT FRIDAY HARBOR
LATHROP MANOR - (360) 647-1444
 Discover

P.O. Box 4088
BELLINGHAM, WA 98227
(360) 734-8191
or 734-8282
FAX (360) 647-8223
EMAIL: HARBORLAND@HQL.COM
JOEL DOUGLAS


11/6/12

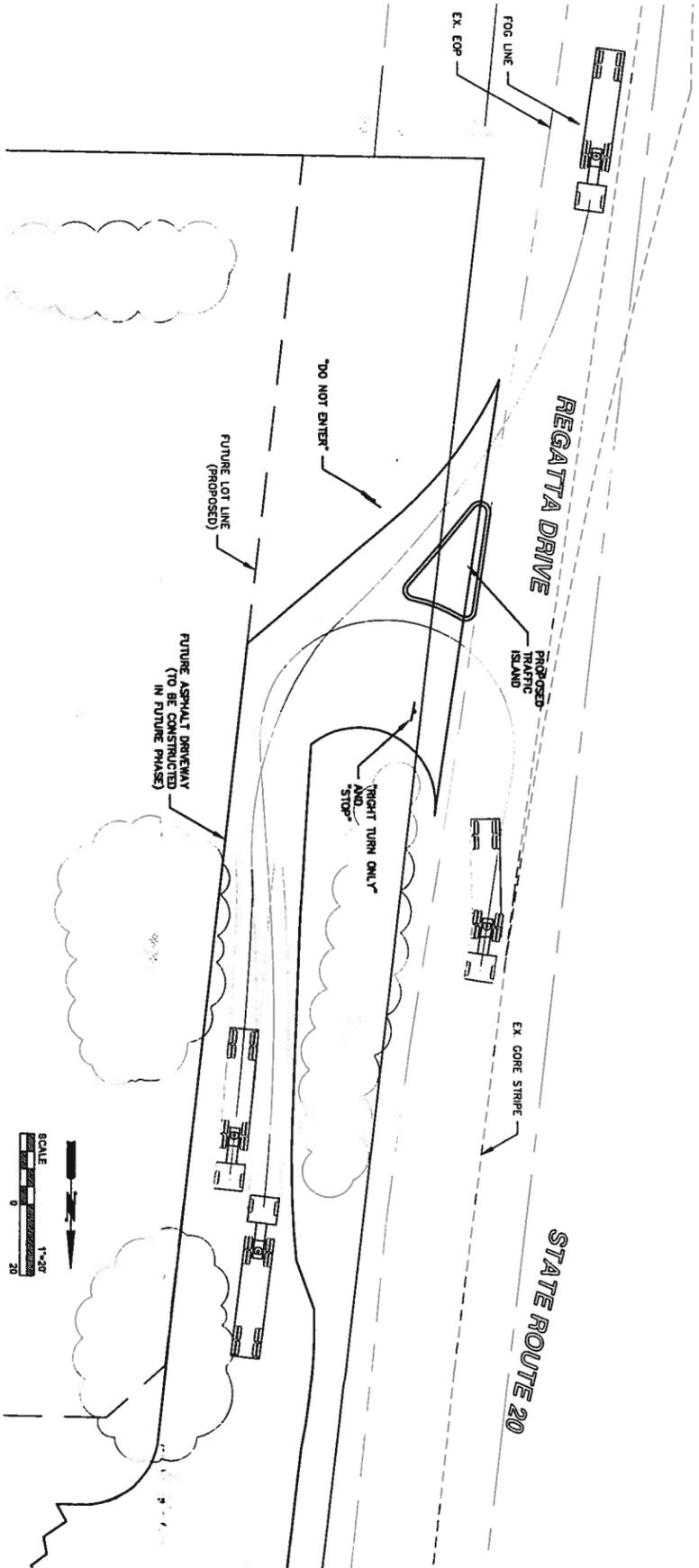
Approved By
Harbor Lands Co.
NOV 06 2012
360-734-8191
By



| AFN 353993 | AFN 4279909 | AFN 228931 & 228934 |
|---------------------|--------------------------|----------------------------|
| TRACT 1 DESCRIPTION | HARBOR LAND BLA 09-00003 | KNUCKLES & SANDSTROM PROP. |
| TRACT 2 DESCRIPTION | | |
| TRACT 3 DESCRIPTION | | |

ACCORDING TO CURRENT ISLAND COUNTY DATA

LEGEND



PARCEL VICINITY MAP (1"=200')

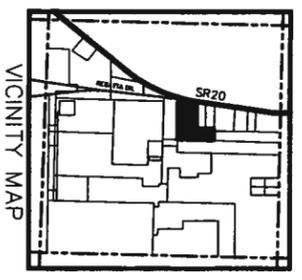
LEGAL DESCRIPTIONS

PARCEL A:
That portion of the Southeast Quarter of the Northwest Quarter in Section 25, Township 33 North, Range 1 East of the Willamette Meridian, described as follows:
Beginning at the Southeast corner of the Northwest Quarter of said Section 25, thence North along the East line of said Northwest Quarter 720 feet to the true point of beginning, thence continue North along said East line of said Northwest Quarter 480 feet, thence West along a line which is parallel to and 1.138 feet distant from the South line of said Northwest Quarter to the East line of said Northwest Quarter, thence South and parallel to the East line of said Northwest Quarter of the Northwest Quarter 254 feet to the true point of beginning, thence South 254 feet to the true point of beginning, thence East along said line to a point which the South line of the true point of beginning and the East line of said Northwest Quarter intersect, thence North along a line which is parallel to and 720 feet distant from the South line of said Northwest Quarter, thence East along said line to a point which the South line of the true point of beginning and the East line of said Northwest Quarter intersect, thence North along a line which is parallel to and 270 feet distant from the East line of said Northwest Quarter of the Northwest Quarter a distance of 2241 feet, more or less to the true point of beginning.

(This Survey is Tract A of Survey Plat No. 39112, 1,362(9) approved July 17, 1979 and recorded August 8, 1979 under Auditor's File No. 857216, records of Clatsop County, Washington.)

PARCEL B:
That portion of the Southeast Quarter of the Northwest Quarter in Section 25, Township 33 North, Range 1 East of the Willamette Meridian, described as follows:
Beginning at the Southeast corner of the Northwest Quarter of said Section 25, thence North along a line which is parallel to and 1.138 feet distant from the South line of said Northwest Quarter a distance of 270 feet, thence South and parallel to the East line of said Northwest Quarter of the Northwest Quarter 254 feet to the true point of beginning, thence South 254 feet to the true point of beginning, thence East along said line to a point which the South line of the true point of beginning and the East line of said Northwest Quarter intersect, thence North along a line which is parallel to and 720 feet distant from the South line of said Northwest Quarter, thence East along said line to a point which the South line of the true point of beginning and the East line of said Northwest Quarter intersect, thence North along a line which is parallel to and 270 feet distant from the East line of said Northwest Quarter of the Northwest Quarter a distance of 2241 feet, more or less to the true point of beginning.

(This Survey is Tract C of Survey Plat No. 39112, 1,362(9) approved July 17, 1979 and recorded August 8, 1979 under Auditor's File No. 857216, records of Clatsop County, Washington.)



SITE ADDRESS: 34260 SR20
TAX ID NO.: R13325-357-2520
R13325-345-2160
R13325-317-2210
R13325-312-2050

LAND CLEARING PERMIT: LND-07-00008

CURRENT ZONING: C-4 FREEMWAY SERVICE COMMERCIAL
PROPOSED ZONING: C-4 FREEMWAY SERVICE COMMERCIAL
PROPOSED STRUCTURES: NONE

CUT VOLUME = 36,300 CU YD
FILL VOLUME = 36,300 CU YD
NET VOLUME = 0
(NO IMPORT/EXPORT PLANNED)

PARCEL C:
That portion of the Southeast Quarter of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian, lying East of Highway 20, described as follows:
Beginning at the Southeast corner of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian, thence North along the East line of said Northwest Quarter 270 feet, thence West 480 feet to the true point of beginning, thence continue West 208 71 feet, thence North 208 71 feet, thence South to the true point of beginning.

PARCEL D:
The South 720 feet to the Southeast Quarter of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian, lying East of Highway 20, described as follows:
EXCEPT the South 320 feet thereof.

ALSO EXCEPT: Beginning at the Southeast corner of the Northwest Quarter of Section 25, Township 33 North, Range 1 East of the Willamette Meridian, thence North along the East line of said Northwest Quarter 270 feet, thence West 480 feet to the true point of beginning, thence continue West 208 71 feet, thence North 208 71 feet, thence South to the true point of beginning.

ALL Situated in Clatsop County, Washington.

RECEIVED
MAY 8 0 2013
CITY OF OAK HARBOR
Development Services Department



LERVIK ENGINEERING

Designer: **DLE/WRK**
Drafter: **ANJ/SJK**
Checked by: **WRW**
Date: **NOV 2008**
Revision No.: **1**
2
3
4

HARBOR LANDS CO.
PO BOX 4082
BELLINGHAM, WA 98227
THUNDER RIDGE PHASE I
SE¼ OF THE NW¼ OF SECTION 25, TOWNSHIP 33N,
RANGE 01E

**REGATTA DR. ACCESS POINT
CONCEPTUAL SITE PLAN**

C1 & C1