



PLANNING COMMISSION

AGENDA

August 28, 2012

CITY OF OAK HARBOR
PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS

AGENDA
August 28, 2012
7:30 P.M.

ROLL CALL: NEIL _____ JENSEN _____ FAKKEMA _____
WASINGER _____ OLIVER _____
WALLIN _____ JOHNSON-PFEIFFER _____

1. **Approval of Minutes – July 24, 2012 and August 14, 2012**
2. **Public Comment** – Planning Commission will accept public comment for items not otherwise on the agenda for the first 15 minutes of the Planning Commission meeting.
3. **FAIRWAY POINT PRD MODIFICATION TO CONSIDER ADU'S – Public Hearing**
The Planning Commission will hold a public hearing on a proposal to add accessory dwelling units to the basements of homes for up to six remaining lots to be developed within Division 4 of Fairway Point PRD. The Fairway Point subdivision is a planned residential development (PRD) which means that the development of the subdivision is tied to specific approved plans. A modification to these specific plans requires the Planning Commission to conduct a public hearing and make a recommendation to the City Council.
4. **SHORELINE MASTER PROGRAM (SMP) UPDATE – Public Meeting**
The City of Oak Harbor is required by the State of Washington to update its Shoreline Master Program (SMP). The Planning Commission will continue its discussion of the Draft SMP document focusing on Chapter 5 “Shoreline Modification Provisions.” Topics covered in this discussion will include, stabilization (including bulkheads), piers, docks, floats, and mooring balls and buoys. This is a discussion item and no action or recommendation will be made at this time.
5. **2012 COMPREHENSIVE PLAN AMENDMENT DISCUSSION– Public Meeting**
2018. The Capital Improvements Plan is updated every year with the annual Comprehensive Plan Amendments. The Capital Improvements Plan identifies the City's capital needs for the next six years. The Planning Commission will be updated on the changes to the plan.

This item has been rescheduled for September 25, 2012

MINUTES

July 24, 2012

&

August 14, 2012

**PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
July 24, 2012**

ROLL CALL: **Present:** Bruce Neil, Gerry Oliver, Jeff Wallin and Jill Johnson-Pfeiffer.
Absent: Kristi Jensen, Greg Wasinger and Keith Fakkema
Staff Present: Development Services Director, Steve Powers; Senior Planners, Ethan Spoo and Cac Kamak; Associate Planner, Melissa Sartorius; Project Engineer, Arnie Peterschmidt.

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

Mr. Neil noted that the agenda item regarding OHMC Chapter 17.24 Sidewalks, Curbs and Gutters Installation would be move to another date.

MINUTES: MS. JOHNSON-PFEIFFER MOVED, MR. OLIVER SECONDED, MOTION CARRIED TO APPROVE THE MAY 22, 2012 MINUTES AS PRESENTED.

PUBLIC COMMENT:

No comments.

FAIRWAY POINT PRD MODIFICATION TO CONSIDER ADU'S – Public Hearing

Mr. Neil opened the public hearing on this item.

Ms. Sartorius reported that this item is a request to modify the Planned Residential Development (PRD) plans for Fairway Point Division 4 to add accessory dwelling units to homes. Accessory dwelling units are normally permitted in all single-family zoning districts with an administrative permit but since PRD's are tied to specific approved plans, a modification is needed and a public hearing is required.

A PRD is a planned unit development which offers flexibility in neighborhood design. The PRD overlay zone modifies the regulations of the existing zoning district. Because legal lots of record must be created through the subdivision process, the approval process for a PRD subdivision often creates several approval documents (ordinances/resolutions) distinguishing the plat from the PRD plans. The modification process must include a public input process for homeowners.

The Oak Harbor Municipal Code (OHMC) defines an accessory dwelling unit (ADU) as "a habitable living unit added to, created within or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation." ADU's are commonly known as mother-in-law apartments or cottage apartments and are essentially a second dwelling unit created on a lot.

The applicant proposes a maximum of six ADU's to Division 4. The applicant indicates in the narrative that the actual number of ADU's that are to be built will likely be lower than requested. As the modification process is somewhat lengthy, the applicant is seeking the maximum number of units to provide them with future flexibility. So the modification is to only consider a change to the density on the approved plan set.

City staff analyzed transportation concurrency, addressing, solid waste, water meter size, and utility billing aspects of the project but had no substantial comments on the modification. The

Development Services Department is tasked with reviewing the proposal for conformity with all applicable criteria.

A Notice of Public Hearing was advertised in the Whidbey News Times and combined Notice of Application and of Public Hearing was sent to all of the property owners within the subdivision and within 300 feet of the subdivision on June 8, 2012. One comment was received yesterday via e-mail regarding concern about the impact on property values (Attachment 1).

Ms. Sartorius concluded that staff has reviewed the PRD modification and has determined it to be in conformance with all applicable criteria and standards in the OHMC, the prior approved PRD development plans, and the approved resolutions and ordinances. The approval of a modification to the PRD plans for Fairway Point Division 4 will allow the applicant to apply for the administrative ADU permits on a house-by-house basis.

Since PRD's are tied specifically to the plans approved for the project and any modifications to these plans if approved must also become part of the official record of the subdivision, staff recommends that only Sheet 1 of 1 titled *ADU Modification to Fairway Point PRD* dated June 5, 2012 be approved with the draft ordinance so that the modification to the PRD is clearly shown.

Ms. Sartorius concluded by recommending that Planning Commission accept public comments on the proposed modification, close the public hearing and then recommend approval of the draft ordinance amending Ordinance No. 1583 to City Council.

Mr. Neil asked the applicant if he had comments.

Kendal Gentry (14559 Jura Place, Anacortes) introduced himself as the applicant and explained that the motivation for requesting the PRD amendment was because of the slow real estate market and the need to understand the needs of the customer. Some of his customers have requested accessory dwelling units due to the need for a live-in caregiver. Landed Gentry would like to advertise the homes with the accessory dwelling unit option. Mr. Gentry noted that the ADU's would not be visible from the street.

Planning Commission Discussion

Planning Commission asked Mr. Gentry about how ADU's would affect parking and whether he had any comment about land value as a result of adding the ADU's. Mr. Gentry said that part of the permit process is to demonstrate that there is adequate off-street parking and that ADU's are very tightly governed by the city codes. Once an applicant applies for an ADU permit they sign a covenant which is placed on the property and says the owner of the house will live in one of the two units so it is not like creating a duplex.

Planning Commissioner's asked staff about a scenario of a Navy family that purchases the home and transfers in a couple of years and then wants to rent the home out and have a tenant in the ADU. Ms. Sartorius repeated Mr. Gentry's comment about the requirement for a covenant and the requirement for the owner to live in one of the two units. Mr. Powers added that the person that purchases the home has to understand the restrictions and make decisions accordingly secondly; in the scenario described they would have to give up the right to have the ADU. There is no prohibition on an individual buying a home moving away and renting that home but under our Code there would be a prohibition on that individual renting out the main unit and renting out the accessory dwelling unit separately. The homeowner would lose the right to have the accessory dwelling unit and used it only as a single family dwelling.

Planning Commission asked if there were any concerns because this is a PRD that was planned and the people that bought into this residential community had an expectation of a certain lifestyle versus another neighborhood. Ms. Sartorius stated that this public process is meant to gather input from the residents in the neighborhood and they have received a number of public notices. The only comment to date is the written comment.

There was discussion about density levels in Fairway Point Divisions 1-3 as compared to Division 4 and the reason for that the request is only for Division 4. Ms. Sartorius explained that for Fairway Point Divisions 1-3 the proposed density using a maximum of 29 ADU's is less than the original approved density and therefore does not require an amendment to the PRD whereas Fairway Point Division 4 originally was approved for 4.76 dwelling units per acre and the proposed density using a maximum of 6 ADU's is 5.47 dwelling units per acre which is more than what was originally approved and therefore requires an amendment to the PRD.

Planning Commissioners asked the following:

- Do the zoning requirements run with the property to the new owner? (Yes).
- How much notice was given to the adjacent property owners? (3-4 notices were sent out, a notice of application, the hearing date changed so a revised notice was sent then the lack of a quorum require another notice of public hearing for this month).
- Will this allow for a detached ADU? (The applicant is not locked into the basement design but will have to go through the ADU administrative permit which staff would review to make sure that it meets the criteria in the Oak Harbor Municipal Code).

Mr. Neil opened the hearing for public comment.

Bruce Freeman (2746 SW Fairway Point Drive) stated that he purchased his home based on the density that was approved by the City of Oak Harbor. The proposal would increase density and could change the tranquil neighborhood considerably. Traffic is a big issue with adding an entire living unit. He said he was not against the caregiver unit but when kitchens, bathrooms and separate entrance are added it is more of a duplex. Mr. Freeman asked the following questions and Mr. Powers provided the answers:

- Will the residence be owner occupied? Answer: Yes, the Code requires that the owner of the property occupy one of the units at least six months out of the year.
- Can the units be rented out to anyone that is not a family member? We know the majority of the people are military and when they get sent out on deployment they rent the rooms out while they're gone. How is it going to be enforced? Answer: There are two ways, since this is a zoning code requirement, violations of the zoning code are a code enforcement action that the City can engage in and it is also possible to end up in a civil action as well.
- Could the unit be used as a commercial office? Answer: No, but you can have a small home business.
- Are there specific lots identified that the ADU's will be built on? Answer: Yes
- Do the ADU's have kitchens? Answer: General they do.
- How many on-site parking spaces will be provided? Answer: One additional space for the additional unit or additional spaces that may be determined by staff.

Mr. Freeman also suggested mailing the staff reports with the notices.

Commissioner's asked if it was possible to add to the covenant a limit on the amount of cars that the extra dwelling unit is allowed to have. Mr. Powers explained that a covenant is between private property owners and the City is not involved in the enforcement of those conditions of covenant or restrictions. If the City imposes a condition of approval it must be through the zoning process, the conditions associated with the plat. Mr. Powers added that parking can be an issue at any point in the community and not necessarily driven by accessory dwelling units. It can depend on the neighborhood, lot size, driveway, garage and whether it is a five person family or a two person family. The Code sets out the minimum amount of parking for each dwelling unit. For a single-family house it is two spaces. For a single-family house with an ADU it is at least two plus one.

Mr. Gentry was asked how he would address the parking issue. Mr. Gentry said that the seller provides the garage and parking space but how the buyer chooses to utilize it is outside of the seller's control. The homeowner's association would have the responsibility for enforcing the rules that were designed for the plat.

Floyd Haney (2777 SW Fairway Point Drive) said he was under the assumption that he was in a single-family residential area and expressed concern about the number of people that could live in a home with an ADU and was opposed to any change to the PRD.

Richard Porritt (2130 Fairway Lane) asked what the difference was between a phase and a division and what the density is of the administratively approved Division 3 area.

Mr. Powers gave an example, of 30 lots in division 1 of a particular project and the developer chooses not to develop all 30 lots at one time they might build 10 in the first phase, 10 in the second phase and 10 in the third and final phase inside of that division.

Richard Porritt (2130 Fairway Lane) asked if he understood that we were talking about 6 lots or more in Division 3 that are being administratively approved. Mr. Powers explained that the density that was approved at the time Divisions 1, 2 and 3 were approved, were approved at a higher level than what the actual development plans were utilizing. So, should Mr. Gentry request ADU's on all available lots they would still be beneath the approved density already. The reason this is before the Planning Commission is because the density for Division 4 and the development in Division 4 are very close to each other and in order to pursue ADU's on one or more of the remaining 6 lots he needs to request that the density be increased. Landed Gentry is obligated to follow the density which was originally approved.

Since Division 3 is below the density cap it does not require a modification to the PRD. Mr. Gentry has the opportunity to request ADU permits on those lots through the City's pre-existing ADU provisions in the Code which is the administrative process. It is important to point out that there are no requests to date and no information available that says Mr. Gentry will be requesting an ADU on each and every lot within Division 3.

Commissioners asked if there would be a public hearing if Mr. Gentry requested an ADU for Division 3 through the administrative process. Mr. Powers said that there would be no public hearing and that the ADU Code applies city-wide and is no different for any other neighborhood in the community. Mr. Powers explained that the reason for the ADU code provisions is because the Growth Management Act requires that, as we plan for our communities, we need to

plan for a range of housing types and acknowledge the fact that there are certain members of our community that may need an ADU for the reasons that we have already talked about.

Commissioner's asked if any of the ADU's would be pre-built with the hopes of finding a buyer or would the developer only build it at the request of the buyer. Mr. Gentry said that the basement will not be finished until the buyer tells us whether they want bedrooms or an ADU and if they want an ADU we will apply for the ADU permit.

Commissioner's asked if Mr. Gentry could build the six bedroom house without going through this process. Mr. Gentry said that is what they are doing now, because we don't have this issue resolved the only way to be permitted by the City is with bedrooms.

Commissioners asked if the 6 lots could be for 55 and older area and if that was a determination that could be made by the builder or by City Code. Mr. Powers said that age restricted communities are typically proposed by the developer and is enforced by the CC&R's. The City does not get in the business of age restricting developments. Mr. Gentry added that Landed Gentry has built several age restricted communities that are governed by the Federal Fair Housing law and there are certain criteria that have to be met to be able to discriminate against families with children.

Richard Porritt (2130 Fairway Lane) asked if the 4 additional lots available for development in Division 1 and the administrative action are not the issue tonight. Mr. Powers said there has been no administrative action on any ADU permits in the Fairway Project. What we are saying is that Landed Gentry has the ability to ask for that permit without first coming through a public hearing because the density is not an issue in Division 1 - 3.

Richard Porritt (2130 Fairway Lane) asked if there could be an unlimited number of ADU's in Division 3 because of the density standpoint. Ms. Sartorius responded that the density for 1, 1a, 2 and 3 is 4.9 dwelling units per acre. If accessory units were built on all available lots within Division 3 it would still be within the originally approved density.

Bruce Freeman (2746 SW Fairway Point Drive) was concerned about allowing ADU's to be a separate structure without zoning approval. Mr. Powers said that the permit process for ADU's is an approval process in which the application is reviewed against the zoning code but it does not require a public hearing and this applies across the City of Oak Harbor.

Mr. Powers outlined how the Planning Commission could address the concerns about the character of the PRD and believed that those concerns can be addressed through land, zoning or standard based conditions of approval. If Planning Commission feels the way to handle the parking issue is to recommend to the Council that they require two parking spaces for the ADU in addition to the two that are required for the primary structure, that is something Planning Commission could recommend to the Council as a way of dealing with the land use impact to the proposed change. Planning Commission can't get into the issue of whether it is rented by someone or someone's elderly mother that lives there or children that come home to live with their parents.

Mr. Oliver asked if Mr. Gentry if there has been discussion within Landed Gentry about detached ADU's. Mr. Gentry said he didn't think that the lots were large enough to accommodate detached units and anything that they would propose would be built into the home. Mr. Powers noted that Planning Commission could add a condition that the ADU only be attached. Mr. Gentry said that he would be willing to agree to that condition.

Floyd Haney (2777 SW Fairway Point Drive) asked what the administrative process was. Mr. Powers explained that staff would review the submitted plans against the standards and the zoning code and verify that the plans meet requirements for lot coverage, parking, entryway and review the covenants. Only if it meets all those criteria can it be approved by staff.

Ms. Johnson-Pieffer asked staff to explain the difference between a PRD and a general residential development. Mr. Powers explained that the normal platting process (regular subdivision) has certain requirements that are prescribed within the code. The PRD also has a subdivision with an extra layer of approval but still operates inside of the density allowed by the zoning code but provides the developer flexibility in prescribing how big the lots might be. They may wish to have smaller lots with smaller setbacks and devote more of their project space to open space or to a club house or to trails or those types of community features. The PRD is an approval process that requires a public hearing before the Planning Commission and a decision by the Council that effectively customizes the development regulations for that particular piece of property. So if a developer wants that flexibility they have to ask for the PRD and go through that process and they also have to have the subdivision plan approved. The size of the project is immaterial to the type of development option that is utilized.

Ms. Johnston-Pieffer asked if the PRD is designed to offer flexibility to the developer or certainty to the future homebuyers. Mr. Powers said he believe that it is the former and that it is intended to allow flexibility to create varying lot sizes to develop the type of community that they wish to market to that end user. In our community PRD's are focused around natural features or golf courses because that is the market that that particular developer is interested in attracting. So there is flexibility on one hand but in exchange for that flexibility they have to provide a certain amount of open space, amenities for the residence of that community. They also lock themselves down to that plan and they have to build to that plan. If they chose to ask to do something different we look at the code to determine if it is a minor change that can be approved administratively or a major change which has to go to the Planning Commission and the City Council.

Mr. Wallin noted that the density is the issue and asked if building 6 bedroom homes affect the density. Mr. Powers said that density is a function of the number of dwelling units per acre. The number of bedrooms doesn't matter and it is still a single dwelling unit.

Commissioners asked Mr. Powers to explained density, the difference between a PRD and a regular development.

Planning Commission Discussion

Mr. Oliver didn't think that only the four Planning Commissioner's present should make this decision.

Mr. Johnson-Pieffer said that she didn't believe in fear based decision-making and the fear is that there may be a lot of young folks living in this area and the golf course land is going to turn into a bunch of duplexes and that is not what anyone had envisioned. On the other hand the developer entered into this planned relationship with the City. The developer said this is what I want to do with that property and set out the setbacks and density because they wanted certainty in what they were able to do. The developer was given that certainty by the City and now the developer wants some additional flexibility and she didn't know that they could have it both ways. There is also some responsibility to the homeowners that bought into that certainty. There is also the responsibility to provide a viable housing option to some people that don't

have that option out there and we have a responsibility as a community to think through these types of needs as well.

Mr. Wallin said that the Planning Commission should continue the public hearing to next month's regular Planning Commission meeting to allow the public an opportunity to review the staff report.

Mr. Powers said that continuing the hearing was possible and staff would mail the staff report to those wishing to receive a copy.

ACTION: MR. OLIVER MOVED, MR. WALLIN SECONDED A MOTION TO CONTINUE THE FAIRWAY POINT PRD MODIFICATION TO CONSIDER ADU'S AGENDA ITEM TO NEXT MONTH'S PLANNING COMMISSION MEETING. MOTION CARRIED.

Planning Commission took a 5 minute break.

NIGHTCLUB ORDINANCE – Public Meeting

Mr. Kamak reported that this is a continuation of the discussion to regulate the size of night clubs. Mr. Kamak highlighted several items discussed at the previous meeting and noted that the result of the public input at the last meeting was that the scale of nightclubs and the number of people that they can accommodate has a direct nexus to the negative impacts on adjacent properties. Therefore the success of any solution would seem to be directly related to the ability of any proposed regulation to restrict the number of people that can patronize such an establishment on any given night. Mr. Kamak presented the following methodologies for addressing the issue as well as some pros and cons for each:

1. **Regulate nightclubs as a land use:** Several comments received at the public meeting on amending the zoning code to include nightclubs as a use in certain zoning districts and requiring such uses to obtain a Conditional Use Permit.
 - Pros: Requiring a nightclub to obtain a conditional use permit is a public process that will require public hearings and therefore adjacent property owners will have an opportunity to comment on the permit. This will allow the Hearing Examiner to consider impacts and impose appropriate conditions on the use.
 - Cons: It is possible for a nightclub to be approved if the proposed use meets all the identified criteria and still be an impact on the adjacent properties. It is then a difficult and legally challenging process to identify and document violations of conditions of approval and to revoke the conditional use permit.

Under the current structure of the code, where any use can obtain a nightclub license, defining nightclubs separately in the zoning ordinance will add an extra layer of confusion. For example, would a restaurant (currently listed as a use) wanting to apply for a nightclub license be considered as a restaurant or as a nightclub? The requirements for these from a building code and zoning code stand point are different and review of these permits can be challenging. Situations such as these can potentially create legal loop holes.

2. **Licensing uses by area:** This idea was included in the last memo to Planning Commission as a potential option to follow. This idea would keep all the current codes in place and add an area threshold to OHMC Chapter 5.22, Business Licenses &

Regulation. For instance, only structures/spaces below 5000 square feet are eligible for nightclub licenses.

- Pros: This will definitely limit the size of building or use that can apply for a nightclub license.
- Cons: This option may not address the actual impact of large groups of people generated from nightclubs because occupancy limits vary based on primary use and interior features/fixtures of the building. Therefore, there is a high probability that a 5000 square feet space can vary in occupancy limit ranging from 50 to 500. For example, a restaurant under 5000 square feet and a occupant limit of 120 can apply for a nightclub license and so can a piano bar under 5000 square feet and a occupant limit of 400. So, although the square footage is the same, the occupancy limits can vary substantially.

3. **Licensing uses by occupant limit:** Using occupancy limits to restrict nightclubs was discouraged in the last memo to Planning Commission. However, further discussion with the City's Building Official has indicated that occupancy limits can be used creatively to regulate nightclubs. The use of occupancy limits was discouraged earlier because it would not be feasible to implement a regulation that limited nightclub license holders to certain occupancy limits. For example, if the City adopted a code to limit all nightclubs to an occupancy limit of 100, and if a restaurant that has an occupancy limit of 150 applies for a nightclub license, the City cannot now require the restaurant to maintain a occupancy limit of 100 which is less than the approved occupancy limit for the primary use (restaurant). However, the City can adopt a code that sets an occupancy limit threshold to apply for the nightclub license. For example, the code can restrict nightclub licenses to only uses that have an occupancy limit of 100 or less. Therefore the restaurant in the above example that has an occupancy limit of 150 will not be able to apply for a nightclub License.

- Pros: This will get to the heart of the impacts created by large nightclubs and will therefore limit the concentration of people in one location.
- Cons: This will limit the buildings and uses that can apply for a nightclub license and has the potential to create many small nightclubs that can still have a cumulative impact in an area.

Mr. Kamak pointed out the occupancy limits of existing nightclub license holders as follows:

El Cazador - 291
Oak Harbor Tavern - 108
Mi Pueblo - 280
7 West – 165
Off the Hook – 201
Elements – 580 +219 (covered area)

Mr. Kamak concluded that it appears that regulating nightclub licenses based on an occupancy limit threshold may address the impacts that adjacent property owners and residences feel from large nightclubs. If the Planning Commission feels that Option 3 is the best course of action, code amendments related to it would go directly to City Council since the amendment would be in OHMC Chapter 5.22, Business Licenses & Regulation, and not in OHMC Title 19, Zoning.

Mr. Kamak asked the Planning Commission for their recommendation on the methodology that should be use.

Mr. Oliver pointed out that he was representing Mr. Kumberfelt in a couple of real estate transactions as well as a couple of people in the Bayshore Condominium Association. He asked the public if they cared to hear what he had to say.

Mr. Powers noted that this was not a quasi-judicial proceeding so if this is a code amendment it is legislative so this is not focused on a particular piece of property.

A member of the public asked if it was appropriate for Mr. Oliver to recuse himself from voting on the issue and that he would like to hear what Mr. Oliver has to say but was a little reluctant to have him voting on the issue.

Mr. Wallin asked if whatever is decided would have no effect on what Element has currently. Mr. Powers said that was correct. Mr. Neil said this would affect new nightclubs.

Mr. Wallin asked if the City be creating two different occupancy licenses if occupancy load was used as the criteria. Mr. Kamak said yes, we could regulate by zoning districts. You could have a limitation in occupancy depending on the zoning district.

Ms. Johnson-Pieffer asked if Option 3 would mean that a business would have to choose whether it was applying for a restaurant license or a nightclub license. Mr. Kamak said that when a business comes in for a building permit they are applying for a particular use such as a restaurant perhaps, the building official will review the plans against the building code and establish what the occupancy load for that restaurant is which sets the limit. If later the restaurant determines that they want live music and extend the use they would come in a get a license on top of what they already have. So the established occupancy load for the primary use would apply. Ms. Johnson-Pieffer asked if a 400 capacity restaurant was applying for a nightclub license restricted to capacity of 300 would they be denied a nightclub license. Mr. Kamak said they would have to be qualified to even apply. If they wanted the nightclub license they would have to redesign the interior space to meet the building code. They would have to make substantial changes to their capacity in order to accommodate the nightclub. Mr. Powers noted that there is no language crafted yet and that so far we are only discussing the methodology.

Mr. Oliver asked if an established nightclub were to sell and we have set the occupancy load at a lower level how will the new business owner be affected. Mr. Kamak said that the new owner would have to apply for a new license and in that case we can either write a code that would allow the continued use of existing businesses or we can do it by location. These are details that would need to be worked out if this methodology is chosen.

Ms. Johnson-Pieffer said she did not support the conditional use permit methodology (Option 1) because she felt it was too volatile and was not a predictable enough process for a business model to operate in.

Mr. Neil asked for public comment.

Richard Everett (651 SE Bayshore Drive) asked how the occupancy limits would be developed. Mr. Powers said that the occupancy load was a function of the building code and the fire code. It is prescribed based upon uses, exits, construction materials, hallways and a variety of life safety issues. Mr. Everett said that he felt an occupancy load of 800 was too high regardless of what the code says especially when patrons are drinking. He also pointed out the tragedy in

New Jersey in which many people were burned to death. Mr. Powers noted that the fire code was changed as a result of that tragedy. Mr. Powers also pointed out that the numbers are calculations and there is a difference between what the capacity is and what normally happens and the practical limitations. Mr. Powers said that we are not in a position to change what the occupancy loads are and this is not a subject of discussion this evening.

Mr. Everett said that in 2007 the condominium residents recommended that the City Council not authorize formation of the Element in that area and Captain Wallace made a statement for the record that he advised against it because it exposed the City to continuing problems from the mass of people that were going to be coming out of the club and the proximity of residents. Captain Wallace's arguments were brushed aside and here we are four years later with this dilemma still before us. He implored the City to use whatever power it has to do something constructive about it. The Element is impacting the residents and others in terms of health, welfare and economic loss. It should never have been and has got to cease as soon as possible.

Billie Cook (651 SE Bayshore Drive) said that a small business district was never meant to bear the use or the impact of a mega-nightclub in like this. She asked if this was the image that we want to project in our mixed use business district of large nightclubs that have violence, drunkenness and lewd behavior that goes on there all the time. In other parts of the county these mega nightclubs are referred to as "roadhouses" where the venue is very loud and excessive drinking and finding a date or "hooking up" is the goal. She stated that she didn't feel that people who frequent the "roadhouse" or mega-nightclub are criminals or wrong in any way but that she didn't want them in her front yard. She asked if we wanted more of them in an area that we present to tourists, many whom are family-oriented or older visitors that don't feel comfortable with that venue. Is this the image that we want to present to attract businesses and jobs? Ms. Cook believed that there should be a limit on the size of nightclubs in the Central Business District (CBD) because it is too small for the impact of the mega-nightclub. Along with a limitation on the size the CBD she hoped there would be some action taken to designate an area where the mega-club can operate.

Mr. Oliver asked what Ms. Cook thought the best occupancy limit would be for the CBD. Ms. Cook thought the limit should be 100 but maybe 200.

Planning Commission Discussion

Mr. Oliver said that the problem with anything that people do in the business world is what they offer and he wasn't sure how to address this issue. Mr. Kamak said that the nexus is large groups of people create impacts and that is what we are trying to address. Mr. Oliver asked if there was a count that can be gauged. Mr. Kamak said that if the Planning Commission chooses occupancy load as a methodology the mission would be to see how we can write a code that would address the impacts to prevent large users from obtaining nightclub licenses. The occupant loads are based on their current uses and not based on nightclubs. They are based their underlying use and that is a limitation established by the building code, so that will determine whether they can apply for a nightclub license or not. We are not limiting the number of people in a particular building by the nightclub license we are saying who can apply for it so larger users may not be able to apply for it. Or if the community wants to choose a special process that will accommodate the larger uses we would have to write that into the code as well.

Mr. Wallin noted that Mi Pueblo has a particular room that is designated as the nightclub area and asked if each of their rooms has a separate occupancy load. Mr. Powers said yes and that it is a combined occupancy. Mr. Powers restated that the mission tonight is to get a consensus

on which of the three options that the Planning Commission would like staff to pursue and then staff will start trying to answer these questions.

Ms. Johnson-Pieffer said that she liked the combination of zoning and occupancy but that she believed that it doesn't matter what zone you put the nightclub in you are going to have the same problem but we can't just say that we don't want them. There are members of the community that do use these establishments and we have a responsibility to allow these types of businesses to exist. Mr. Kamak said that he didn't think limiting the occupancy load is denying a certain type of business but just the size.

Mr. Neil said he would like staff to pursue Option 3 - Licensing uses by occupant limit method.

Mr. Wallin said he would like a combination of occupancy limit tied to the specific zones.

Mr. Oliver said he prefers the occupancy limit but not tied to the specific zone. Mr. Kamak said it was possible to have different occupancy limits in the different zoning districts and it will be a business license requirement. By saying in the license requirement that any business with an occupancy load of greater than 200 in the CBD is prohibited from applying for a license, that will limit the number in the CBD. You can say no business greater than 400 in the C-3 zone is permitted to apply for the nightclub license. You can have that staggering in varying zoning districts if you choose. So therefore you are not limiting or you can say in no zoning district shall be greater than 200, it is a community choice.

Ms. Johnson-Pieffer liked that approach and asked if you put a 100 person limit in the CBD and you had a business that broke their building into three separate rooms in which they had a hip-hop nightclub, a country/western club and a ballroom dancing each in a separate space that had the same 100 person occupancy limitation in each room and the same hours and they all left that facility at the same time we won't have accomplished anything. Mr. Kamak said that was correct and that is the risk. The entire downtown could have nightclubs but those businesses would have to be separate from a building code standpoint.

Mr. Oliver asked how the occupancy load is calculated. Mr. Kamak said it was calculated by each business. Each business has to be separate. We are not limiting by area within the building we are calculating by the entire business's occupancy load.

Mr. Neil confirmed with the Planning Commission that they were directing staff to pursue option 3 – Licensing uses by Occupancy Limit with some consideration to zoning.

Mr. Kamak said that since the Planning Commission wishes to consider zoning categories it will still be in the Planning Commission's realm to make a recommendation. If the Planning Commission had said just occupancy load and not zoning it would no longer have been a Planning Commission issue and only a City Council issue.

Mr. Oliver suggested thinking about barriers to mitigate sound also. Mr. Kamak said that could be considered as part of the licensing requirement.

Staff and Planning Commission discussed how to handle the remaining items on the agenda and decided to hold a special meeting on Monday, August 13, 2012 at 5:00 p.m. to discuss the Shoreline Master Program Update and the 2012 Comprehensive Plan Amendments.

ADJOURN: 10:30 p.m.

Lisa Bebee

From: Jesse and Shannon Dougherty [dougherty999@msn.com]
Sent: Saturday, July 21, 2012 1:26 PM
To: Lisa Bebee
Subject: Dwelling units in Fairway Point

Lisa,

I spoke with you a few weeks back about the dwelling units in Fairway point. I believe this is in reference to PLN-12-02. I am against this decision. This will hurt the value of our homes. We have already taken roughly a \$50,000 loss in the values sense we bought in 2008. Adding this type of property will de-value our home even more. Please email us with the results of this decision. I know they have already started building one unit. I just hope we can prevent them from building more. Thank you

Jesse and Shannon Dougherty

RECEIVED

JUL 23 2012

**CITY OF OAK HARBOR
Development Services Department**

**PLANNING COMMISSION
SPECIAL MEETING
OAK HARBOR MUNICIPAL SHOPS
AUGUST 14, 2012**

ROLL CALL: Present: Bruce Neil, Greg Wasinger, Keith Fakkema and Jill Johnson-Pfeiffer.
Absent: Gerry Oliver, Jeff Wallin and Kristi Jensen.
Staff Present: Senior Planners, Ethan Spoo and Cac Kamak.

Chairman Neil called the meeting to order at 5:10 p.m.

MINUTES: THE JULY 28TH PLANNING COMMISSION MINUTES WILL BE PRESENTED AT THE REGULAR BUSINESS MEETING ON AUGUST 28, 2012.

PUBLIC COMMENT:

No comments.

SHORELINE MASTER PROGRAM (SMP) – Public Meeting

Mr. Spoo reported that the draft SMP was sent to the Department of Ecology's at the end of April and their first review comments have been received. None of the comments require reworking the SMP. The comments regarded the Critical Areas section in Chapter 3. The science has changed since our Critical Areas Ordinance was written so staff is working on those comments. There were also comments about definitions in Chapter 7.

Mr. Spoo presented Chapter 4 – Shoreline Use Provisions and highlighted the Shoreline Use Table which contains the permitted, conditional, and prohibited uses for each of the environment designations. Mr. Spoo pointed out that boating facilities are generally prohibited in all of the zones except for the Maritime environment designation along Maylor Point where the existing Marina is located and is allowed conditionally in the Urban Public Facility designation which is the designation that applies to Flintstone Park. In the instance that someday there is some sort of pier/marina at that location.

Public piers are allowed in the Maritime designation and Urban Public Facility designation and allow conditionally in the Urban Mixed Use which is the area adjacent to the condominiums and most of downtown.

Commercial Uses are to be water dependent or water oriented uses and are permitted in the Maritime, Urban Mixed Use and prohibited elsewhere and are allow conditionally in Urban Public Facilities. This is to capture the eventual build out to Windjammer Park. There may be some sort of an assessor commercial that happens there along with the uses that develop in the park in terms of vendors. Non water oriented uses are allowed conditionally in Maritime, Urban Mixed Use and Urban Public Facilities.

Mr. Wasinger asked if a boat builder could only be in the Urban Mixed Use. Mr. Spoo said that a boat builder is water dependent and could be in the Maritime, Urban Mixed Use or conditionally in Urban Public Facilities but there would be limitations in the Urban Public Facilities mostly due to the size.

Mr. Spoo continued on to residential uses. Single-family residential uses are allowed in Urban Mixed Use, Residential, Residential Bluff Conservancy and prohibited elsewhere. There is one location where multifamily is allowed which is Urban Mixed Use (where the condominiums are) and prohibited everywhere else.

Wastewater Treatment Plants were allowed conditionally in Maritime, Urban Mixed Use, Urban Public Facility and Conservancy. Conservancy is the area out along Crescent Harbor which is one of the sites that was discussed early on. There is the potential that these designations could be narrowed down since Council has narrowed down the sites for the Wastewater Treatment Plant but if for some reason the sites change we may want to leave the options open.

Mr. Spoo reviewed the Summary of Shoreline Development Standards. This table contains:

Maximum height:

Meant to preserve visual access (views) to water.
Generally, 35 feet. 55 feet in Urban Mixed Use and Maritime.
View corridor study needed over 35 feet.

Setbacks:

50 feet from OHWM, except 75 in UPF & 100 Conservancy.
Bluff – as recommended by geotechnical engineer, no less than 25 feet.
Averaging is allowed.

Impervious Surfaces:

The closer to the shoreline the less impervious surface is allowed.

Mr. Spoo reviewed the Shoreline Use Provisions which are the specifics about the types of uses and the policies and regulations that apply to those uses. Boating facilities and marinas includes piers, marinas, public boat launches. The location, materials, size, number are regulated. For example, 24% of open area is required for overwater structures. Creosote treated wood is not allowed. For Commercial uses, no new overwater commercial uses are allowed, except accessory to a water dependent use. For Industrial Uses, only water-dependent industrial is allowed in the Maritime shoreline environment designation.

Residential uses are priority under SMA and the proper management of these uses include avoiding stabilization, no overwater residences, conserve vegetation, limit impervious surfaces and discourage septic systems.

Planning Commission Discussion

Mr. Fakkema asked if a restaurant could be built at the end of the pier if the Marina went away. Mr. Spoo said that he believe the regulations would discourage that from happening. Mr. Kamak said that if the Marina went out of business that the City would do an amendment to the SMP.

Ken Hulett (2820 SW Scenic Heights Street) asked for an example of 24% open area. Mr. Spoo explained that it is a light passage issue and the shoreline science says that juvenile salmon that pass under the dock need that light because it makes it hard for them to see their predators. The gaps between the wood boards of a dock could count toward the 24% but you may have to have other grating in order to achieve the 24%.

Mr. Wasinger asked staff if Carl Freund's issue regarding Freund Marsh has been resolved. Mr. Spoo explained that the boundary over the Freund Marsh area follows a study that was done by

the National Wetland Inventory. The study was based on aerial photos and soils so the wetland boundaries are not completely accurate. Someone would have to go out in the field and delineated exactly what the boundaries of that wetland are. Mr. Freund was concerned that some of his property in that area was shown as being in the SMP and being in wetland when they are not. Staff worked with Mr. Freund and discovered that the vacant piece of property north of Dillard's Addition was approved for fill by the Army Corps of Engineers and that means that the Corps will not allow fill in an area that is wetlands. So if they approved this as a fill location we know it is not wetlands. So there is the potential that we will remove that property out of the shoreline designation later on. Ms. Johnson-Pieffer asked if the property would be removed from shoreline designation before final approval. Mr. Spoo said that it would likely be changed in November.

Ms. Johnson-Pieffer asked if the shoreline moves inland will the setback keep moving as well. Mr. Spoo said that the SMP is based on no net loss which means that the conditions on the ground today is what we will measure against going forward. The SMP isn't going to require people in the future to move their house that they have now to comply with these standards. Mr. Spoo explained that the setback is measured from the ordinary high watermark and when you come to the City with a shoreline substantial development permit then it is the applicant's responsibility to document where the ordinary high watermark is at that time. The applicant will usually employ a surveyor and sometimes a biologist to confer on where the high watermark is. There is a process in the SMP where you can document where the high water mark is and it won't change in the future. Mr. Spoo said would benefit a property owner to be proactive and document the ordinary high watermark.

Ken Hulett (2820 SW Scenic Heights Street) asked about the conservancy area out on Crescent Harbor. He wanted to know how that area became part of the shoreline jurisdiction. Mr. Spoo explained that the shoreline jurisdiction is generally within 200 feet of the ordinary high watermark. The conservancy area is wetlands.

2012 COMPREHENSIVE PLAN AMENDMENT DISCUSSION

Mr. Kamak reported that the City Council approved the 2012 Comprehensive Amendment Docket to include consideration of land use amendments to properties adjacent to the marina. The intent of the land use amendment is to consider a designation that would allow additional uses that support the marina and other water-oriented uses. The current land use designation is PF, Public Facilities. Mr. Kamak noted some of the uses to consider as follows:

Permitted Uses

- Marina
- Accessory uses to the marina such as storage sheds, parking lots, boat and trailer storage
- Private clubs ancillary to the marina
- Private boat yards and storage
- Boat and ship builders
- Water-dependent uses – ferry and passenger terminals, ship building and dry docking, float plane facilities, sewer and storm outfalls and similar uses.
- Water-related uses – warehousing of goods transported by water
- Parks and trails

Conditional Uses

- Principal permitted uses in the Central Business District (CBD) except residential dwelling units

Mr. Kamak explained that the three methods to address changing the land use designation for the properties adjacent to the marina (text amendment, overlay zones and creating a new land use and zoning designation).

The Text Amendment method can introduce the additional uses that are desirable into the existing PF, Public Facilities zoning classification. However, unless otherwise restricted adding these uses to the existing zoning classification will allow them to be permitted wherever there is PF, Public Facility designations in the City such as Windjammer Park, Flintstone Park, schools etc. Since some of these uses may not be desirable in other locations, it can potentially lead to challenging issues in the future.

The Overlay Zone method is a regulatory tool that creates a special zoning district, placed over an existing base zone(s), which identifies special provisions in addition to those in the underlying base zone. Overlay zones are used to protect resources such as environmentally sensitive areas, historic district, or encourage or discourage specific types of development. In this case, the overlay zone would encourage additional uses above and beyond what is currently permitted in the underlying base zone. An overlay zone has a clearly defined boundary and can be created by adding a section in the zoning ordinance describing its intent and the uses that would be permitted. The drawback of an overlay zone is the potential for conflict between regulations or requirements between the underlying base zone and the overlay zone, especially if the overlay zone is trying to accommodate many uses that the underlying zone does not permit.

The new land use category method would create a new land use category in the Comprehensive Plan and create a corresponding zoning code section. Choosing to create a new land use category to address a small area in the city appears like a major change. However, in the future, if the Navy made more land available at the seaplane base for private or public development, this land use category can be used to designate the area and encourage development.

Mr. Kamak concluded by recommending that the Planning Commission discuss the issue and gather input from the public on uses to consider/accommodate in the area. The Commission's discussion and public input will help create a framework and establish a preference for methodology to consider changes in the area.

Planning Commission Discussion

Mr. Fakkema thought the overlay method was confusing and the least attractive.

Mr. Neil liked the new land use category method.

Mr. Fakkema, Mr. Wasinger and Mr. Neil liked the idea of using the Maritime designation as the new land use category.

Mr. Hewett commented that the good news is that it would apply to a small piece of property.

Mr. Kamak added that the SMP has the Maritime designation spans from Oak Harbor Bay to Crescent Harbor Bay. What we are talking about in the new land use category is limited only to the marina upland improvements primarily because Navy property is not available to do

anything else. In the future if rules change and the Navy decides to open up some of the property for some other development what is the best way that we can take whatever we have along the shore and expand it further. We can look at the SMP that designates Maritime and see that this zoning can easily transfer if the Navy opens up the land.

Ms. Johnson-Pieffer asked why there isn't zoning on the Navy property already. Mr. Kamak said that there a classification called Navy property. We haven't taken the time to detail out what is allow in that classification primarily because the Navy doesn't have to follow whatever we define is allowed and we wouldn't want to create any point where someone is out of compliance with our zoning. If the Navy were to open up the property it would be a process that would take many years and the City would have advance notice.

Commissioners discussed permitted uses and conditional uses that the new land use category could accommodate. Commissioners discussed the compatibility of certain uses such as boat building and hotels seasonal non-permanent structures (kiosks etc). Mr. Kamak noted that the SMP doesn't allow any lodging or residential in the Maritime designation because it is in the commercial and industrial category. If over the next 10 to 15 years and there is no boat building business that comes forward and the marina gets investment from other industry the City will be able to reevaluate Maritime designation. The non-permanent structures fall under temporary use regulations.

Planning Commissioners directed staff to move ahead with the staff recommendations for permitted and conditional uses allowed in the new land use category.

ADJOURN: 6:25 p.m.

Fairway Point PRD
Modification to Consider
Accessory Dwelling Units (ADU)

Public Hearing

City of Oak Harbor Planning Commission Report

Date: August 28, 2012
Subject: Fairway Point PRD Modification
– To Consider ADU's within
Division 4

FROM: Melissa Sartorius, Associate Planner

PURPOSE

This report presents a request to Planning Commission for a modification to the Fairway Point Planned Residential Development (PRD) Division 4 to add accessory dwelling units (ADU's) to the basements of house plans for up to six remaining lots to be developed. The modification is requested by the owner FP4, L.L.C. represented by Mr. Kendall Gentry.

Initially the proposed modification was believed to affect Divisions 1-4 of the Fairway Point subdivision however upon further review it was determined that only an amendment to Division 4 would be required as the request changes the approved density for Division 4. The inclusion of ADU's within Divisions 1-3 does not exceed the approved density for those divisions and thus an amendment to their respective PRD plans is not required. However public noticing of the proposal and hearing was prepared and sent prior to the determination and encompassed all divisions. Subsequently, it should be clarified that the public hearing and action on this item is for Division 4 only.

AUTHORITY

The Washington State Growth Management Act (RCW 36.70A) requires that counties and cities adopt zoning and other development regulations that are consistent with their adopted Comprehensive Plans. The Washington Growth Management Act encourages innovative techniques of land development, including PUDs or PRD's¹. The City of Oak Harbor's Comprehensive Plan contains policies regarding PRD's in both the Land Use Element and the Housing Element of the Plan. The Planning Commission has the authority to review plans and hold a public hearing on PRDs and form a recommendation to City Council under the Oak Harbor Municipal Code (OHMC) sections 19.31.210 and 19.31.220. The City Council has the authority to approve or deny a modification to a PRD at a closed record meeting pursuant to OHMC 19.31.280(2) and 19.31.230.²

SUMMARY STATEMENT

In the City of Oak Harbor accessory dwelling units are permitted in all single family zoning districts with an administrative permit. Fairway Point PRD is a subdivision consisting of 180 lots located on the north side of Ft. Nugent Avenue, and west of Whidbey Golf and Country Club. As the subdivision is a PRD, the development of the subdivision is tied to specific approved plans.

¹ <http://www.mrsc.org/subjects/planning/lu/plannedunitdev.aspx>

² 19.31.230 PRD development plan – Council decision.

The council shall hold a closed record meeting to consider the application. Council shall make one of the following decisions: approval as submitted, approval with conditions or denial. Council decisions on PRD permits shall be final unless appealed to the Island County superior court in accordance with Chapter 36.70C RCW.

August 28, 2012 Fairway Point PRD Amendment to Consider ADUs

Page 1 of 7

The applicant is requesting to modify the PRD plans of Fairway Point (Attachment 1) to add ADU's to the basements of house plans for up to six remaining lots to be developed within Division 4 (Attachment 2). A modification to these specific plans require legislative approval and seeks public input and comment through the PRD process.

Project Information

Developer: Landed Gentry Development
Owner: Fairway Point 1, Inc. (Divisions 1-3) and FP4, L.L.C. (Division 4)
Location: West Ft. Nugent Avenue, west of Whidbey Golf & Country Club.
Zoning: R-1 Single-family Residential
Comprehensive Plan: Low-Density Residential
Site Area: 44.4 acres (total site)
Units: 180 single family residential lots (total site)
Density: 3.8 dwelling units per acre (total site), 4.9 du/acre for Divisions 1,1a, 2, and 3, and 4.76 du/acre for Division 4
Open Space: 4.44 acres (total site)

DISCUSSION

Background

On May 22, 2007, the Planning Commission recommended approval of the Preliminary and Final PRD for Fairway Point Division 4 to the City Council subject to Conditions of Approval. On June 19, 2007 the City Council approved the same. The City Council approved the PRD overlay zone for Division 4 on August 4, 2010 in association with the final plat (Attachment 3).

Accessory Dwelling Units (ADU)

The OHMC defines an accessory dwelling unit (ADU) as "a habitable living unit added to, created within or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation." ADU's are commonly known as mother-in-law apartments or cottage apartments and are essentially a second dwelling unit created on a lot. Typically they are auxiliary to and smaller than the main dwelling unit. ADU's are recognized in urban planning for providing solutions for affordable housing and infill development within urban areas¹. ADU's are addressed under section 19.42 of the OHMC which requires administrative permits from the Development Services Department.. ADU's are required to meet the criteria listed in the code (see Attachment 4).

Planned Residential Development (PRD)

According to the Municipal Research and Services Center of Washington (MRSC), "a planned unit development (PUD) is a large, integrated development, developed under unified control according to a master plan, and located on a single (or contiguous) tract of land. Some jurisdictions provide for planned residential developments (PRDs) which are similar, master-planned, and typically clustered development, but are limited to residential uses."² Local PRD development regulations provide more planning flexibility than traditional zoning. They typically offer applicants regulatory flexibility in return for higher quality site and architectural design

¹ <http://www.mrsc.org/publications/texadu.aspx>

² <http://www.mrsc.org/subjects/planning/lu/plannedunitdev.aspx>

with the intent of encouraging the design of a more complete and sustainable neighborhood environment. "The Washington Growth Management Act encourages innovative techniques of land development, including PUDs and PRDs. A PRD is master planned, but the PRD process cannot, by itself, create legal lots of record. Legal lots within the PRD must be created through the subdivision process. In general, the PRD is a voluntary option, available in many Washington communities."¹

The PRD regulations of the OHMC (Section 19.31.010) offer applicants regulatory flexibility in return for higher quality site and architectural design with the intent of encouraging the design of more complete and sustainable neighborhood environments consistent with Oak Harbor's comprehensive plan. The PRD regulations allow and promote design flexibility, pedestrian-oriented development, interconnectivity among uses, sensitivity to the natural environment and natural features, and the coordination of development with adequacy of public facilities.

The PRD overlay zone essentially modifies the regulations of the existing zoning district. Because legal lots of record must be created through the subdivision process, the approval process for a PRD subdivision often creates several approval documents (ordinances/resolutions) distinguishing the plat from the PRD plans. The modification process must include a public input process for homeowners.

Process

Section 19.31.280 of the OHMC provides regulations for modifications to PRD development plans. Modifications are classified as either minor or major depending upon the scope of change. In this case, as the applicant requests the addition of dwelling units to the subdivision, the modification is considered a major modification as it changes the approved density of the subdivision. Major modifications to PRD plans require a public hearing and review by the Planning Commission who shall forward a recommendation to the City Council for consideration in a closed record meeting (OHMC 19.31.230). Such a modification is classified as a Type IV review process in the OHMC and is quasi-judicial in nature.

Proposal Description and Review

The applicant proposes a maximum of an additional six dwelling units to Division 4. The applicant indicates in the narrative that the actual number of ADU's that are to be built will likely be lower than requested. As the modification process is somewhat lengthy, the applicant is seeking the maximum number of units to provide them with future flexibility. The applicant proposes the ADU be attached and be located in the basements of two of their specific house plans; the Maxwellton and Whidbey. The proposal includes plans showing the lots eligible for ADU's, lots that are already built on, floor plans including exterior elevations for the two house models, and an example of a typical house plan on a lot proposed for an ADU (Attachment 2).

The application was routed to city departments for review and comment. City staff analyzed transportation concurrency, addressing, solid waste, water meter size, and utility billing aspects of the project but had no substantial comments on the modification. The Development Services Department is tasked with reviewing the proposal for conformity with all applicable criteria and

¹ <http://www.mrsc.org/subjects/planning/lu/plannedunitdev.aspx>

standards. The following details that review:

Density

As the number of dwelling units is proposed to change, the density¹ would also change. City staff reviewed the current and proposed density for the overall subdivision and for the approved divisions to ensure that as proposed, it would not exceed the maximum for the R-1 zoning district. Density for the R-1 zoning district ranges from a minimum of three dwelling units per acre (du/ac) to a maximum of six du/ac.

The current density for Divisions 1, 1a, 2, and 3 was approved by Ordinance No. 1421 and is 4.9 du/ac. Using a maximum of 29 ADU's, the proposed density for these divisions would be 4.69 du/ac ($140+29=169/36=4.69$). The proposed density is less than the approved density and therefore does not require an amendment to the PRD.

The current density for Division 4 as approved by Ordinance 1583 (Attachment 3) is 4.76 du/ac (see the *Project Info* on Sheet A1.1 of Attachment 1). Using a maximum of 6 ADU's (as shown on the proposed PRD plan- Attachment 2), the proposed density for these divisions would be 5.48 du/ac ($40+6=46/8.4=5.48$). The proposed density is more than the approved density and therefore an amendment to the PRD is required.

PRD Review Criteria

The OHMC states that major modifications shall be reviewed under the same process as outlined under OHMC 19.31.200 through 19.31.230. This section of code outlines the Planning Commission and City Council review processes. The City Council review process is listed under Footnote 2 on Page 1 of this report. OHMC 19.31.210 outlines the Planning Commission's review process as the following:

(1) The PRD development plan shall be considered at a public hearing before the planning commission.

The public hearing on this proposal is scheduled for June 26, 2012.

(2) Upon receipt of the PRD development plan, the planning commission shall examine such plan and determine whether it conforms to all applicable criteria and standards.

OHMC 19.31.250(1) requires "all lots or other divisions of a subdivided PRD shall remain subject to compliance with the PRD development plan regardless of the fact of subdivision under OHMC Title 21 or subsequent conveyance of such individual lots or divisions, unless a minor or major modification has been approved."

City staff have reviewed the modification against the existing approved PRD plans (Attachment 1). Ordinance 1583 approving the PRD overlay zone for Fairway Point Division 4 on August 4,

¹ 19.08.245 Density. "Density" means the number of dwelling units divided by the gross acre.

2010 (Attachment 3), requires that all development within the Fairway Point Division 4 PRD Overlay Zone be consistent with the that division's PRD as approved by the Oak Harbor City Council on June 19, 2007. Development standards not addressed by Division 4's PRD shall be the same as the underlying zoning and/or other applicable provisions of the OHMC. Staff reviewed this drawing set and the Project Info on Sheet A1.1 lists the density as 4.76 lots/acre. In order to conform to all applicable criteria and standards, Ordinance 1583 shall be amended to reflect the proposed density change of 5.48 for this division.

As the applicant is proposing ADU's within the basements of house plans that fit within the existing building envelopes for the PRD (Attachment 2) and are not detached ADU's, no compatibility issues with setbacks, lot coverage, landscaping, or other appear to exist. Compatibility with these items and those criterion listed in OHMC 19.42 (ADU section of code) will be addressed on a permit-by-permit basis during administrative review of each ADU. Staff analysis of the PRD criteria are listed under #4 below.

As proposed, the modification only changes the density listed on the face of the plans. All other provisions and approvals remain as shown. No other changes to the PRD development plans are proposed.

(3) In the event the planning commission determines that the development plan does not conform to these criteria and standards, they may require such changes in the proposed project or impose such conditions of approval as are, in its judgment, necessary to ensure conformity.

The Planning Commission may add conditions of approval to staff's recommendation below as they see necessary to ensure conformity.

(4) The planning commission shall review the project to determine if it is consistent with the criteria in OHMC 19.31.170.

The criteria from 19.31.170 are primarily for new PRD development however staff identified that the following criteria are applicable to the proposed modification:

(1) Aside from the specific regulations, requirements or standards proposed to be varied, the project otherwise meets the requirements of the Oak Harbor Municipal Code.

As previously mentioned, city staff have reviewed the modification with the requirements of the OHMC and have determined that all requirements are met or will be met.

(6) The PRD shall comply with all of the following adopted standards:

(a) The requirements of OHMC Title 21, Subdivisions. Variations from the requirements in OHMC Title 21 may be requested and reviewed as part of the PRD application. Other than the specific standards being varied from, PRDs must meet all applicable standards of OHMC Title 21, including the general design standards (Chapter 21.50 OHMC) and the residential design standards (Chapter 21.60 OHMC).

No variations from Title 21 are being requested as part of the modification.

(b) The standards and requirements of this chapter. If there is a conflict between the standards of this chapter and the standards in OHMC Title 21, the standards in this chapter shall take precedence.

There are no conflicts between Chapter 19.31 and Title 21 for the proposed modification.

(c) The Oak Harbor comprehensive plan policies.

As previously mentioned, the Oak Harbor Comprehensive Plan contains two policies regarding PRD's; one in the Land Use Element and the other in the Housing Element of the Plan.

Land Use Element

Goal 2, Policy 2a: Encourage planned residential development (PRDs) with performance based standards.

Housing Element

Island County Goals and Policies

Policy F: Provide for PRDs to include either attached or detached housing units, while preserving rural character.

(d) The design guidelines and regulations, if applicable.

The design guidelines and regulations are not applicable to this particular modification. ADU criteria exists within Section 19.42 of the OHMC.

(e) All other standards adopted by the city of Oak Harbor, including engineering details and drawings.

No specific standards as adopted by the City are applicable to this modification.

PUBLIC NOTICE

The Planning Commission held a public hearing on July 24, 2012 and decided to continue the hearing until the next regular meeting of the Commission on August 28, 2012. A Notice of Public Hearing, advertising the Planning Commission public hearing for August 28, 2012 was published in the Whidbey News Times on August 11, 2012.

CITIZEN COMMENTS

In addition to the public comment presented at the hearing on July 24, 2012, one written public comment on the matter was received on July 23, 2012. Although this comment was given to Commissioners at the July meeting, it has also been included as Attachment 5 to this report. At the July Planning Commission meeting, concerns were raised by citizens about the increase in density, vehicle traffic, on-street parking, and the number of proposed ADU's. Citizens voiced concerns regarding general incompatibility of ADU inclusion within the subdivision. Should the Planning Commission decide to approve the modification, they may add conditions of approval

that mitigate or address the above concerns.

CONCLUSION

Staff has reviewed the request and found the only change to approved plans or regulations is the modification to density on Sheet A1.1 of the Preliminary and Final PRD Drawing Set dated June 7, 2006 and the reference to the former in Ordinance No. 1583. Otherwise, the request is in conformance with all applicable criteria and standards in the OHMC and the approved PRD plans, resolutions and ordinances. Since PRD's are tied specifically to the plans approved for the project and any modifications to these plans if approved should become part of the official record of the subdivision, staff recommends that only Sheet 1 of 1 titled *ADU Modification to Fairway Point Division 4 P.R.D.* dated August 6, 2012 (Exhibit A) be approved with the draft ordinance. The approval of a modification to the PRD plans for Fairway Point Division 4 will allow the applicant to apply for the administrative ADU permits on a house-by-house basis.

The Planning Commission has the authority under OHMC 19.31.210(3) to consider adding a condition of approval to the draft ordinance that would limit the number of ADU's to a number less than the six proposed by the applicant. In addition, City staff would recommend, and the applicant has indicated agreement with, a condition of approval whereby the ADU's shall be integrated into the primary unit as opposed to detached.

The draft ordinance addressing the items noted above and other requirements of the OHMC, and approving the proposed modification for Division 4 is attached for the Planning Commission's consideration.

RECOMMENDATION

Staff recommends that Planning Commission take the following actions:

- Accept public comments on the proposed modification and close the public hearing.
- Recommend approval of the draft ordinance amending Ordinance No. 1583 to City Council.

ATTACHMENTS

1. Preliminary and Final PRD Drawing Set for Fairway Point Division 4 – 5 sheets, Submitted May 17, 2007.
2. Proposed PRD Modification as submitted by the applicant dated May 9, 2012 and August 6, 2012.
3. Ordinance No. 1583 - Approval of the PRD Overlay Zone for Fairway Point Division 4 dated August 4, 2010.
4. Chapter 19.42 Accessory Dwelling Units - Oak Harbor Municipal Code
5. Public Comment
6. Draft Ordinance amending Ordinance No. 1583.

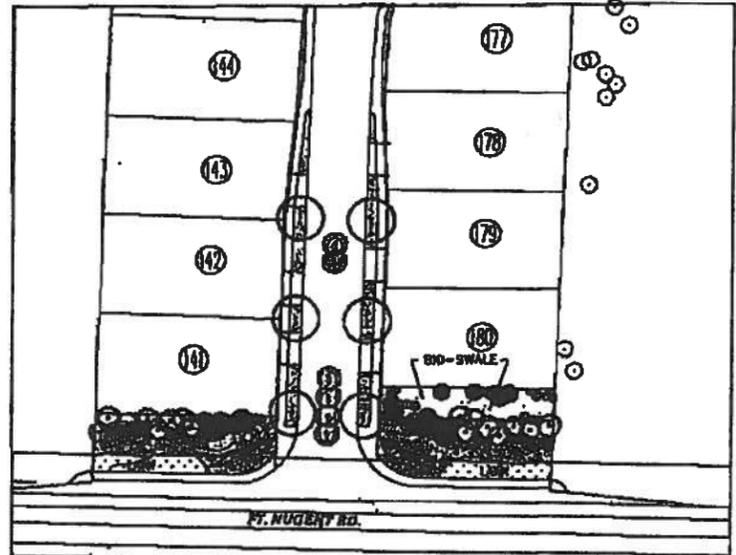
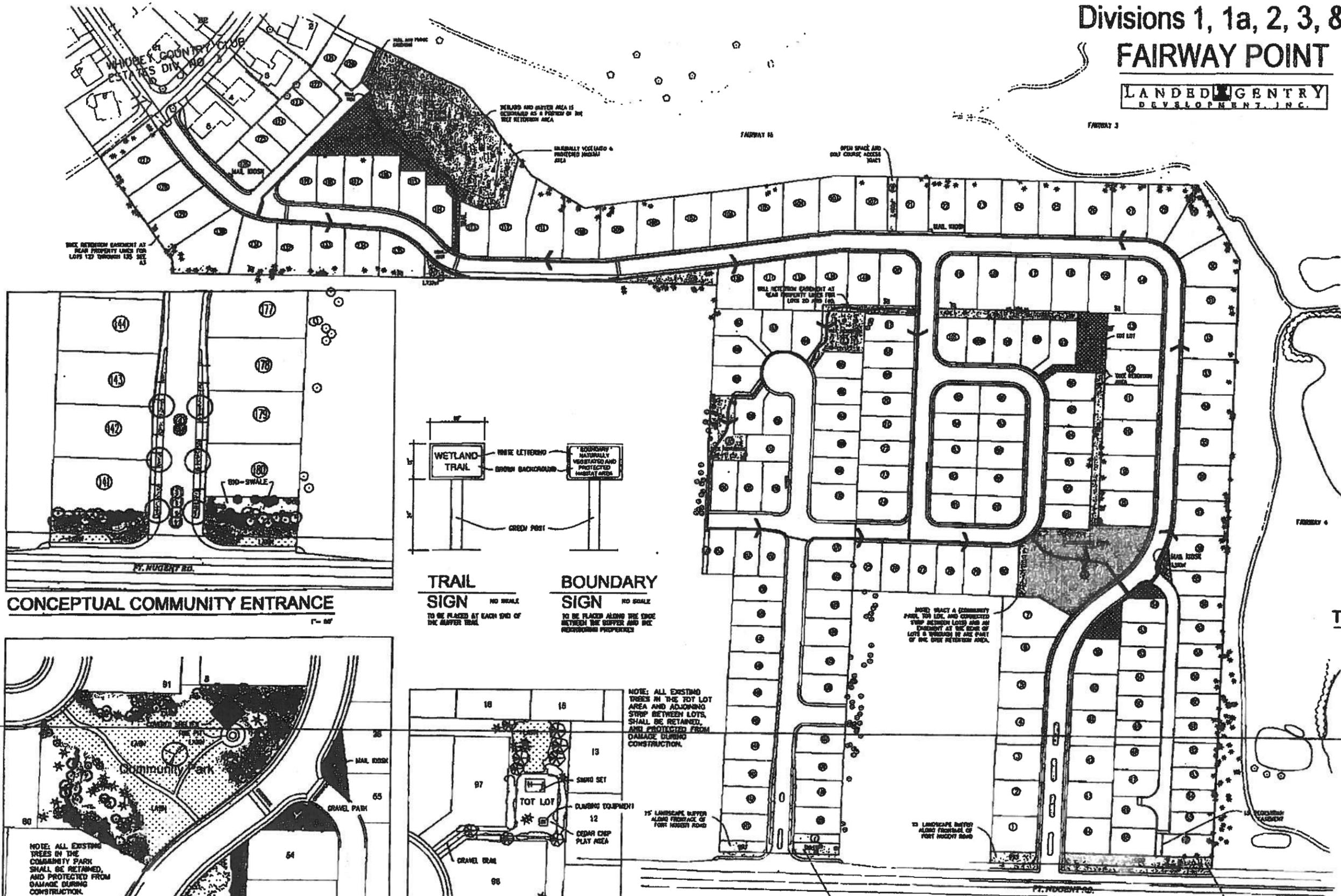
P.R.D. SITE PLAN

Divisions 1, 1a, 2, 3, & 4

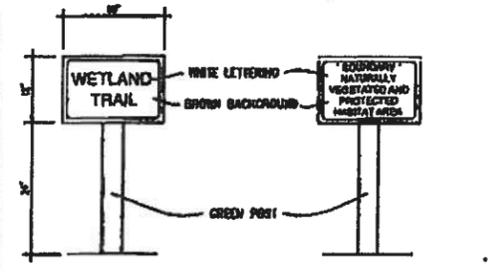
FAIRWAY POINT

LANDED GENTRY
DEVELOPMENT, INC.

- WALKING LOOP (1.09 miles)
- STREET LIGHT
- MAIL BOX
- EXISTING TREE (SEE PLAN FOR TREES TO BE RETAINED PER RETENTION PROGRAM)
- FENCES WITHIN THE TREE RETENTION AREA SHALL NOT EXCEED 42" IN HEIGHT

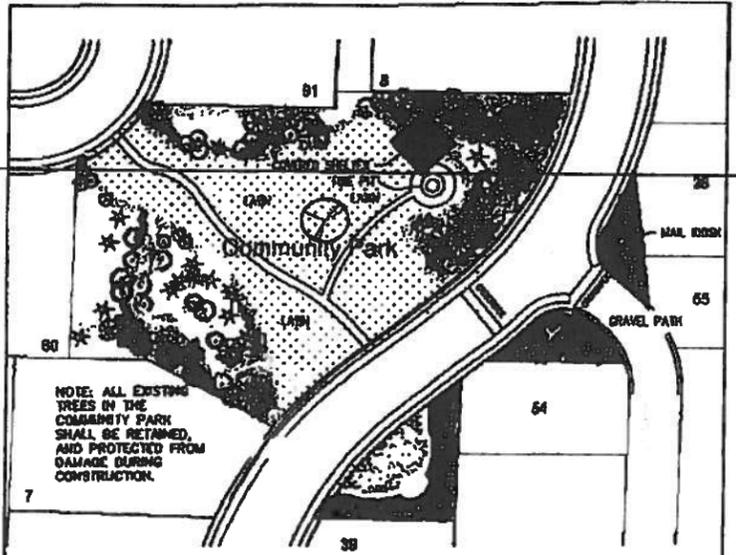


CONCEPTUAL COMMUNITY ENTRANCE

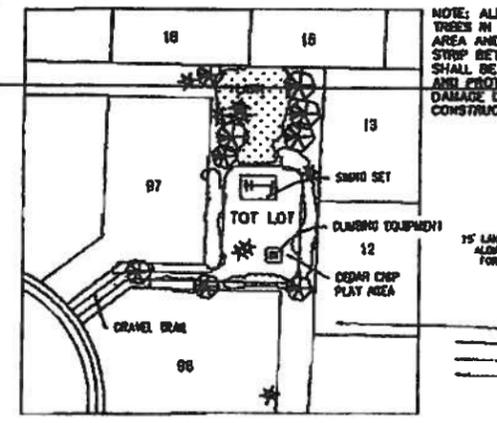


TRAIL SIGN NO SCALE
TO BE PLACED AT EACH END OF THE TRAIL

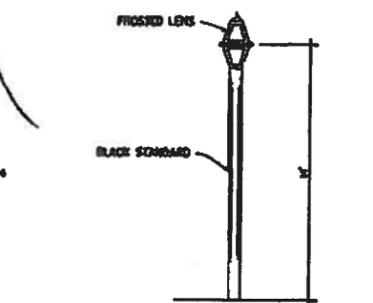
BOUNDARY SIGN NO SCALE
TO BE PLACED ALONG THE EDGE BETWEEN THE BUFFER AND THE RETENTION PROPERTY



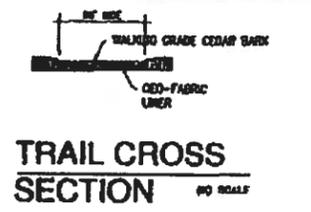
CONCEPTUAL COMMUNITY PARK PLAN



CONCEPTUAL TOT LOT PLAN



TYPICAL STREETLIGHT



TRAIL CROSS SECTION

NOTE: TRACT A (COMMUNITY PARK) TO BE CONVEYED TO THE CITY OF DAN MARSH AND ADJACENT STRIP BETWEEN LOTS 10 AND 11 TO BE CONVEYED TO THE CITY OF DAN MARSH BY THE CITY OF DAN MARSH.

NOTE: ALL EXISTING TREES IN THE TOT LOT AREA AND ADJOINING STRIP BETWEEN LOTS, SHALL BE RETAINED, AND PROTECTED FROM DAMAGE DURING CONSTRUCTION.

15' LANDSCAPE BUFFER ALONG FRONTAGE OF FORT NUGENT ROAD

15' LANDSCAPE BUFFER ALONG FRONTAGE OF FORT NUGENT ROAD

15' LANDSCAPE BUFFER ALONG FRONTAGE OF FORT NUGENT ROAD



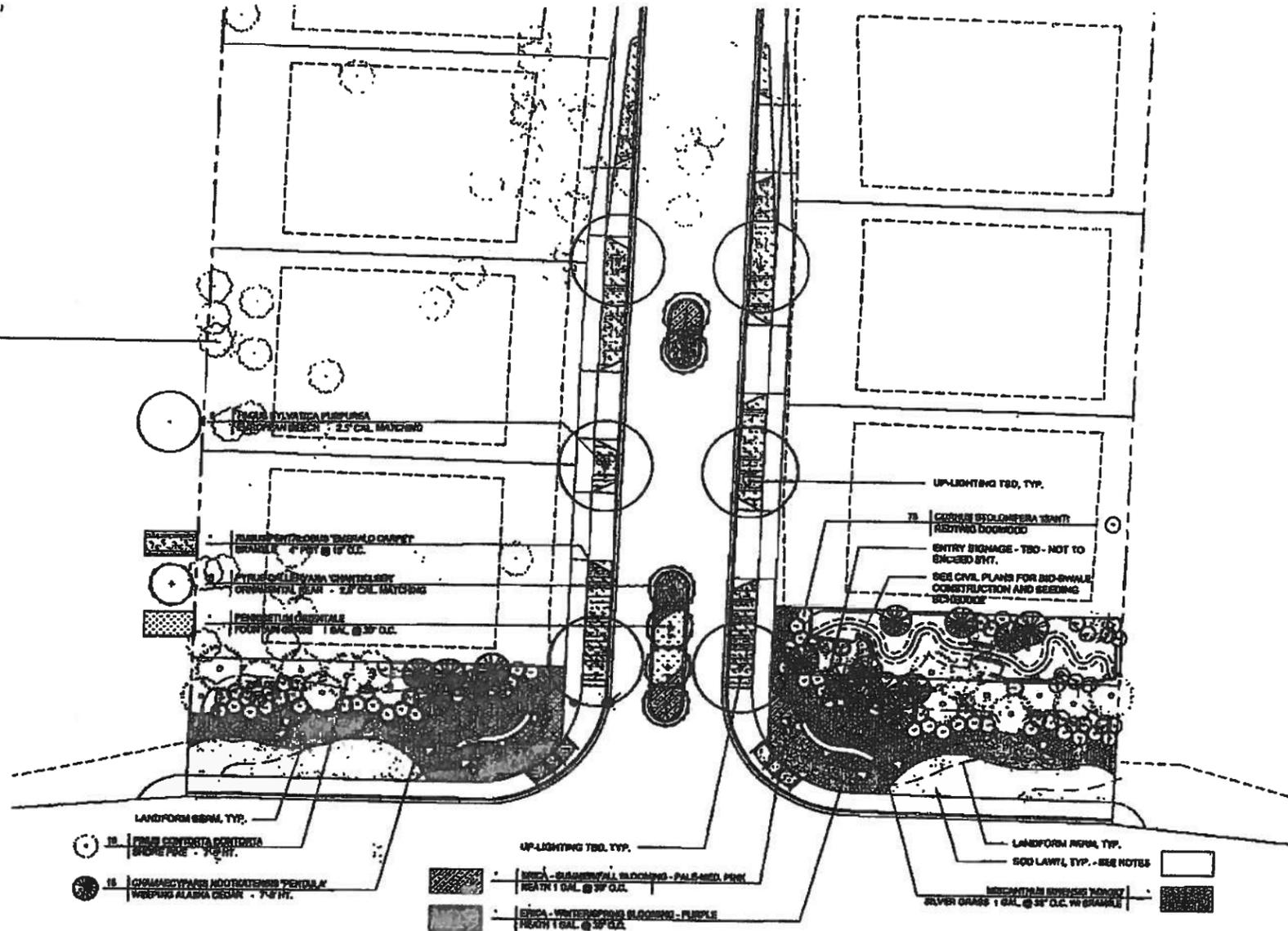
RECEIVED
MAY 11 2009
CITY OF DAN MARSH
Development Services Department

paia

philip chuter landscape architecture
1832 1st avenue, suite 514
seattle, wa 98101
v. 425.222.7833

FAIRWAY POINT

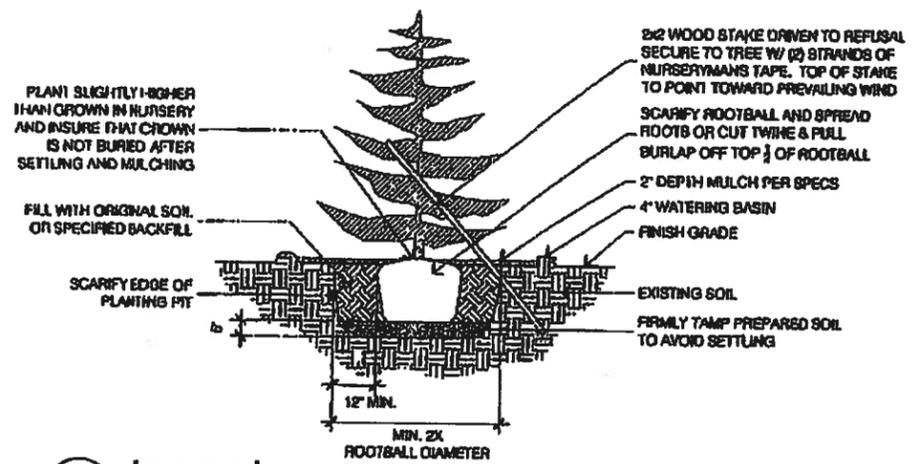
Fairway Point - phase 4
Entrance @ Ft. Nugent Rd.
Oak Harbor, WA
LANDSCAPE ARCHITECTURE
HOMES AND COMMUNITIES



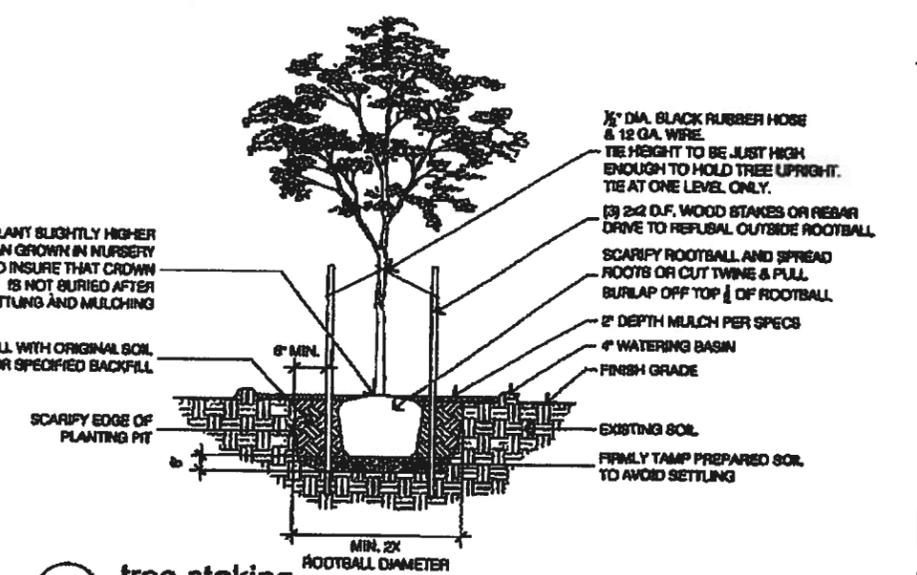
1 LANDSCAPE TRACT SITE PLAN
SCALE: 1"=20'-0" (1"=40' @ 50% REDUCTION)

TYPE	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	COMMENT	NATIVE
16		CHAMAECYPARIS NODICATA 'SIBERICA'	WEeping ALASKA CEDAR	7'-8' HT.	FULL TO GROUND	Y
8		FAGUS SYLVATICA PURPUREA	EUROPEAN BEECH	2.5" CAL.	MATCHING	
16		PRUNUS CONTORTA CONTORTA	SHORE PINE	7'-8' HT.	FULL TO GROUND	Y
8		PYRUS CALLERYANA 'CHANTICLEER'	ORNAMENTAL PEAR	2.5" CAL.	MATCHING	
SHRUBS ORNAMENTAL GRASSES GROUND COVER						
75		CORNUS STOLONIFERA 'SANTY'	REDTIG DOGWOOD	5 GAL 24" HT	FULL	Y
		ERICA - SUBMERGENT BLOSSOM - PINKISH PINK	HEATH	1 GAL @ 30" O.C.	LOW GROWING	
		ERICA - WINDSPRING BLOSSOM - PURPLE	HEATH	1 GAL @ 30" O.C.	LOW GROWING	
		MISCANTHUS SENENSIS 'ADAO'	SILVER GRASS	1 GAL @ 30" O.C.		
		RUBUS PENTALOBUS 'EMERALD CARPET'	BRAMBLE	4" POT @ 30" O.C.		
		PENSETUM ORIENTALE	FOLN FASH GRASS	1 GAL @ 30" O.C.		
		RUBUS PENTALOBUS 'EMERALD CARPET'	BRAMBLE	4" POT @ 30" O.C.		
SOO						
		ECO-TURF MIX OR 80% Ryegrass & 20% Fescue				

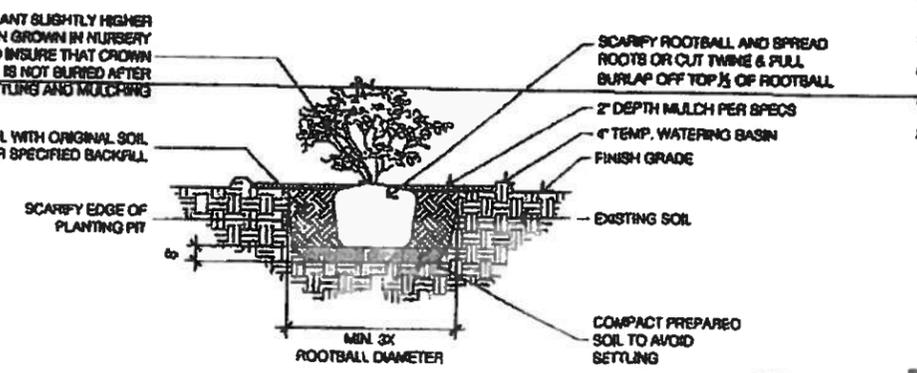
NOTE:
1. All other open areas not specifically landscaped with trees, shrubs, or ground cover shall be landscaped with the suggested mix: 40% Perennial Ryegrass, 20% Tall Fescue or Cheeping Red Fescue, 20% Winter Ryegrass & 20% Clover.
2. Plants quantities are given for reference only, contractor shall verify exact quantities prior to construction.



3 tree staking
SCALE: 1"=10'-0"



2 tree guying
SCALE: nts



1 shrub & ground cover
SCALE: nts

revised	02.08.08
revised	04.08.08

RECEIVED
APR 1 2007
CITY OF OAK HARBOR
Development Services Department

planting plan & details
project #: 2007.01
date: 02.08.07

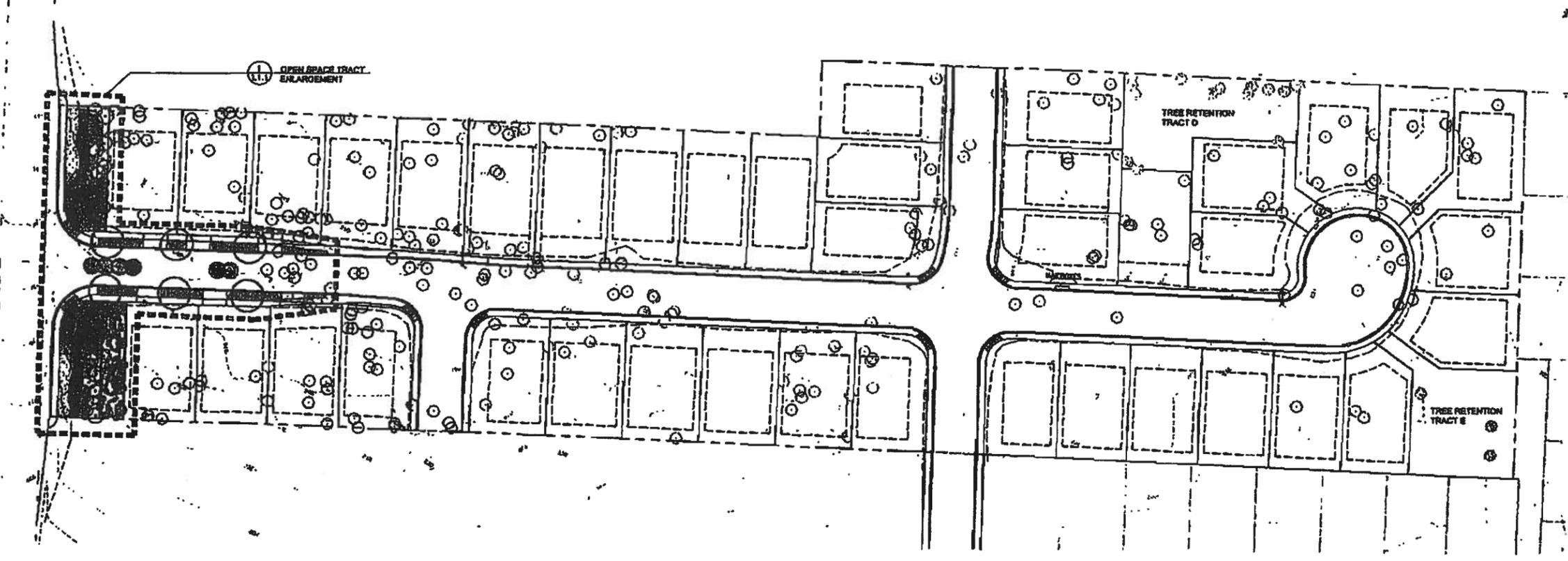
L1.1

1 SET FOR ARCHITECTURAL AND CIVIL DRAWINGS FOR EXISTING CONDITIONS & STRUCTURES. 2 NO COPY OR USE SHALL BE MADE OF THESE DOCUMENTS WITHOUT PROPER WRITTEN CONSENT FROM THE ORIGINAL AUTHOR.

FAIRWAY POINT

Fairway Point - phase 4
 Entrance @ Ft. Nugent Rd.
 Oak Harbor, WA

LANDED GENTRY
 HOMES AND COMMUNITIES



1 LANDSCAPE SITE PLAN
 SCALE: 1"=50'-0" (1"=100' @ 50% REDUCTION)

PLANTING NOTES:

1. Verify all measurements and location of utilities prior to construction. Call before you dig 1.800.424.5856.
2. Submittals: Provide the designer (prior to installation) a 1/2 Gal. sample of imported soil mix, compost and mulch prior to construction for review and approval. Label product and provide documentation of sample (i.e. supplier, content, etc).
3. Contractor is to abide by all local, state, and federal guidelines, codes, regulations and industry standards.
4. Storing or stockpiling of material/soil is not permitted under existing tree drip line, within the wetland or its buffer.
5. Review specific plant quantities and varieties prior to installation. Plant quantities shall be taken from the plan. Plant material shall be provided by the contractor as specified or greater. Any substitutions must be approved in writing.
6. All plant material shall be healthy, sound, vigorous of growth, free of any defects, diseases and any form of infestations. Plant material shall meet American Standard for Nurserymen Stock (Z90.1) requirements.
7. Plant locations are approximate and may need adjustment according to completed field conditions.
8. Prior to planting the designer must review plant material condition and location. The designer has the right to reject any plant material.
9. Import Soil: only as required to restore grades following site and building construction. Imported for berms and to restore grades following construction shall be a 3 way sandy loam mix. On site stored topsoil may be used as supply allows. On site soil must be approved by designer prior to installation.
10. Shrub & Tree Prep: Planting areas shall receive a minimum 4" composted material Cedar Grove or equal. Prior to applying compost all planting beds shall be rototilled to a min. 8-10" depth. Remove all debris and stones greater than 1". The composted material shall be rototilled into the soil to a minimum depth of 8-10". Rototill into the soil in conjunction with organic matter; Gypsum "Flour Grade" as available at a rate as suggested by manufacturer.
11. Lawn Prep: Areas shall receive a minimum 8" 2-way mix (80% sand & 20% composted material). Prior to applying 2-way mix all lawn areas shall be rototilled to a min. 8-10" depth. Remove all debris and stones greater than 1". The 2-way mix shall be rototilled into the soil to a minimum depth of 8-10". Rototill into the soil in conjunction with 2-way mix; Gypsum "Flour Grade" as available and Dolomite Lime at a rate as suggested by manufacturer. All lawn areas shall be rolled, compacted with weighted roller and all debris and stones greater than 1" shall be removed.
12. Sod installation: All lawn areas shall be prepped, see lawn prep above. Sod shall be Eco-Mix or 80% Ryegrass & 20% Fescue. Sod shall be full, not free, healthy, sound, free of any defects, diseases and any form of infestations. Plant material shall meet American Standard for Nurserymen Stock (Z90.1) requirements. Soil shall be maintained prior to sod placement. After soil is prepped roll out strips so that ends are staggered with edges firmly pressed against each other. Tirm sod as needed. Roll sod with roller half filled with water. Water daily (or as needed) until establishment.
13. Hydroseed installation: All lawn areas shall be prepped, see lawn prep above. Seed mix shall be Eco-mix. OF Marks Co. or equal.
14. All slopes greater than 2:1 shall be protected with jute mesh following installation.
15. Stake all trees and shrubs greater than 5L in height immediately following installation.
16. All planted areas shall receive a min. of 2" mulch composted material (Cedar Grove or equal) or of fine grade wood-chips. Provide the designer (prior to installation) a 1/2 Gal. sample of material.
17. Scarify the roots of all container plants prior to installation.
18. Presoak all container material in container suitable to hold a 5 gal. plant prior to installation.

IRRIGATION NOTES:

1. Irrigation system shall be of bidder design in nature.
2. Contractor shall review with designer layout of valves and watering zone landscape beds, lawn, etc.
3. The irrigation system will provide suitable water to all landscape plantings for a minimum of 2 growing seasons following the initial plantings. Definition of growing season shall be April to September.
4. The following components shall constitute the minimum requirements for the irrigation system.
 - a. Install automatic watering system, double check valve and associated plumbing as per applicable local codes.
 - b. All beds with landscape plantings shall receive either spray heads (min. 8" pop-ups) or micro-irrigation. No stationary risers shall be used.
 - c. Mainline piping shall be sched. 40 1 1/4" min. dia. in
 - d. Lateral line shall be class 200 min 3/2" dia.
 - e. Automatic liner shall be outdoor mounted with locking cabinet. Verify location.
 - f. Co-ordinate with general contractor sleeve locations in walkways and driveways. Sleeves shall be sched. 4" PVC min.

* Contractor shall warrantee planting and irrigation construction from defects for a minimum of one year starting from date of completion. Completion date established once owner or designer provide written confirmation on completed punch-list items.

TREES RETENTION STATISTICS:

TOTAL NUMBER OF EXISTING TREES	267
TOTAL NUMBER OF EXISTING TREES RETAINED	28
PERCENTAGE OF EXISTING TREES RETAINED	9.8%
MINIMUM REQUIRED PERCENTAGE OF EXISTING TREES TO BE RETAINED PER CODE	15.0%
MINIMUM REQUIRED NUMBER OF TREES TO BE RETAINED PER CODE	39
DEFICIENCY OF RETAINED TREES	13
MINIMUM ADDITIONAL TREES REQUIRED PER 2:1 REPLACEMENT POLICY, PER CODE	26
NUMBER OF REPLACEMENT TREES PROPOSED	44
TOTAL NUMBER OF TREES RETAINED OR REPLACED	68

- Legend**
- ⊙ EXISTING TREE TO BE REMOVED SEE CIVIL PLANS FOR SIZE AND TYPE
 - ⊙ EXISTING TREE TO REMAIN SEE CIVIL PLANS FOR SIZE AND TYPE



EXHIBIT E

- NOTES:**
1. ALL GRADES TO BE FIELD VERIFIED.
 2. ALL SOFTSCAPE ELEMENTS (LAWN, PLANTING BEDS ETC.) SHALL BE FIELD LOCATED AND VERIFIED.
 3. PLANT LOCATIONS TO BE LOCATED BY LANDSCAPE ARCHITECT
- ABBREVIATIONS**
- | | |
|-----------------------|------------------------------|
| TOW - TOP OF WALL | ALT. - ALTERNATE |
| BOW - BOTTOM OF WALL | CIP - CAST IN-PLACE CONCRETE |
| TOS - TOP OF STAIR | SCH. - SCHEDULE |
| BOS - BOTTOM OF STAIR | TYP. - TYPICAL |
| MAX. - MAXIMUM | W/ - WITH |
| SM. - SIMILAR | STL. - STEEL |
| EA. - EACH | LP. - LOW POINT |

DATE	BY

RECEIVED
 FEB 03 2007
 CITY OF OAK HARBOR
 Development Services Dept

planting plan
 project #: 2007.01
 date: 02.08.07

L1.0

[REFER TO ARCHITECTURAL AND CIVIL DRAWINGS FOR EXISTING CONDITIONS & STRUCTURES.]
 NO COPY OR USE SHALL BE MADE OF THESE DOCUMENTS WITHOUT PROPER WRITTEN CONSENT FROM THE ORIGINAL AUTHOR.]

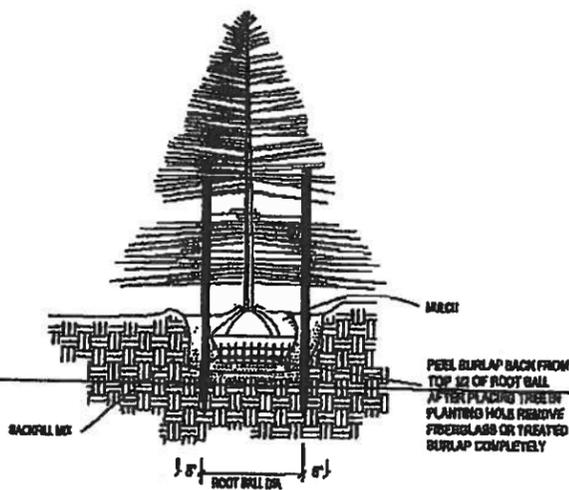
Notes:

1. AT COMMON PROPERTY LINES WITH ANOTHER RESIDENCE OR COMMON OPENSPACES NOT LISTED BELOW: A TYPE 'A' SOLID CEDAR FENCE NOT EXCEEDING 6' IN HEIGHT IS ALLOWED
2. WITHIN TREE RETENTION AREA: FENCES ALONG THE TREE RETENTION AREA SHALL NOT EXCEED 42" IN HEIGHT

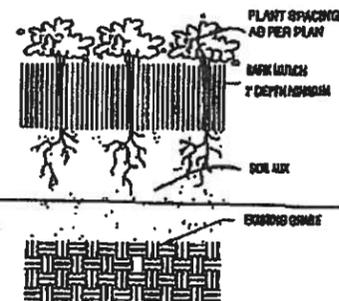
Homeowner Options A-B

Notes:

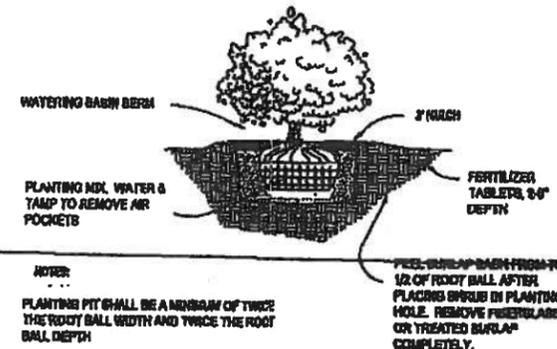
1. AT COMMON PROPERTY LINES WITH ANOTHER RESIDENCE OR COMMON OPENSPACES NOT LISTED BELOW: A TYPE 'A' SOLID CEDAR FENCE NOT EXCEEDING 6' IN HEIGHT IS ALLOWED
2. WITHIN TREE RETENTION AREA: FENCES ALONG THE TREE RETENTION AREA SHALL NOT EXCEED 42" IN HEIGHT.



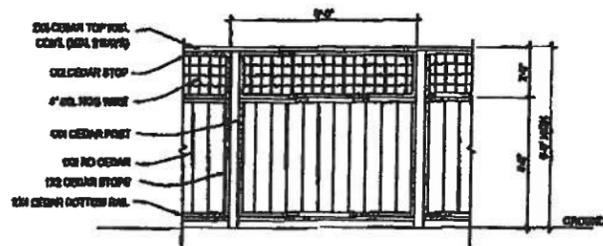
Tree Planting Detail
NOT TO SCALE



Ground cover installation
NOT TO SCALE



Shrub Planting Detail
NOT TO SCALE



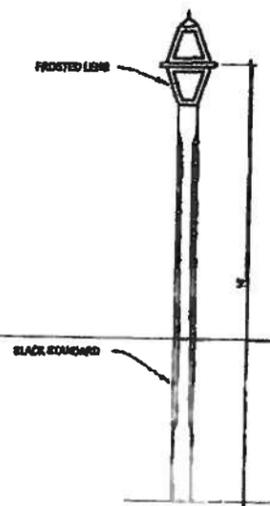
A 6' Cedar Fence Elevation

FENCE: FOR USE AROUND AND BETWEEN RESIDENCES FOR PRIVACY



B Split Rail Fence

FOR USE ALONG THE REAR OF LOTS ADJACENT TO THE BUFFER AREA, AND ALSO ALONG THE REAR OF LOTS CONTAINING TREE RETENTION AREAS



Typical Streetlight

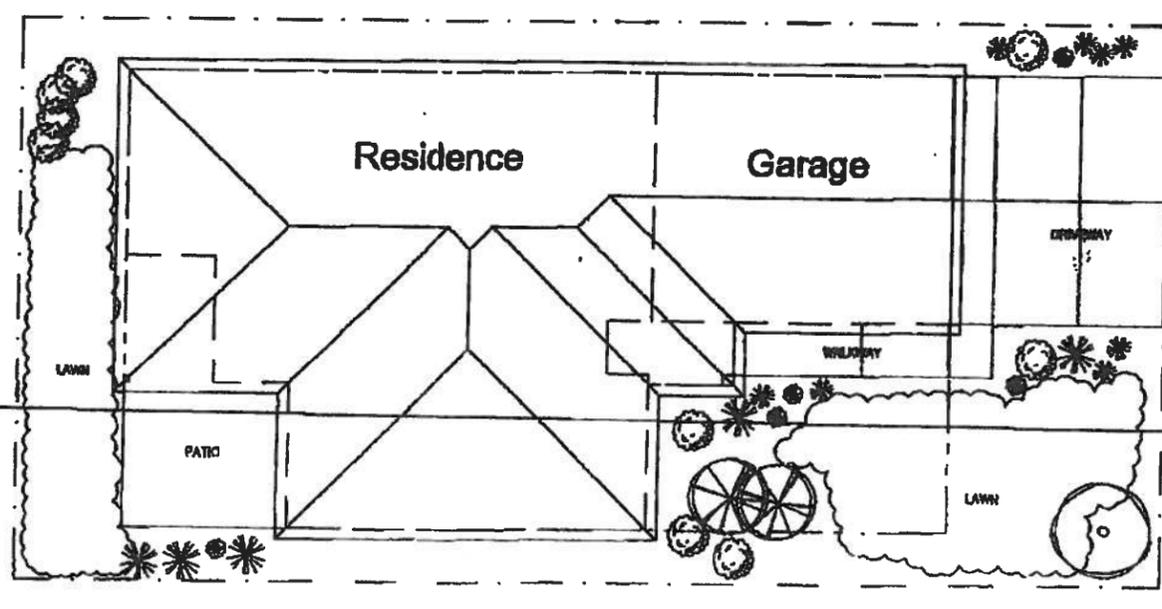
NO SCALE



Boundary Sign

TO BE PLACED ALONG THE EDGE BETWEEN THE BUFFER AND THE NEIGHBORING PROPERTIES

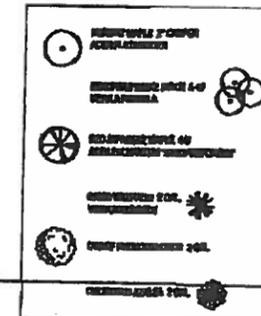
NO SCALE



Typical Residential Landscape Plan

1/8"=1'-0"

Residential Landscape Legend



REVISION	DATE
RECORD SET	-

Landed Gentry - Communities and Homes

604 E. Fairhaven
Burien, WA 98233
360-765-6021

Fairway Point 4

OAK HARBOUR, WASHINGTON, 98277

LANDSCAPE DETAILS

RECEIVED

JUN 17 2006

CITY OF OAK HARBOUR
Development Services Department

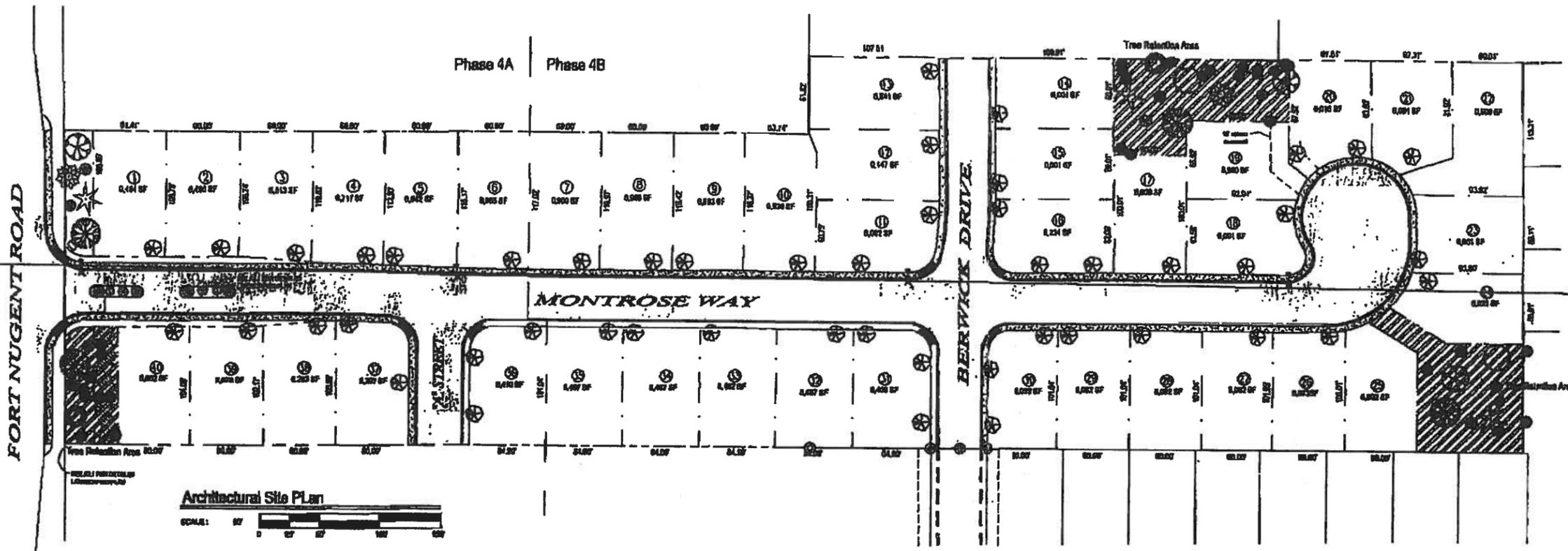
PROJECT LOCATION

PROJ: 05-205

DATE: 10-04-05

SHEET

A3.1



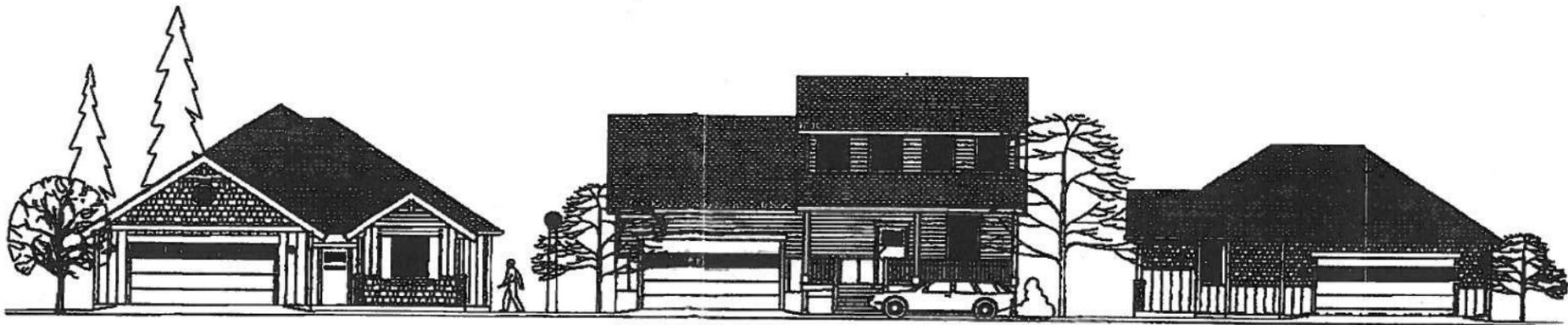
Notes

1. Irrigation, if utilized, will provide approved back flow prevention.
2. On-site substitution for plant species is allowed in accordance with availability.

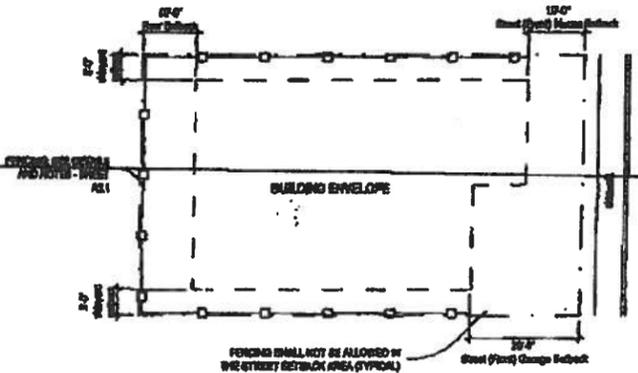
NEW STREET TREE NORTWAY SAMPLE 2" CALIBER ACER PLANTING ON ALTERNATE ACCESSIBLE TO THE CITY OF OAK HARBOR

TREE RETENTION AREA - SEE CIV. DRAWINGS C3 FENCED INCLUDING THE TREE RETENTION AREA SHALL NOT EXCEED 4" IN HEIGHT

TREES TO BE RETAINED



Typical Streetscape



Typical Building Envelope Plan

FAIRWAY POINT FOUR

LANDED GENTRY DEVELOPMENT, INC.

Drawing Index

- A1.1 SITE PLAN
TITLE SHEET, PROJECT INFO
TYPICAL STREETScape ELEVATION
BUILDING ENVELOPE PLAN
- A2.1 DETAILED LANDSCAPE PLANS
FENCE DETAILS
- A3.1 RESIDENTIAL TYPICAL LANDSCAPE PLAN
PLANTING DETAILS

Project Info

- TOTAL SITE AREA: 8.4 acres
- PROJECT DENSITY: 4.78 units/acre
- NUMBER OF LOTS: 40 LOTS
- ZONING: R-1
- COMPREHENSIVE PLAN: LOW DENSITY, RESIDENTIAL
- DEVELOPER: LANDED GENTRY DEVELOPMENT, INC.
601 E. FAIRHAVEN AVE. BURLINGTON, WA 98223
(360) 785-8021
- CONSULTANT: SUNNIT ENGINEERS & SURVEYORS, INC.
2218 OLD HIGHWAY 99 SO. NO. BOUNTY
VERBOK, WA 98273
(360) 418-4888
- WATER SOURCE: CITY OF OAK HARBOR
SEWAGE DISPOSAL: CITY OF OAK HARBOR
- BUILDING SETBACKS
FRONT STREET: 20' TO BUILDING
SIDE STREET: 20' TO BUILDING; 20' TO GARAGE
INTERIOR SIDE YARD: 0'
REAR YARD: 0'

REVISION	DATE
RECORD SET	

Landed Gentry - Communities and Homes

504 E. Fairhaven
Burlington, WA 98223
360-785-8021

Fairway Point 4
OAK HARBOR, WASHINGTON, 98277

RECEIVED
JUN 17 2015
CITY OF OAK HARBOR
Development Services Department

ARCH SITE PLAN

DATE: 05-20-15
PROJ: 05-20
DWG: —
DATE: 15-May-15
SHEET
A1.1



CITY OF OAK HARBOR
Development Services Department

RECEIVED

Application Form

2012

CITY OF OAK HARBOR
 Development Services Department

Project Name: Fairway Point PRD Amendment

Type(s) of Application: Increase Density on an approved PRD

Description of Proposal: To be able to permit "Accessory Dwelling Units" (ADUs) within the existing PRD, Phases 1, 4 & 3.

APPLICANT NAME/CONTACT PERSON (or legal representative): KENDALL GENTRY	Address: 504 E. FAIRHAVEN AVE. BURLINGTON WA 98233
E-mail Address: Kendelle@kendallgentry.com	Phone and Fax: 360-661-3812
PROPERTY OWNER NAME (list multiple owners on a separate sheet): FAIRWAY POINT I, INC FP4, LLC # RD Fakkema/Ryan Kenna	Address: 90 504 E Fairhaven Ave - Burlington, Wa 98233
E-mail Address: Same as Applicant	Phone and Fax:
ENGINEER/SURVEYOR: NOT APPLICABLE	Address: _____
E-mail Address: _____	Phone and Fax: _____
PROJECT SITE INFORMATION (address/location): SEE ATTACHED MAP	Comp. Plan Designation: Low Density Residential
Zoning: R-1	Parcel Number(s):
Legal Description (attach separate sheet):	Acreage of Original Parcel(s):
Section/Township/Range: Sec 4 / TWP 32N / Rge 1 EVM	Total Square Footage of Proposed Building or Number of Units: MAXIMUM ADDITIONAL UNITS 40

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.

I declare under penalty of the perjury laws that the information I have provided on this form/application is true, correct and complete.

Kendall Gentry _____ Date 5/9/12

Authorized Signature

LANDED GENTRY

HO M E S A N D C O M M U N I T I E S

May 9, 2012

Ms Melissa Sartorius
City of Oak Harbor
Planning Department
865 SE Barrington Drive
Oak Harbor, WA 98277

RECEIVED

MAY 10 2012

CITY OF OAK HARBOR
Planning Services Department

RE: Amendment to the Fairway Point PRD, Divisions 1, 3 & 4 to increase the density by the placement of Accessory Dwelling Units (ADU) on lots inside the PRD.

Melissa,

As we have been discussing for some weeks now, Landed Gentry Homes & Communities wishes to formally request an amendment to the above referenced divisions of Fairway Point PRD to allow the discreet placement of ADU's inside the project.

It is our understanding that an amendment process is necessary because we are requesting a PRD density change and it is a Review Process IV, heard by both the Planning Commission and City Council. We have determined through earlier research, provided by you, that there are approximately 50 more units available in Fairway Point before the maximum density is reached. Therefore, I am requesting that no more than 40 of the 80+ vacant lots in the three remaining phases be eligible for the placement of an ADU structure. An ADU permit could be applied for on any lot but only up to a maximum of 40 units. The actual number will most likely be much less but I would like the maximum flexibility since the amendment process is fairly cumbersome.

Some of the Fairway Point lots fall away from the street making basement homes fit those lots nicely. Our most likely first ADU application will be for Lot 174 in Phase 4, which we call the Maxwellton Basement plan. I am attaching the site plan, floor plans and elevations to illustrate how this unit will not be discernible from the street. The plan can either have an ADU or two additional bedrooms with fairly simple alterations. Both options are shown on the plan.

The attorney who drafted the association documents and CC&R's has told us that the current documentation for the PRD allows for these type units in the development without any changes.

Therefore, it is my understanding that if the City Council approves the PRD density change then on any lot that we would want to include an ADU, there is a separate administratively processed ADU permit that is processed with the building permit through your department.

Thank you for the effort that you have put into helping me cue up this application.

Sincerely,



Kendall Gentry

Old City Hall Bldg • 504 E. Fairhaven • Burlington, WA 98277
(360) 755-9021 • Toll Free (877) 769-8070 • Fax (360) 755-9129
www.LandedGentry.com • www.LG.com

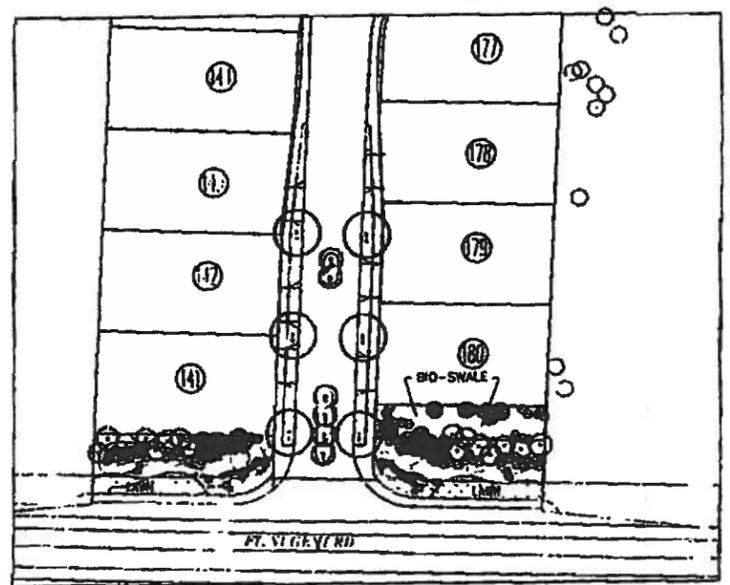
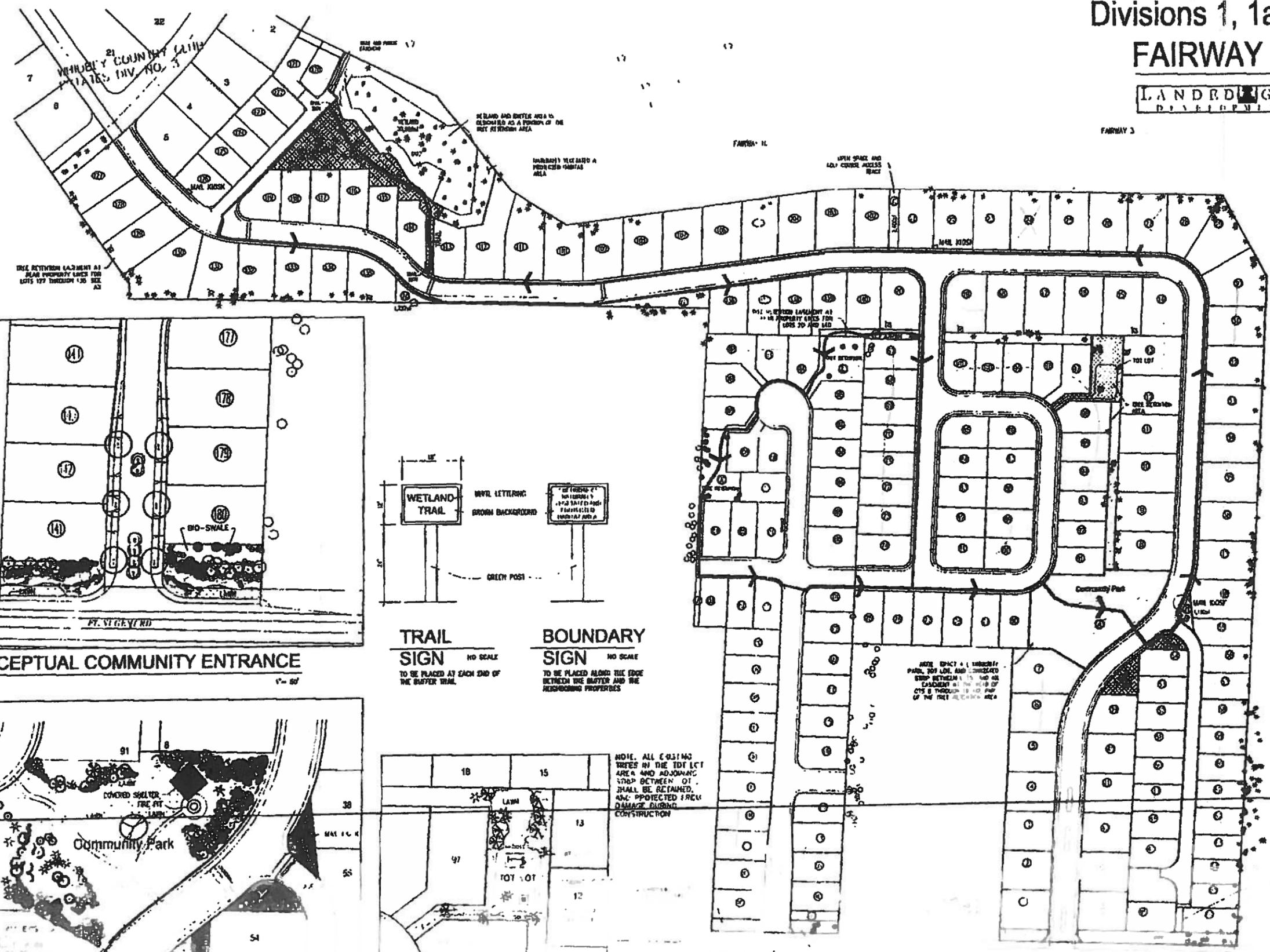
P.R.D. SITE PLAN

Divisions 1, 1a, 2, 3, & 4

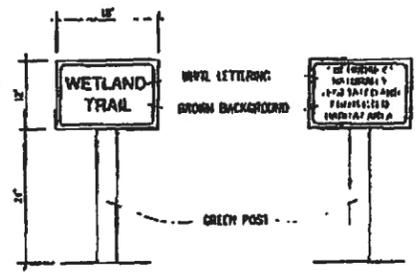
FAIRWAY POINT

LANDRIDGE GENTRY
DEVELOPMENT, INC.

- ← WALKING LOOP (1/2" PLANT)
- TREE LIGHT
- MAIL BOX
- ★ EXISTING TREE (SEE PLAN FOR TREES TO BE RETAINED FOR PERMITTING PROGRAM)
- FENCES WITHIN THE TREE RETENTION AREA SHALL NOT EXCEED 4.2' IN HEIGHT

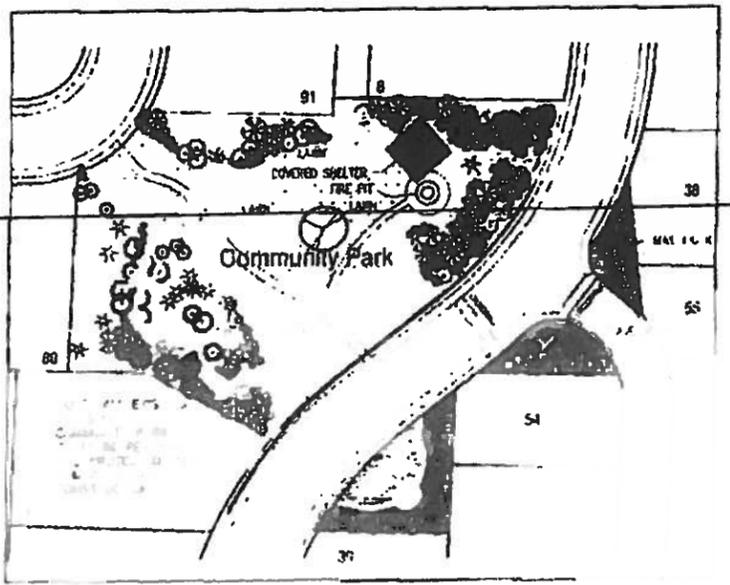


CONCEPTUAL COMMUNITY ENTRANCE

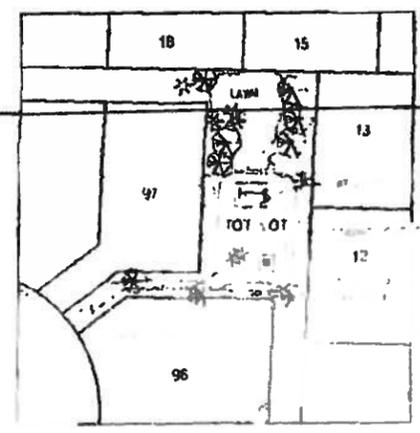


TRAIL SIGN NO SCALE TO BE PLACED AT EACH END OF THE BUFFER TRAIL

BOUNDARY SIGN NO SCALE TO BE PLACED ALONG THE EDGE BETWEEN THE BUFFER AND THE NEIGHBORING PROPERTIES

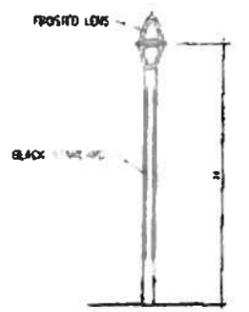


CONCEPTUAL COMMUNITY PARK PLAN



CONCEPTUAL TOT LOT PLAN

RECEIVED
MAY 09 2012
CITY OF OAK HARBOR
Development Services Department



TYPICAL STREETLIGHT

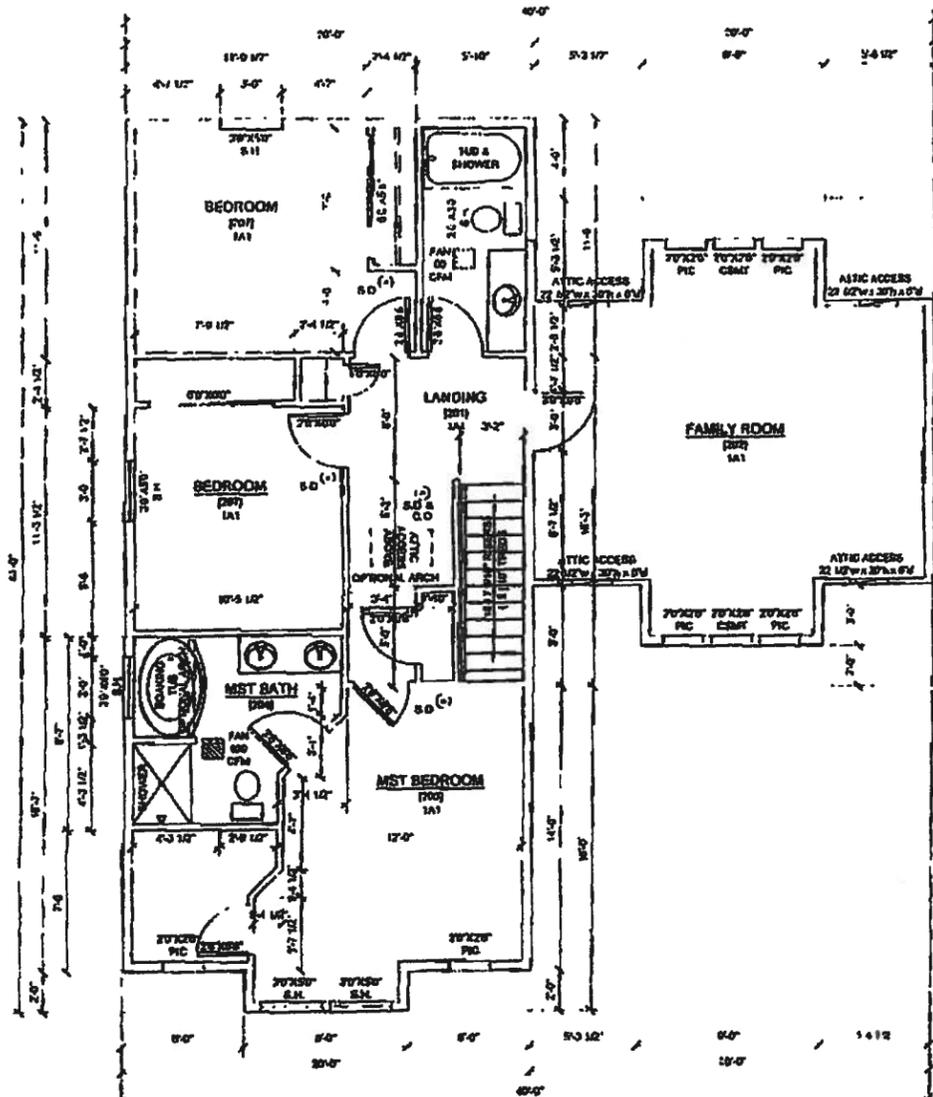
TRAIL CROSS SECTION



SAFETY

GENERAL REQUIREMENTS

- 101. EMERGENCY ESCAPE AND RESCUE ROUTES AND EXITS MUST BE CLEARLY MARKED AND UNOBSTRUCTED. EXITS MUST BE APPROVED FOR COMPLIANCE EITHER ON DESIGN, WINDOWS MUST HAVE A MINIMUM OPEN AREA OF 5.7 SQUARE FEET (5.0 SQUARE FEET IF ON THE GROUND LEVEL) AND BE CLEAR OF OBSTRUCTIONS TO THE EXITS AND A MINIMUM OF 20 INCHES CLEAR OPENING WIDTH OF 20 INCHES. EXITS MUST NOT BE OPENED FROM THE FLOOR. WINDOWS MUST BE OPERABLE FROM THE INSIDE WITHOUT USE OF ANY TOOLS OR SPECIAL KNOWLEDGE. (IRC 101.12.1.2)
- 102. ATTIC ACCESS MUST HAVE MINIMUM SIZE OF 20 X 30 WITH 20" UNOBSTRUCTED HEADROOM AND BE READILY ACCESSIBLE. (IRC 101.12.1.3)
- 103. GARAGE OBSTRUCTIONS WHICH WOULD BE PERFORMED (1)1) REQUIRES A 10' MINIMUM CLEARANCE FROM THE EXITS TO THE EXITS. THE EXITS MUST BE PROVIDED WITH EMERGENCY ESCAPE AND RESCUE ROUTES. A SECOND ALARM MUST BE INSTALLED IN EACH BEDROOM AND OUTSIDE THE SLEEPING ROOMS IN THE IMMEDIATE VICINITY THERE MUST BE AT LEAST ONE SMOKE ALARM ON EVERY FLOOR LEVEL. ALL SMOKE ALARMS MUST BE INTERCONNECTED AND MAINTAINED. ALL ALARMS MUST BE TESTED IN ACCORDANCE WITH UL 217 A HOUSEHOLD FIRE WARNING EQUIPMENT PROCEDURES OF 11/19/10. (IRC 101.12.1.4)
- 104. CARBON MONOXIDE ALARMS FOR NEW CONSTRUCTION, AN APPROVED CARBON MONOXIDE ALARM SHALL BE INSTALLED OUTSIDE OF EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOMS IN DWELLING UNITS WITH WHICH FUEL-BURNING APPLIANCES ARE INSTALLED AND IN DWELLING UNITS THAT HAVE ATTACHED GARAGES, WHICH WOULD REQUIRE A PRIMARY COOKING IN SLEEPING QUARTERS THAT HAVE ATTACHED GARAGES OR IN SLEEPING QUARTERS WITH WHICH FUEL-BURNING APPLIANCES EXIST, CARBON MONOXIDE ALARMS SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 901.11 (IRC 101.12.1.5)
- 105. POWERED, UNCOVERED, RAMPS, OR RAISED FLOOR SURFACE LOCATED MORE THAN 20" ABOVE THE FLOOR OR GRADE BELOW SHALL HAVE GRIPPS NOT LESS THAN 20" IN HEIGHT, OTHER THAN GRIPPS WITH A TREAD SURFACE OF NOT LESS THAN 20" IN HEIGHT MEASURED VERTICALLY FROM THE TOP OF THE TREAD. GRIPPS SHALL HAVE AN ANGLE OF NOT MORE THAN 15 DEGREES TO THE HORIZONTAL. GRIPPS SHALL BE INSTALLED TO THE FULL WIDTH OF THE WALKWAY AND SHALL BE INSTALLED TO THE FULL WIDTH OF THE WALKWAY. (IRC 101.12.1.6)
- 106. GARAGE SEPARATION FROM THE RESIDENCE AND ATTICA, NOT LESS THAN 10 FEET OVERHANGING EQUIPMENT APPLIED TO THE GARAGE SIDE. SEPARATION FROM ALL HABITABLE ROOMS ABOVE THE GARAGE, NOT LESS THAN 10 FEET OVERHANGING EQUIPMENT APPLIED TO THE GARAGE. SEPARATION FROM ALL HABITABLE ROOMS ABOVE THE GARAGE, NOT LESS THAN 10 FEET OVERHANGING EQUIPMENT APPLIED TO THE GARAGE. SEPARATION FROM ALL HABITABLE ROOMS ABOVE THE GARAGE, NOT LESS THAN 10 FEET OVERHANGING EQUIPMENT APPLIED TO THE GARAGE. (IRC 101.12.1.7)
- 107. GARAGE FLOOR: THE FLOOR SURFACE IN A GARAGE MUST BE REINFORCEABLE AND SLOPED TOWARD THE MAIN VEHICLE ENTRY COURSEWAY. (IRC 101.12.1.8)
- 108. OVERHEAD POWER LINES MUST HAVE A MINIMUM CLEARANCE OF 10 FEET FROM THE FLOOR SURFACE TO THE MAIN VEHICLE ENTRY COURSEWAY. (IRC 101.12.1.9)
- 109. FINISHES SHALL BE INSTALLED TO HAVE A MINIMUM CLEARANCE OF 10" TO THE FLOOR SURFACE TO THE MAIN VEHICLE ENTRY COURSEWAY. (IRC 101.12.1.10)
- 110. FINISHES SHALL BE INSTALLED TO HAVE A MINIMUM CLEARANCE OF 10" TO THE FLOOR SURFACE TO THE MAIN VEHICLE ENTRY COURSEWAY. (IRC 101.12.1.11)
- 111. FINISHES SHALL BE INSTALLED TO HAVE A MINIMUM CLEARANCE OF 10" TO THE FLOOR SURFACE TO THE MAIN VEHICLE ENTRY COURSEWAY. (IRC 101.12.1.12)
- 112. FINISHES SHALL BE INSTALLED TO HAVE A MINIMUM CLEARANCE OF 10" TO THE FLOOR SURFACE TO THE MAIN VEHICLE ENTRY COURSEWAY. (IRC 101.12.1.13)
- 113. FINISHES SHALL BE INSTALLED TO HAVE A MINIMUM CLEARANCE OF 10" TO THE FLOOR SURFACE TO THE MAIN VEHICLE ENTRY COURSEWAY. (IRC 101.12.1.14)
- 114. FINISHES SHALL BE INSTALLED TO HAVE A MINIMUM CLEARANCE OF 10" TO THE FLOOR SURFACE TO THE MAIN VEHICLE ENTRY COURSEWAY. (IRC 101.12.1.15)
- 115. FINISHES SHALL BE INSTALLED TO HAVE A MINIMUM CLEARANCE OF 10" TO THE FLOOR SURFACE TO THE MAIN VEHICLE ENTRY COURSEWAY. (IRC 101.12.1.16)
- 116. FINISHES SHALL BE INSTALLED TO HAVE A MINIMUM CLEARANCE OF 10" TO THE FLOOR SURFACE TO THE MAIN VEHICLE ENTRY COURSEWAY. (IRC 101.12.1.17)
- 117. FINISHES SHALL BE INSTALLED TO HAVE A MINIMUM CLEARANCE OF 10" TO THE FLOOR SURFACE TO THE MAIN VEHICLE ENTRY COURSEWAY. (IRC 101.12.1.18)
- 118. FINISHES SHALL BE INSTALLED TO HAVE A MINIMUM CLEARANCE OF 10" TO THE FLOOR SURFACE TO THE MAIN VEHICLE ENTRY COURSEWAY. (IRC 101.12.1.19)
- 119. FINISHES SHALL BE INSTALLED TO HAVE A MINIMUM CLEARANCE OF 10" TO THE FLOOR SURFACE TO THE MAIN VEHICLE ENTRY COURSEWAY. (IRC 101.12.1.20)



FOR USE DURING REDLINE WITH CUSTOMER ONLY
 VENDORS SEE ATTACHED DOCUMENT WITH ALL
 SELECTED OPTIONS.

PLANNING OPTIONS LIST

- ARCHES
- MASTER BEDROOM HALLWAY
- MASTER BATHROOM TUB



UPPER FLOOR PLAN
 SCALE 1/4"

SQUARE FOOTAGE	
MAIN FLOOR	640 SQ. FT.
UPPER FLOOR	1,154 SQ. FT.
TOTAL LIVING SPACE	1,894 SQ. FT.
GARAGE	
2nd CAR GARAGE OPT.	480 SQ. FT.
FRONT PORCH	220 SQ. FT.
FRONT DECK	48 SQ. FT.

NOTE:
 1. S.D. (-) SHOWS DETAIL FOR 100% CONSTRUCTION/INSTALLATION/CLIP
 2. CENTER DOORS IN POOLS OR PORCHES ARE TO BE USED UNLESS OTHERWISE NOTED

RECEIVED

2012

CITY OF SAN HARBOR
 Public Services Department

WHIDBEY

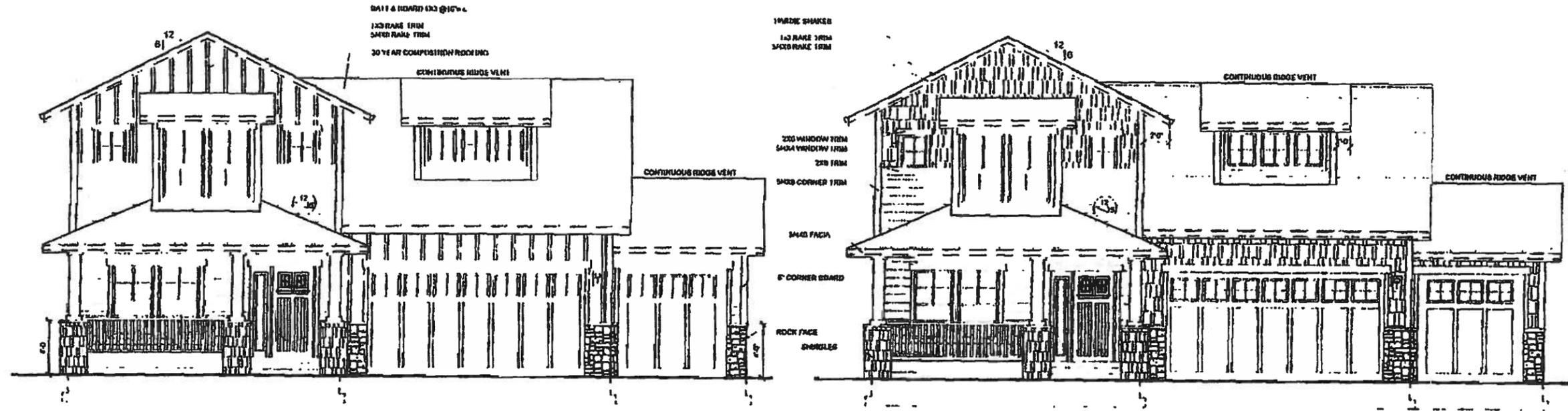
UPPER FLOOR PLAN

WHIDBEY
 LG
 SD
 DATE
 11/2/2011

A3.2



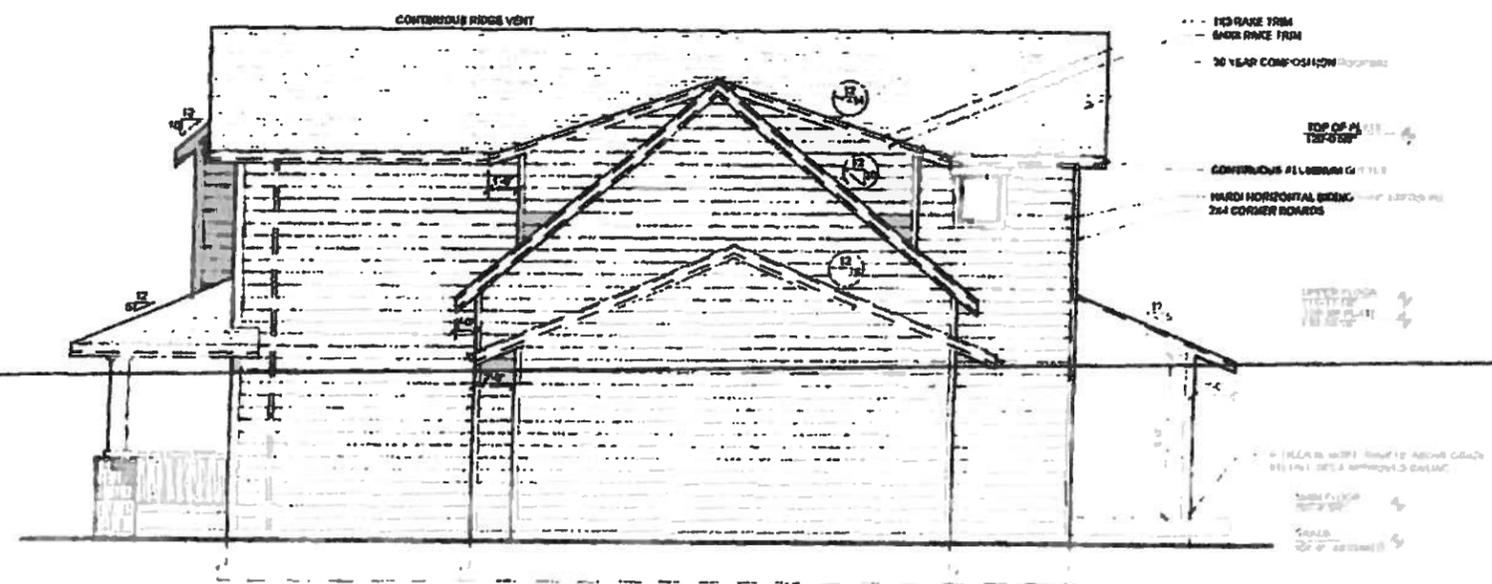
LANDED GENTRY
HOMES AND COMMUNITIES



CRAFTSMAN ELEVATION
SCALE 1/4"

FRENCH COUNTRY ELEVATION
SCALE 1/4"

- GENERAL**
1. WHERE DIMENSIONS ARE IN CONFLICT WITH THESE NOTES OR CONTRACT DOCUMENTS SHALL APPLY
 2. NOT ALL SPINDS WILL BE LOCATED ON THE END, USE COMMON SENSE. THESE DIMENSIONS SHALL BE USED TO LOCATE SPINDS. DO NOT CUT DOWN ANYTHING ON THE SITE OF ANY DEPTH 1-400-848-8488
 3. ADDRESS: EVERY DWELLING MUST HAVE ITS ADDRESS PLAINLY SEEN AND VISIBLE FROM THE STREET. (SEC 306.1)
 4. REQUIREMENTS: CHECK WITH BUILDING DEPARTMENT HAVE JURISDICTION FROM TO BECOME TO DETERMINE IF THAT BUILDING DEPARTMENT HAS ANY SPECIAL FINISHING OR FINISHING REQUIREMENTS TO MEET THE SHEDDY CODE OR FOR ANY OTHER REASON.



RIGHT SIDE ELEVATION
SCALE 1/4"

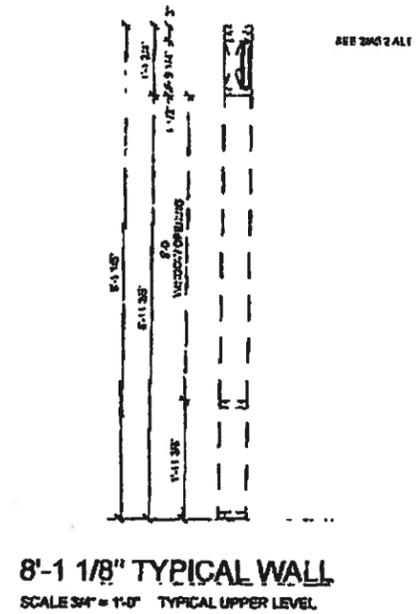
RECEIVED
JAN 15 2012
CITY OF OAK HARBOR
Development Services Department

WHIDBEY

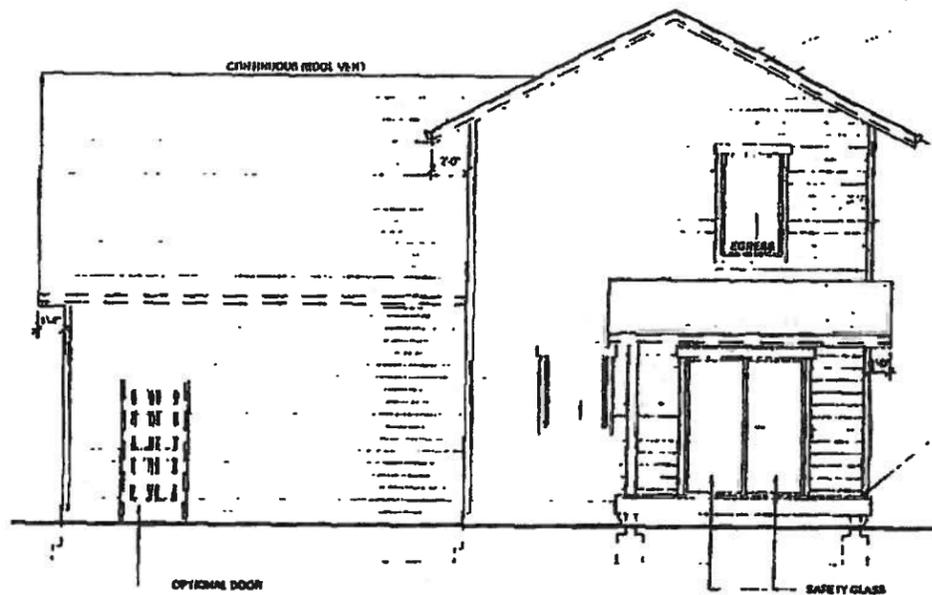
ELEVATIONS

Job No.	WHIDBEY
Drawn By	LG
Checked By	SD
Date	11/2/2011
Scale	

A6.1

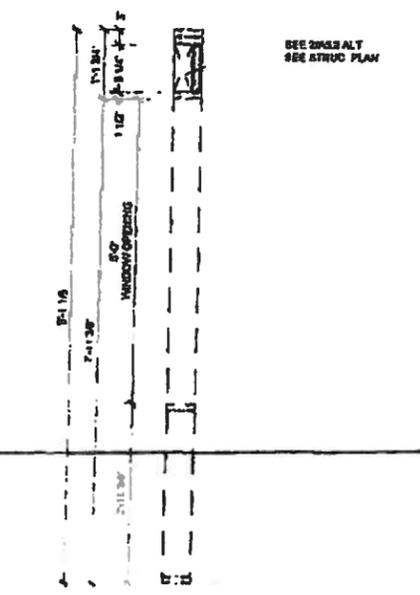


8'-1 1/8" TYPICAL WALL
SCALE 3/4" = 1'-0" TYPICAL UPPER LEVEL

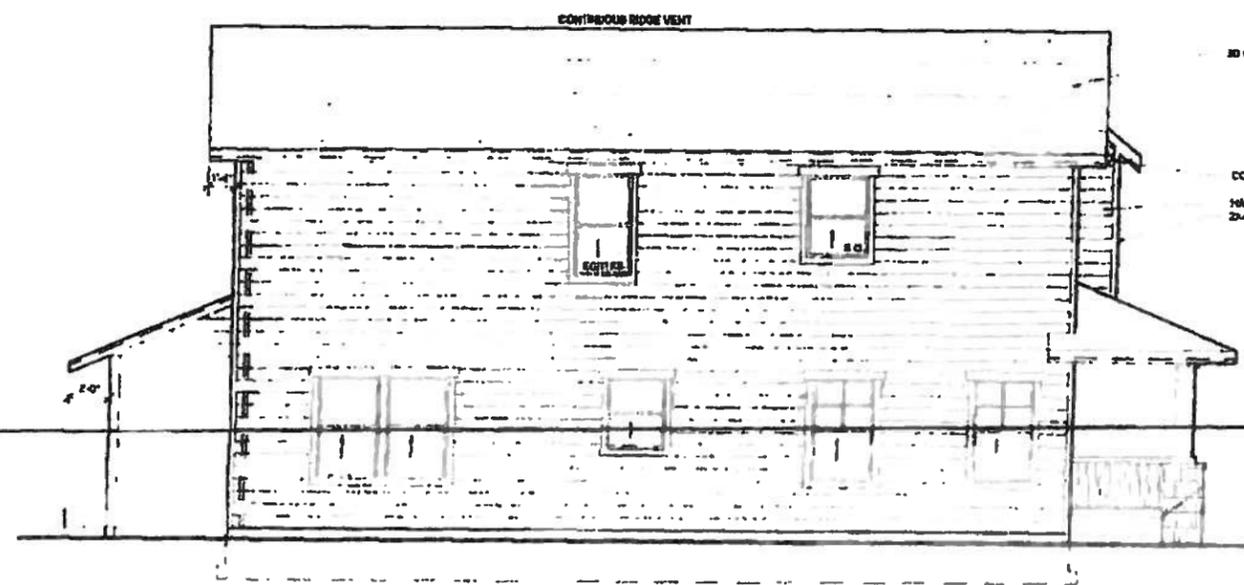


REAR ELEVATION
SCALE 1/4"

- 10:12 RAISE TRIM
3/4\"/>
- 30 YEAR COMPOSITION ROOFING
- TOP OF PLATE
12'-0 3/4"
- CONTINUOUS ALUMINUM GUTTER
- HARDI HORIZONTAL SIDING 7'-1/4" EXPOSURE
2x4 CORNER BOARDS
- UPPER FLOOR
TOP OF PLATE
12'-0 3/4"
- IF DECK IS MORE THAN 18" ABOVE GRADE
INSTALL DECK APPROVED RAILING
- MAIN FLOOR
TOP OF PLATE
10'-0 3/4"
- GRADE
10'-0" ASSUMED



9'-1 1/8" TYPICAL WALL
SCALE 3/4" = 1'-0" TYPICAL MAIN LEVEL



LEFT SIDE ELEVATION
SCALE 1/4"

- 30 YEAR COMPOSITION ROOFING
- TOP OF PLATE
12'-0 3/4"
- CONTINUOUS ALUMINUM GUTTER
- HARDI HORIZONTAL SIDING 7'-1/4" EXPOSURE
2x4 CORNER BOARDS
- UPPER FLOOR
TOP OF PLATE
12'-0 3/4"
- IF DECK IS MORE THAN 18" ABOVE GRADE
INSTALL DECK APPROVED RAILING
- MAIN FLOOR
TOP OF PLATE
10'-0 3/4"
- GRADE
10'-0" ASSUMED

RECEIVED

JUN 15 2012

CITY OF OAK HARBOR
Development Services Department

WHIDBEY

ELEVATIONS

DESIGNED	WHIDBEY
DRAWN	LEI
DATE	SD
	11/2/2011

A6.2

SAFETY
GENERAL REQUIREMENTS

100. LIFEGUARD RAILS: EVERY SWIMMING POOL, BATHING AND SHOWERING AT THE BEACH MUST HAVE AN EASY TO OPERATE WINDOW OR CEILING LIGHT APPROVED FOR SAFETY LIGHT (GREEN OR RED). WINDOWS MUST HAVE A MINIMUM OPEN AREA OF 5.7 SQUARE FEET (5.0 SQUARE FEET IF ON THE GROUND LEVEL). MINIMUM NET CLEAR OPENING WIDTH OF 20 INCHES AND A MINIMUM NET CLEAR OPENING HEIGHT OF 36 INCHES. WINDOW OR LIGHT MUST NOT BE MORE THAN 44 INCHES ABOVE THE FLOOR. ESCAPE WINDOWS SHALL BE OPTIONAL FROM THE SIDE WITHOUT USE OF KEY TOOLS OR SPECIAL KNOWLEDGE AND SHALL BE 20" X 20".

101. ATTIC ACCESS MUST HAVE MINIMUM SIZE OF 30" X 30" WITH 20" MINIMUM CLEARANCE AND BE EASILY ACCESSIBLE. (SEC 100.1)

102. SMOKE DETECTORS: WHEN WORK IS PERFORMED THAT RESULTS IN A PART OR WHEN A SLEEPING ROOM IS CREATED, THE ENTIRE BUILDING MUST BE PROVIDED WITH SMOKE ALARMS. A SMOKE ALARM MUST BE INSTALLED IN EACH SLEEPING ROOM AND OUTSIDE THE SLEEPING ROOM IN THE IMMEDIATE VICINITY THEREOF. THERE MUST BE AT LEAST ONE SMOKE ALARM ON EVERY FLOOR LEVEL. ALL SMOKE ALARMS MUST BE BATTERED AND INTERCONNECTED. ALL ALARMS MUST BE LISTED IN ACCORDANCE WITH UL 217 A HOUSEHOLD FIRE WARNING DEPARTMENT PROVISIONS OF 15 PA 71, 150-101.

103. CARBON MONOXIDE ALARMS: FOR NEW CONSTRUCTION, AN APPROVED CARBON MONOXIDE ALARM SHALL BE INSTALLED OUTSIDE OF EACH SLEEPING ROOM AND IN THE IMMEDIATE VICINITY OF THE BEDROOMS IN DWELLING UNITS WITHIN WHICH FUEL-BURNING APPLIANCES ARE INSTALLED AND BY DWELLING UNITS WITHIN WHICH ATTACHED GARAGES, WHICH FORMS REQUIRE A PERMIT OCCUR IN CERTAIN DWELLINGS THAT HAVE ATTACHED GARAGES OR IN CERTAIN DWELLINGS WITHIN WHICH FUEL-BURNING APPLIANCES EXIST. CARBON MONOXIDE ALARMS SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 101.1 (SEC 100.1)

104. POULTRIX, DISINTEGRATED, NAILS, OR SINKED FLOOR SURFACE LOCATED MORE THAN 20" ABOVE THE FLOOR OR ABOVE BELOW SHALL HAVE CORNER RAY LESS THAN 20" IN HEIGHT. OPEN SIDES OF STAIRS WITH A TOP RAIL OF MORE THAN 36" IN HEIGHT SHALL BE VERTICALLY FROM BOWNS OF STAIRS. CORNER RAILS HAVE A MINIMUM HEIGHT OF 36" IN HEIGHT. CORNER RAILS DO NOT ALLOW OPENING 4" IN WIDTH FOR 30" FROM CORNER MUST BE ABLE TO WITHSTAND LOADS SPECIFIED IN TABLE 101.5.4 (SEC 100.1)

105. GARAGE SEPARATION FROM THE RESIDENCE AND OTHER, NOT LESS THAN 1/2" MINIMUM BOARD OR EQUIVALENT APPLIED TO THE GARAGE WALL SEPARATION FROM ALL HABITABLE ROOMS ABOVE THE GARAGE, NOT LESS THAN 1/2" MINIMUM TYPE 4 EXTERIOR BOARD OR EQUIVALENT, (STRUCTURED) OR FIBERGLASS FLOOR BOARD APPROVED FOR SEPARATION, NOT LESS THAN 1/2" MINIMUM TYPE 4 EXTERIOR BOARD OR EQUIVALENT, GARAGES LOCATED LESS THAN 3 FEET FROM A DWELLING UNIT OR THE SAME LOT, NOT LESS THAN 1/2" MINIMUM BOARD OR EQUIVALENT APPLIED TO THE INTERIOR SIDE OF EXTERIOR WALLS THAT ARE WITHIN THIS AREA. TABLE 101.5.4

106. GARAGE DOOR: ANY DOOR BETWEEN A GARAGE AND A RESIDENCE MUST BE AT LEAST A 1 1/2" WOOD OR METAL DOOR, OR A 20-MINUTE RATED DOOR. (SEC 100.1)

107. GARAGE FLOOR: THE FLOOR SURFACE IN A GARAGE MUST BE NON-COMBUSTIBLE AND SLOPED TOWARD THE MAIN VEHICLE ENTRY DOORWAY (SEC 100.1)

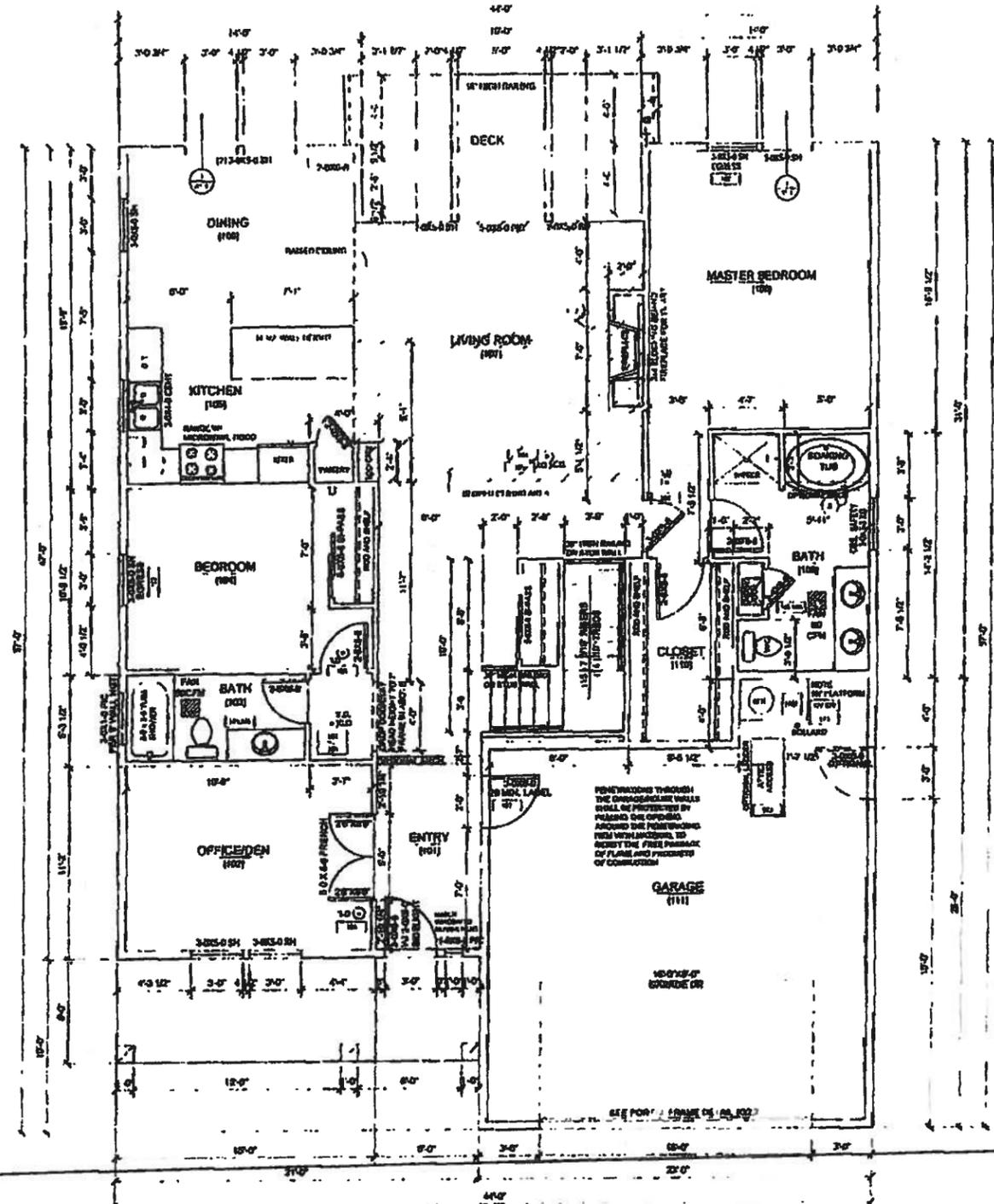
108. BATHING AND SHOWERING: MUST HAVE A NON-SLIP SURFACE. MUST BE NON-COMBUSTIBLE TO NOT LESS THAN 22 INCHES ABOVE DRIVE WHEEL WITH VEHICLE-RESISTANT FINISH. (SEC 100.1)

109. FURNACE SHALL BE INSTALLED TO MAINTAIN TOTAL CLEARANCE OF 18" @ TOP WITH A MIN CLEARANCE OF 27" ALONG SIDES, TOP & BACK, IF PLACED IN A GARAGE, GET MUST BE A PLATFORM TO PROVIDE A MINIMUM OF 18" HEIGHT ABOVE GARAGE FLOOR. (SEC 100.1)

110. CLOSET OVER DOORS SHALL BE CONSTRUCTED OF MINIMUM 1/2" THICK MASONRY, BRICK OR CONCRETE. FINISHED WITH JOINTS FINISHED IN MORTAR OR AIR FLOW. NO DOORS SHALL BE INSTALLED OVER DOORS SHALL NOT BE CONSIDERED AS PART OF THE CONSTRUCTION AND SHALL BE 18" IN LENGTH. DOOR SHALL BE SECURED BY OTHER LISTED IN MANUFACTURER'S INSTRUCTIONS. MUST HAVE TYPICAL OTHER DOORS WITH TYPICAL OVER DOOR DOORS. INSTRUCTIONS THROUGHOUT AND 3 FEET FROM ANY OPENING INTO BUILDING SHALL HAVE BACK DRAFT DAMPER AND SHALL NOT BE SCREENED. MAX. DOOR LENGTH SHALL BE REDUCED 2-1/2" FOR EACH 2" OF DOOR AND RAIL BEND AND 3 FEET FOR EACH INCHES (1.5" BEND AND 1.5" OVER DOOR) OTHER DOORS SHALL BE CONSIDERED AS OTHER DOORS.

111. EXHAUST FROM: BATHROOM, LAUNDRY ROOMS, KITCHENS AND SIMILAR ROOMS MUST BE VENTED BY AN EXHAUST FAN. DUCT MUST TERMINATE OUTSIDE THE BUILDING AND BE NOT LESS THAN 2 FEET FROM ANY OPENING INTO THE BUILDING. DUCTS IN UNFINISHED SPACES MUST BE INSULATED TO R-4 MINIMUM. (SEC 100.1)

112. EXHAUST FAN: BATHROOM, KITCHEN EXHAUST FAN MUST BE 100 CFM MINIMUM. EXHAUST EXHAUST FAN MUST BE 20 CFM MINIMUM. (SEC 100.1)



MAIN FLOOR PLAN
SCALE 1/4" = 1'-0"

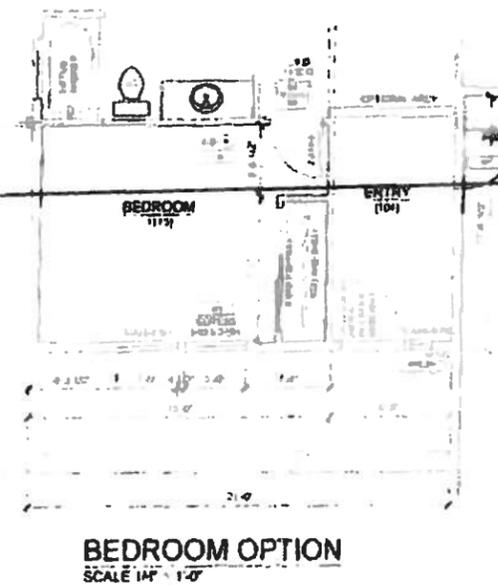
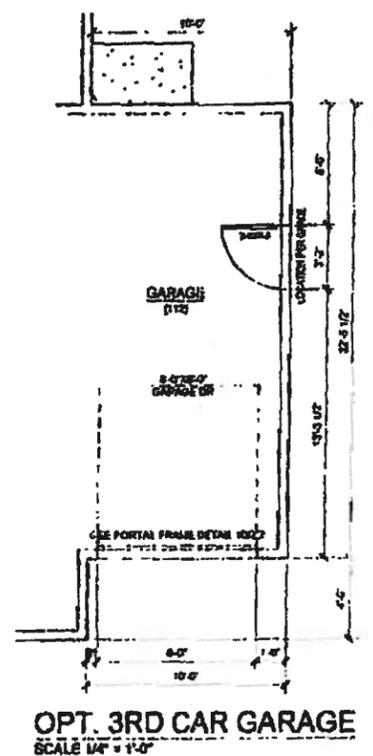
SQUARE FOOTAGE

MAIN FLOOR	1,888 SQ. FT.
BASEMENT LIVING	1,146 SQ. FT.
BASEMENT ADU	480 SQ. FT.
TOTAL LIVING SPACE	3,514 SQ. FT.
GARAGE	532 SQ. FT.
3rd CAR GARAGE OPT	244 SQ. FT.
FRONT PORCH	126 SQ. FT.
BACK DECK	136 SQ. FT.

FOR USE DURING REDLINE WITH CUSTOMER ONLY
VENDORS SEE ATTACHED DOCUMENT WITH ALL
SELECTED OPTIONS.

PLANNING OPTIONS LIST

- || PULL DOWN ATTIC ACCESS LADDER
- || 3'-0" EXTERIOR DR IN GARAGE
- || FRONT BEDROOM vs DEN/STUDY
- || LIGHT STORAGE ATTIC TRUSSES
- || ARCHES
- [] ENTRY HALLWAY
- [] MASTER BATH TUB



- GENERAL NOTES**
- ALL DIMENSIONS ARE TO FACE OF BRD UNLESS NOTED OTHERWISE. DO NOT SCALE DRAWINGS
 - SEE SHEET 63.2 FOUNDATION PLAN FOR ADDITIONAL FINISH NOTES
 - ALL EXTERIOR WALLS ARE 2X6 @ 16" O.C STUDS UNLESS NOTED OTHERWISE
 - ALL INTERIOR PARTITION WALLS ARE 2X4 @ 16" O.C STUDS UNLESS NOTED OTHERWISE
 - PROVIDE BRUSH IN ALL BATHROOM WALLS FOR TOWEL BARS, TOILET PAPER DISPENSERS, MEDICINE CABINETS, ETC. COORDINATE WITH OWNER FOR LOCATIONS
 - DISAPPEARING STAIRS OR ATTIC ACCESS PANEL: COVER WITH 3/4" GIB AND PRONG WEATHER-STRIPPING GASKET - SEE NOTES
 - FIREPLACE TO BE SUPPLIED WITH OUTSIDE COMBUSTION AIR DUCT AT LEAST 6" DIA. AND PROVIDE READY OPERABLE COVER INSTALL GAS FIREPLACE WITH CLEARANCES AND COMBUSTION AIR PER MANUFACTURER'S RECOMMENDATIONS AND BY CODE
 - 12" X 16" FIREGLASS FACED END BRICKER @ TUB SURROUND
 - PROVIDE MIN 12" 2X6 ATTIC ACCESS WITH MIN. OF 30" HEAD CLEARANCE. USE PLWOOD DASH TO CONTROL CEILING INSULATION AS REQUIRED. SEE EXHAUST FAN VENT TO OUTSIDE (SEC 100.1)

ROOM MATERIAL SCHEDULE

FLOOR	BASE	WALL	FURN	CEILING	FURN
1	1/2" Ply	A	1/2" Ply	1/2" Ply	1/2" Ply
2	1/2" Ply	B	1/2" Ply	1/2" Ply	1/2" Ply
3	1/2" Ply	C	1/2" Ply	1/2" Ply	1/2" Ply
4	1/2" Ply	D	1/2" Ply	1/2" Ply	1/2" Ply

NOTE: PROVIDE PARTICLE BOARD UNDERLAYMENT @ VINYL. COORDINATE THICKNESS WITH FLOOR FINISHES TO PROVIDE SMOOTH & LEVEL TRANSITIONS. USE PRIMER / SEALER ON GIB BEFORE & AFTER RETURNING.

RECEIVED
JUN 11 2012
CITY OF OAK HARBOR
Development Services Department

**MAXWELTON
BASEMENT**

MAIN FLOOR PLAN

JOB	MAX BASEMENT
DE. SHEET	LG
OWNER	SD
DATE	3/27/2012

A3.1

SAFETY

GENERAL REQUIREMENTS

101. CHANGING ROOMS: LINEN CLOSET, BATH AND HALLS SHALL BE APPROVED FOR EGRESS BY THE BUILDING DEPARTMENT. EGRESS DOOR APPROVED FOR EGRESS BY THE BUILDING DEPARTMENT. WORKING AREA SHALL BE A MINIMUM OF 10' x 10' WITH A MINIMUM CLEARANCE OF 7'6" TO THE CEILING. WORKING AREA SHALL BE A MINIMUM OF 10' x 10' WITH A MINIMUM CLEARANCE OF 7'6" TO THE CEILING. WORKING AREA SHALL BE A MINIMUM OF 10' x 10' WITH A MINIMUM CLEARANCE OF 7'6" TO THE CEILING.

102. AT THE ACCESS TO THE MAIN ENTRANCE OF THE 22' x 20' WITH 30" WOODEN DOOR AND BE HEAVILY REINFORCED. (SEE 102.1)

103. SMOKE DETECTORS: SMOKE DETECTORS SHALL BE INSTALLED IN EACH SLEEPING AREA OF THE RESIDENCE. SMOKE DETECTORS SHALL BE INSTALLED IN EACH SLEEPING AREA OF THE RESIDENCE. SMOKE DETECTORS SHALL BE INSTALLED IN EACH SLEEPING AREA OF THE RESIDENCE.

104. CARBON MONOXIDE ALARMS: FOR NEW CONSTRUCTION, AN APPROVED CARBON MONOXIDE ALARM SHALL BE INSTALLED OUTSIDE OF EACH SEPARATE SLEEPING AREA OF THE RESIDENCE. SMOKE DETECTORS SHALL BE INSTALLED IN EACH SLEEPING AREA OF THE RESIDENCE.

105. FLOORING: FLOORING SHALL BE INSTALLED ON ALL FLOOR SURFACES. FLOORING SHALL BE INSTALLED ON ALL FLOOR SURFACES. FLOORING SHALL BE INSTALLED ON ALL FLOOR SURFACES.

106. GARAGE DOOR: ANY DOOR BETWEEN A GARAGE AND A RESIDENCE MUST BE EITHER A 1 1/2" MINIMUM THICKNESS METAL DOOR, OR A 2 1/2" MINIMUM THICKNESS METAL DOOR. ANY DOOR BETWEEN A GARAGE AND A RESIDENCE MUST BE EITHER A 1 1/2" MINIMUM THICKNESS METAL DOOR, OR A 2 1/2" MINIMUM THICKNESS METAL DOOR.

107. GARAGE FLOOR: THE FLOOR SURFACE IN A GARAGE MUST BE REINFORCED AND BE SLOPED TOWARD THE CURB VEHICLE ENTRY DOORWAY. THE FLOOR SURFACE IN A GARAGE MUST BE REINFORCED AND BE SLOPED TOWARD THE CURB VEHICLE ENTRY DOORWAY.

108. GARAGE DOOR: ANY DOOR BETWEEN A GARAGE AND A RESIDENCE MUST BE EITHER A 1 1/2" MINIMUM THICKNESS METAL DOOR, OR A 2 1/2" MINIMUM THICKNESS METAL DOOR. ANY DOOR BETWEEN A GARAGE AND A RESIDENCE MUST BE EITHER A 1 1/2" MINIMUM THICKNESS METAL DOOR, OR A 2 1/2" MINIMUM THICKNESS METAL DOOR.

109. GARAGE FLOOR: THE FLOOR SURFACE IN A GARAGE MUST BE REINFORCED AND BE SLOPED TOWARD THE CURB VEHICLE ENTRY DOORWAY. THE FLOOR SURFACE IN A GARAGE MUST BE REINFORCED AND BE SLOPED TOWARD THE CURB VEHICLE ENTRY DOORWAY.

110. GARAGE DOOR: ANY DOOR BETWEEN A GARAGE AND A RESIDENCE MUST BE EITHER A 1 1/2" MINIMUM THICKNESS METAL DOOR, OR A 2 1/2" MINIMUM THICKNESS METAL DOOR. ANY DOOR BETWEEN A GARAGE AND A RESIDENCE MUST BE EITHER A 1 1/2" MINIMUM THICKNESS METAL DOOR, OR A 2 1/2" MINIMUM THICKNESS METAL DOOR.

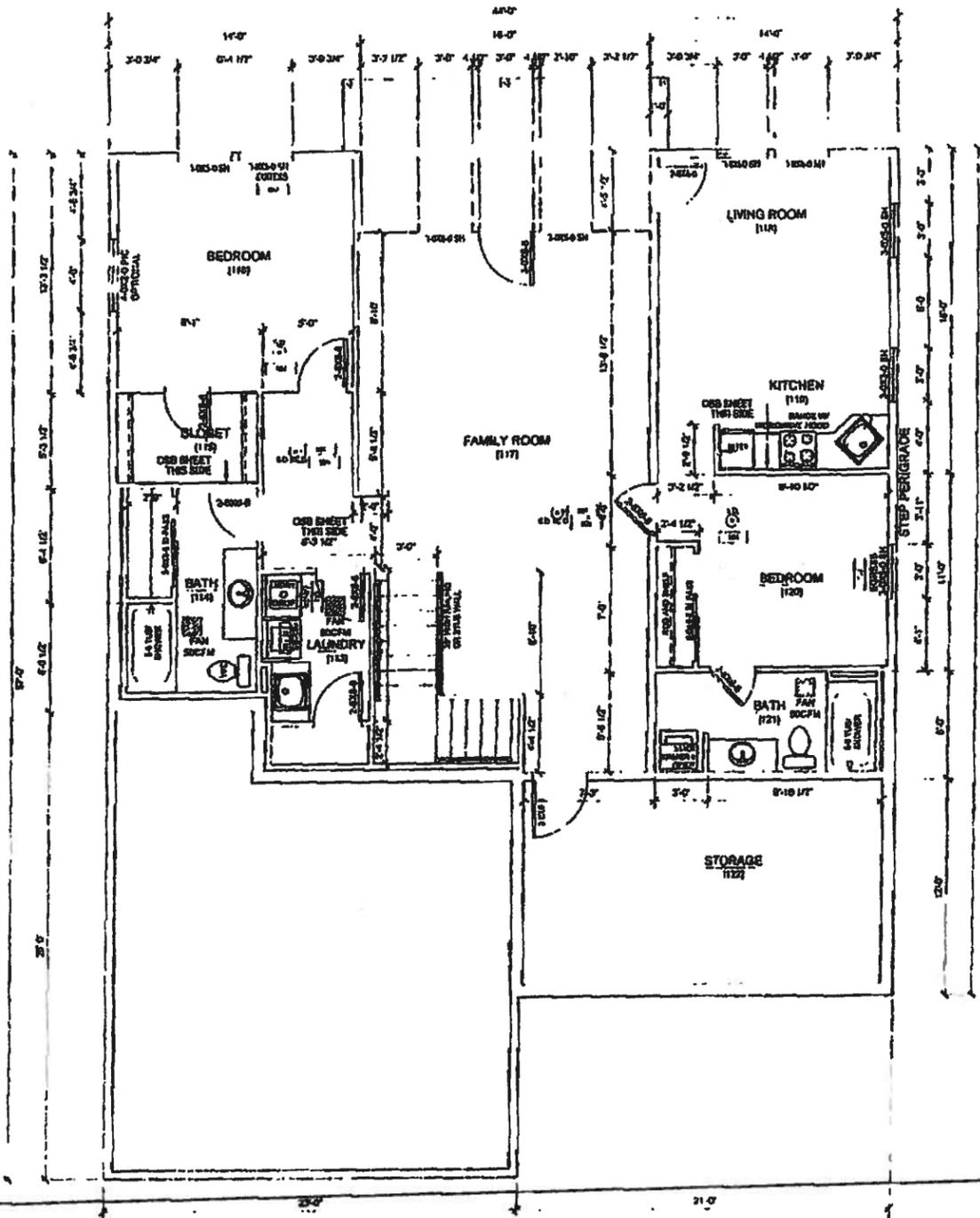
111. GARAGE FLOOR: THE FLOOR SURFACE IN A GARAGE MUST BE REINFORCED AND BE SLOPED TOWARD THE CURB VEHICLE ENTRY DOORWAY. THE FLOOR SURFACE IN A GARAGE MUST BE REINFORCED AND BE SLOPED TOWARD THE CURB VEHICLE ENTRY DOORWAY.

112. GARAGE DOOR: ANY DOOR BETWEEN A GARAGE AND A RESIDENCE MUST BE EITHER A 1 1/2" MINIMUM THICKNESS METAL DOOR, OR A 2 1/2" MINIMUM THICKNESS METAL DOOR. ANY DOOR BETWEEN A GARAGE AND A RESIDENCE MUST BE EITHER A 1 1/2" MINIMUM THICKNESS METAL DOOR, OR A 2 1/2" MINIMUM THICKNESS METAL DOOR.

113. GARAGE FLOOR: THE FLOOR SURFACE IN A GARAGE MUST BE REINFORCED AND BE SLOPED TOWARD THE CURB VEHICLE ENTRY DOORWAY. THE FLOOR SURFACE IN A GARAGE MUST BE REINFORCED AND BE SLOPED TOWARD THE CURB VEHICLE ENTRY DOORWAY.

114. GARAGE DOOR: ANY DOOR BETWEEN A GARAGE AND A RESIDENCE MUST BE EITHER A 1 1/2" MINIMUM THICKNESS METAL DOOR, OR A 2 1/2" MINIMUM THICKNESS METAL DOOR. ANY DOOR BETWEEN A GARAGE AND A RESIDENCE MUST BE EITHER A 1 1/2" MINIMUM THICKNESS METAL DOOR, OR A 2 1/2" MINIMUM THICKNESS METAL DOOR.

115. GARAGE FLOOR: THE FLOOR SURFACE IN A GARAGE MUST BE REINFORCED AND BE SLOPED TOWARD THE CURB VEHICLE ENTRY DOORWAY. THE FLOOR SURFACE IN A GARAGE MUST BE REINFORCED AND BE SLOPED TOWARD THE CURB VEHICLE ENTRY DOORWAY.



BASEMENT FLOOR PLAN
SCALE 1/4" = 1'-0"

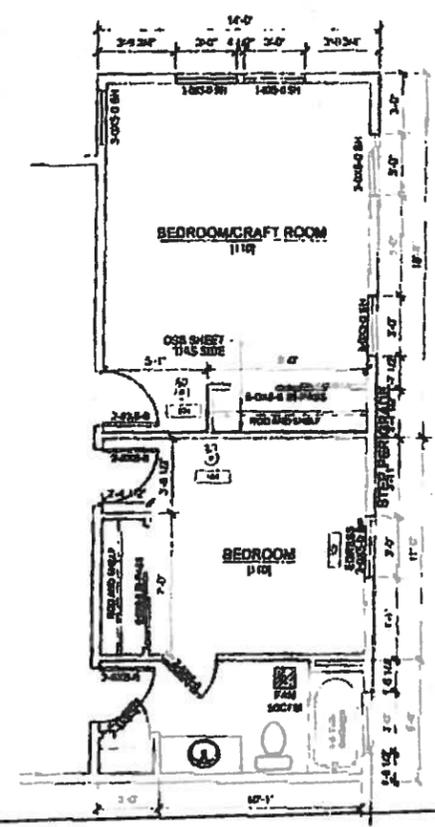
SQUARE FOOTAGE

MAIN FLOOR	1 888 SQ. FT.
BASEMENT LIVING	891 SQ. FT.
BASEMENT ADU	480 SQ. FT.
TOTAL LIVING SPACE	3 089 SQ. FT.
BASEMENT STORAGE	251 SQ. FT.
GARAGE	532 SQ. FT.
3/4 CAR GARAGE OPT	244 SQ. FT.
FRONT PORCH	120 SQ. FT.
BACK DECK	136 SQ. FT.

FOR USE DURING REDLINE WITH CUSTOMER ONLY
VENDORS SEE ATTACHED DOCUMENT WITH ALL
SELECTED OPTIONS.

PLANNING OPTIONS LIST

- || 4'-0" x 2'-0" WINDOW IN BEDROOM
- || BEDROOMS INSTEAD OF ADU



BASEMENT BEDROOM OPTIONS
SCALE 1/4" = 1'-0"



- GENERAL NOTES**
1. ALL DIMENSIONS ARE TO FACE OF STUD UNLESS NOTED OTHERWISE. DO NOT SCALE DRAWINGS.
 2. SEE SHEET #3 FOR FOUNDATION PLAN OR ADDITIONAL FRAMING NOTES.
 3. ALL EXTERIOR WALLS ARE 20" @ 16" O.C. STUDS UNLESS NOTED OTHERWISE.
 4. ALL INTERIOR PARTITION WALLS ARE 20" @ 16" O.C. STUDS UNLESS NOTED OTHERWISE.
 5. PROVIDE BACKING IN ALL BATHROOM WALLS FOR TUBELINE, TOILET PAPER DISPENSER, MEDICINE CABINETS, ETC. COORDINATE WITH OWNER FOR LOCATIONS.
 6. DISAPPEARING STAIRS OR ATIC ACCESS PANEL: COVER WITH SET CURB AND PROVIDE WEATHER-STRAPPED BARRIER - SEE 102.1.
 7. FIREPLACE TO BE SUPPLIED WITH EXTERIOR COMBUSTION AIR DUCT AT LEAST 8" DIA. IN AND PROVIDE READILY OPERABLE DAMPER WITH 1/2" GAP FROM FACE WITH CLEARANCE TO COMBUSTION AIR PER MANUFACTURER'S RECOMMENDATIONS AND BY CODE.
 8. 12" x 16" FIBERGLASS FACED ONE BACKER @ THE SURROUND.
 9. PROVIDE MIN. OF 2200 ATIC ACCESS WITH MIN. OF 30" HEAD CLEARANCE. USE FIBERGLASS DAMPER TO CONTROL CEILING VIBRATION AS REQUIRED.

ROOM MATERIAL SCHEDULE

FLOOR	WALLS	CEILING
1. LIVING ROOM	1/2" Drywall	1/2" Drywall
2. KITCHEN	1/2" Drywall	1/2" Drywall
3. BATH	1/2" Drywall	1/2" Drywall
4. BEDROOM	1/2" Drywall	1/2" Drywall

NOTE: PROVIDE PARTICLE BOARD UNDERLATHING @ 1/2" THICK, COORDINATE THIS WITH OTHER FLOOR FINISHES TO PROVIDE SMOOTH LEVEL TRANSITIONS.

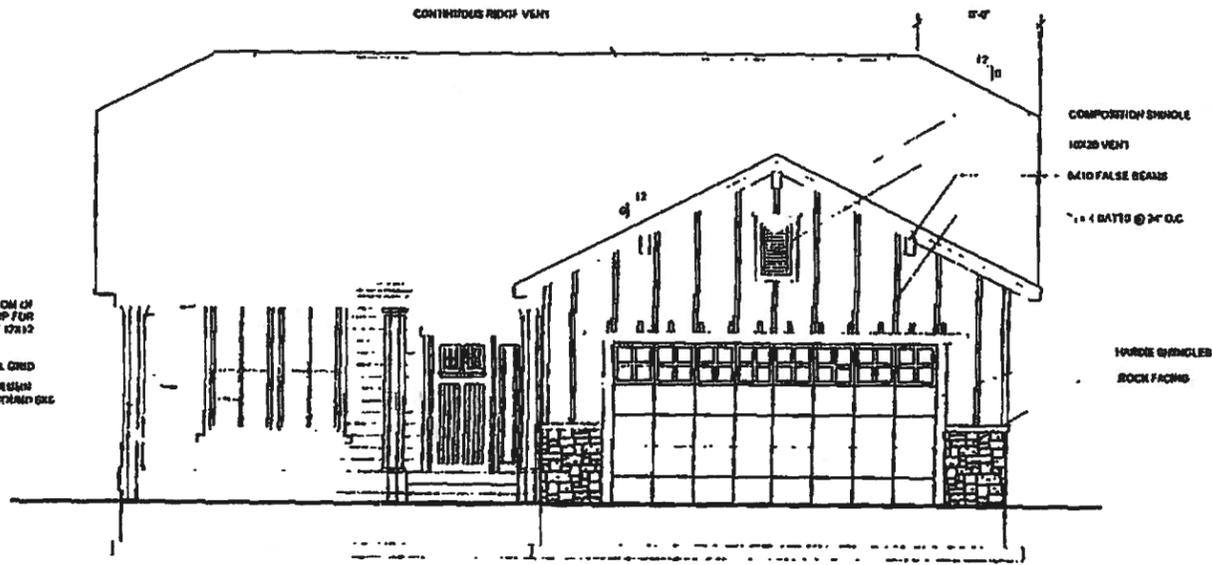
USE PRIMER / SEALER ON ONE BEFORE & AFTER TEXTURING.

RECEIVED
JUN 05 2012
CITY OF OAK HARBOR
Development Services Dept.

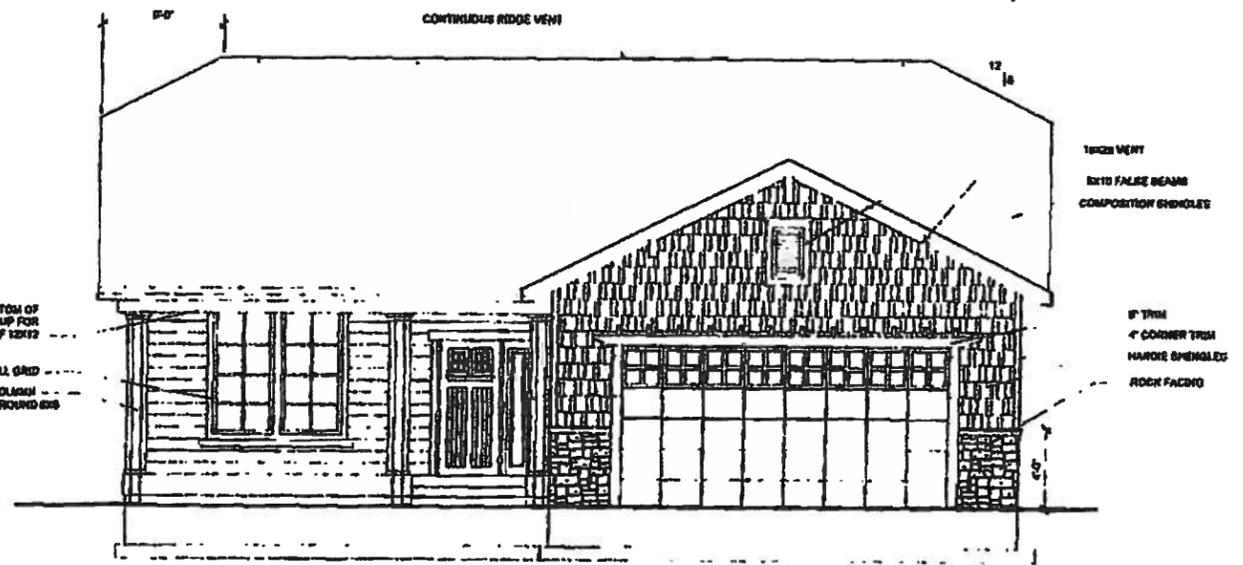
MAXWELTON BASEMENT

BASEMENT

JOB NO.	MAX BASEMENT
ORIGINS	LG
DATE	3/27/2012
SHEET	A3.2

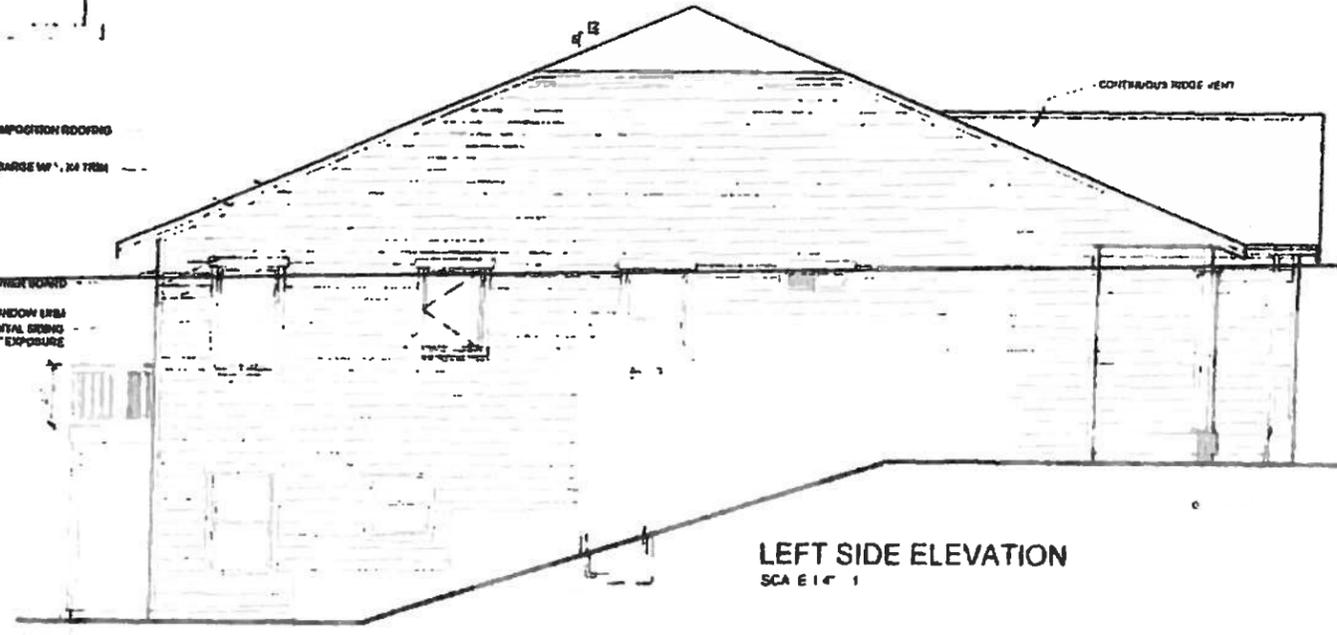


FRENCH COUNTRY ELEVATION
SCALE 1/4" = 1'-0"



CRAFTSMAN ELEVATION
SCALE 1/4" = 1'-0"

- GENERAL**
1. FINISH DRAWINGS ARE IN CONFLICT WITH THESE MODEL STRUCTURE REQUIREMENTS SHALL APPLY.
 2. NOT ALL BUILD MATERIALS LOCATED ON THIS SITE ARE SHOWN ON THESE DRAWINGS. LOCAL UTILITIES UNDISCOVERED LOCATIONS BEFORE COMMENCEMENT OF ANY WORK. ANYWHERE ON THIS SITE OF ANY DEPTH (1-800-84-0000).
 3. ADDRESS EVERY CHALLENGE MUST HAVE TO ADDRESS PLANNING, LOCAL AND NATIONAL FROM THE #1000 (IRC 310.1).
 4. REQUIREMENTS: CHECK WITH BUILDING DEPARTMENT BEFORE COMMENCING WORK TO DETERMINE IF THAT BUILDING DEPARTMENT HAS ANY SPECIAL PLANNING OR SPECIAL REQUIREMENTS TO MEET THE ROYAL CODE OF FOR ANY OTHER REASON.



LEFT SIDE ELEVATION
SCALE 1/4" = 1'-0"

RECEIVED
JUN 15 2012
CITY OF OAK HARBOR
Development Services Dept

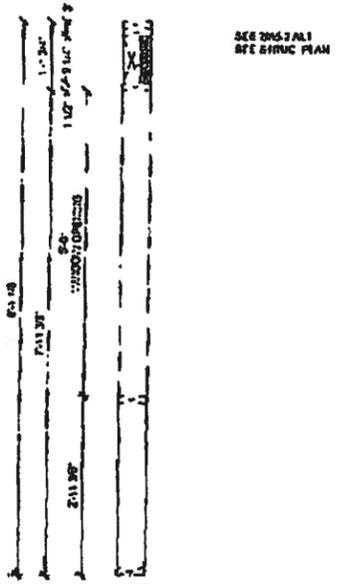
MAXWELTON
BASEMENT

ELEVATIONS

JTB RD
DETACHED
DRAWN
DATE
SHEET

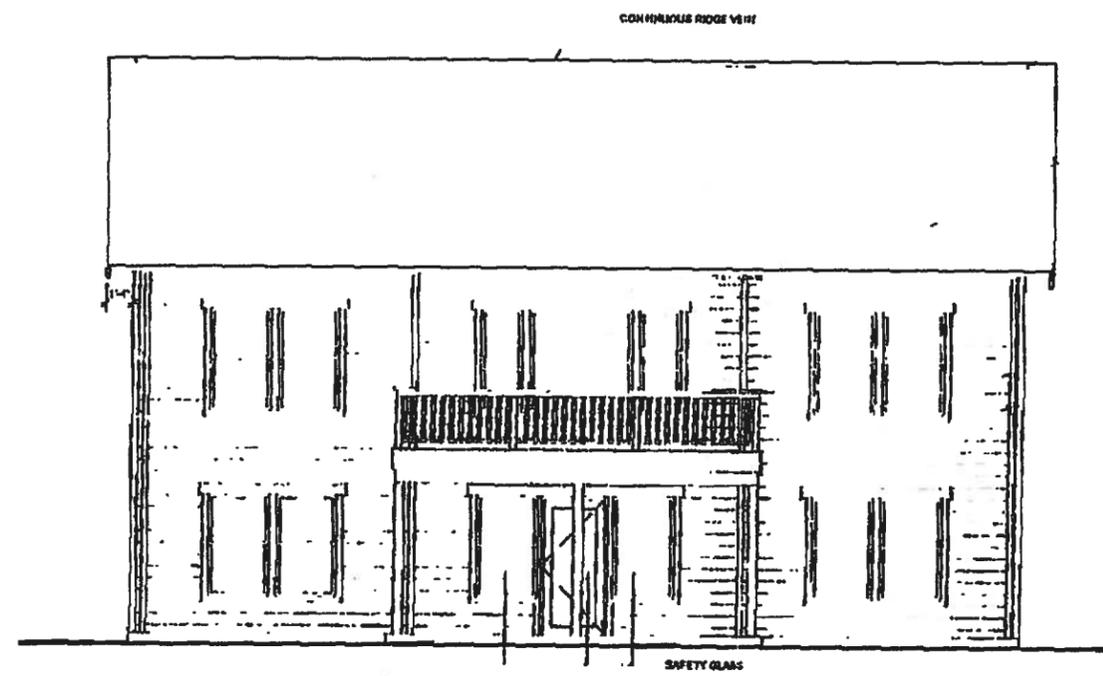
MAX BASEMENT
LG
SO
3/27/2012

A6.1



SEE 2015-2 AL1
SEE STRUCT PLAN

9'-1 1/8" TYPICAL WALL
SCALE 3/4" = 1'-0" TYPICAL MAIN LEVEL

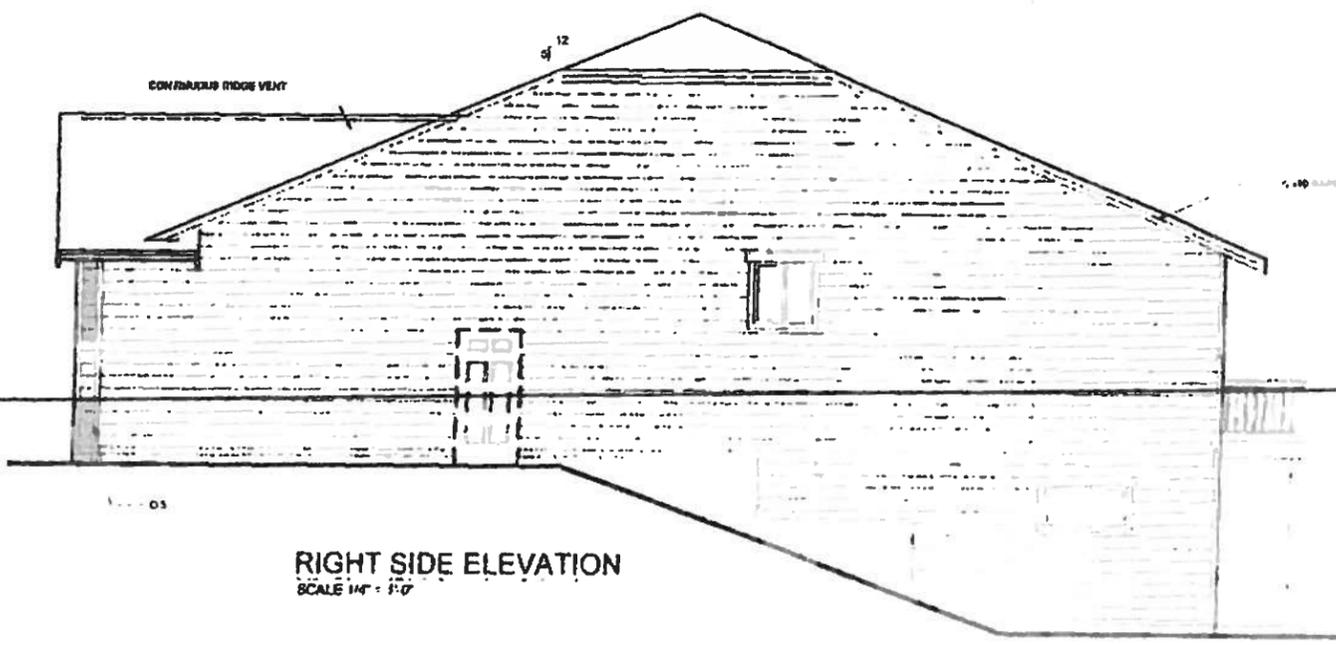


REAR ELEVATION
SCALE 1/4" = 1'-0"



SEE BASALT

8'-1 1/8" TYPICAL WALL
SCALE 3/4" = 1'-0" TYPICAL UPPER LEVEL



RIGHT SIDE ELEVATION
SCALE 1/4" = 1'-0"

RECEIVED
JUN 13 2012
CITY OF OAK HARBOR
Development Services Department

MAXWELTON
BASEMENT

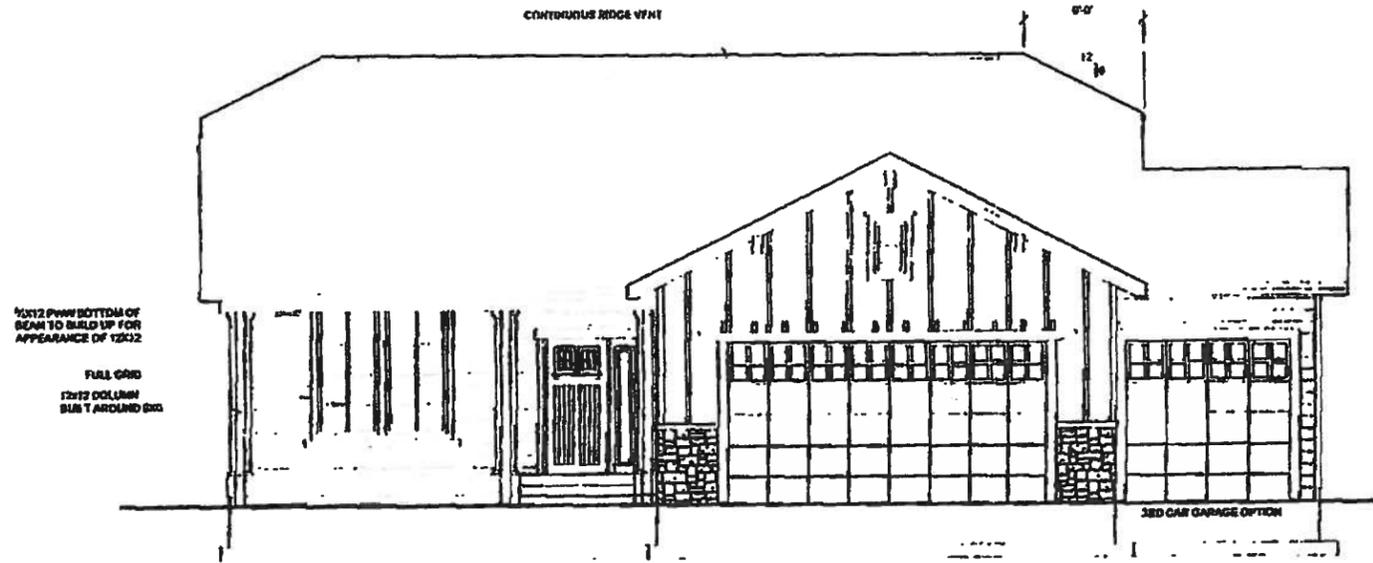
ELEVATIONS

JOB NO.	MAX BASEMENT
DESIGNED	LG
DRAWN	SD
DATE	3/27/2012
CHECKED	

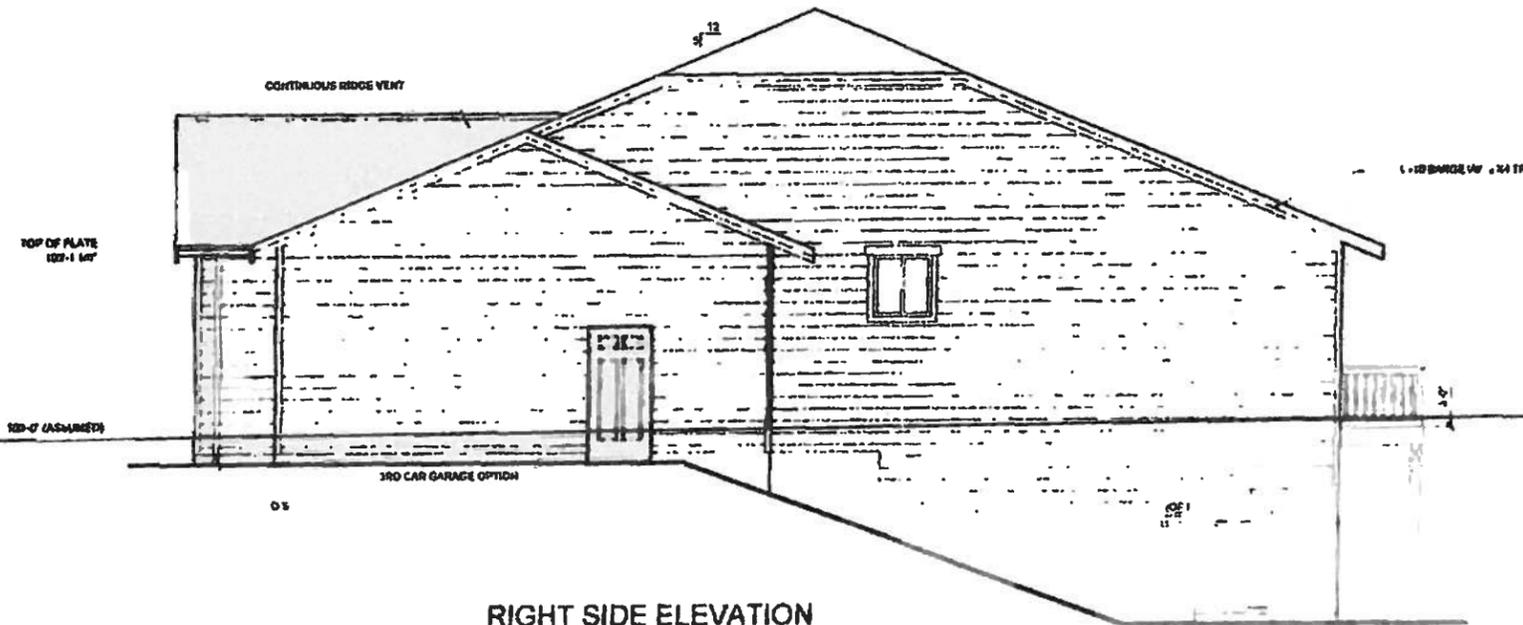
A6.2



LANDED GENTRY
HOUSES AND COMMUNITIES



FRENCH COUNTRY 3RD CAR ELEVATION
SCALE 1/4" = 1'-0"



RIGHT SIDE ELEVATION
SCALE 1/4" = 1'-0"

RECEIVED

JUN 05 2012

CITY OF DAK HARBOR
Development Services Dept.

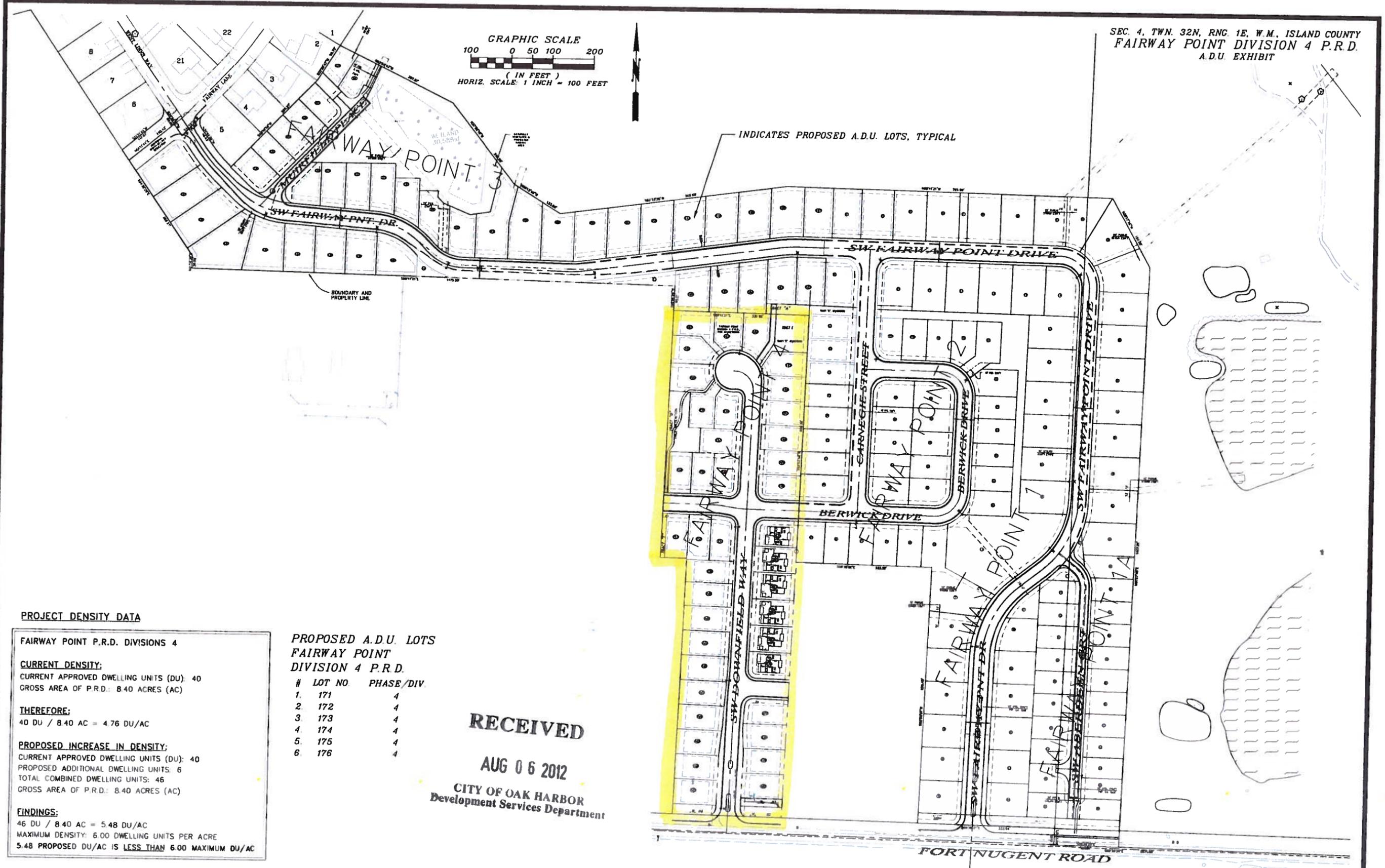
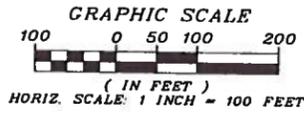
MAXWELTON
BASEMENT

3RD CAR GARAGE
ELEVATIONS

JOB NO. MAX BASEMENT
DESIGNED LG
DRAWN SD
DATE 3/27/2012
SHEET

A6.3

SEC. 4, TWN. 32N, RNC. 1E, W.M., ISLAND COUNTY
 FAIRWAY POINT DIVISION 4 P.R.D.
 A.D.U. EXHIBIT



PROJECT DENSITY DATA

FAIRWAY POINT P.R.D. DIVISIONS 4

CURRENT DENSITY:
 CURRENT APPROVED DWELLING UNITS (DU): 40
 GROSS AREA OF P.R.D.: 8.40 ACRES (AC)

THEREFORE:
 40 DU / 8.40 AC = 4.76 DU/AC

PROPOSED INCREASE IN DENSITY:
 CURRENT APPROVED DWELLING UNITS (DU): 40
 PROPOSED ADDITIONAL DWELLING UNITS: 6
 TOTAL COMBINED DWELLING UNITS: 46
 GROSS AREA OF P.R.D.: 8.40 ACRES (AC)

FINDINGS:
 46 DU / 8.40 AC = 5.48 DU/AC
 MAXIMUM DENSITY: 6.00 DWELLING UNITS PER ACRE
 5.48 PROPOSED DU/AC IS LESS THAN 6.00 MAXIMUM DU/AC

**PROPOSED A.D.U. LOTS
 FAIRWAY POINT
 DIVISION 4 P.R.D.**

#	LOT NO.	PHASE/DIV.
1.	171	4
2.	172	4
3.	173	4
4.	174	4
5.	175	4
6.	176	4

RECEIVED
 AUG 06 2012
 CITY OF OAK HARBOR
 Development Services Department

FILE NAME: FP ADU EXHIBIT
 PLOT SCALE: 1 : 1
 LAST REV DATE: 08/01/2012

DESIGNED BY: SGB
 DRAWN BY: SGB
 CHECKED BY: KG

REVISIONS DATE
 Add Density Calc 08/12/12
 FP4 ONLY 08/06/12

LANDED GENTRY
 HOMES AND COMMUNITIES
 3rd City - 1st Building, 504 Carhaven Avenue, Burlington, WA 98233 (360) 755-9071

SHEET DESCRIPTION
 FAIRWAY POINT A.D.U. EXHIBIT

PROJECT A.D.U. MODIFICATION TO FAIRWAY POINT
 DIVISION 4 P.R.D.
 OAK HARBOR, WASHINGTON
 DEVELOPER: LANDED GENTRY DEVELOPMENT, INC.

ORDINANCE NO. 1583

AN ORDINANCE APPROVING A PRD OVERLAY ZONE FOR THE FAIRWAY POINT DIVISION 4 PLANNED RESIDENTIAL DEVELOPMENT LOCATED ON ISLAND COUNTY PARCEL NUMBER R13204-152-1801 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF OAK HARBOR TO REFLECT THE OVERLAY ZONE

WHEREAS, the City Council of the City of Oak Harbor has approved the Final Plat for the Fairway Point Division 4 Planned Residential Development ("PRD");

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

Section One: The zoning for the property generally known as the Fairway Point Division 4 PRD located on Island County Parcel Number R13204-152-1801 is hereby amended to add the Fairway Point Division 4 PRD Overlay Zone to the underlying zoning of R-1 Single-Family Residential.

Section Two: All development within the Fairway Point Division 4 PRD Overlay Zone shall be consistent with the Fairway Point Division 4 Final PRD as approved by the Oak Harbor City Council on June 19, 2007. Development standards not addressed by the Fairway Point Division 4 Final PRD shall be the same as the underlying zoning and/or other applicable provisions of the OHMC. Development shall be to a maximum of 40 residential lots to be placed within the area described by the Fairway Point Division 4 PRD Final Plat.

Section Three: The official zoning map of the City of Oak Harbor is hereby amended to reflect the planned residential development subdistrict for the above mentioned property.

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

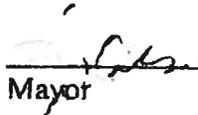
Section Five: Effective Date. This Ordinance shall be in full force and effect five days after its passage and publication as required by law and upon recording of the Fairway Point Division 4 PRD Final Plat with the Island County Auditor.

PASSED by the City Council this 4th day of August, 2010.

() APPROVED by its Mayor this 6th day of AUGUST, 2010.

() Vetoed

THE CITY OF OAK HARBOR



Mayor

Attest:

[Signature]
City Clerk

Approved as to Form:

[Signature]
City Attorney

Published: June 11, 2010

Chapter 19.42
ACCESSORY DWELLING UNITS

Sections:

19.42.010	Purpose and intent.
19.42.020	Permit required.
19.42.030	Standards and criteria.
19.42.040	Basis for denial.
19.42.050	Application process.
19.42.060	Permit conditions.
19.42.070	Nonconforming units.

19.42.010 Purpose and intent.

The purpose of an accessory dwelling unit is to:

(1) Add affordable units to existing housing and make housing units available to moderate-income people who might otherwise have difficulty finding homes within the city;

(2) Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle;

(3) Provide homeowners with a means of obtaining, through tenants in either the accessory dwelling unit or the principal residence, rental income, companionship, or security;

(4) Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that accessory dwelling units are installed under the conditions of this title. (Ord. 1555 § 18, 2009).

19.42.020 Permit required.

An accessory dwelling unit requires a permit approved by the director. (Ord. 1555 § 18, 2009).

19.42.030 Standards and criteria.

Accessory dwelling units shall meet the following criteria:

(1) The design and size of the accessory dwelling unit shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When there are practical difficulties involved in carrying out the provisions of this title, the director or his designee may recommend modifications that will meet the intent of these codes. Such modifications shall be processed as a variance under this title.

(2) Any additions to an existing building shall not exceed the allowable lot coverage or encroach into required setbacks. The director shall not have the power to vary this provision.

(3) An accessory dwelling unit may be attached or detached from the principal unit.

(4) Only one accessory dwelling unit may be created per residence.

(5) The property owner, which shall include title holders and contract purchasers, must occupy either the principal unit or the accessory dwelling unit as their permanent

residence, but not both, for more than six months out of each year, and at no time receive rent for the owner-occupied unit.

(6) An accessory dwelling unit may be either in a new or an existing residence.

(7) The primary unit, together with the accessory dwelling, may not occupy more than 40 percent of the total site area and must be designed so that, to the degree reasonably feasible, they will appear as one primary residence.

(8) The primary entrance to the accessory dwelling unit shall be located in such a manner as to be unobtrusive from the same view of the building which encompasses the entrance to the principal unit.

(9) One additional off-street parking space, in addition to that required by the underlying zone, shall be provided or as many spaces as deemed necessary to accommodate the actual number of vehicles used by the occupants of both the primary dwelling and the accessory dwelling unit.

(10) In order to encourage the development of housing units for people with disabilities, the director or his designee may allow reasonable deviation from the stated requirements to install features that facilitate accessibility. Such facilities shall be in conformance with the applicable codes.

(11) Manufactured homes, except zones where these structures are allowed, recreational vehicles or temporary housing shall not be utilized as an accessory dwelling unit. (Ord. 1555 § 18, 2009).

19.42.040 Basis for denial.

The director may deny any permit where it will create an adverse visual impact on the neighborhood or public services, or result in the overall density of the residential area to exceed that established in the Oak Harbor comprehensive plan. (Ord. 1555 § 18, 2009).

19.42.050 Application process.

Any person desiring approval of an accessory dwelling unit shall submit an application containing all of the information required by Chapter 19.48 OHMC, as determined as appropriate by the director, as well as the following information:

(1) Proof that the single-family property upon which the accessory dwelling unit is proposed to be located is owned and occupied by the applicant;

(2) A covenant, in a form acceptable to the city attorney, and suitable for recording with the Island County auditor, providing notice to future owners of the subject site that the existence of the accessory dwelling unit is predicated on the occupancy of the accessory dwelling unit or the primary dwelling. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this chapter and to provide for the removal of improvements added to convert the premises to an accessory dwelling unit and the restoration of the site to a single-family dwelling in the event that any condition of approval is violated. (Ord. 1555 § 18, 2009).

19.42.060 Permit conditions.

In addition to any conditions imposed by the director, an approved conditional use permit for an accessory dwelling unit shall state and is expressly subject to the condition that such a permit shall expire automatically whenever:

- (1) The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans and drawings reviewed and approved;
- (2) The subject site ceases to maintain three or more off-street parking spaces;
- (3) The applicant ceases to own and reside in either the primary residence or the accessory dwelling unit. (Ord. 1555 § 18, 2009).

19.42.070 Nonconforming units.

An owner of an accessory dwelling unit existing prior to the date of adoption of this chapter shall register with the director within one year from the date of adoption of this chapter. The director shall have the authority to waive certain standards in order to accommodate existing accessory dwelling units and may require reasonable conditions to cause the existing accessory dwelling unit to meet the purpose and intent of this title. (Ord. 1555 § 18, 2009).

Lisa Bebee

From: Jesse and Shannon Dougherty [dougherty999@msn.com]
Sent: Saturday, July 21, 2012 1:26 PM
To: Lisa Bebee
Subject: Dwelling units in Fairway Point

Lisa,

I spoke with you a few weeks back about the dwelling units in Fairway point. I believe this is in reference to PIN-12-02. I am against this decision. This will hurt the value of our homes. We have already taken roughly a \$50,000 loss in the values sense we bought in 2008. Adding this type of property will de-value our home even more. Please email us with the results of this decision. I know they have already started building one unit. I just hope we can prevent them from building more. Thank you

Jesse and Shannon Dougherty

RECEIVED

JUL 23 2012

**CITY OF OAK HARBOR
Development Services Department**

ORDINANCE NO. _____

AN ORDINANCE, AMENDING ORDINANCE NO. 1583 WHICH APPROVED THE PLANNED RESIDENTIAL DEVELOPMENT (PRD) OVERLAY ZONE FOR FAIRWAY POINT DIVISION 4, AND APPROVING A MODIFICATION TO THE PRD PLANS FOR FAIRWAY POINT DIVISION 4 WITH RESPECT TO DENSITY ONLY TO ALLOW FOR THE INCLUSION OF ACCESSORY DWELLING UNITS (ADU) WITHIN THE FAIRWAY POINT PRD.

WHEREAS, although not specifically authorized in state statute, planned residential developments are encouraged by the Washington Growth Management Act as an innovative land development technique; and

WHEREAS, the City Council has authority under RCW 58.17 to regulate the subdivision of land, promote the effective use of land, and to adequately provide for the housing needs of the citizens of the state; and

WHEREAS, the City of Oak Harbor's Comprehensive Plan contains policies regarding PRD in both the Land Use Element and the Housing Element of the Plan and the City regulates PRD through Chapter 19.31 of the OHMC; and

WHEREAS, FP4, L.L.C. (current property owner) is requesting to modify the PRD plans of Fairway Point to add ADU to the basements of house plans for up to six remaining lots to be developed within Division 4; and

WHEREAS, accessory dwelling units are normally permitted in all single family zoning districts with an administrative permit however the inclusion of ADU within a PRD may change the approved density of a PRD and is therefore considered a major modification to the PRD; and

WHEREAS, the Oak Harbor Planning Commission has the authority to review plans and hold a public hearing on PRD and modifications to PRD and form a recommendation to City Council under Sections 19.31.210 and 19.31.220 of the OHMC; and

WHEREAS, the City Council has the authority to approve or deny a modification to a PRD at a closed record meeting pursuant to OHMC 19.31.280(2) and 19.31.230; and

WHEREAS, Ordinance No. 1583 approved the PRD overlay zone for Fairway Point Division 4 on August 4, 2010; and

WHEREAS, Ordinance No. 1583 required development of the subject property to be consistent with the Fairway Point Division 4 Final PRD Plan as approved by the Oak Harbor City Council on June 19, 2007 and any development standards not addressed by the Final PRD shall be the same as the underlying zoning and/or other applicable provisions of the OHMC; and

WHEREAS, a PRD Overlay Zone modifies the existing zoning regulations for a district; and

WHEREAS, Ordinance No. 1583 established the density for Division 4 of the PRD to be 4.76 du/ac by reference to the approved PRD plans; and

WHEREAS, the applicant is seeking to change the density established through the PRD Overlay Zone from 4.76 du/ac to 5.48 du/ac for Division 4; and

WHEREAS, pursuant to OHMC 18.20, and after due and proper notice, on July 24, 2012, the Planning Commission held a public hearing regarding the modification to Fairway Point Division 4 PRD to consider the inclusion of ADU within the subdivision; and

WHEREAS, pursuant to OHMC 18.20, and after due and proper notice, on August 28, 2012, the Planning Commission continued the public hearing from July 24, 2012 regarding the modification to Fairway Point Division 4 PRD to consider the inclusion of ADU within the subdivision; and

WHEREAS, OHMC 19.31.210(3) authorizes conditions of approval to be imposed upon a PRD major modification that are, in the Planning Commission's judgment, necessary to ensure conformity; and

WHEREAS, the Oak Harbor Planning Commission finds that conditioning this approval whereby the ADU's shall be integrated into the primary unit and such condition is consistent with OHMC 19.31.210(3) and the City Council finds the same; and

WHEREAS, pursuant to OHMC 18.20, and after due and proper notice, on September 4, 2012, the City Council held a closed record meeting regarding the modification to Fairway Point Division 4 PRD to consider the inclusion of ADU within the subdivision; and

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

Section One. Section 2 of Ordinance No. 1583 is hereby amended with respect to the project density set forth on the face of Sheet A1.1 of Exhibit F: Preliminary & Final PRD Building Elevations, Typical Residential Landscape Plan, & Fence Detail - dated June 7, 2006 from 4.76 du/ac to 5.48 du/ac as shown in Exhibit A referenced herein and attached to this ordinance.

Section Two. Section 2 of Ordinance No. 1583 is hereby amended to add the following sentence: Accessory Dwelling Units within Fairway Point Division 4 PRD shall be integrated into the primary unit and shall not be detached.

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

Section Four. Effective Date. This Ordinance shall be in full force (5) five days following publication.

PASSED by the City Council this 4th day of September, 2012.

() APPROVED by its Mayor this _____ day of _____, 2012.

() Vetoed

THE CITY OF OAK HARBOR

Mayor

Attest:

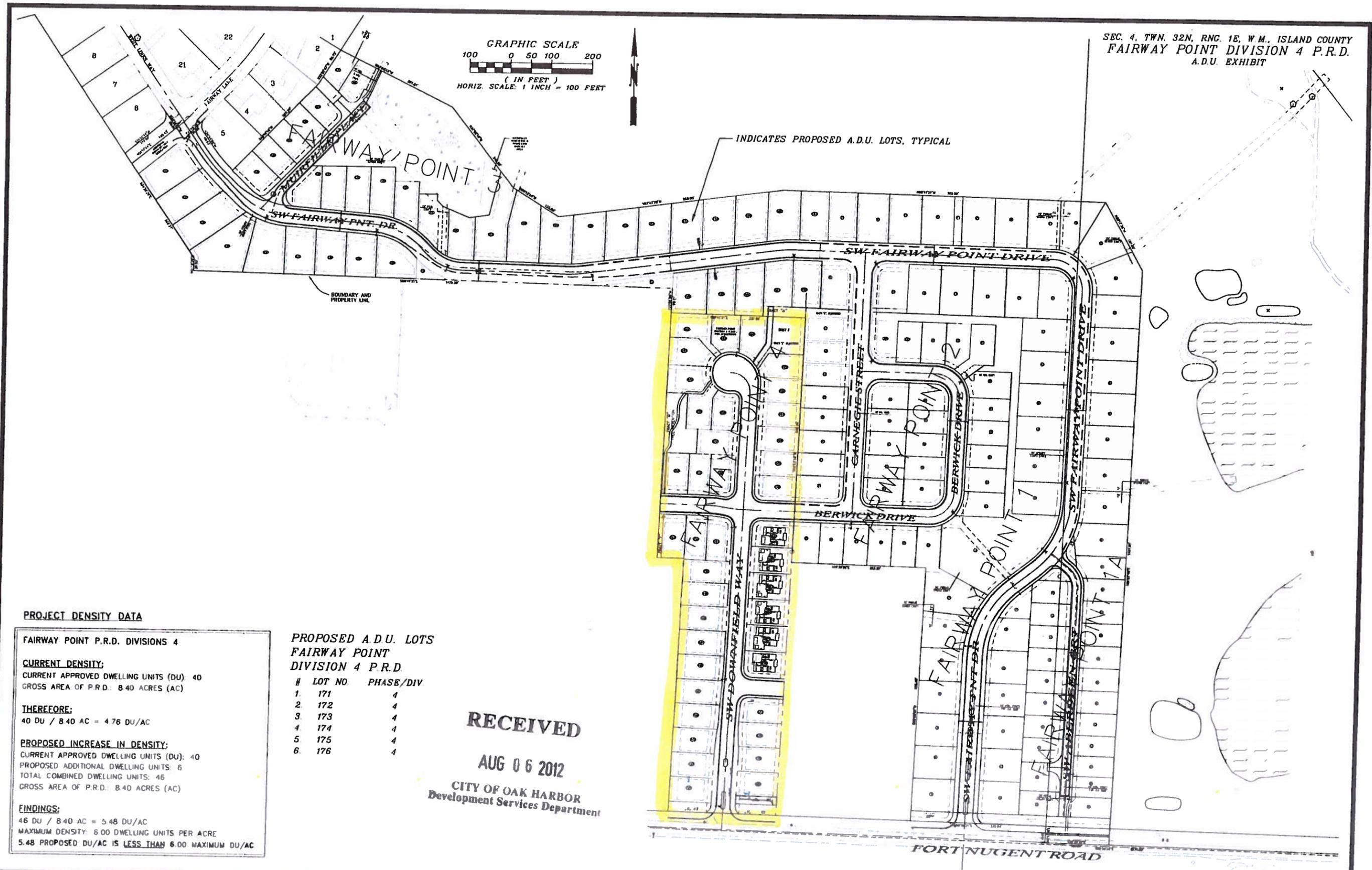
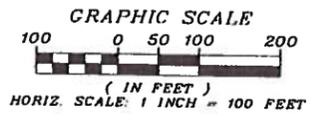
City Clerk

Approved as to Form:

City Attorney

Published: _____

SEC. 4, TWN. 32N, RNC. 1E, W.M., ISLAND COUNTY
 FAIRWAY POINT DIVISION 4 P.R.D.
 A.D.U. EXHIBIT



PROJECT DENSITY DATA

FAIRWAY POINT P.R.D. DIVISIONS 4

CURRENT DENSITY:

CURRENT APPROVED DWELLING UNITS (DU): 40
 GROSS AREA OF P.R.D.: 8.40 ACRES (AC)

THEREFORE:

40 DU / 8.40 AC = 4.76 DU/AC

PROPOSED INCREASE IN DENSITY:

CURRENT APPROVED DWELLING UNITS (DU): 40
 PROPOSED ADDITIONAL DWELLING UNITS: 6
 TOTAL COMBINED DWELLING UNITS: 46
 GROSS AREA OF P.R.D.: 8.40 ACRES (AC)

FINDINGS:

46 DU / 8.40 AC = 5.48 DU/AC
 MAXIMUM DENSITY: 6.00 DWELLING UNITS PER ACRE
 5.48 PROPOSED DU/AC IS LESS THAN 6.00 MAXIMUM DU/AC

**PROPOSED A.D.U. LOTS
 FAIRWAY POINT
 DIVISION 4 P.R.D.**

#	LOT NO.	PHASE/DIV
1.	171	4
2.	172	4
3.	173	4
4.	174	4
5.	175	4
6.	176	4

RECEIVED

AUG 06 2012

**CITY OF OAK HARBOR
 Development Services Department**

FILE NAME: FP ADU EXHIBIT
 PLOT SCALE: 1" = 1'
 LAST REV DATE: 06/01/2012

DESIGNED BY: SGB
 DRAWN BY: SGB
 CHECKED BY: KG

REVISIONS	DATE
Add Density Color FP4 ONLY	08/12/12 08/06/12

LANDED GENTRY
 HOMES AND COMMUNITIES
3rd City Hall Building, 504 Parkview Avenue, Burlington, WA 98233 (360) 755-9021

SHEET DESCRIPTION
FAIRWAY POINT A.D.U. EXHIBIT

PROJECT: **A.D.U. MODIFICATION TO FAIRWAY POINT
 DIVISION 4 P.R.D.
 OAK HARBOR, WASHINGTON**
 DEVELOPER: LANDED GENTRY DEVELOPMENT, INC.

Shoreline Master Program (SMP)

Update

Public Meeting

Memo

To: Members of the Planning Commission
Cc: Steve Powers, Development Services Director
From: Ethan Spoo, Senior Planner
Date: 8/23/12
Re: Shoreline Master Program Update – Chapters 5, 6, 7 Review

PURPOSE

This memorandum gives an overview of Chapters 5, 6, and 7 of the Draft Shoreline Master Program (SMP).

CHAPTER 5: SHORELINE MODIFICATION PROVISIONS

Shoreline modifications are actions taken to modify the shoreline in preparation for a specific land use. For example, fill may be placed on a site to accommodate a future land use. Dredging might be needed for the placement of a pier or dock. Shoreline stabilization might be installed to accommodate a new house.

THE SCIENCE

Shoreline modifications usually occur at or near the water's edge. The science shows that disturbing the shoreline by placing new fill, dredging, constructing new bulkheads, or building structures over the water can have negative impacts on the shoreline environment. For instance, the following impacts have been identified for these shoreline modifications:

- **Hard stabilization (i.e. bulkheads).** Shoreline stabilization are actions taken to address erosion impacts to property caused by currents, tides, winds, or waves. Structural stabilization or hard stabilization are commonly called bulkheads or seawalls. Soft stabilization are things like shoreline buffers, setbacks, and planting of vegetation. Bulkheads have been shown to disrupt the natural movement of sediment along beaches and, vice versa, the movement of sediment from upland areas onto the beaches. Sediment from eroding bluffs is important for building beaches. Neither sediment nor large woody debris can be transferred onto beaches if hard stabilization is present. While bulkheads are usually placed to prevent erosion, in the long-run, they can actually accelerate it by deflecting wave energy under the bulkhead or onto adjacent properties. See attached handout on shoreline armoring to learn more.¹
- **Dredge and fill.** Dredging of aquatic areas has short-term impacts like reducing water clarity and the potential to place toxic material in the environment. Long-term impacts include killing aquatic plants and animals and altering oxygen levels in the water column. Fill in aquatic areas disrupts some of the most productive areas for wildlife feeding, breeding, and shelter.²

¹ For more information on the environmental impacts of shoreline armoring, go to <http://www.pugetsoundnearshore.org>

² For fill impacts, see Technical Report 2011-02, *Strategic Needs Assessment: Analysis of Nearshore Ecosystem Process Degradation in Puget Sound*, page 57, Puget Sound Nearshore Ecosystem Restoration Project.

- **Overwater structures.** Overwater structures block light from shallow water areas which are used by juvenile salmon. Young salmon usually stay close to the shore to avoid predators which are deeper in the water. Salmon are thought to swim around piers into the light, meaning that they have to move into deeper waters near predators. Also, less light means fewer smaller species for salmon to eat and less eelgrass which provides shelter for crab, salmon, and herring. Overwater structures also require changes to the aquatic soils to accommodate piles.³

The above are just some of the impacts from shoreline modifications.

GUIDELINES AND STATE REQUIREMENTS

Because shoreline modifications impact the shoreline environment, the State Guidelines limit their size, type, and number. The newly adopted Guidelines (2003) have very prescriptive and detailed requirements with regard to shoreline armoring and bulkheads. To simplify those Guidelines, new hard armoring (i.e. bulkheads), is not allowed except for a very limited set of circumstances. Those circumstances are: (1) to protect an existing primary structure that is in danger from erosion; (2) to support new nonwater-dependent development when soft armoring, setbacks are not feasible, and when a geotechnical report recommends it to protect the structure; (3) to support water-dependent uses when soft armoring, setbacks are not feasible and when a geotechnical report recommends it. In other words, as a general rule all other possibilities must be explored first before new hard stabilization is allowed.

KEY POLICIES AND REGULATIONS

Shoreline stabilization

In compliance with the State Guidelines, the Draft SMP allows hard stabilization where it can be demonstrated that an existing, primary structure or use is in imminent danger from shoreline erosion, and that soft armoring methods are not feasible. Hard stabilization may also be allowed for new structures under certain conditions.

Different standards apply to new or enlarged stabilization versus repair of existing stabilization. It is important to note that there are few sites where new stabilization is possible in Oak Harbor due to the developed nature of our shoreline. Staff believe that repairs of existing stabilization will be more common in Oak Harbor than construction of new stabilization. The Draft SMP sets forth the following provisions with regard to stabilization:

- Major repair of hard stabilization is defined as 50 percent or more of the linear length of the shoreline stabilization. Major repair may be approved if the primary structure is located less than 10 feet from the Ordinary High Water mark (OHWM) or for those structures further than 10 feet from the OHWM where the primary structure is in danger from shoreline erosion within three years. Please note, however, that emergency repairs of bulkheads from storm damage are exempt from obtaining permits.
- Minor repairs (less than 50 percent of the linear length) are allowed outright.
- New or enlarged hard stabilization is only allowed when recommended by a geotechnical engineer that an existing, primary structure is in danger from erosion within three years and that other alternatives are not feasible.
- Hard stabilization may be allowed for a new structure when it is demonstrated that the erosion is caused by upland conditions, non-structural methods are not feasible (soft armoring, setbacks, vegetation), and a geotechnical report demonstrates the need for hard stabilization.

Dredging and Fill

Dredging and fill activities are discouraged due to their environmental impacts. Dredging is permitted in the following circumstances:

- When necessary to support a water-dependent use
- For expansion or alteration of public utility facilities

³ Shoreline Master Program Handbook, "Piers, docks and other structures," page 5.

- As part of mitigation actions, restoration, or habitat enhancement
- When aquatic life and water quality will not be substantially impaired.

Maintenance dredging (i.e. for the marina) is restricted to maintaining the previously dredged location, depth, and width.

Fill waterward of the OHWM requires a conditional use permit and is restricted to the minimum necessary to:

- Support water-dependent uses,
- Provide public access,
- Other less frequent conditions.

Piers, Docks, Floats, Mooring Balls and Mooring Buoys (overwater structures)

As previously discussed, overwater structures impact the shoreline environment due to their disturbance of the substrate and blocking of light. Thus, this section attempts to limit the environmental impacts of these structures by limiting their number, size, and type.

- Private piers and docks are not common in Oak Harbor, and historically, there hasn't been a demand for these structures. Piers and docks are permitted in the Maritime, Urban Public Facilities, and Urban Mixed Use (conditional use permit) environment designations. Width is limited to 6 feet. Decking materials must allow for 24% open area for light emission. These standards do not apply to the marina.
- Floats shall be no wider than 8 feet and limited to 60 feet in length. This standard does not apply to the marina.
- New piers or docks are subject to mitigation requirements specifying that the area 10 feet from OHWM be planted with 75% native vegetation. Alternative planting plans may be approved by the Shoreline Administrator (Director of Development Services).
- Repair of existing docks is allowed. Repair is defined as replacement of decking or decking substructure and less than 50% of pilings.

CHAPTER 6: ADMINISTRATION

Chapter 6 deals with the plan administration, permit process, permit requirements, when exemptions are allowed, time requirements, and non-conforming development. This is the "process" section of the SMP.

THE SCIENCE

There is no particular science which pertains to Master Program administration

THE GUIDELINES

As with much of the rest of the document, the State largely predetermines how shoreline permits are processed. There are three types of shoreline permits (1) substantial development permits for allowed uses (2) conditional use permits for uses permitted conditionally and (3) variances to deviate from the requirements of the Master Program. State Guidelines discuss how each of these permits is to be processed.

KEY POLICIES AND REGULATIONS

Staff have identified two key issues in this chapter for Planning Commission discussion.

Plan Administration: Planning Commission role

The City's existing Shoreline Master Program requires that all substantial development permits, conditional use permits, and variances be reviewed by the Planning Commission with final decision authority given to City Council. However, it should be noted that conditional use permits and variances must also receive Department of Ecology approval.

As part of the permit reform that occurred in 2002, the City consolidated the review of site-specific and quasi-judicial land use permits under City staff and the hearing examiner. The reforms undertaken at that time did not address the review of site-specific shoreline permits. The SMP update project affords the City the opportunity to further consolidate site specific reviews under City staff and the hearing examiner, while reinforcing Planning Commission's role as a policy advisory committee. Thus, the Draft SMP proposes that shoreline permits (shoreline substantial development permits and conditional use permits) undergo a type II process with review by staff. The Shoreline Administrator (Director) could refer either of these permit types to the Hearing Examiner based on the project's significance. All shoreline variances would be Type III actions reviewed by the Hearing's Examiner. The consolidation of site-specific shoreline permits under staff and the hearing examiner is consistent with review procedures in other jurisdictions.

Non-conforming development

The second key issue in Chapter 6 is non-conforming development. Once the Draft Shoreline Master Program is adopted, much existing development in Oak Harbor will not meet the new standards outlined in the plan and will be considered non-conforming. The non-conforming status is the natural outcome of implementing new state shoreline regulations.

If modifications/additions are proposed by owners of non-conforming development, should they be required to conform to the new Shoreline Master Program? At what point will their modifications/additions to their property require that they meet the new standards? Staff realizes that the application of a non-conforming status to existing properties is a cause for concern with property owners. However, the non-conforming status, by no means signifies that property owners cannot make modifications/additions to their properties.

It is important to understand the difference between non-conforming structures and non-conforming uses. Non-conforming structures are uses which are allowed in the underlying zone, but which may be non-conforming with respect to setbacks, buffers, or height, or other standards. For instance, a house in the residential environment designation which is too close to the OHWM is a non-conforming structure because the structure is too close to the water's edge, but it is not a non-conforming use because residential uses are allowed in that zone. The following provisions apply to non-conforming structures and uses:

- The Draft SMP allows non-conforming structures to be maintained, repaired, enlarged, or expanded provided they do not increase the extent of nonconformity.
- Non-conforming uses can continue and may expand once an additional 50 percent of the existing floor area.
- Non-conforming structures which are moved horizontally on a site, must be brought into conformance with the SMP.
- Non-conforming structures which are intentionally modified and the cost exceeds 60% of the fair market value, must be brought into conformance with the SMP.
- Non-residential uses which are not damaged more than 75% of the assessed value, may rebuild to their original extent. Single-family residential uses which are damaged up to 100% of the assessed value may rebuild to their original extent.

CHAPTER 7: DEFINITIONS

Chapter 7 is the definitions section for the SMP document. Staff has not identified particular issues which are noteworthy for Planning Commission discussion in this chapter. We are, of course, happy to assist with any questions the Commission may have regarding these definitions.

Marine Shoreline Armoring and Puget Sound

Overview

Shorelines are the unique area where our land and marine ecosystems meet. Everything passing to or from these two worlds goes through our shorelines including water, plants and woody debris, dirt, rocks and soil, chemical pollutants, and people.

More than 25 percent of Puget Sound's 2,500 miles of shorelines are already armored to protect public and private property, ports and marinas, roads and railways, and other uses. However, there is broad scientific consensus that bulkheads and other armoring alter our marine ecosystems and associated habitats for diverse plant and animal species.

In the past, shoreline erosion was seen as a "problem" and armoring the method to control it. We now know "erosion" is really Puget Sound's way of replenishing and maintaining our beaches.

Since the Shoreline Management Act was passed by voters in 1972, we have learned to develop our shorelines in less harmful ways – but we still have a long way to go. More than 4.4 million people live in the 12 counties bordering Puget Sound. As the region continues to grow, the pressure to armor shorelines will grow, too.

We need to find ways to manage growth and protect and preserve the environmental health of Puget Sound. Restoring and safekeeping our shorelines is a high priority for the Washington Department of Ecology (Ecology) and Puget Sound Partnership. The Partnership was formed to specifically develop and oversee an Action Agenda to help restore, protect and preserve the Sound by 2020, based on broad community and scientific input.

WHY IT MATTERS

More than 700 miles of Puget Sound's shoreline is armored – with approximately four miles added every two years.

Armoring can protect upland sites from short-term erosion, but can harm shoreline habitat and dramatically change beaches. Each change may be small, but the combined effect adds up.

What is shoreline armoring?

Shoreline armoring is the construction of bulkheads, seawalls, riprap or any other structure used to harden a shoreline against erosion.

Contact information

Curt Hart
Communications Manager
Shorelands and Environmental Assistance Program
360-407-6990

curt.Hart@ecy.wa.gov

Shoreline Master Programs:
www.ecy.wa.gov/SEA/SMP

Special accommodations

To ask about the availability of this document in a version for the visually impaired, call the Shorelands and Environmental Assistance Program at 360-407-7291.

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Q: Why are shorelines important?

A: Shorelines define our sense of place in the Puget Sound region. While most of us may not live on a shoreline, it is where we harvest clams, take a dip on a hot August day, and ship our goods to the world.

The unique and precious qualities of Puget Sound – the nation’s second largest marine estuary – make it a special place to live and work. Puget Sound shorelines help drive the Northwest’s economy through its industrial, maritime, rail, fishing shellfish industries, boating and other recreational opportunities, scenic beauty and vibrant tourism. For example:

- There are 68 state parks and eight national parks, forests, wildlife refuges, and other recreational areas that border Puget Sound. These areas help attract 390,000 people to Puget Sound waters and beaches at least once a year.
- The combined value of recreational and commercial shellfish harvesting, crabbing, and fishing in Puget Sound is estimated to be \$150 million. Healthy Puget Sound shorelines help make Washington State the national leader in farmed shellfish production.
- Together, the ports of Seattle and Tacoma make Puget Sound the second largest U.S. harbor for container traffic. Water-based activities at the Port of Seattle support 34,000 jobs and generate \$2.1 billion annual income.

For more information on the importance of Puget Sound shorelines:

Department of Ecology: www.ecy.wa.gov/puget_sound/index.html

Puget Sound economic facts: <http://www.ecy.wa.gov/pubs/0601006.pdf>

Puget Sound Partnership Action Agenda: http://psp.wa.gov/aa_action_agenda.php

2009 State of the Sound Report: <http://www.psp.wa.gov/sos2009.php>

Q: What is shoreline armoring?

A: Shoreline armoring is the construction of bulkheads, seawalls, riprap “revetments” such as sandbags or cement, and any other structure to harden a shoreline against erosion.

Bulkheads can be made from many different types of materials. Left, a concrete bulkhead.

Q: How much of Puget Sound's 2,500 miles of shoreline are currently armored?

A: Scientists estimate about 700 miles of Puget Sound shorelines are armored. More than four miles of new bulkheads were added between 2005 and 2007 alone. The amount varies depending on the location, type of shoreline, and level of development. There are more armored shorelines in urban than rural areas. For example, more than 90 percent of the shoreline between Everett and Tacoma is armored while only five percent of the shorelines in San Juan County are armored.

Q: What are the problems with armoring shorelines?

A: The broad scientific consensus is that armoring alters marine ecosystems and associated habitats, plants and animals – negatively impacting the important environment functions of our shorelines. Armoring isolates the land from the water, disturbs natural processes that replenish our shorelines including the movement of sediment and water, and disrupts the food web.

More than 4.4 million people live in the Puget Sound region. By 2040, more than a million more will call the region home. As our population grows, so does the pressure to modify Puget Sound shorelines.

By armoring our areas where upland and marine vegetation meet, the negative impacts can be extensive. Bulkheads can:

- Reduce the natural delivery of sand and gravel to our shorelines. This causes the beaches in front of bulkheads to erode slowly, leading to gradual lowering or even disappearance of the beach. This also can have negative impacts by depleting adjacent beaches of sediment, further degrading the shoreline environment.
- Bury the upper beach and reduce the amount of large woody debris deposited on the beach, which results in habitat loss.
- Isolate once interconnected land and aquatic habitats, resulting in habitat loss and altering the abundance and density of associated invertebrates, a major food source for fish, birds and other wildlife species.

Building bulkheads is often accompanied by development which may result in the loss of riparian vegetation, increased use of pesticides and fertilizers, and placement of impervious surfaces, septic systems, and drain fields close to shorelines.

The Puget Sound Nearshore Ecosystem Restoration Project has conducted a number of scientific studies about shoreline armoring. For more information, go to:

<http://www.pugetsoundnearshore.org>

Q: What state laws govern shoreline armoring in Puget Sound?

A: The Shoreline Management Act and the state Hydraulics Code are the two main state laws governing shoreline armoring.

The state Shoreline Management Act, through the related policies and regulations of each local shoreline master program (see next question), governs if and where armoring can be used to protect development or provide private access. The location and design of a bulkhead must conform to local and state shoreline regulations. A local permit may be required for bulkheads and other armoring, depending on site specific conditions.

The state Hydraulics Code is administered by the state Department of Fish and Wildlife through Hydraulic Project Approvals (HPA). An HPA regulates when and where armoring can be used so critical fish and shellfish habitats are protected.

Other laws, rules and court cases may also apply to shoreline armoring. For more information:

Contact your local town, city or county planning department.

Shoreline stabilization: http://www.ecy.wa.gov/programs/sea/sma/laws_rules/173-26/231_modifications.html

Laws, rules, and court cases related to the Shoreline Management Act:
http://www.ecy.wa.gov/programs/sea/sma/laws_rules/index.html

Permits and enforcement under the Shoreline Management Act:
http://www.ecy.wa.gov/programs/sea/sma/st_guide/administration/index.html

Q: What local regulations govern armoring in Puget Sound?

A: State law requires local governments to have **shoreline master programs** that govern bulkheads and other shoreline activities. These programs are a mix of policies and regulations tailored to specific needs of the local community. While local shoreline regulations must be consistent with the minimum requirements of state law, towns, cities and counties may go further in restricting shoreline armoring.

Loc

al policies and regulations affecting armoring and other shoreline activities are being updated throughout Puget Sound. Revised shoreline master programs will be adopted jointly by each local government and the Washington Department of Ecology to ensure that local shoreline master programs are based on modern scientific understanding of common problems with piecemeal shoreline development, including those associated with armoring.

The public is strongly encouraged to participate in helping shape their local shoreline program. Contact your city or county planning office to get involved.

For more information on local regulations:

City or county planning offices: see your local phone book or city/county website.

Shoreline master program update schedule:

http://www.ecy.wa.gov/programs/sea/sma/laws_rules/90-58/schedule.html

Public participation in the shoreline master program:

http://www.ecy.wa.gov/programs/sea/sma/st_guide/SMP/docs/Chapter6_SMPHandbook.pdf

Permits and enforcement under the Shoreline Management Act:

http://www.ecy.wa.gov/programs/sea/sma/st_guide/administration/index.html

Q: What if “erosion” causes my existing bulkhead or armoring to fail? Will I be able to replace it?

A: Begin by talking to a representative in your local city or county planning office. Each circumstance will be unique and depends on an array of different factors such as:

- Why the armoring failed.
- If a house or other primary structure is at risk.
- Local laws and regulations.
- Whether salmon or other wildlife habitat would be affected.
- Armoring design.

Many buildings along Puget Sound have not been set back far enough from the shoreline to allow for the natural rate of erosion. Armoring was installed in an attempt to slow erosion and/or to create filled areas for desired shoreline uses. Erosion was typically seen as a “problem” to be solved. We now know that naturally eroding bluffs supply sand and other materials needed to replenish and nourish beaches. Placing armoring structures on bluff-backed beaches can block this supply and may not be the best long-term solution for protecting property.

Q: Is shoreline armoring at odds with the state's requirement to achieve "no net loss of ecological functions?"

A: State laws and rules specify that shoreline modifications such as dikes, breakwaters, dredging, filling, clearing and grading, and vegetation removal should be allowed only in those limited instances when shoreline preferred uses require protection. New shoreline modifications "individually and cumulatively" should not result in a net loss of ecological functions. Towns, cities and counties have flexibility in how they achieve "no net loss" through their shoreline regulations. They can require that the impacts of armoring be avoided all-together, or mitigated through actions such as restoration.

Q: How does shoreline armoring affect shellfish?

A: Armoring affects shellfish in several ways. Historically, armoring has been built directly in shellfish habitat which has destroyed many shellfish growing areas and critical habitat such as eelgrass beds. When armoring is built or removed, dirt may be suspended in the water which can interfere with clams and other bivalves' ability to feed. Armoring can also change the flow of natural currents, keeping shellfish larvae from reaching growing areas.

For more information:

"Native Shellfish in Nearshore Ecosystems of Washington State" – Puget Sound Nearshore Ecosystem Restoration Project, Technical Report 2006-04

http://www.pugetsoundnearshore.org/technical_reports.htm

Q: How does shoreline armoring affect forage fish such as herring, smelt and sand lance?

A: If armoring is placed directly over, in front of or behind a spawning area, it can prevent fish from using the upper beach, an important spawning area for surf smelt and sand lance. The armoring changes the beach to coarser sediment due to increased wave action. Armoring can also dramatically increase the sediment temperature while decreasing the amount of decaying vegetation on the upper beach. One study found that temperature changes alone cut the survival rate of surf smelt embryos in half.

For more information:

"Marine Forage Fishes in Puget Sound" – Puget Sound Nearshore Ecosystem Restoration Project, Technical Report 2007-03 http://www.pugetsoundnearshore.org/technical_reports.htm

Q: Are bulkheads and other shoreline armoring really a problem for salmon?

A: Yes. Endangered Chinook salmon and other salmon species rely on Puget Sound shorelines for food and shelter. Young salmon spend time in Puget Sound before entering the Pacific Ocean. They need clean, abundant insects and other food, and shelter from predators. Plants that overhang the shoreline are an important source of insects and shelter. These plants are often removed when a shoreline is armored.

For more information:

Puget Sound Shorelines

<http://www.ecy.wa.gov/programs/sea/pugetsound/species/salmon.html>

Q: My bulkhead is only 100 feet long – does that really affect Puget Sound?

A: Puget Sound is an ecosystem in trouble. Some have likened the challenges facing the Sound as “death by a thousand cuts.” Considering more than 25 percent of Puget Sound shorelines are already armored and every year another new mile of bulkheads is built along our shorelines, the cumulative, negative environmental effects on water quality, critical fish and wildlife habitat, and our shorelines has been dramatic. While one small bulkhead may not seem like much, hundreds of miles of uninterrupted stretches of armored shoreline consisting entirely of end-to-end small bulkheads have a major impact.

The Puget Sound Nearshore Ecosystem Restoration Project has conducted a number of scientific studies about shoreline armoring. For more information, go to:

<http://www.pugetsoundnearshore.org>

Q: Are there alternatives to armoring? Where can I go for assistance?

A: In many cases, shoreline properties can be developed without the need for a seawall or bulkhead. Setting structures further back from the water’s edge and managing vegetation and site drainage can greatly reduce the risk of future problems. Stairs and beach access can be designed to minimize shoreline intrusion and associated problems. Alternatives to armoring may provide protection without as many adverse effects. Options include using large wood or gravel berms to provide wave protection, and using vegetation and improved drainage to stabilize slopes.

For more information:

Talk with your local government planning office to learn about local requirements and alternatives to armoring your shoreline.

“Alternative Bank Protection Methods for Puget Sound Shorelines”

<http://www.ecy.wa.gov/biblio/0006012a.html>

“Green Shorelines: Bulkhead Alternatives for a healthier Lake Washington” – City of Seattle.

Contact: Dave LaClergue, 206-733-9668, dave.laclergue@seattle.gov

http://www.seattle.gov/dpd/Planning/Green_Shorelines/Overview/

Puget Sound Shorelines <http://www.ecy.wa.gov/programs/sea/pugetsound/index.html>

Technical studies and information on restoring nearshore ecosystems in Puget Sound.

<http://www.pugetsoundnearshore.org/>

Q: I hear that the sea level may rise in the coming decades. Where can I learn more?

A: A significant consequence of global climate change is rising sea levels. How sea level rise will affect specific stretches of our marine and coastal shorelines is difficult to predict. However, we know it will have a profound impact on coastal shoreline ecosystems and associated development.

For more information:

The Response of the Salish Sea to Rising Sea Level: A Geomorphic Perspective – Presentation at the Puget Sound Georgia Basin Research Conference, February 11, 2009 by Hugh Shipman, Coastal Geologist, Washington Department of Ecology.

http://depts.washington.edu/uwconf/psgb/proceedings/papers/6a_shipm.pdf

“Beaches and Bluffs of Puget Sound and Northern Straits” (pages 17-19) – Puget Sound Nearshore Ecosystem Restoration Project, Technical Report 2007-04

http://www.pugetsoundnearshore.org/technical_papers/beaches_bluffs.pdf

“Sea Level Rise in the Coastal Waters of Washington State” – A technical report produced by University of Washington Climate Impacts Group and the Washington Department of Ecology, January 2008 <http://cses.washington.edu/db/pdf/moteetalslr579.pdf>

Climate Change – Washington Department of Ecology

<http://www.ecy.wa.gov/climatechange/index.htm>

Photos taken by Hugh Shipman, Washington Department of Ecology

2012 Comprehensive Plan
Amendment Discussion
Land Use Change

Public Meeting

**This item has been rescheduled for
the September 25, 2012
regular business meeting**