

**U-Haul  
Case No. CUP-12-01  
Staff Report to Hearing Examiner  
July 23, 2012**

---

**APPLICATION:**

CUP 12-01 is an application requesting a conditional use permit for a truck rental dealership in the Central Business District (CBD) zoning district (Attachment 1).

**REVIEW PROCESS**

A “conditional use” means a use which, because of specific requirements, unusual character, size or shape, infrequent occurrence or possible detrimental effect on surrounding property and for other similar reasons, may be allowed in certain zones only after review by the hearing examiner and the granting of a conditional use permit imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity or zone (OHC 19.08.205).

In accordance with OHMC Section 18.20.250(2)(b), applications for conditional uses are Review Process III actions. Such actions are subject to an open record public hearing before the Oak Harbor Hearing Examiner, followed by a final decision by the Examiner. Minor new construction and minor land use decisions are categorically exempt from environmental review per WAC 197.11.800, therefore a SEPA checklist and determination were not required. The application was determined to be complete for processing on June 26, 2012. After due and proper notice, the public hearing to consider CUP-12-01 has been scheduled for 10:00 a.m., or as soon as possible thereafter, on July 23, 2012.

**PRELIMINARY INFORMATION:**

**Applicant:** Alex Lewis for U-Haul, 6401 Martin Luther King Jr. Way South, Seattle, WA 98118

**Property Owner:** Edward C. Beeksma, William Massey, c/o Robert Sebo and June Haig, 41 NE Midway Blvd, Suite 101, Oak Harbor, WA 98277

**Address of proposal:** 601 SE Pioneer Way, Oak Harbor, WA 98277

**Parcel Number:** S6565-00-00B22-0

**Comprehensive Plan Designation:** Central Business District

**Zoning Designation:** CBD, Central Business District

**PROJECT DESCRIPTION & BACKGROUND**

The applicant proposes to locate a U-Haul dealership within the existing Quilter’s Workshop business located at 601 SE Pioneer Way (Attachment 2). The proposed vehicle rental business

would have up to four rental units (trucks and/or trailers) located on-site at any one time. The not-to-scale site sketch provided by the applicant indicates the rental units will be located within the existing parking lot on the property. The applicant's sketch depicts a 17 foot truck, a 14 foot truck, a ten foot truck, and a trailer.

As the result of a citizen complaint, staff learned that the U-Haul truck rental business had already been established on the premises. A review of City records determined that the use was established without first receiving required City approvals. City planning staff reviewed the municipal zoning code to determine if truck rental was a permitted use in the CBD (see Zoning Code Analysis section, below). It was determined that the use could be permitted within the CBD, subject to obtaining a conditional use permit. Subsequently, the City sent a letter dated April 23, 2012 to Ms. Debra Staley, Quilter's Workshop, and Mr. Alex Lewis (the applicant) informing them of the need for a conditional use permit for the truck rentals (Attachment 3). On June 25, 2012, Mr. Lewis submitted materials for the required Conditional Use Permit Application.

**SITE GEOGRAPHY**

The site is 0.54 acres in size, is developed with an existing building and its associated parking lot and is essentially flat. Please see Attachment 4 for photographs of the site. The site is adjacent to the newly re-constructed SE Pioneer Way. The existing land uses and zoning surrounding the site are shown below in Table 1. Attachment 5 depicts the zoning map for the site and surrounding area.

Table 1

	<b>Existing Land Use</b>	<b>Zoning</b>
<b>North:</b>	Commercial	CBD, Central Business District
<b>South:</b>	Public Park ( <i>Hal Ramaley Park</i> )	PF, Public Facilities
<b>East:</b>	Commercial	CBD, Central Business District
<b>West:</b>	Vacant Land	CBD, Central Business District

**ZONING CODE ANALYSIS:**

The subject property is zoned Central Business District or CBD. The purpose and intent statement of the CBD district reads as follows:

"The central business district (CBD) is intended to preserve and enhance the unique harbor location of the city's heritage with the character of the traditional center of social, cultural and retail activity. Mixed use developments, combining retail and visitor-oriented activities on the ground floor with office, retail and residential uses above, are required. Within the district, pedestrian-oriented activity is encouraged. Standards and design guidelines are adopted to enhance and maintain a pedestrian-friendly environment. Incentives are also provided to encourage the development of mixed-use projects.

Subdistricts CBD-1 and CBD-2 are created in order to provide for flexibility of residential development within specific areas of the central business district. Large surface parking lots are not encouraged. Shared clustered parking areas in the middle of blocks are allowed away from street frontages. Access driveways are to be kept at a minimum to promote safety and convenience of pedestrians." (OHMC 19.20.300)

In keeping with the above purpose and intent statement, the CBD allows a variety of retail and commercial uses as both principal permitted uses and conditional uses.

The CBD zoning district does not specifically list truck rentals as either a principal permitted use or as a conditional use. In fact, this specific use is not listed anywhere within the OHMC. The most analogous uses listed in the code include equipment rental, automobile sales and service or automobile or truck service stations; these uses are also not included in the CBD district as either principal permitted uses or conditional uses. These uses, however, are listed as principal permitted uses in more intensive commercial zoning districts such as C-3 and C-4 (OHMC 19.20.340 and OHMC 19.20.375, respectively).

The list of conditional uses within the CBD includes "parking lots or garages not in conjunction with permitted uses" (OHMC 19.20.315(6)). This use may share some of the same operational and land use impacts as truck rentals. Since OHMC 19.20.315 allows uses similar to those permitted or conditionally permitted and normally located in the central business district<sup>1</sup> with a conditional use permit when authorized by the hearing examiner, it is possible to argue that a truck rental business could be considered through a CUP.

This rationale appears to have been used as the basis for previously considering and approving a conditional use permit for a rental car business. The Enterprise Rent-A-Car, located at 980 SE Pioneer Way received conditional use permit approval from the Board of Adjustment on May 10, 1993. This approval allowed up to eight vehicles to be parked on-site. A review of the purpose and intent statement of the CBD zoning district at that time<sup>2</sup> finds a similar focus on pedestrian oriented retail sales, on enhancing the retail character of the core and on limiting the construction of additional surface parking lots. A copy of the CBD zoning district from that time period has been included with this report (Attachment 6). A copy of the staff memorandum to the Board of Adjustment and the Board's Findings of Fact are also attached (Attachments 7 and 8).

For the above reasons, city planning staff determined that rental truck activity is an activity requiring a conditional use permit to operate within the CBD.

### **CONDITIONAL USE REVIEW**

The Oak Harbor Municipal Code 19.67 Conditional Uses, states that a conditional use permit shall be granted if the following criteria are met:

---

<sup>1</sup> OHMC 19.20.315 (12) Other uses similar to uses permitted or conditionally permitted and normally located in the central business district; provided, that there shall be no manufacturing, compounding, processing or treatment of products other than that which is essential to the retail store or business where all such products are sold on the premises.

<sup>2</sup> The Central Business District at that time was divided into two categories: C-2A and C-2B.

**1. All special conditions for that particular use are met.**

No special conditions are established within the CBD zoning district for truck rental or similar uses. The district does list conditions that apply to all principal uses permitted outright. A review of how the proposed activity meets these conditions yields the following:

1. All business, service, repair, storage, or merchandise display shall be conducted within a wholly enclosed building, except for the following:
  - a. Off-street parking and loading;
  - b. Food and drink service in connection with cafes, restaurants or other eating establishments.

*The proposed business is essentially an outdoor-only activity since it involves the rental of trucks and trailers that will be parked outside of a building. These vehicles typically display the company's name prominently on the side of the truck or trailer. This type of display can be viewed as a form of outside merchandise display and could be perceived as having a negative impact on surrounding uses. However, if all parking of the rental vehicles takes place off-street, one aspect of this condition is met.*

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

*The use of the property is not anticipated to result in the creation of offensive odors or offensive or harmful quantities of dust, smoke, exhaust fumes, noise or vibration as the applicant has indicated to staff that their trucks are gas-based and not diesel, therefore the noise level is anticipated to be minimal and the trucks are not significantly different than other general delivery trucks to downtown businesses.*

3. Landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter 19.46 OHMC.

*Landscaping and buffers are not required by the code in this instance as the proposal does not meet the applicability thresholds of OHMC 19.46 which requires landscaping for new development, expansions of a certain size, etc. Given the nature of the use and the site configuration is doubtful that landscaping and buffering could be employed as a successful screen.*

**4. It does not have a significant, adverse environmental impact resulting in excessive noise, light and glare or soil erosion on adjacent property.**

No soil erosion is anticipated as the property is already developed and additional development is not proposed. Light and glare to adjacent properties is likely to be similar to that of adjacent existing businesses and is anticipated to be no more of an impact than that of the surrounding uses.

As mentioned above, the applicant has indicated to staff that the trucks are gas-based and not diesel therefore the noise level is anticipated to be minimal and not significantly different than delivery trucks to any given business located along SE Pioneer Way. Any noise located outside the structure is subject to Chapter 6.56 of the Oak Harbor Municipal Code, Public Nuisance Noises, which regulates excessive, unnecessary or unusual loud noises which are prolonged and unusual in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the people of the city of Oak Harbor. Therefore, the proposed use is not anticipated to have a significant, adverse environmental impact resulting in excessive noise.

**5. It is provided with adequate parking.**

Parking is not required for nonresidential uses in the CBD district however, if parking is provided, it shall meet the parking space size and access requirements of OHMC 19.44.110. The site sketch indicates four existing parking stalls. Upon a staff site visit (see photos in Attachment 4), off-street parking is provided however no striping or indication of parking stalls is present.

It appears there may be room for approximately four to six vehicles in front of the building or for the parking of rental units to the west of the building, but not both. This is due to the fact that per OHMC 19.20.320(10), if off-street parking is provided within the CBD it must meet the dimensional and other requirements of OHMC 19.44, Parking. However, there does not appear to be room for parking stalls and the width of a drive aisle as required by city code. The parking code does not allow the circulation of off-street parking areas to have any parking or parking maneuvers on a public sidewalk, highway, road, street or alley (OHMC 19.44.020). Given the site layout and configuration this limits where and how parking may occur on-site. Upon review, staff estimates there may be room for up to six parking stalls on the property without creating parking maneuvers that violate OHMC 19.44.020.

In order to meet the requirements of OHMC 19.44.020 staff recommends a condition of approval requiring the applicant to submit a scaled drawing showing proposed off-site parking. This drawing shall be approved by the City prior to establishment of the use. This will ensure that the applicant can demonstrate adequate room on-site for parking stalls and drive aisle access without parking maneuvers on the sidewalk. Additionally, all parking stalls shall be painted and striped in accordance with the City of Oak Harbor's parking standards (OHMC 19.44) and signage prohibiting parking directly in front of the store shall be posted prior to commencing operation of the U-Haul dealership.

**6. It is served with adequate public streets, public utilities and facilities.**

The site is located on SE Pioneer Way which is a newly re-constructed street and public utilities already serve the site.

**7. It otherwise meets the purpose of the district in which it is to be placed.**

The purpose of the CBD zoning district is to provide a unique traditional center of social, cultural and retail activity for the city. The CBD zoning district allows a number of retail and commercial uses including residential (in certain capacity) to be located within the district. The uses listed in the code mainly consist of retail shops and services. Bakeries, bookstores, dry cleaners, offices, and taverns, are just a few of the uses listed (not representing the entire list) as examples. Coffee kiosks, dancehalls, health clubs, parking lots or garages (not in conjunction with permitted uses), and transit terminals, are just a few of the uses listed as conditional uses in the CBD. While the majority of uses are pedestrian-oriented not all uses may be categorized as such.

As was previously mentioned, the district does not specifically list truck rentals as either a principal permitted or conditional use. A rental car business has been approved through the CUP process within the CBD. Staff must assume that the use was found to be consistent with the district's purpose and intent statement. While a rental truck business may have similar impacts as a rental car business, the question of the compatibility of larger vehicles is a legitimate concern. If appropriately conditioned, the proposed truck rental business may have similar impacts as the rental car business and may be consistent with the purpose of the CBD.

**8. It meets the goals and policies of the Oak Harbor Comprehensive Plan.**

Specific goals and policies of the Oak Harbor Comprehensive Plan, Land Use Element, that the application will generally meet follow:

Goal 7 -To encourage land use opportunities for diversified economic development.

Goal 8 – To ensure that the location, situation, configuration, and relationship of the varied land uses within the UGA are consistent and compatible.

Goal 14 – To strengthen and enlarge the commercial economic base of the community by promoting the development of facilities that provide a competitive and stimulating business environment.

Policy 14.e - Support and maintain the central business district of Oak Harbor and the established commercial nodes located at SR20 and West Pioneer Way, along North Midway Boulevard, and Goldie Road and SR20, to serve the greater Oak Harbor area.

Specific goals and policies of the Oak Harbor Comprehensive Plan, Land Use Element, that the application appears to be inconsistent with follow:

Goal 1 - To respect the "small town" heritage of Oak Harbor while enhancing the unique character of its neighborhoods and districts with development that is fitting with the City's future as a regional center.

Policy 7. - a Support, through incentives, the upgrading of Oak Harbor's downtown and the enhancement of its identity.

Policy 14.a - Locate different types of commercial uses in a manner that is consistent with existing traffic patterns and public facilities, and is compatible with nearby and adjacent land uses.

Policy 14.f - Retain and enhance the character of historic commercial districts.

Additional specific goals and policies of the Oak Harbor Comprehensive Plan, that the application appears to be inconsistent with follow:

*Urban Design Element:* Goal 4 - Develop a public realm that is safe, aesthetically pleasing and interesting while promoting street life, opportunities for community interactions, and commercial and social activities.

*Parks, Recreation and Open Space Element:* CBD - Design guidelines and regulations in this district should be written to guide the physical environment toward a pedestrian oriented environment.

*Transportation Element:* Policy 3b. - Maintain a pedestrian-oriented atmosphere in the Harborside (Downtown) Area.

The Hearing Examiner may condition the approval of conditional use permit so that the required findings can be made. The code allows the Hearing Examiner to establish regulations for the use of the property as necessary to protect nearby properties from the possible detrimental effects of the proposed use (OHMC 19.67.050 (9)). For instance, the Hearing Examiner could limit the number or size of the vehicles to something other than that proposed by the applicant.

**LEGAL NOTICE:**

The City issued a combined Notice of Public Hearing and Notice of Application that was advertised in the Whidbey News Times on June 30, 2012 with a 15-day comment period that closed on July 16, 2012. Letters advertising the public hearing and application went out to all property owners within a 300-foot radius of the project on June 27, 2012 and notice was posted on the subject property on June 29, 2012 (Attachment 9).

**PUBLIC COMMENTS:**

The City received a phone call from an adjacent business owner on July 10, 2012 who expressed concern regarding the parking of the rental trucks in the angled parking spaces on SE Pioneer Way. According to the owner, this was occurring when the business initially opened prior to

receiving the City's letter in April. As a result of this comment, staff recommends a condition of approval that at no time shall the rental trucks belonging to the business be parked within the parking stalls located on SE Pioneer Way.

Two written comments were submitted just prior to transmittal of this staff report to the Hearing Examiner. One expressed concern over the aesthetics of rental trucks downtown and compatibility of the use within the CBD. The other also expresses some of the same concerns about compatibility, stating that it doesn't meet the intent of the zoning district and poses questions about the parking for the site. Both comments are included as Attachment 10 to this report.

### **SUMMARY**

The central business district (CBD) is intended to preserve and enhance the unique harbor location of the city's heritage with the character of the traditional center of social, cultural and retail activity. The district has a strong focus on encouraging pedestrian-oriented activity. The subject application, if approved, would allow the establishment of a truck rental facility within the CBD. Truck rental is not specifically listed as either a principal permitted or a conditional use within the CBD. However it may be argued that the use shares some land use characteristics with those of a private parking lot, which is a conditional use within the district. Additionally, a review of past City actions found that a car rental business was approved by the Board of Adjustment through the conditional use permit process in 1993. From this limited perspective, it is possible to argue that the proposed use is consistent with the intent of the CBD.

The submitted public comments note a concern with the potential visual impacts of the proposed use on surrounding businesses and whether or not the use is compatible with the CBD. In the event of an approval action by the Hearing Examiner, staff has suggested several conditions of approval. These conditions would ensure the use meets the parking and maneuvering requirements of the code, but would admittedly do little to address the aesthetic concerns raised in the comment letters.

### **STAFF RECOMMENDATION**

Staff recommends that the Hearing Examiner consider CUP-12-01.

Should the Hearing Examiner approve CUP-12-01, staff recommends the following conditions:

1. The applicant shall submit to the City, a scaled drawing, showing proposed off-site parking demonstrating compliance with OHMC 19.44.110. The City shall approve the drawing prior to establishment of the use.
2. All parking stalls shall be painted and striped in accordance with the City of Oak Harbor's parking standards (OHMC 19.44) and signage prohibiting parking directly in front of the store shall be posted prior to commencing operation of the U-Haul dealership.
3. At no time shall the rental trucks belonging to the business be parked within the parking stalls located on SE Pioneer Way.

4. The circulation pattern of the off-street parking area shall not have as a part of the pattern any parking or parking maneuvers on a public sidewalk, highway, road, street or alley. (OHMC 19.44.020)
5. If damage to the sidewalk occurs as a result of vehicular traffic, the property owner shall be responsible for all repair and maintenance costs to the sidewalk. [OHMC 11.12.040(2)]
6. The conditional use shall not be transferable to a subsequent user unless specifically authorized by the hearing examiner who finds it appropriate and a permit authorizing the transferability is on record with the Island County auditor. [OHMC 19.67.040(1)]
7. The conditional use permit must be acted on within one year of the date of granting. Otherwise the conditional use permit shall expire and be null and void. [OHMC 19.67.040(2)]
8. The conditional use permit applies only to the property for which the application is made. [OHMC 19.67.040(3)]

**ATTACHMENTS:**

- |               |   |
|---------------|---|
| Attachment 1  | Conditional Use Application dated 6/25/12                         |
| Attachment 2  | Aerial Photo of Site  |
| Attachment 3  | Letter to Debra Staley; copied to Alex Lewis dated April 23, 2012 |
| Attachment 4  | Site Visit Photos   |
| Attachment 5  | Zoning Map of Site and Surrounding Area                           |
| Attachment 6  | CBD zoning code from 1990   |
| Attachment 7  | Staff memo to BOA dated May 6, 1993                               |
| Attachment 8  | BOA Findings of Fact dated June 3, 1993                           |
| Attachment 9  | Public Noticing Documents   |
| Attachment 10 | Public Comments   |

Conditional Use Permit Application

601 SE Pioneer Way

Contents:

1. Application Form
2. Application Fee
3. Critical Areas Identification Form
4. Proposed Conditional Use Plan
5. Narrative
6. Legal Description
7. Mailing List and Map

**RECEIVED**

JUN 25 2012

CITY OF OAK HARBOR  
Development Services Department

25 June 2012



**CITY OF OAK HARBOR  
Development Services Department**

**Application Form**

**RECEIVED**

**Project Name:**  
UHAUL CONDITIONAL USE PERMIT

JUN 25 2012

**Type(s) of Application:**  
UHAUL VEHICLE RENTALS AT 601 SE PIONEER WAY

CITY OF OAK HARBOR  
Development Services Department

**Description of Proposal:**

<b>APPLICANT NAME/CONTACT PERSON</b> (or legal representative):  ALEX LEWIS	<b>Address:</b> 601 MLK JR. WAY So. SEATTLE, WA 98118
<b>E-mail Address:</b> alex.lewis@uhaul.com	<b>Phone and Fax:</b> (360) 739-9135
<b>PROPERTY OWNER NAME</b> (list multiple owners on a separate sheet): WILLIAM BECKSMA TENANT: DEBRA STALEY	<b>Address:</b> 601 SE PIONEER WAY OAK HARBOR, WA 98277
<b>E-mail Address:</b> quiltgoddess1@frontier.com	<b>Phone and Fax:</b> (360) 675-7216
<b>ENGINEER/SURVEYOR:</b> N/A	<b>Address:</b> N/A
<b>E-mail Address:</b> N/A	<b>Phone and Fax:</b> N/A
<b>PROJECT SITE INFORMATION</b> (address/location): 601 SE PIONEER WAY OAK HARBOR, WA 98277	<b>Comp. Plan Designation:</b> CBD
<b>Zoning:</b> CBD	<b>Parcel Number(s):</b> 56565-00-00822-0
<b>Legal Description</b> (attach separate sheet): SEE ATTACHED	<b>Acreage of Original Parcel(s):</b>
<b>Section/Township/Range:</b> SEE ATTACHED	<b>Total Square Footage of Proposed Building or Number of Units:</b> 4 TRUCKS

**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.

*[Signature]*  
**Authorized Signature**

6/25/2012  
**Date**



**CITY OF OAK HARBOR**  
Development Services Department

**RECEIVED**

JUN 25 2012

CITY OF OAK HARBOR  
Development Services Department

**Critical Area Identification Form**

Project Name (if applicable):

UHAUL CONDITIONAL USE PERMIT

Associated Application(s):

UHAUL VEHICLE RENTALS AT 601 SE PIONEER WAY

Brief Description of Proposal:

<b>APPLICANT NAME/CONTACT PERSON</b> (or legal representative):  <u>ALEX LEWIS</u>	Address: <u>601 MLK JR. WAY So.</u> <u>SEATTLE, WA 98118</u>
E-mail Address: <u>alex-lewis@uhaul.com</u>	Phone and Fax: <u>(360) 739-9185</u>
<b>PROPERTY OWNER NAME</b> (list multiple owners on a separate sheet): <u>WILLIAM BEEKMA</u> <u>TEENANT: DEBRA STALEY</u>	Address: <u>601 SE PIONEER WAY</u> <u>OAK HARBOR, WA 98277</u>
E-mail Address: <u>79114 address 1 @ frontier.com</u>	Phone and Fax: <u>(360) 675-7216</u>

**AUTHORIZATION:**

The undersigned hereby certifies that the property affected by this application is in the exclusive ownership of the applicant or that the applicant has submitted the application with the consent of all owners of the affected property. In addition, the undersigned hereby certifies 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.

[Signature]  
Authorized Signature

6/25/12  
Date

**Staff use only below this line**

Yes	No		Critical Area Report Needed?
<input type="checkbox"/>	<input type="checkbox"/>	Wetland	_____
<input type="checkbox"/>	<input type="checkbox"/>	Fish and Wildlife Habitat Conservation Area	_____
<input type="checkbox"/>	<input type="checkbox"/>	Geologically Sensitive Area	_____
<input type="checkbox"/>	<input type="checkbox"/>	Frequently Flooded Area	_____
<input type="checkbox"/>	<input type="checkbox"/>	Critical Aquifer Recharge Area	_____

Conditional Use Criteria:**RECEIVED**

JUN 25 2017

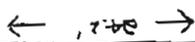
CITY OF OAK HARBOR  
Development Services Department

1. Are all special conditions for the particular use being met by the proposal?
  - No Special conditions exist.
2. Does the proposed use have a significant adverse environment impact resulting in excessive noise, light and glare or soil erosion on adjacent property?

The proposed use does not have a significant adverse environmental impact. By strategically opening U-Haul Dealers within 3 miles of existing customers, families needing affordable moving services would have increased convenience and a shorter distance to travel when moving. This will not only make their move easier, but also will have the positive effect of reducing the amount of carbon emissions released into the atmosphere. Assuming an average of 150 transactions per year and \$3.65 per gallon of gas, eliminating customers' travel distance by 3 miles to existing locations will help avoid approximately 5,143 pounds or 2.33 metric tons of CO2 each year.

3. Is the proposed use provided with adequate parking?
  - The proposed use is provided with adequate parking as outlined by OHMC Sec 19.20.320.
4. Is the proposed use served with adequate public streets, public utilities, and facilities?
  - The proposed use is served adequately with via Pioneer Way and Ely St. No additional utilities or facilities are required.
5. Does the proposed use meet the purpose and intent of the district in which it is to be located?
  - U-Haul rentals are a social and cultural need and will provide more retail revenue to the CBD. Providing up to 4 U-Haul vehicles for the citizens of South Oak Harbor has no adverse affect on maintaining and preserving the unique heritage of the harbor. Vehicle rentals already exist in this district at Enterprise located at 980 SE Pioneer Way and this addition would help to sustainably develop the moving needs of Oak Harbor's citizens.
6. Does the proposed use meet goals and policies listed in the Oak Harbor Comprehensive Plan?
  - U-Haul Dealers in Oak Harbor strive to promote quality, viable business practices that further the Oak Harbor Comprehensive Plan objectives, while supporting a diverse and competitive local economy, reducing road congestion, reducing carbon emissions and reducing waste to county landfills. The conveniently located, U-Haul Dealer ensures less customer travel, less CO2 emissions into the air and less traffic congestion.

Ely St.



RECEIVED

JUN 25 2012

CITY OF OAK HARBOR  
Development Services Department

Quilters Workshop  
601 SE Pioneer Way

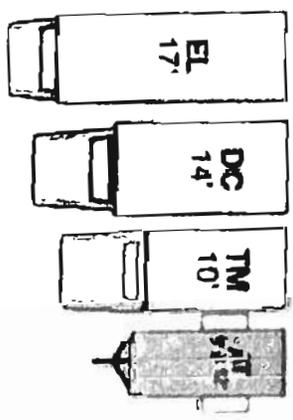
Property ID: 252229

Zoned: CBD



← 58' →

SOFT TO PROP LINE

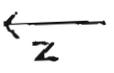


← 16' →

Sidewalk

Entrance/Exit

Pioneer Way



25 June 2012

Alex Lewis  
6401 MLK JR Way So.  
Seattle, WA 98118

RECEIVED  
JUN 25 2012  
CITY OF OAK HARBOR  
Development Services Department

### Conditional Use Narrative:

The proposed U-Haul dealership at 601 SE Pioneer Way would have no adverse impact on the property or the environment, but would provide a substantial benefit for its nearby residents. It will cause no changes to the existing one story building and adequate parking is provided on an existing 50x42 foot parking area on this property. No physical changes are being proposed for the property. The added rental equipment will not cause excessive noise, light, glare or soil erosion on the property. This location is served with adequate public streets, utilities and facilities.

The addition of up to 4 U-Haul rental units at this location provides more convenient rental equipment for the residents of South Oak Harbor. South Oak Harbor residents needing affordable moving services would have a shorter commute for their equipment and during their move. This will not only make their move easier, it also helps to reduce carbon emissions in Oak Harbor. Based on 150 transactions per year and \$3.65 per gallon of gas, the location at 601 SE Pioneer Way would eliminate customers' travel distance by 3 miles to existing locations and will help avoid approximately 5,143 pounds or 2.33 metric tons of CO<sub>2</sub> each year. This location would also sell sustainable moving supplies such as biodegradable packing peanuts, 100% recycled content moving pads and boxes built to be reused many times before recycling. These moving supplies reduce the impact to county landfills.

Many U-Haul dealers are small business owners. Adding the U-Haul dealership dimension to their business increases their chances for survival in difficult economies. U-Haul Dealers provide economic support to a community by attracting customers who otherwise might not visit the location. With an excellent record of safety, more than 13 million customers rented U-Haul trucks and trailers in 2011 throughout the United States and Canada. This added customer base increases awareness of the dealer's primary business as well as other nearby merchants, and fosters relationships that may bring new business to the city, ensuring a viable, expanding local economy. Increased business traffic may require hiring more employees to serve the additional customers, decreasing unemployment rates and improving the quality of life for residents needing work to support themselves and/or their families.

**Legal Description:**

Property ID:252229

Legal Description:ELYS ADD SUBLOT 22 RES B .49A BEG ON NBY CITY BCH PK 408'E  
NW CR E ON SDLN 161'N TO S BDY MAIN ST WLY ON SD S BDY TP N TPB S TPB

Geographic ID:S6565-00-00B22-0

Type:Real Tax Area:100 - City of Oak Harbor

Land Use Code:69 Open Space:N DFL: N Historic Property:N

Remodel Property:N Multi-Family Redevelopment:N Township:Section: Range:

**Location**

Address:601 SE PIONEER WAY OAK HARBOR, WA 98277

Neighborhood:COMM 35YRS LIFE COMM MAN C1

Map ID:86

Neighborhood CD:35C1

**Owner**

Name:BEEKSMA WILLIAM MASSEY, EDWARD C

Owner ID:202631

Mailing Address:ROBERT SEBO &amp; JUNE HAIG

41 NE MIDWAY BLVD SUITE 101

OAK HARBOR, WA 98277% Ownership:100.0000000000%

**RECEIVED**

JUN 25 2012

CITY OF OAK HARBOR  
Development Services Department

**Mailing List and Map**

1. ROBERT L SEBO & JUNE HAIG  
41 NE MIDWAY BLVD SUITE 101  
OAK HARBOR, WA 98277
2. LYNETTE A JORDANO  
12249 ISLAND CITY DRIVE  
HENDERSON, NV 89044
3. KOETJE ET AL, ALVIN B  
775 NE MIDWAY BLVD  
OAK HARBOR, WA 98277-2665
4. C/O ROBERT C SEBO  
PO BOX 764  
OAK HARBOR, WA 98277-1258
5. JENSEN COMMERCIAL PROPERTIES LLC  
32785 SR 20 STE 4  
OAK HARBOR, WA 98277-2622
6. ARONSON, MARCELLE  
17900 23RD LN NE APT E304  
SHORELINE, WA 98155-3947
7. JENSEN, KRISTI  
1380 SE 8TH AVE  
OAK HARBOR, WA 98277-4055
8. ISLAND TRANSIT  
PO BOX 1735  
COUPEVILLE, WA 98239-1735
9. CHARLENE M DUNNING  
PO BOX 488  
FRIDAY HARBOR, WA 98250-0488
10. BAYSHORE CONDO LLC  
1199 SE DOCK ST  
OAK HARBOR, WA 98277-4067
11. GARY A FORNER  
11576 SW SHEFFIELD CIR  
TIGARD, OR 97223-1537
12. JOSEPHINE FORNER TRUSTEES  
20420 MARINE DR APT J2  
STANWOOD, WA 98292-7839
13. WALRATH, FRED  
711 SE BAYSHORE DR  
OAK HARBOR, WA 98277-5702
14. MASSEY, W L



- 41 NE MIDWAY BLVD STE 101  
OAK HARBOR, WA 98277-4953
15. N U B LLC  
2780 NE GOLDIE ST # C  
OAK HARBOR, WA 98277-2702
16. KOHL CONSTRUCTION INC  
1695 W BAKERVIEW RD  
BELLINGHAM, WA 98226-9181
17. WHIDBEY ISLAND BANK  
450 SW BAYSHORE DR  
OAK HARBOR, WA 98277-3102
18. C/O DELOITTE TAX LLP  
PO BOX 2609  
CARLSBAD, CA 92018-2609
19. PROSPERITY INVESTMENTS FAMILY LP  
1582 SCENIC HEIGHTS RD  
OAK HARBOR, WA 98277-8415
20. SEBENS & SEBENS LLC  
855 DUGUALLA RD  
OAK HARBOR, WA 98277-9469
21. SAAR PROPERTIES II  
32199 STATE ROUTE 20  
OAK HARBOR, WA 98277-3774
22. US POSTAL SERVICE  
ATTN: 546020-G02  
160 INVERNESS DR W STE 400  
ENGLEWOOD, CO 80112-5005
23. ISLAND CONSTRUCTION INC  
41 NE MIDWAY BLVD STE 101  
OAK HARBOR, WA 98277-4953
24. CAROL L ZAVALNEY JERRY F SAJA  
PO BOX 932  
COUPEVILLE, WA 98239-0932
25. JILL L VASQUEZ  
1049 SE CITY BEACH ST  
OAK HARBOR, WA 98277-5703
26. PHILLIPS, KATHRYN J  
1192 CHANNEL LN  
OAK HARBOR, WA 98277-8200
27. LINDA J EARNHART  
PO BOX 806  
OAK HARBOR, WA 98277-0806

28. VANDERVOET, LESLIE R  
2320 NE GOLDIE STREET  
OAK HARBOR, WA 98277-2712
29. STAAF FAMILY LLC  
1810 DRIFTWOOD WAY  
COUPEVILLE, WA 98239-9678
30. MCKEEHAN, FRANK E  
PO BOX 2171  
MOUNT VERNON, WA 98273-2171
31. WARREN OVE  
396 SW THORNBERRY DR  
OAK HARBOR, WA 98277-7258
32. WINDER, FRED L  
490 SE BARRINGTON DR  
OAK HARBOR, WA 98277-3268
33. ADAMSON, SUSAN K  
570 SE BARRINGTON DR  
OAK HARBOR, WA 98277-3270
34. AHA INVESTMENTS LLC  
4839 GLENWOOD AVENUE  
EVERETT, WA 98203
35. SANDPEBBLE LLC  
PO BOX 308  
COUPEVILLE, WA 98239-0308
36. THE USA, ARMED SERVICES YMCA  
6359 WALKER LN STE 200  
ALEXANDRIA, VA 22310-3230
37. ANGELINA L BETTNER  
998 RIDGEWAY DR  
OAK HARBOR, WA 98277-8433
38. CHO, JAMES & DANA  
1919 S COLLEGE ST  
SEATTLE, WA 98144
39. ANDERSON, JACK D  
PO BOX 7176  
GUNNISON, CO 81230-7176
40. STILTZ, JACK C / KATHY J  
1131 SE ELY ST # 101  
OAK HARBOR, WA 98277-4070
41. COUG HOLDINGS LLC  
230 SE PIONEER WAY  
OAK HARBOR, WA 98277-5714

42. MARGARET J HARRINGTON  
PO BOX 1770  
OAK HARBOR, WA 98277-1770
43. KATHLEEN COLLANTES  
1253 CANTERBURY LANE  
OAK HARBOR, WA 98277
44. BRAD MESSERMAN  
1253 CANTERBURY LN  
OAK HARBOR, WA 98277-8453
45. T MYRTLE ALLGIRE  
2675 WEST BEACH ROAD  
OAK HARBOR, WA 98277
46. JONES, JAMES J JR  
1199 SE DOCK ST  
OAK HARBOR, WA 98277-4067
47. GROSZEK, STANLEY / JOSEFA  
650 SE PIONEER WAY  
OAK HARBOR, WA 98277-5722
48. SKINNER, CHRISTON C / DEBORAH  
740 SE PIONEER WAY  
OAK HARBOR, WA 98277-5724
49. HELENE PANTOLEON  
2390 SW FREUND ST  
OAK HARBOR, WA 98277-8484
50. NEW LEAF INC , AWC  
660 SE FIDALGO AVE  
OAK HARBOR, WA 98277-4072
51. TRACIE MATTILA  
1210 SW INGLESIDE CT  
OAK HARBOR, WA 98277-458
52. LADONNA J HENNINGER TTEE  
1134 FINNEGAN WAY #401  
BELLINGHAM, WA 98225-6653
53. SKAGIT STATE BANK  
PO BOX 285  
BURLINGTON, WA 98233-0285
54. JOLENE LLC  
461 SE MIDWAY BLVD  
OAK HARBOR, WA 98277-5022
55. JOOF, THE GRAND BODIES OF  
PO BOX 245  
OAK HARBOR, WA 98277-0245

56. LEES MCKAY, SUSAN E  
21911 14TH PL W  
LYNNWOOD, WA 98036-9030
57. NAVONOD LLC  
PO BOX 1381  
COUPEVILLE, WA 98239-1381
58. KATHRYN NIENHUIS  
3095 HUNT RD  
OAK HARBOR, WA 98277-7842







April 23, 2012

c/o Debra Staley  
The Quilter's Workshop  
601 SE Pioneer Way  
Oak Harbor, WA 98277

Re: Need for Occupancy Permit, Conditional Use Permit, & Updated Business License

Dear Ms. Staley:

It has come to our attention that The Quilter's Workshop located at 601 SE Pioneer Way is renting Uhaul trucks. The use of rental truck activity is an activity that requires a conditional use permit to operate within the Central Business zoning district. City planning staff have included a conditional use permit application with this letter and would like to speak with you regarding this permit at your convenience. You may contact me at 360-279-4521 to discuss.

We also appreciate your compliance with city code and recently making application for an occupancy permit for the business at that location. Your contact at the Building Department is David Anderson, Building Official at 360-279-4517. Please note that the Business License for the Quilter's Workshop on file with the City is currently for the 715 SE Fidalgo Ave, Suite 105 location. The business license shall be updated to reflect the current location of business. Your contact for updating this information is Dina Nichols at 360-279-4505.

Thank you for your cooperation with this matter and for contributing to the vibrancy of the community.

Sincerely,

Melissa Sartorius, Associate Planner

cc: Steve Powers, Development Services Director  
David Anderson, Building Official

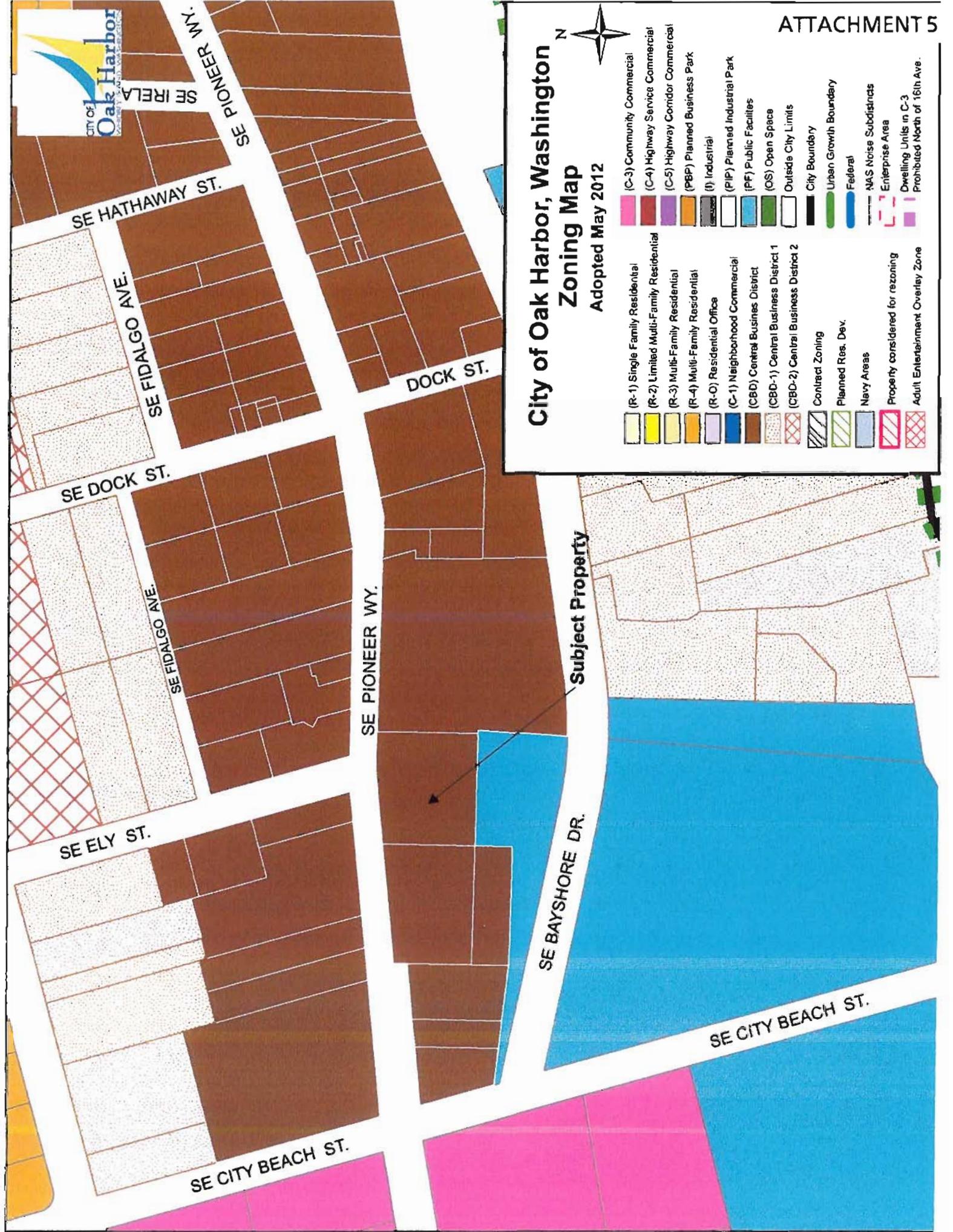




# City of Oak Harbor, Washington Zoning Map Adopted May 2012



- |  |                                   |
|--|-----------------------------------|
| (R-1) Single Family Residential        | (C-3) Community Commercial        |
| (R-2) Limited Multi-Family Residential | (C-4) Highway Service Commercial  |
| (R-3) Multi-Family Residential         | (C-5) Highway Corridor Commercial |
| (R-4) Multi-Family Residential         | (PBP) Planned Business Park       |
| (R-O) Residential Office               | (I) Industrial                    |
| (C-1) Neighborhood Commercial          | (PIP) Planned Industrial Park     |
| (CBD) Central Business District        | (PF) Public Facilities            |
| (CBD-1) Central Business District 1    | (OS) Open Space                   |
| (CBD-2) Central Business District 2    | Outside City Limits               |
| Contract Zoning                        | City Boundary                     |
| Planned Res. Dev.                      | Urban Growth Boundary             |
| Navy Areas                             | Federal                           |
| Property considered for rezoning       | NAS Noise Subdistricts            |
| Adult Entertainment Overlay Zone       | Enterprise Area                   |
|  | Dwelling Units in C-3             |
|  | Prohibited North of 16th Ave.     |



## C-2

CENTRAL BUSINESS DISTRICT

## Sections:

19.20.700	Purpose and Intent
19.20.705	Principal Permitted Buildings and Uses - Subdistrict A
19.20.710	Accessory Permitted Uses - Subdistrict A
19.20.715	Conditional Uses Permitted - Subdistrict A
19.20.720	Conditions Governing Permitted Uses - Subdistrict A
19.20.725	Density Provisions - Subdistrict A
19.20.730	Principal Permitted Buildings and Uses - Subdistrict B
19.20.735	Accessory Permitted Uses - Subdistrict B
19.20.740	Conditional Uses Permitted - Subdistrict B
19.20.745	Conditions Governing Permitted Uses - Subdistrict B
19.20.750	Density Provisions - Subdistrict B

19.20.700 Purpose and Intent. The C-2A and B Central Business Districts are intended to preserve and enhance areas in which the greatest possible concentration of pedestrian oriented retail sales and businesses which do not require on-site, off-street parking will occur. Such development will improve traffic conditions in the C-2A and B districts which are associated with ingress and egress from on-site parking on individual properties, encourage consolidated peripheral parking to serve the core area, enhance the retailing character of the core, attract additional retail oriented businesses, promote greater volume of consumer spendable income and improve the City's tax structure by increased property values and additional retail sales dollars. It is further the intent of this ordinance that all necessary parking be provided by the property owners and/or businesses in the C-2A and B Central Business Districts and that it is not the responsibility of the City to provide parking in these districts. The district will be applied to the "core" area based on the guidelines established in the comprehensive plan.

19.20.705 Principal Permitted Buildings and Uses - Subdistrict A.

Antique shop  
 Appliance sales and service  
 Artist's studios and supplies  
 Bakery, retail only  
 Bank  
 Barber and beauty shops  
 Bars and night clubs including but not limited to entertainment and sale of alcoholic beverages  
 Bicycle shop  
 Billiards and pool hall  
 Blueprinting  
 Book store  
 Camera and supply shop  
 Clothes and apparel store  
 Cocktail lounge  
 Confectionery store  
 Dairy products, retail only

Data process center  
 Delicatessen store  
 Department store  
 Drapery store  
 Dress and millinery shop  
 Dwelling units, provided;

- (a) Above and secondary to essential or primary floor uses; and
- (b) Ground level access is independent of the business uses from an inside lobby, elevators and/or corridors, and an enclosed interior court, or other separate access provisions.

Electrical and electronic supply, retail  
 Floor covering store  
 Florist shop  
 Furniture shop  
 Gift shop  
 Hardware store  
 Hobby shop  
 Hotel and motel  
 Interior decorator studio  
 Jewelry store  
 Leather goods store  
 Music store  
 Offices for the following:

- (a) Accountants
- (b) Attorneys
- (c) Physicians, osteopaths, dentists, optometrists, opticians, chiropractors and others licensed by the State of Washington to practice the healing arts.
- (d) Engineers, architects, surveyors and those engaged in the practice of drafting or graphics.
- (e) Insurance brokers
- (f) Lumber brokers
- (g) Real estate sales
- (h) Savings and Loans
- (i) Stock brokers
- (j) Governmental
- (k) Offices similar to the above but not specifically listed subject to approval by the City Council.

Office supply and equipment store  
 Paint and wallpaper store  
 Pet shop  
 Pharmacy and drug store  
 Photographic film processing  
 Photographic studio and supplies  
 Photo copying and photostating  
 Photo engraving  
 Planned Unit Development subject to City Code, Chapter 19.30  
 Post Office  
 Printing shop  
 Radio and television sales and service

Restaurant, including sidewalk cafes  
 Retail auto supply, provided no automobile repair or maintenance is  
 conducted or permitted on the premises and provided further that no  
 installation of automotive parts or equipment is permitted or  
 conducted on the premises  
 Sewing machine sales and service  
 Shoe repair shop  
 Shoe store  
 Sporting goods shop  
 Surgical and medical supply and equipment store  
 Tailor shop  
 Taverns  
 Taxi service  
 Theater  
 Tobacco shop  
 Toy store  
 Travel agencies  
 Variety store

19.20.710 Accessory Permitted Uses - Subdistrict A

- (a) A use customarily incidental and subordinate to a principal use permitted outright.
- (b) On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone, provided that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210.
- (c) Parking area, private and public, operated in conjunction with permitted uses.
- (d) Signs. SEE Chapter 19.36.
- (e) Television satellite dish reflectors, roof mounted and within building setback lines not to exceed 35 foot height limitations.

19.20.715 Conditional Uses Permitted - Subdistrict A. The following principal uses and their accessory uses may be permitted in a C-2 district when authorized by the Board of Adjustment:

- (a) Dance Hall
- (b) Dancing and music school
- (c) Drive-in windows serving uses permitted or conditionally permitted.
- (d) Excavations, other than simple foundation
- (e) Firing range
- (f) Garages, for storage only of automobiles as an accessory to a public or quasi-public institution.
- (g) Governmental buildings for administrative or protective services.
- (h) Grocery store, small neighborhood.
- (i) Landfill, reclamation to improve steep, low or otherwise unusable land.
- (j) Laundry and drycleaning, dyeing or rug cleaning plant
- (k) Parking lots or garages not in conjunction with the permitted uses.
- (l) Physical culture center.

- (m) Places of entertainment and amusement, if conducted within a wholly enclosed building.
- (n) Private nursery school, foster home, kindergarten, or childcare center not qualifying as a home occupation on a legal lot, provided there is established in connection therewith an outdoor play area having a minimum area of 1,000 square feet plus an additional 50 square feet for each child in excess of eight (8).
- (o) Public transportation shelter stations.
- (p) Public utility and communication facility.
- (q) Rapid transit routes and terminals.
- (r) Swimming pools or beaches, public or private.
- (s) Upholstery shop
- (t) Other uses similar to uses permitted or conditionally permitted and normally located in the Central Business District provided that there shall be no manufacturing, compounding, processing or treatment or products other than which is essential to the retail store or business where all such products are sold on the premises.

**19.20.720 Conditions Governing Permitted Uses - Subdistrict A.** All principal uses permitted outright in a C-2 district, shall meet the following conditions:

- (a) All business, service, repair, storage, or merchandise display in a C-2 subdistrict A shall be conducted within a wholly enclosed building, except for the following:
  - (1) Off-street parking and loading.
  - (2) Food and drink service in connection with cafes, restaurants or other eating establishment.
- (b) The use of property in a C-2 district must not result in the creation of offensive odors or offensive or harmful quantities of dust, smoke, exhaust fumes, noise or vibration. Further such use must not unduly aggravate any traffic problem by reason of the number of persons employed or the type and amount of goods handled. Finally, the use of property in a C-2 district should be such that the danger of creating unsightly structures of facilities is minimized.

**19.20.725 Density Provisions - Subdistrict A.**

- (a) Minimum lot area: No limitation, except:
  - (1) Structures containing second floor dwellings: 4,000 square feet for each principal structure plus 1980 square feet for each dwelling unit in excess of four.
- (b) Minimum lot width: No limitation
- (c) Minimum lot depth: No limitation
- (d) Minimum front yard: No limitation, except when opposite a residentially zoned property, then a 10 foot front yard is required. Front yard setback may also be increased to 10 feet if needed for traffic safety.
- (e) Minimum side yard: No limitation except when abutting a residentially zoned property then 10 feet each. For corner lots,

side yard may also be increased to 10 feet if needed for traffic safety.

- (f) Minimum rear yard: No limitation except when abutting a public street where the setback may be increased to 10 feet if needed for traffic safety.
- (g) Maximum building height: 35 feet
- (h) Maximum lot coverage: No limitation

**19.20.730 Principal Permitted Buildings and Uses - Subdistrict B.**

Amusement enterprises, including bowling alley, roller or ice rink, dance hall, shooting gallery and trampoline

Antique shop

Appliance sales and service

Artist's studios and supplies

Bakery, retail only

Bank

Barber and beauty shops

Bars and night clubs including but not limited to entertainment and sale of alcoholic beverages

Bicycle shop

Billiards and pool hall

Blueprinting

Book store

Camera and supply shop

Clothes and apparel store

Cocktail lounges

Confectionery store

Dairy product store, retail only

Data process center

Delicatessen store

Department store

Draperies store

Dress and millinery shop

Dwelling units:

(a) Single-family

(b) Multi-family

Electrical and electronic supply, retail

Floor covering store

Florist shop

Furniture shop

Gift shop

Hardware store

Hobby shop

Hotel and motel

Interior decorator studio

Jewelry store

Leather goods store

Music store

Offices for the following:

(a) Accountants

(b) Attorneys

- (c) Physicians, osteopaths, dentists, optometrists, opticians, chiropractors and others licensed by the State of Washington to practice the healing arts.
- (d) Engineers, architects, surveyors and those engaged in the practice of drafting or graphics.
- (e) Insurance brokers
- (f) Lumber brokers
- (g) Real estate sales
- (h) Savings and Loans
- (i) Stock brokers
- (j) Governmental
- (k) Offices similar to the above but not specifically listed subject to approval by the City Council.

Office supply and equipment store  
 Paint and wallpaper store  
 Parking area, public or private  
 Pet shop  
 Pharmacy and drug store  
 Photographic film processing  
 Photographic studio  
 Photo engraving  
 Planned Unit Development subject to City Code, Chapter 19.30  
 Post Office  
 Printing shop  
 Radio and television sales and service  
 Restaurant, including sidewalk cafe  
 Retail auto supply, provided no automobile repair or maintenance is conducted or permitted on the premises and provided further that no installation of automotive parts or equipment is permitted or conducted on the premises.  
 Sewing machine sales and service  
 Shoe repair shop  
 Shoe store  
 Sporting goods shop  
 Surgical and medical supply and equipment store  
 Tailor shop  
 Taverns  
 Theater  
 Tobacco shop  
 Toy store  
 Travel agency  
 Variety store

**19.20.735 Accessory Permitted Uses - Subdistrict B**

- (a) A use customarily incidental and subordinate to a principal use permitted outright.
- (b) On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone, provided that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210.

- (c) Signs. SEE Chapter 19.36.
- (d) Television satellite dish reflectors, roof mounted and within building setback lines not to exceed 35 foot height limitations.

**19.20.740 Conditional Uses Permitted - Subdistrict B.** The following principal uses and their accessory uses may be permitted in a C-2 district when authorized by the Board of Adjustment:

- (a) Conditional uses permitted in C-2 Subdistrict A.
- (b) Supermarkets in excess of 12,000 square feet gross floor area.
- (c) Parking structures which may include a service station as an accessory use.

**19.20.745 Conditions Governing Permitted Uses - Subdistrict B.** All principal uses permitted outright in a C-2 district, shall meet the following conditions:

- (a) All business, service, repair, storage, or merchandise display in a C-2 subdistrict B shall be conducted within a wholly enclosed building, except for the following:
  - (1) Off-street parking and loading.
  - (2) Food and drink service in connection with cafes, restaurants or other eating establishments.
- (b) The use of property in a C-2 district must not result in the creation of offensive odors, or offensive or harmful quantities of dust, smoke, exhaust fumes, noise or vibration. Further such use must not unduly aggravate any traffic problem by reason of the number of persons employed or the type and amount of goods handled. Finally, the use of property in a C-2 district should be such that the danger of creating unsightly structures of facilities is minimized.

**19.20.750 Density Provisions - Subdistrict B.**

- (a) Minimum lot area: No limitation, except:
  - (1) Structures containing first and second floor dwellings: 6,000 square feet for each principal structure plus 1980 square feet for each dwelling unit in excess of four.
- (b) Minimum lot width: No limitation
- (c) Minimum lot depth: No limitation
- (d) Minimum front yard: 35 feet
- (e) Minimum side yard: No limitation except when abutting a residentially zoned property then 10 feet each. For corner lots the side yard setback shall be the same as the front yard.
- (f) Minimum rear yard: No limitation except when abutting a public street, then 35 feet.
- (g) Maximum building height: 35 feet
- (h) Maximum lot coverage: No limitation



April 30, 1993

**MEMORANDUM**

**TO:** Oak Harbor Board of Adjustment

**FROM:** William J. Koepke, Building Official *JK*

**SUBJECT:** Regular Meeting - May 6, 1993  
Staff Comments

**ENTERPRISE RENT-A-CAR - CONDITIONAL USE PERMIT APPLICATION #2-93**

Enterprise Rent-A-Car is requesting a conditional use permit to operate a car rental business, with no more than eight (8) parking spaces, in a C-2A commercial district at 1042 West Pioneer Way.

Car rental businesses are not specifically listed as outright or conditional uses in a C-2A central business district. The storage of rental cars is similar to a private garage. The office space for the rental agency is a permitted use.

By Oak Harbor Municipal Code 19.20.715(t) a conditional use may be applied for and granted where there is a use similar to a conditionally permitted use that normally is located in the central business district. The storage area is similar to a private parking lot. A car rental agency is common in most central business districts.

Staff recommends approval subject to limiting Enterprise Rent-A-Car to (8) parking spaces and obtain satellite dish permit by May 15, 1993.

**BEFORE THE CITY OF OAK HARBOR BOARD OF ADJUSTMENT  
STATE OF WASHINGTON**

In Re Enterprise Rent-A-Car ) Conditional Use Permit ) Application #2-93 ) <hr style="width: 100%; border: 0.5px solid black;"/>	) ) ) ) )	FINDINGS OF FACT CONCLUSIONS OF LAW ENTRY OF ORDER
---	-----------------------	--

This matter having come on a regularly scheduled hearing before the Oak harbor Board of Adjustment on the 6th day of May, 1993 and continued to May 10 upon application of Enterprise Rent-A-Car, not appearing; The Building Department of the City of Oak Harbor appearing by it's Building Official; and the City of Oak Harbor Board of Adjustment being advised and having considered the evidence and testimony presented now make the following:

**I. FINDINGS OF FACT**

1.1 Jurisdiction herein was obtained by an application for a conditional use permit to allow a car rental business at 1042 West Pioneer Way, more particularly shown on the map attached to the application which is appended hereto as Exhibit "A" and by reference made a part hereof.

1.2 The City of Oak Harbor Board of Adjustment, after due notice of hearing, did consider the application of Enterprise Rent-A-Car for a conditional use permit at a regular meeting on May 6 and continued to May 10. The relevant minutes of the City of Oak Harbor Board of Adjustment are attached hereto as Exhibit "B" and by reference made a part hereof. The hearing was recorded and a written transcript may be prepared therefrom.

1.3 The City of Oak Harbor Board of Adjustment discussed fully all matters presented thereto and concluded that:

- .i All special conditions for this particular use are met.
- .ii The use does not have a significant, adverse environmental impact resulting in excessive noise, light and glare or soil erosion on adjacent property.
- .iii The use is provided with adequate parking.
- .iv The use is served with adequate public streets, public utilities and facilities.

Findings of Fact  
Enterprise Rent-A-Car  
Page Two

- .v The use otherwise meets the purpose of the district in which it is to be placed.
- .vi Approval of the conditional use permit is subject to a maximum of 8 parking spaces and obtaining a permit for the satellite dish antenna by May 15, 1993.

1.4 On May 10 the Oak Harbor Board of Adjustment did approve the requested conditional use permit application #2-93 to operate a car rental business in a C-2A central business district subject to the conditions in .vi above.

1.5 The Enterprise Rent-A-Car application for a conditional use permit #2-93 has been processed in accordance with RCW 35A.63, the City of Oak Harbor Zoning Ordinance, Title 19 and the Open Meetings Act of 1971, RCW 42.30 and the action is in accord therewith.

From the foregoing FINDINGS OF FACT, the Oak Harbor Board of Adjustment makes the following:

## **II. CONCLUSIONS OF LAW**

2.1 The findings of fact as noted in the records of the City of Oak Harbor Building Department upon which the decision for approval of the Enterprise Rent-A-Car conditional use permit application #2-93 was made by the Oak Harbor Board of Adjustment are proper and have not been reached in an arbitrary or capricious manner nor without due process of law.

## **III. ORDER**

On the basis of the foregoing Findings of Fact and Conclusions of Law, it is ordered that:

Findings of Fact  
Enterprise Rent-A-Car  
Page Three

3.1 The conditional use permit to allow a car rental business to operate in the C-2A central business district be granted.

APPROVED AND ADOPTED THE 3rd DAY OF June, 1993.

BOARD OF ADJUSTMENT  
CITY OF OAK HARBOR, WASHINGTON



Chairman

Attested:



William J. Koepke  
Building Official

RJS

**NOTICE OF APPLICATION & NOTICE OF PUBLIC HEARING**

**APPLICATION: Conditional Use CUP-12-01  
U-Haul Rentals**

PROJECT LOCATION: Application CUP-12-01 is located at 601 SE Pioneer Way, Oak Harbor, WA 98277, parcel S6565-00-00B22-0.

PROJECT PROPOSAL: Application CUP-12-01 is for the proposal to have a U-Haul dealership in conjunction with the Quilters Workshop at 601 SE Pioneer Way. The dealership is proposing to use 50 X 40 feet of the existing parking area and rent up to 4 U-Haul units at this location.

DETERMINATION OF COMPLETENESS: Application CUP-12-01 submitted on June 25, 2012 by Mr. Alex Lewis with U-Haul was determined complete for processing on June 26, 2012.

PUBLIC COMMENT PERIOD: The plans have been circulated to City staff for review and comments. Plans for the proposal are available for review at the City of Oak Harbor's Development Services Department, located downstairs in City Hall.

To make written comments on this proposal, please mail or hand deliver specific comments to: City of Oak Harbor, Development Services Department, 865 SE Barrington Drive, Oak Harbor, WA 98277, no later than 5:00 p.m. on July 16, 2012. If you have questions regarding this proposal, please contact the Development Services Department at (360) 279-4510, between 8:00 a.m. and 5:00 p.m.

ENVIRONMENTAL DOCUMENTS AND/OR STUDIES APPLICABLE TO THIS PROJECT: N/A.

PUBLIC HEARING REQUIRED: Notice is hereby given that a public hearing will be held before the City of Oak Harbor Hearing Examiner in the Council Chambers at City Hall, 865 SE Barrington Drive, on **Monday, July 23rd at 10:00 a.m.**, or as soon thereafter as possible.

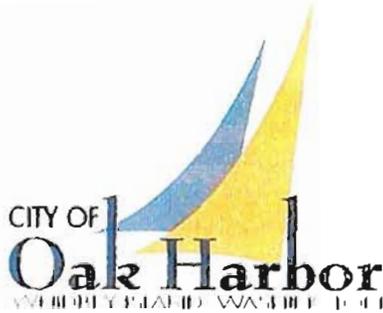
Anyone wishing to comment on this project or provide other relevant information may do so in writing or appear in person before the Hearing Examiner at the time and place of said public hearing. After obtaining public input and considering the matter, the Hearing Examiner may approve or deny the proposed application. As part of the approval, conditions or limitations may be imposed.

All meetings of the Hearing Examiner are open to the public.

To receive notification of the decision on this proposal, please send a self-addressed, stamped envelope and request a Notification of Decision for application CUP-12-01 from the City of Oak Harbor, Development Services Department, 865 SE Barrington Drive, Oak Harbor, WA 98277

Lisa Bebee  
Permit Coordinator

Published: Whidbey News Times  
Date: June 30, 2012



June 27, 2012

### NOTICE TO ADJACENT PROPERTY OWNERS

U-Haul has submitted a conditional use permit application for the proposal to have a U-Haul dealership in conjunction with the Quilters Workshop at 601 SE Pioneer Way. The dealership is proposing to use 50 X 40 feet of the existing parking area and rent up to four U-Haul units at this location. The application was submitted on June 25, 2012 by Mr. Alex Lewis with U-Haul and was determined complete for processing on June 26, 2012. The property location is 601 SE Pioneer Way, S6565-00-00B22-0. The public comment period will run June 30, 2012 thru July 16, 2012.

The plans have been circulated to City staff for review and comments. Plans for the proposal are available for review at the City of Oak Harbor's Development Services Department, located in City Hall. For more information, please call (360) 279-4510.

### NOTICE OF APPLICATION

&

### NOTICE OF PUBLIC HEARING BEFORE THE OAK HARBOR HEARING EXAMINER

HE #07-23-12

### APPLICATION: Conditional Use CUP-12-01 U-Haul Rentals

**PROJECT LOCATION:** Application CUP-12-01 is located at 601 SE Pioneer Way, Oak Harbor, WA, parcel S6565-00-00B22.0.

**PUBLIC COMMENT PERIOD:** To make written comments on this proposal, please mail or hand deliver specific comments to: City of Oak Harbor, Development Services Department, 865 SE Barrington Drive, Oak Harbor, WA 98277, **no later than 5:00 p.m. on July 16, 2012.** If you have questions regarding this proposal, please contact the Development Services Department at (360) 279-4510, between 8:00 a.m. and 5:00 p.m.

### ENVIRONMENTAL DOCUMENTS AND/OR STUDIES APPLICABLE TO THIS PROJECT:

N/A

To receive notification of the decision on this proposal, please send a self-addressed, stamped envelope and request a Notification of Decision for application CUP-12-01 from the City of Oak Harbor, Development Services Department, 865 SE Barrington Drive, Oak Harbor, WA 98277.

SEE REVERSE SIDE FOR PUBLIC HEARING INFORMATION

**NOTICE OF PUBLIC HEARING OAK HARBOR HEARING EXAMINER HE #07-23-12**

**PUBLIC HEARING REQUIRED:** Notice is hereby given that a public hearing will be held on the matter before the City of Oak Harbor Hearing Examiner in the Council Chambers at City Hall, 865 SE Barrington Drive, on Monday, July 23<sup>rd</sup> at 10:00 a.m., or as soon thereafter as possible.

Anyone wishing to comment on this project or provide other relevant information may do so in writing or appear in person before the Hearing Examiner at the time and place of said public hearing. *After obtaining public input and considering the matter, the Hearing Examiner may approve or deny the proposed application. As part of the approval, conditions or limitations may be imposed.*

For additional information, you may contact the City Department of Development Services at City Hall, or call (360) 279-4521.

All meetings of the Hearing Examiner are open to the public.

**CERTIFICATION OF MAILING  
NOTICE TO ADJACENT PROPERTY OWNERS**

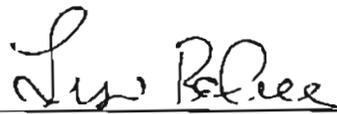
*Public Hearing*

I, Lisa Bebee, certify under penalty of perjury under the laws of the State of Washington, that the following is true and correct:

That on the 27<sup>th</sup> day of June, 2012, I deposited in the U.S. mail, postage prepaid, a copy of the Notice to Adjacent Property Owners for Conditional Use CUP-12-00001 a copy of which is attached hereto and by reference made a part hereof) to the following property owners:

(see attached)

Executed this 27<sup>th</sup> day of June, 2012 in Oak Harbor, Washington.

  
\_\_\_\_\_  
(Signature of person mailing)

CERTIFICATION OF POSTING  
NOTICE OF APPLICATIONof  
Public Hearing

Office of the City Administrator  
865 SE Barrington Drive  
Oak Harbor, WA 98277

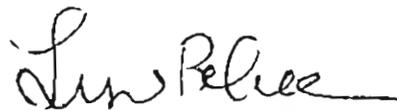
I, Lisa Bebee, hereby certify under penalty of perjury under the laws of the State of Washington, that the following is true and correct:

That on the 26<sup>th</sup> day of June 2012, I did post 3 notices (a copy of which is attached hereto and by reference made a part hereof) at the following locations:

- 1&2) Oak Harbor City Hall  
865 SE Barrington Drive  
Oak Harbor, WA 98277
- 3) City Library  
1000 E Regatta Drive  
Oak Harbor, WA 98277

advertising a Notice of Application CUP-12-00001

Executed this 26<sup>th</sup> day of June, 2012 in Oak Harbor, Washington.



\_\_\_\_\_  
(Signature of person posting)

JUN 25 2012

CITY OF OAK HARBOR  
Development Services Department

AFFIDAVIT OF POSTING

City of Oak Harbor  
865 SE Barrington Drive  
Oak Harbor, WA 98277

I, ALEX LEWIS, hereby certify that I did, on the 29<sup>th</sup> day of JUNE, 2012 post 1 notice(s), a copy of which is hereunto attached, marked "Exhibit", and by the reference made a part thereof, at the following location(s):

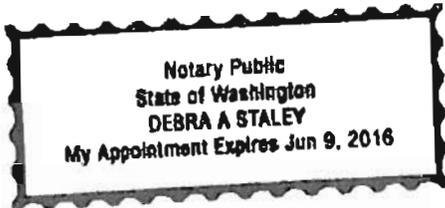
- 1. 601 SE Pioneer Way, S6565-00-00B22-0

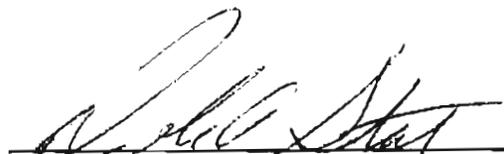
advertising a Notice of Application for Conditional Use Application (CUP-12-00001).

  
\_\_\_\_\_

(Signature of person posting)

SIGNED AND ATTESTED to before me this 29<sup>th</sup> day of JUNE, 2012  
by Alex Lewis.



  
\_\_\_\_\_  
Notary Public  
Print Name Debra A. Staley  
Notary Public in and for the State of  
Washington, ISLAND City/County  
Commission expires June 9, 2016

0-hand now

*July 9, 2012-4519  
to the City of Oak Harbor*

July 9, 2012

Kathy Collantes  
1253 Canterbury Lane  
Oak Harbor, WA 98277

Reference: Notice to Adjacent Property Owners regarding HE # 07-23-12 Application: Conditional Use  
CUP-12-01 U-Haul Rentals

Dear Sir or Madam:

As an owner of 670 SE Fidalgo, Angelo's Caffé, I am opposed to having a U-Haul lot just across the street from our beautiful outdoor patio. My reasoning is as follows:

- Pioneer Way has just been renovated and there are beautiful plantings in that area where Ely intersects Pioneer Way. It is disheartening to think that when driving up Pioneer or down Ely to Pioneer, your first view and impression of the street will be a parking lot with big bright orange trucks, trailers, and hitches.
- This street is now pedestrian friendly. It would be wonderful if we could attract businesses with eye-appeal. I understand the need to use space wisely and find ways to develop other revenue streams in this economy, so why not a fresh flower kiosk or outdoor fruit and vegetable stand?
- There are so many industrially-zoned sites available that would be perfectly suited for a U-Haul Rental location. A location away from the downtown corridor would provide more room to park trucks and get hitches and trailers hooked up. Further, once a truck is rented, the only way out is down Pioneer Way past all the businesses, pedestrians, beautiful shops and outdoor seating areas. And, there is potential for after-hours drop offs to be left in on-street parking, further distracting from the ambiance of a "quaint, peaceful, pedestrian-friendly downtown."
- From past observations, U-Haul Rental Centers are busiest on the weekends. This means that when more families with small children, pedestrians, and citizens are trying to enjoy the downtown area, we will be forced to content with big trucks interfering with the quiet enjoyment of the street and local shops. This new parallel parking is enough of a challenge for our citizens without adding the need to dodge large trucks and trailers.

For these and many other reasons, a newly-renovated, pedestrian-friendly downtown area with small, local shops that are quaint, unique and inviting is simply not the right place for an industrial enterprise that stores and rents trucks and moving equipment.

Thank you for allowing me to voice my thoughts and opinions.

Kathy Collantes



RECEIVED  
JUL 16 2012  
CITY OF OAK HARBOR  
Development Services Department

Hearing Examiner,

7/15/2012

This letter is in response to the request to have a U-Haul on SE Pioneer way between Dock and City Beach Street.

I have attached a copy of the permitted uses in Oak Harbors' CBD district and highlighted the "purpose and intent". You will also notice this use is not permitted in this zoning district. As an investor in the downtown, both in Real Estate and a business, I feel the requested use does not coincide with the "purpose and intent" for this district. I also feel as a taxpayer of more than 12 million dollars for a street renovation, to enhance and create a viable downtown, along with safety, that this use does not coincide. I am even sure this use will create a more unsafe street.

Cars backing up are already having enough trouble seeing other cars coming, a large truck pulling in and out of this lot will create more of an obstacle to see around. With this street now one way and narrow, we do not need more big trucks trying to maneuver down the street, especially drivers without truck driving experience.

The "purpose and Intent" for this street/district was to have shops, restaurants and be able to stroll along with children and friends. Not to worry about some big trucks pulling in and out. The tax payers have paid dearly to have a street with plantings, pedestrian friendly wide sidewalks, flowers, stylish street lamps, many shop owners work very hard to create a "center of social and cultural retail" atmosphere where "pedestrian-oriented activities are encouraged". This use is none of these.

Parking is another issue. Where are the owners renting the moving vans suppose to park their cars? There is already a shortage of parking spaces along Pioneer

RECEIVED

JUL 16 2012

CITY OF OAK HARBOR  
Development Services Department

way. The Downtown Merchants are having enough problems already with people parking all day and are looking to put parking time limits into effect.

This use is intended to go into the C-3,4 & 5 areas, even the industrial areas. You can see there are plenty of places to locate this business without ruining the intent and safety of the CBD District.

Thank you



Kristi Jensen

830 SE Pioneer Way

Oak Harbor WA 98277

360-929-0707

**RECEIVED**

**JUL 16 2012**

**CITY OF OAK HARBOR  
Development Services Department**

RECEIVED

JUL 1 2010

CITY OF OAK HARBOR  
Development Services Department

- (a) Off-street parking or loading;
- (b) Drive-in windows, but not including food or drink service;
- (c) Food and drink service in connection with a delicatessen or confectionery;
- (d) Sale of plant materials in connection with a florist shop;

(2) Items produced or wares and merchandise handled shall be limited to those sold at retail on the premises;

(3) The use shall not be objectionable because of odor, dust, smoke, cinders, exhaust fumes, noise, vibration, disturbance to television or radio reception or because of unsightly structure, facilities or use of land;

(4) Design shall be in accordance with the provisions of the design guidelines;

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

#### **19.20.295 Site plan and design review required.**

(1) Site plan and design review shall be required as defined in Chapter 19.48 OHMC.

(2) The planning director, under site plan review, may impose the following conditions before a building permit will be issued for the proposed development:

(a) Limit or prohibit openings to structures on sides within 50 feet of a residential district if the openings will cause glare, excessive traffic, noise or other adverse effects on adjacent residential areas;

(b) Access shall be limited to streets designated as collector or arterial streets in the comprehensive plan;

(c) Require additional setbacks and landscaping or screening abutting a residential district if necessary to minimize the detrimental effects of commercial activity such as glare and noise. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

### **Article VIII. CBD – Central Business District**

#### **19.20.300 Purpose and intent.**

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

**19.20.305 Principal permitted uses.** *not a permitted or conditional use.*  
In a central business district (CBD, CBD-1 or CBD-2), the following are principal permitted uses (for the purposes of this district only, uses considered to be "retail" are denoted with an (R)):

- (1) Antique shop (R);
- (2) Artist's studios and supplies (R);
- (3) Bakery, retail only (R);
- (4) Bank;
- (5) Barber and beauty shops;
- (6) Bars (R);
- (7) Bicycle shop (R);
- (8) Billiards and pool hall (R);
- (9) Blueprinting;
- (10) Bookstore (R);
- (11) Brew pub (R);
- (12) Camera and supply shop (R);
- (13) Clothes and apparel shop (R);
- (14) Cocktail lounge (R);
- (15) Coffee house (R);
- (16) Confectionery store (R);
- (17) Conference center;
- (18) Data processing facility;
- (19) Delicatessen (R);
- (20) Department store (R);
- (21) Dry cleaners;
- (22) Furniture shop (R);
- (23) Florist shop (R);
- (24) Gift shop (R);
- (25) Grocery store, neighborhood, provided gross floor area shall not exceed 12,000 square feet (R);
- (26) Hardware store (R);
- (27) Hobby shop (R);
- (28) Hotel and motel;
- (29) Ice cream shop (R);
- (30) Interior decorator studio (R);

**RECEIVED**

JUL 16 2012

CITY OF OAK HARBOR  
Development Services Department

- (31) Jewelry store (R);
- (32) Leather goods store (R);
- (33) Music store (R);
- (34) Offices;
- (35) Office supply and equipment store (R);
- (36) Pet shop (R);
- (37) Pharmacy and drug store (R);
- (38) Photographic film processing and associated retail sales (R);
- (39) Photographic studio and supplies;
- (40) Photocopying;
- (41) Post office;
- (42) Printing shop;
- (43) Residential uses, provided:
  - (a) In the CBD district: mixed use sites with multiple street frontages may locate dwelling units on the ground level on any street frontages other than Pioneer Way;
  - (b) In subdistricts CBD-1 or CBD-2: dwelling units may be the primary use of the site;
- (44) Restaurant, including sidewalk cafe (R);
- (45) Schools for the fine arts;
- (46) Shoe repair shop (R);
- (47) Shoe store (R);
- (48) Sporting goods shop (R);
- (49) Tailor shop (R);
- (50) Tavern (R);
- (51) Taxi service;
- (52) Theater;
- (53) Tobacco shop (R);
- (54) Toy store (R);
- (55) Travel agencies;
- (56) Trophy shop (R);
- (57) Upholstery shop;

RECEIVED  
JUL 1 2012  
CITY OF OAK HARBOR  
Development Services Department

(58) Variety store (R);

(59) Visitor information center;

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

**19.20.310 Accessory permitted uses.**

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

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

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

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

**19.20.315 Conditional uses permitted.**

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

(1) Coffee kiosk;

(2) Dancehall;

(3) Governmental buildings for administrative or protective services;

(4) Health club;

(5) Land reclamation with water-dependent marine development;

(6) Parking lots or garages not in conjunction with permitted uses;

(7) Places of entertainment and amusement, if conducted within a wholly enclosed building;

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

(9) Public utility and communications facility;

(10) Transit terminals;

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

(12) Other uses similar to uses permitted or conditionally permitted and normally located in the central business district; provided, that there shall be no manufacturing, compounding, processing or treatment of products other than that which is essential to the retail store or business where all such products are sold on the premises. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

**19.20.320 Density provisions.**

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

RECEIVED

JUL 10 2012

CITY OF OAK HARBOR  
Development Services Department

(1) Allowable density:

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

RECEIVED

JUL 2 2012

CITY OF OAK HARBOR  
Development Services Department

(2) Minimum lot area, no limitation;

(3) Minimum lot width, no limitation;

(4) Minimum lot depth, no limitation;

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

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

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

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

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

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

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

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

(9) Maximum lot coverage, no limitation;

(10) Parking.

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

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

(c) Any parking provided beneath a permitted residential use shall be enclosed;

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

(11) Design Standards.

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

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

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

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

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

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

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

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

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

**19.20.325 Conditions governing permitted uses.**

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

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

(a) Off-street parking and loading;

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

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

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

**19.20.330 Site plan and design review required.**

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

CITY OF OAK HARBOR  
 Development Services Department  
 JUL 18 2012

RECEIVED

**Article IX. C-3 – Community Commercial**

**19.20.335 Purpose and intent.**

The C-3 community commercial district is intended to provide for those types of retail, wholesale, transportation, and service uses which, because of traffic and other requirements, depend upon particular locations to serve the needs of the community and its trading area. Generally, the permitted uses require large sites and access from either major or minor arterials. This district also supports mixed use developments except in proximity to NAS Whidbey Ault Field, where residential uses should be restricted. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

**19.20.340 Principal permitted uses.**

In a C-3 district, the following are principal uses permitted outright:

~~(1) Any principal use permitted in a C-1 and CBD district; provided, that dwelling units:~~

(a) For properties located south of the adopted alignment of NE 16th Avenue (existing or future) between Regatta Drive and Heller Road are:

(i) Above and secondary to essential or primary floor uses;

(ii) Accessed at the ground level independent of the business uses from an inside lobby, elevators, and/or corridors, and an enclosed interior court, or other separate access provisions;

(b) Are not permitted on properties located north of the adopted alignment of NE 16th Avenue (existing or future) between Regatta Drive and Heller Road;

(2) Amusement enterprise including bowling alley, roller or ice rink, dancehall, shooting gallery, and trampoline;

(3) Animal hospital when located not closer than 200 feet from a residential zoning district, provided all animals are housed in a completely enclosed building;

(4) Assembly hall;

(5) Automobile or truck service station;

(6) Automobile repair of all kinds, including body and fender work, provided there shall be no wrecking, junking, dismantling, or salvaging operations;

(7) Automobile sales and service;

(8) Bakery;

(9) Book publishing and binding;

(10) Car wash;

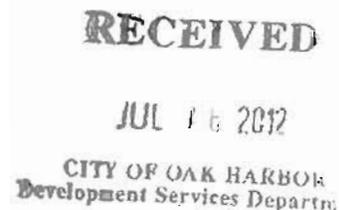
(11) Contractor's plants and storage yards;

(12) Currency exchange;

(13) Extended stay motel;

(14) Feed and seed store, retail or wholesale;

(15) Film processing plant,



Zoning Category	City Limits			
	# of Parcels	Acreage	% of Total Parcels	% of Total Acreage
R1, Single Family Residential	4084	1292	70.20	40.74
R2, Limited Multifamily Residential	752	192	12.93	6.06
R3, Multifamily Residential	89	101	1.53	3.19
R4, Multifamily Residential	180	181	3.09	5.71
RO, Residential Office	187	77	3.21	2.43
C1, Neighborhood Commercial	12	6	0.21	0.20
CBD, Central Business District	144	41	2.48	1.28
C3, Community Commercial	203	164	3.49	5.17
C4, Highway Service Commercial	25	98	0.43	3.08
C5, Highway Corridor Commercial	45	69	0.77	2.18
PIP, Planned Industrial Park	11	37	0.19	1.15
PBP, Planned Business Park	3	80	0.05	2.52
I, Industrial	10	50	0.17	1.58
PF, Public Facilities	61	360	1.05	11.35
OS, Open Space	12	94	0.21	2.96
<b>TOTALS</b>	<b>5818</b>	<b>2841</b>	<b>100</b>	<b>90</b>

*totals  
10 43*

Total Land Area                    3170.4  
 ROW                                        329.5                    10%

As you can see from the inventory chart above that the CBD has the least amount growth inventory

**RECEIVED**  
 JUL 16 2012  
 CITY OF OAK HARBOR  
 Development Services Department