PLANNING COMMISSION

AGENDA

October 26, 2010

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

AGENDA
October 26, 2010
7:30 P.M.

ROLL CALL: **NEIL** _____ **JENSEN**_____ **FAKKEMA** _____

WASINGER _____ **DALE**_____ **OLIVER**_____

WALLIN_____

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1. Approval of Minutes – September 28, 2010

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. <u>CHAIRPERSON AND VICE-CHAIRPERSON ELECTION</u>
The Planning Commission will elect a chairperson and a vice-chairperson.

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4. <u>ADULT ENTERTAINMENT INTERIM ORDINANCE</u> – Public Hearing
Planning Commission will continue a public hearing to consider additional information regarding the Interim Adult Entertainment Ordinance. The Public Hearing was opened on July 27th and will be continued to the November 23rd Planning Commission meeting.

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5. <u>2010 COMPREHENSIVE PLAN AMENDMENTS</u> – Public Hearing
The Planning Commission will open a public hearing on the 2010 Comprehensive Plan Amendments that included three land use designation changes and the Capital Improvements Plan 2010-2015. The Planning Commission will forward a recommendation to the City Council on the amendments at the conclusion of the hearing.

MINUTES

September 28, 2010

PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
SEPTEMBER 28, 2010

ROLL CALL: **Present:** Keith Fakkema, Kristi Jensen, Julie Dale, Gerry Oliver and Jeff Wallin.
Absent: Bruce Neil and Greg Wasinger.
Staff Present: Development Services Director, Steve Powers; Senior Planners, Cac Kamak and Ethan Spoo; Associate Planner, Melissa Sartorius and City Engineer, Eric Johnston.

Commissioner Fakkema called the meeting to order at 7:30 p.m.

PUBLIC COMMENT
None.

MINUTES: **MS. DALE MOVED, MS. JENSEN SECONDED, MOTION CARRIED TO APPROVE THE AUGUST 24, 2010 MINUTES AS PRESENTED.**

Commissioner Fakkema announced that agenda item number 4 – Adult Entertainment Interim Ordinance and agenda item number 6 – 2010 Comprehensive Plan Amendments were moved to the top of the agenda.

ADULT ENTERTAINMENT INTERIM ORDINANCE – Public Hearing
Mr. Powers requested the Planning Commission continue this agenda item to the Planning Commission's October 26, 2010 meeting so that staff has additional time to gather the research. Since the public hearing has been opened on this item it is necessary for a motion to continue the public hearing.

ACTION: **MS. JENSEN MOVED, MR. OLIVER SECONDED, MOTION CARRIED TO CONTINUE THE ADULT ENTERTAINMENT INTERIM ORDINCE PUBLIC HEARING TO THE PLANNING COMMISSION'S OCTOBER 26, 2010 MEETING.**

2010 COMPREHENSIVE PLAN AMENDMENTS – Public Hearing
Mr. Powers reported that staff needs additional time to compile information to present to the Planning Commission. Since the public hearing has not been opened, a motion is not necessary. This public hearing will be re-advertised for the October 26, 2010 agenda and the Planning Commission will be asked to open the public hearing at that time.

SHORELINE SUBSTANTIAL DEVELOPMENT CONDITIONAL USE PERMIT – SE PIONEER WAY – Public Hearing
Mr. Powers announced that this item is a quasi-judicial proceeding. As such, the appearance of fairness doctrine and the need to disclose any ex-parte communication relative to the permit is necessary. To assist the Planning Commission in making a determination as to whether there is any potential for appearance of fairness issues Mr. Powers asked Mr. Spoo to display slides showing the shoreline jurisdiction, the portion of the Pioneer Way project area that falls within the shoreline jurisdiction and the 300 foot area around the portion of the project that falls within the shoreline jurisdiction while asking the following questions of each Planning Commission member.

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	Mr. Fakkema	Mr. Wallin	Ms. Dale	Ms. Jensen	Mr. Oliver
1. Do you have any interest in the property or application?	No	No	No	No	No
2. Do you own property within 300 feet of the subject property?	No	No	Yes	Yes	No
3. Do you stand to gain or lose any financial benefit as a result of the outcome of the hearing?	No	No	No	No	No
4. Do you have any personal, family or other connection to any party such that your ability to be impartial might be called into question?	No	No	No	No	No
5. Can you hear and consider the application in a fair and objective manner?	Yes	Yes	Yes	Yes	Yes
6. Have you had ex-parte communication regarding the Shoreline Substantial Development Conditional Use Permit	No	No	No	No	No

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Mr. Powers handed out a letter that was received today from Mr. Aramburu, Attorney at Law, addressed to the Planning Commission and the City Council entitled "Pioneer Way Improvements and SEPA Determination and Shoreline Conditional Use Permit" (Attachment 1). Mr. Powers summarized the letter's content for the Planning Commission. Mr. Powers stated that it is staff's opinion that the first three sections are not directly related or relevant to the permit decision before the Planning Commission, keeping in mind that the permit is whether or not a portion of the proposed street project is consistent with the City's adopted Shoreline Master Program. The decision making process for past policy or legislative decisions regarding redevelopment of the downtown or street design issues are not relevant to the permit. Section four of the letter asserts that the conversion of Pioneer Way from a two-way to a one-way street involves significant adverse environmental impacts requiring preparation of an environmental impact statement. Staff's comment in that area is that the City has gone through the required SEPA analysis process. An Environmental Checklist was prepared and has been reviewed and routed for comments. The City issued a mitigated determination of non-significance in which there was a public comment period, no public comments were received. At the closing of the comment period there was an appeal period and no appeal was received. It is staff's opinion

that the appropriate level of environmental review has been done for the project that is subject to the permit. Section number five does get to the issue of whether or not something is consistent with the Shoreline Master Program. Mr. Powers urged the Planning Commission to look at the comments and to come to their own conclusion as to whether the points raised are points which should be taken into consideration when making a recommendation to the City Council.

Ms. Jensen commented that she has received much information from the City that has discrepancies from the materials received [in the Planning Commission staff report] which makes her have a bias against some of the issues but it doesn't have to do with the area that falls within the shoreline jurisdiction but it does have to do with her having called for records from the City and they are different than some of the information related to this item. She asked, since she has strong opinions about some of the project, does she have to recuse herself? Mr. Powers said that the answer to her question lies in whether she can hear and consider the application in a fair and objective manner. Ms. Jensen said that she knows that the application only deals with the portion of the street within the shoreline jurisdiction yet throughout the permit a lot of information is about the design of the street and on the SEPA application, much of it is about the total redesign of the street and not just the portion within the shoreline jurisdiction. Mr. Powers explained that the SEPA checklist and analysis and determination cover the entire street project and a description of the intended improvements within the project area is necessary. The information presented in the staff report for the Shoreline Master Program permit (Substantial Development Permit) necessarily addresses and describes what the intended project is. When we say that the design is not the subject of the permit what we are referring to is that when we look at those conditions or those criteria that are in the Shoreline Master Program, what we are reviewing is a transportation facility against those regulations and policies. Whether there is two-way traffic or one-way traffic is not a reviewing criterion in the Shoreline Master Program.

Ms. Jensen stated that the SEPA application pulls in the entire project and the application is also based on the information given in the SEPA which doesn't correspond to information that was received in her requests for City documents. Mr. Powers asked if Ms. Jensen could be more specific about what the discrepancies or differences were. He also stated that staff does not believe that there is any inherent conflict between the fact that the SEPA analysis and determination covers a broader area than the Shoreline Permit and that is not uncommon because it is typical to have a project which is not totally located within the shoreline area itself. Mr. Powers used a storm drain as an example of such a project. Saying that we may have a storm drain project that the length of the pipe is much longer than the portion that is inside of the shoreline environment so the SEPA analysis covers the entire length of the project and the portion that is subject to the shoreline permit would only be that piece that is within 200 feet of the shoreline. Mr. Powers stated that the underlying question is whether you are able to sit in a fair and objective manner, given what you think about information that has been provided to you and how that might affect your decision making process.

Ms. Jensen stated that she didn't think that she could listen fairly because there is too much information in the application that doesn't just apply to the portion of the project that falls within the shoreline jurisdiction.

Mr. Powers stated that if it was her decision, it would be appropriate to recuse herself and leave the room and the Chair would call her back once the Commission had completed their work on this item.

Ms. Jensen asked what the protocol was for her to address the discrepancies. Mr. Powers indicated that someone would have to speak on her behalf. Ms. Jensen asked if she could

request that the application be moved to the next meeting. Mr. Powers stated that it would be highly unusual for someone that has put on the record that they have a conflict to ask for the body who is intended to conduct the public hearing, and make a recommendation on that item to continue the item so that you would have the opportunity to have someone else present your case. You are [essentially] making a request that you have the opportunity to influence the body that you are leaving.

Ms. Jensen recused herself and left the chambers.

Mr. Spoo presented the Shoreline Substantial Development Conditional Use permit staff report. Mr. Spoo explained that the purpose of the presentation is to give the Planning Commission a summary of staff's review of the Shoreline Substantial Development Conditional Use permit against the relevant criteria in the City's Shoreline Master Program (SMP). Cities have the authority under State law to administer their own shoreline master programs and the City's SMP designates the Planning Commission as the hearing body for shoreline substantial development applications.

Mr. Spoo displayed a map of the City's shoreline environments as adopted into the Shoreline Master Program. Mr. Spoo pointed out that Pioneer Way is located in the urban shoreline environment. Transportation facilities are conditional uses in this shoreline environment.

Mr. Spoo reported that staff reviewed the project against the following sections of the SMP, which move from more general to more specific.

- 4.02 applies to all projects in the Urban Environment. General regulations apply to all projects, period.
- 5.19 applies only to transportation facilities,
- 5.20 applies to utility facilities and
- 7.03 applies to conditional uses.

Mr. Spoo noted that there are six conditional use permit criteria listed below:

1. *That the proposed use is consistent with the policies of RCW 90.58.020 and the policies of this Master Program.*
    - RCW 90.58.020 – control of pollution and prevention of damage to shoreline environment. Criteria Met
2. *That the proposed use will not interfere with the normal public use of public shorelines or water.*
    - Improvements will be within existing road section. Will not affect public use of public shorelines. Criteria Met
3. *That the proposed use of the site and design of the project is compatible with other permitted uses within the area.*

4. *That the proposed use will cause no unreasonably adverse effects to the shoreline environment in which it is to be located.*
    - No impacts to shoreline. In fact, less impacts, better stormwater. Criteria Met
5. *That the public interest suffers no substantial, detrimental effect.*
    - "Public interest" defined in WAC. Public property, health, safety, welfare. Critical public purposes will remain intact. Criteria Met.
6. *With respect to uses which are not classified or set forth in this Master Program the applicant must demonstrate, in addition to the criteria set forth in 1 through 5 above, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the Master Program.*

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- Not applicable.

Mr. Spoo concluded his presentation by recommending that the Planning Commission conduct the public hearing, approve the Shoreline Substantial Development Conditional Use Permit and adopt the "Findings of Fact".

Commission Discussion
Mr. Oliver asked if there were any adverse side affect due to the current storm drain system.

Mr. Spoo stated that there is a certain amount of pollution that is entering the public storm system and the storm system is ageing. The new storm system will improve that and better filter the pollutants. We can't demonstrate that there are adverse impacts but it is reasonable to assume that pollutants are entering the public storm system.

Mr. Johnston (City Engineer) explained that the assumption is that urban runoff is a large contributor of pollutants from street surfaces into waterways. Currently there are no water quality facilities in or around the Pioneer Way area to capture and treat stormwater runoff and to remove the pollutants from that runoff in the Pioneer Way project area. The project includes, as required by City Codes, installation of water quality treatment facilities that will capture those pollutants, remove them from runoff before the water is discharged into Oak Harbor Bay. Without water treatment facilities in place today the presumption is that there are pollutants being discharged in Oak Harbor Bay. At the completion of the project the required treatment levels will be provided.

Mr. Oliver asked how the project as a whole would be affected if the Planning Commission delayed making a recommendation to the City Council. Mr. Powers stated that it would depend on the nature of what led the Planning Commission to not make a recommendation and whether it would it be the result of more than one evening's worth of discussion. If that were to go on for a couple of months it would push the overall project schedule by that same amount of time.

Mr. Fakkema opened the public hearing at 8:13 p.m.

Public Comment
Kathy Jones (Jones Accounting and Associations on Dock Street) commented as follows:
I would hope that the Planning Commission would table recommending approval on this to the next meeting. Continue the item on the agenda. You've already moved two other items for the convenience of the staff. Please afford Ms. Jensen the same consideration. Allow her time to point out her concerns about the staff's data and what she sees as conflicting data which needs further explanation. I'm really here on behalf of the downtown merchants who oppose the one-way street. Tonight you received a packet from the attorney they hired, Richard Aramburu representing an opponent of the one-way proposal. That letter contains several technical studies and reports regarding the establishment and elimination of a one-way street in city business areas. Included within that material is a letter from a well-known Everett traffic engineering company, Gibson and Associates. Please read this material through though it is somewhat lengthy. The overwhelming conclusion shown by this information is many communities that have one-way streets are abandoning them and returning to two-way streets. The reason for this is simple, one-way streets are harmful to businesses that are located next to those streets. In particular there is a loss of visual access to businesses from cars on the street. In addition, one-way streets are also harmful to the pedestrian environment and create more hazardous conditions for them. One-way streets also create longer trips and confuse drivers seeking destinations along the one-way street. There are numerous examples of local situations where one-way streets have been converted to two-way but we cannot find one-way street commercial districts are being established. The most current example of abandoning

one-way streets in favor of a two-way is the South Lake Union neighborhood of Seattle where interests of Paul Allen are creating a new and vibrant retail residential area. There the old one-way of 9th and West Lake where each changed to encourage retail development. The Gibson Traffic Engineers have reviewed the proposal for Pioneer Way and have concluded that it will harm the business community and pedestrian environment along the street, doing exactly the opposite of what is intended. We ask therefore that the Planning Commission and Council drop their plans for a one-way Pioneer Way and deny any permits which allow this project to progress.

Frank Scelzi (PO Box 2249, Oak Harbor) handed a copy of a letter from Adam Hand to the Planning Commission which he stated was one of many (Attachment 2). Mr. Scelzi read from prepared comments as follows:

What if some people who were unqualified made an uninformed decision that was going to take your house, your business, everything you and all of your friends have worked for their entire lives? What would you do? Do we say to our government it's okay not to disclose the facts? It's okay to make decisions that are detrimental to our community and against the tax payers wishes? It is okay to mislead us and stand to gain from their decisions? The City paid Roger Brooks 400k of your money to get letters from him and other revitalization specialists saying that. Jim Slowik and certain Council members are mishandling this project and it will not succeed in revitalizing our City. I thought I lived in a country where we had no ruling parties, where our government made informed decisions that did not burden the community with their inclinations and benefit from their decisions. Not only do Bob Severns and Rick Almberg have an undisclosed even denied interest in this one-way project, but now we have learned Jim Slowik could also have an interest on Bayshore Avenue where they intend to divert traffic. These people should be held accountable for their actions as they were in the Bellflower, California incident back in July. This almost 9 million dollar and climbing unnecessary at this time, project will be detrimental to our entire City according to written statements by experts. Many knowledgeable professional people of our community including Judge Churchill said the City needs those businesses, those taxes. We already lost eight merchants since their decision and many more are leaving. Due to the one-way, military people will avoid the downtown sending over 4,000 cars east and west bound down our residential streets each day. Downtown businesses that support our City's fragile economy have no way to receive their goods with a one-way conversion. Just a couple of many huge problems brought forward by Councilman Dudley that were disregarded by our Mayor and certain Council members. There have already been decisions made by our City supporting municipal corruption and a daytime one-way decision that has already been substantiated many times over to be detrimental to our community. Please do not let this continue. Get only some facts with documentation provided by the public, merchants and building owners posted at 800 Pioneer Way for your review.

After reading the above comments Mr. Scelzi continued his comments as follows:
Here we go again, urban runoff, we don't really know because we have done no studies and we have no facts and that is where we are today. Unqualified people making uninformed decisions, here we go again. Also, I would like to bring up number 5, the compliance conditional use criteria. I thought it said welfare. Well, welfare means that if something is going to be detrimental to our community that it will affect all the merchants and everyone in the City.

Mr. Oliver asked for ten minutes to review the materials from Mr. Aramburu.

After the time was taken to review the materials Mr. Fakkema noted that the materials were mostly about on-way versus two-way issue and asked, regardless of that, the Planning Commission is required to go though the shoreline permit process? Mr. Powers stated that assuming that there is a street reconstruction utility project within the shoreline area; yes you

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would go through the shoreline substantial conditional use permit process. Mr. Powers noted that Mr. Fakkema raised an important point which was that the majority of the material provided to the Planning Commission in the letter from Mr. Aramburu relates to the Council's decision as to the traffic flow on Pioneer Way. That is not a part of the review process for the shoreline permit. As noted in both in the staff report and through Mr. Spoo's presentation, traffic flow is not one of the criteria of what is being reviewed. What is being reviewed is whether or not an existing transportation facility being reconstructed in its existing location is consistent with those regulations and policies which apply to transportation facilities inside of a shoreline environment. In that sense, it is a very narrowly scoped project because as can be seen on the slides, only a very small portion of the overall project falls into the shoreline designation area.

The public hearing was closed at 8:33 p.m.

ACTION: MR. OLIVER MOVED, MS. DALE SECONDED, MOTION CARRIED TO FORWARD A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE THE SHORELINE SUBSTANTIAL DEVELOPMENT CONDITIONAL USE PERMIT.

ACTION: MR. OLIVER MOVED, MS. DALE SECONDED, MOTION CARRIED TO ADOPT THE FINDINGS OF FACT CONCLUSIONS OF LAW AND RECOMMENDATION OF THE PLANNING COMMISSION.

PERMIT EXTENSION FOR ADULT DAY CARE CONDITIONAL USE PERMIT – Public Hearing

Mr. Powers presented the staff report outlining a request from Senior Services Director, Mr. Mike McIntyre, to grant a permit extension for the existing Daybreak Adult Care Facility. The extension would allow for the continued use of an existing modular structure within the Public Facilities (PF) zone. Oak Harbor Municipal Code (OHMC) 19.20.792 authorizes a manufactured home to be placed within the Public Facilities district to serve non-residential uses listed in the permitted and conditional uses of the Public Facilities zoning district. The modular may be placed in this zoning district for a period not to exceed five years. The building permit for this modular (BLD-01-353) was approved in August 2001. Two-year extensions may be approved by the Planning Commission. Two years ago the intension was to pursue plans for an expansion of the Senior Center which would have allowed us to divest ourselves from the modular building, but plans for development of a senior center replacement facility have been suspended due to the deterioration of economic conditions.

Mr. Powers concluded his presentation and noted that Planning Commission has final authority for conditional use permits and recommended that Planning Commission conduct a public hearing and Adopt Findings, Conclusions and Record of Decision and approve the two-year extension for the use of an existing modular structure in the Public Facilities zoning district.

Public Comment

Mike McIntyre (Senior Services Director) commented that the modular building is still of great value to the Senior Center. The building currently being used as a caregiver's support center, training and the foot care clinic is held there.

Commission Discussion

Mr. Oliver asked if the City would continue to keep extending the permit until a new Senior Center was built. Mr. Powers asked if the Planning Commission would be interested in entertaining a code amendment that would remove the requirement for the permit as we know it today. Mr. Fakkema asked if the amendment would apply to only the Senior Services facility or would it apply across the board. Mr. Powers indicated that the Senior Services facility was the

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only facility in the Public Facilities zoning district that has used a modular home to provide non-residential use. Mr. Powers said that there was a concern when the current code was put into place that there would be a proliferation of modular homes being used for non-residential uses in Public Facilities zoning districts. It has been nine years and the Senior Services is still the only facility using a modular home to provide non-residential use.

ACTION: MS. DALE MOVED, MR. WALLIN SECONDED, MOTION CARRIED ADOPT THE FINDINGS, CONCLUSIONS AND RECORD OF DECISION AND APPROVE THE TWO-YEAR EXTENSION FOR THE USE OF AND EXISTING MODULAR STRUCTURE IN THE PUBLIC FACILITIES ZONING DISTRICT.

Commission Discussion
Discussion continued regarding a possible code amendment to eliminate a condition use permit for modular structures in the Public Facilities zoning district. The consensus was to leave the code as it is because the use of modular homes are a cheaper alternative and there could be a proliferation due to the current economic times.

MUNICIPAL CODE AMENDMENTS – DEVELOPMENT APPLICATION VESTING AND ADMINISTRATIVE APPEALS OF FINAL EIS – Public Hearing
Mr. Powers reported that the two Municipal Code amendments on the Planning Commission agenda will be presented together and the Planning Commission will be asked to make a recommendation on two separate ordinances to the City Council. The first ordinance deals with the concept of when an application vests and the second ordinance deals with the City's SEPA appeal procedures.

Mr. Powers reported that the City's insurance provider, the Washington Cities Insurance Authority (WCIA) conducts annual audits of their member cities. The 2009 audit reviewed the City's land use procedures. Only four minor areas required additional attention by the City. Two of these items are administrative in nature and are nearly complete. Two require minor code amendments: one addressing the vesting rights of development applications and the other addressing administrative appeals of Final Environmental Impact Statements (part of the SEPA process). The City is required to incorporate these recommendations into our procedures by October 31, 2010.

The ordinance pertaining to vesting amends OHMC Chapter 18.20 by adding a new subsection: 18.20.355, Vesting. This new subsection describes when an application vests in a particular set of development regulations, which applications are not subject to vesting, how partial vesting might apply and defines what is meant by the term 'development regulations.'

The ordinance providing for administrative appeals of Final Environmental Impact Statements proposes amending existing language found in OHMC Chapters 18.20 and 20.04. In this ordinance the existing appeals section of the SEPA code (OHMC 20.04.215) is deleted and replaced by language which clearly states which administrative appeals are permitted and outlines the appeal process. Amendments are also proposed to OHMC Chapter 18.20 to simplify the language (and increase the readability) of the consolidated appeals process. The amendment addresses how permit and environmental decisions are combined in a single public hearing and states which body (hearing examiner or city council) conducts the hearing. Another amendment, deleting reference to SEPA determinations as a review process II, is necessary to help implement the changes noted above. Finally, one housekeeping amendment is proposed (related to when appellants must file their appeal memorandums).

Mr. Powers gave a copy of comments that were e-mailed to the Planning Commission from Mr. Steve Erickson representing the Whidbey Environmental Action Network (Attachment 3). Mr.

Powers stated that Mr. Erickson seems to be making the point that the process is not adequate as it is outlined by staff. What Mr. Erickson is describing is only one issue which is related to and environmental decision on a potential urban growth area expansion. From the staff perspective there is no reason to not move forward with this amendment this evening because the amendment applies to a much broader range of environmental decisions and possible appeals. Secondly, if the situation described in Mr. Erickson's e-mail did come to pass, we can address that with the appropriate procedural steps at that time in the future.

The Planning Commission took a moment to review Mr. Erickson's e-mail.

Mr. Powers concluded his presentation by recommending that the Planning Commission conduct a public hearing, adopt ordinance amending OHMC Chapter 18.20 and providing vesting regulations and adopt ordinance amending OHMC Chapters 18.20 and 20.04, clarifying the SEPA appeal process.

Mr. Fakkema opened the public hearing at 9:05 p.m. No comments were forthcoming and the public hearing was closed.

Commission Discussion

Ms. Jensen asked why in 18.20.520 (2) the hearing is before the hearing examiner and in 18.20.520 (3) the hearing is before the City Council. Mr. Powers explained that is has to do with where those project permit decisions go upon appeal. Type 1 and Type 2 decisions upon appeal would go to the hearing examiner. Type 4 decisions will go before the City Council on appeal.

ACTION: MR. WALLIN MOVED, MS. DALE SECONDED, MOTION CARRIED ON A 3:1 VOTE (MS. JENSEN VOTED NO) TO FORWARD A RECOMMENDATION TO THE CITY COUNCIL TO ADOPT THE ORDINANCE AMENDING OHMC CHAPTER 18.20 AND PROVIDING VESTING REGULATIONS.

ACTION: MR. WALLIN MOVED, MR. OLIVER SECONDED, MOTION CARRIED ON A 3:1 VOTE (MS. JENSEN VOTED NO) TO FORWARD A RECOMMENDATION TO THE CITY COUNCIL TO ADOPT THE ORDINANCE AMENDING OHMC CHAPTERS 18.20 AND 20.04, CLARIFYING THE SEPA APPEAL PROCESS.

BEING NO FURTHER BUSINESS BEFORE THE PLANNING COMMISSION, THE MEETING WAS ADJOURNED AT 9:08 P.M.

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received
9/28/10

September 23, 2010

City of Oak Harbor Planning Commission
City of Oak Harbor City Council
865 SE Barrington Drive
Oak Harbor WA 98277

Re: Pioneer Way Improvements
SEPA Determination and Shoreline Conditional Use Permit

Dear Planning Commission and City Council:

This office represents Harborside Village LLC, who is the owner of real property at 800, 830 and 860 SE Pioneer Way and 749 and 791 SE Fidalgo Avenue. These properties are located on Pioneer Way in downtown Oak Harbor. Harborside Village has asked me to write to you regarding plans and permits for the realignment of the travel lane on Pioneer Way from the current two-way configuration to a one-way traffic flow (from west to east) for several blocks from City Beach Street to Midway Boulevard.

The one way proposal is inconsistent with established transportation planning and design principles and with established legal standards, including the Shoreline Management Act, the City of Oak Harbor Shoreline Master Program and the State Environmental Policy Act. In addition, the current proposed project is at odds with previous grants approved by the Island County Commissioners.

My clients are concerned that the modification of Pioneer Way to a one-way configuration will have serious impacts on the business community in the downtown area by traffic diversion, lost business, decreases in property values and adverse pedestrian impacts. For these reasons, as set forth in detail below, Pioneer Way should not be converted to a one-way street and should retain its two-way configuration. Because of the adverse environmental impacts regarding street modifications from two-way to one-way, the City should prepare an environmental impact statement before proceeding with any further consideration of this proposal.[1]

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[1]My clients do not oppose, and indeed support reconstruction work along Pioneer Way to beautify the street right-of-way and make the area more pedestrian friendly.

The basis for our objections are specified below.

1. BACKGROUND AND HISTORY OF PIONEER WAY REDEVELOPMENT

The businesses and commercial activities adjacent to Pioneer Way are essentially the downtown core for the City of Oak Harbor. However, over the city's years civic leaders have seen the need for rehabilitation of the area. The street itself is in need of repair, but more importantly, the Pioneer Way neighborhood itself needs revitalization to support the adjacent business community.

In 1998, the City hired professional traffic engineers (KJS Associates) to prepare the Downtown Oak Harbor Circulation Study which was completed in 2001. See Attachment A hereto. The Circulation Study considered possible one-way configurations for Pioneer Way but the clear preference among the alternatives considered was for a two-way street, not the one-way configuration. See Attachment A, p. 3. As a result of that study, the two-way configuration was adopted.

In 2005, the Windjammer study was completed as a further effort to improve and revitalize downtown. That study accepted and assumed that Pioneer Way was, and would continue to be a two-way street.

In 2007, the City applied to the Island County Commissioners for approval of funds to improve Pioneer Way for the purpose of revitalization of the business community. That grant, in the amount of $1,000,000, was based on Pioneer Way remaining a two-way street. See Attachment B.

In late 2009, some efforts were made by the City Council to move toward the realignment of Pioneer Way to a one-way configuration. However, there was no active consideration of environmental, land use or financial implications of such a change.

More recently, the City has prepared an environmental checklist for the project dated August 4, 2010 and has now prepared an application for a shoreline conditional use permit for the street. These items will be discussed in further detail below.

2. PROFESSIONAL REPORTS AND STUDIES, LOCAL OPINIONS AND OBJECTIVE ANALYSIS DEMONSTRATE THAT A ONE-WAY CONFIGURATION FOR PIONEER WAY IS UNDESIRABLE AND DAMAGING TO THE SURROUNDING BUSINESS COMMUNITY.

There is a pending proposal, generated largely by city staff, that Pioneer Way should be made a one-way street. However, a review of city files discloses that there have been no studies performed by transportation engineers that support the conversion to one-way.

In fact, one-way street configurations developed in U. S. cities in the 1950's and

1960's are now being abandoned in favor of a return to two-way streets. A history of the use of one-way streets is contained in Attachment C hereto, which is a report to the Transportation Research Board's (TRB) Urban Street Symposium in 2000 entitled "Downtown Streets *Are We Strangling Ourselves On One-way Networks?"* That report noted that the advent of one-way streets was to facilitate the movement of people into and out of cities, not with the goal of keeping people in the community for shopping, recreation or residential use. However, as the TRB report indicates that the "operational disadvantages" with one-way streets are being "increasingly recognized, including forcing drivers on out-of-direction routes, increases in the number of turning movements and miles traveled." See Attachment C, p. 3. Occasional visitors to downtowns are "often confused and disoriented by a one-way street." As to pedestrians, the report finds that there are 30-40% <u>more</u> vehicle pedestrian conflicts in a one-way street network as compared with a two-way system. The report concludes that urban residents want better automobile accessibility and that a two-way network is better for short trips than one-way. Though one-way systems move more traffic at higher speeds, that does not assist adjacent businesses. The TRB report, at page 12, notes that: "one-way streets have a negative impact on storefront exposure of those businesses."

The TRB report concludes by reporting that many cities are converting their one-way systems to two-way (Table 1), including Albuquerque, Berkeley, Cincinnati, Norfolk VA, and Toledo. Significantly, each of these conversions were promoted by the local business community.

The literature search conducted by Stan Stanley, a local resident, points out that the overwhelming recent trend in the U. S. has been to convert from one-way streets to two-way streets. See Attachment D. His report cites numerous studies showing that two-way streets enhance business performance and result in a better pedestrian environment. He notes abandonment of one-way streets in Washington cities including Vancouver, Redmond and Everett. Virtually no city is establishing new one-way streets in its downtown area.

The City of Seattle has recently abandoned the 9th Avenue/Westlake one-way couplet in the South Lake Union area. In a design study, the City concluded that:

> The conversion of two-way Westlake Avenue will have a number of benefits including:
>
> > Improved business access and pedestrian environment - the two-way street will provide more circulation options and create a calmer traffic street that will be more pleasant for pedestrians.
> >
> > Improved pedestrian safety - The project includes new crosswalk striping and crossing signals, and new, accessible pedestrian ramps.

A recent letter from Roger Brooks of Destination Development International

confirms that one-way streets are not appropriate for Pioneer Way. See Attachment E. Mr. Brooks' firm prepared the Windjammer Study for the City of Oak Harbor in 2005 which was formally entitled the "Waterfront Redevelopment, Branding and Marketing Program for Oak Harbor." From this unique perspective, Mr. Brooks' letter concludes that the one-way concept "is likely to have adverse effects on downtown - making it more difficult for businesses to succeed."

My client has also asked the well known transportation consulting firm Gibson and Associates from Everett to provide an analysis of the Pioneer Way one-way proposal. Gibson's report is enclosed as Attachment F (report attachments already referred to and attached to this letter have been removed from the report). Gibson concludes that the national experience with one-way streets has shown that they adversely affect adjacent businesses and increase pedestrian-vehicle conflicts.

As may be seen, the overwhelming trend nationwide, and in the state of Washington, is to abandon and eliminate one-way street systems in downtown and commercial areas. This is based on traffic engineering, pedestrian impacts and adverse impacts on adjacent local businesses. Indeed, no professional report on Pioneer Way has recommended that it be converted to one-way. Based on these adverse impacts, the City should abandon the one-way concept for Pioneer Way and deny any permits that would implement the concept.

3. THE ONE-WAY CONFIGURATION FOR PIONEER WAY VIOLATES THE TERMS OF GRANT APPROVAL FROM THE ISLAND COUNTY COMMISSIONERS.

In 2007, the City went before the Island County Commissioners requesting Rural County Economic Development funds for the "Pioneer Way Street Reconfiguration" project. On September 10, 2007, the Commissioners awarded the City $1,000,000 from the Rural Economic Development Sales Tax funds, with a time frame of five years for implementation.

The application to the Commissioners was based on the plans and concepts found in the application, including reliance on the recently completed "Windjammer Plan" for downtown redevelopment. The Windjammer Plan, as well as the 2005 City comprehensive plan, anticipated that Pioneer Way would be a two-way, not one-way street. Indeed, there was no discussion in the application that Pioneer Way would be converted to a one-way street.

Because the premise of that report was that Pioneer Way would be two-way, not one-way, the approval given by the County Commissioners in 2007 is now void because of the change in project plans. If the City wishes to seek approval of a revised proposal for a new one-way configuration, a new application should be submitted to the Commissioners showing this change and new public input taken as to whether the one-way configuration is consistent with the revitalization of the Oak Harbor downtown.

Given that the principal in charge of the Windjammer Plan, Mr. Brooks, believes that the one-way configuration is detrimental to downtown economic interests, it is doubtful that the one-way revision would meet the criteria for "economic development" in the grant program.

4. CONVERSION OF PIONEER WAY FROM TWO-WAY TO ONE-WAY INVOLVES SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS REQUIRING THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT

As described in the foregoing, there is strong evidence that the conversion of Pioneer Way to a one-way street will have significant adverse environmental impacts under the terms of the State Environmental Policy Act, RCW ch. 43.21C (SEPA) and the SEPA Rules as found in RCW ch. 197-11.

Under the SEPA Rules, elements of the environment include such matters as aesthetics, transportation and transportation systems, parking, movement of traffic or goods, traffic hazards and similar impacts. See WAC 197-11-444. As described above, the one-way street system will create probable significant adverse impacts to these elements of the environment. Traffic impacts and effects on pedestrian safety are clearly involved as well as adverse impacts to the surrounding business community.

It is recognized, even in court decisions, that: "A couplet is a series of one-way streets designed to speed traffic flow through a metropolitan area." *Concerned Taxpayers Opposed to Modified Mid-South Sequim Bypass v. State, Dept. of Transp.*, 90 Wn. App. 225, 230, 951 P.2d 812, 815 (1998).

Under these circumstances, the City should enter a determination of significance for this proposal and prepare an environmental impact statement for the Pioneer Way one-way proposal. The EIS process will allow the comprehensive review of all impacts in a professional manner and allow the City Council and business interests to review the impacts of the City's proposal.

5. NO SHORELINE CONDITIONAL USE PERMIT FOR A ONE-WAY STREET CONFIGURATION SHOULD BE APPROVED.

The easterly portion of the project is located within the shoreline zone, thus invoking the jurisdiction of the Shoreline Management Act, RCW ch. 90.58 (SMA). Indeed a shoreline conditional use permit is required under the City of Oak Harbor Shoreline Master Program because the reconstruction of Pioneer Way and its conversion to a one-way street is not for a water dependent purpose.

The City should take the following actions regarding the shoreline conditional use application.

First, there should be no consideration of the shoreline aspects of this proposal until the City completes the SEPA process through the preparation of an EIS pursuant to the SEPA Rules.

Second, the shoreline conditional use permit should not be granted as requested. While street and utility improvements are consistent with the goals and policies of the SMA, the one-way reconfiguration will adversely impact views of the water from Pioneer Way and will limit pedestrian access. Further, the one-way configuration would serve to move traffic much faster and thus would further limit views of the water. Public access and visual access to the water are particular SMA Goals.

The City should delete the one-way configuration from the proposed shoreline permit.

6. SUMMARY AND CONCLUSIONS.

From the foregoing, it is clear that a one-way configuration for Pioneer Way is not in the best interests of the City, the business community or the citizens of the Oak Harbor community. One-way streets are disappearing across the country as communities recognize that they impede business growth, endanger pedestrians, and reduce community access to businesses along the street.

While the City should not proceed with the one-way plan for Pioneer Way, if any further consideration is given to the plan the City should at least require the preparation of an environmental impact statement under SEPA. The City should delete from the proposed shoreline conditional use permit the provisions for a one-way street.

Sincerely yours,

ARAMBURU & EUSTIS LLP

J. Richard Aramburu

JRA/py/cc
Encl.

Attachment A

OAK HARBOR DOWNTOWN CIRCULATION STUDY

APRIL 2001

Presented by:

City of Oak Harbor
Department of Planning and Community Development

INTRODUCTION

Transportation circulation, accessibility, and a healthy business district in downtown Oak Harbor have long been at the forefront of community discussion. Dating back to the 1970's, a number of studies have been conducted and improvements implemented to address congestion, parking, safety, and general circulation within and through downtown Oak Harbor. Other suggested improvements that have not been implemented range from the construction of a parallel roadway to Pioneer Way between Midway and some location west of SR 20, to a variety of one-way and two-way street system networks.

In addition to these past studies and discussions of downtown street circulation, the recent planning and initial stages of implementing the *Harbor Watch* redevelopment plan including the preliminary portions of the Civic plaza and the waterfront pier.

The primary intent of the *Oak Harbor Downtown Circulation Study*, is to:

- Address the viability of a one-way traffic circulation pattern between City Beach Drive and Midway Boulevard with angled parking on Pioneer and Bayshore Drive.
- Identify other vehicular traffic circulation improvements, safety, and accessibility improvements to downtown streets between SR 20 and Midway Boulevard.
- Identify treatments and/or physical improvements to encourage and enhance pedestrian circulation, safety, and mobility in the downtown area. In the context of alternative vehicular circulation improvements, identify potential increases in pedestrian sidewalk space and improvements to pedestrian-vehicle conflicts.
- Prepare a list of recommended capital improvements distinguishing between short-term and long-range improvements, coordination efforts with future downtown plans and projects outside the study area, itemized capital costs, and implementation strategies.

This report documents these cumulative efforts since the project's inception in 1998 and provides a general summary of the project history, technical products and documents, the project's advisory group, public outreach efforts, and the resulting final preferred alternative.

Attached to this summary are key work products including:

Evaluation of Alternatives for the Downtown Oak Harbor Circulation Study, August 6, 1999, prepared by KJS Associates, Inc. This document summarizes the five circulation alternatives evaluated at a conceptual level for traffic operations, increased pedestrian space, impacts to on-street parking, and planning-level cost estimates.

Pioneer Way Improvement Study, April 16, 2001, prepared by The Makers. This report summarizes additional urban design elements, conceptual plan and sketches of how alternative street configurations would work and function, and documents the results of a public workshop held in November 2000 in which final community input was solicited to direct the study conclusions.

Advisory Committee

One important and critical element to this project's success was the decision by the City and of community volunteers to establish a working group of key stakeholders that would provide direction and input into the alternatives and plan development process. This advisory committee was made up of a cross-section of local businesses, residents, community and downtown activists, City staff from other departments, and community leaders.

Advisory committee members for the Oak Harbor Downtown Circulation Study included:

Bill Daniel
Bill Massey
Chris Saxman
Hank Koetje
Jill Schacht
Patty Cohen

City Staff

Tom Burdett
Ryan Goodman
Krista-Janes Blackburn
Steve Powers

Circulation Study

Originally begun in March of 1998, a transportation engineering and planning effort (titled the *Downtown Oak Harbor Circulation Study*) was undertaken by KJS Associates, Inc., was undertaken in close coordination with an Advisory Committee and the City of Oak Harbor to identify, develop, and evaluate alternative circulation improvements within and through downtown Oak Harbor. Over a 12-month period, the following common themes, alternatives, and supporting elements were identified.

Common Themes

- Improved vehicle access and circulation through and within the downtown area.
- Traffic control and roadway improvements to maintain acceptable levels of service.
- Address vehicle speeds and arterial calming on Pioneer Way.
- Improved pedestrian environment through sidewalk widening and on-street amenities.
- Improved pedestrian safety.
- Improved on-street parking configurations for vehicle movements, vehicle access, and supply.
- Enhanced truck delivery network for local deliveries and accommodating through truck volumes.

Alternatives Considered in Final Evaluation

Alternative #1

One-way traffic eastbound from City Beach Street to Midway Boulevard.

Alternative #2

One-way traffic eastbound from City Beach Street to Ireland, two-way traffic from Ireland to Midway Boulevard.

Alternative #3

Two-way traffic. Retain parallel parking on both sides of Pioneer.

Alternative #4A

Two-way traffic. Retain on-street parallel parking, but only on one-side of Pioneer. On-street parking would serpentine between the north and south sides of Pioneer.

Alternative #4B

Two-way traffic. Modify on-street parking to angle configuration and serpentine parking between the north and south sides of Pioneer.

Common Supporting Elements

- Switch Ely Street and Dock Street to two-way traffic from present one-way configuration.
- Replace existing traffic signal traffic at Dock Street and Pioneer to all-way stop control.
- Convert existing parallel parking with angle parking serpentine parking along both the north and south side of Pioneer.
- Provide pedestrian curb bulbs and enhanced crossing treatments along Pioneer Way at City Beach/Ely/Dock/Hathaway/Ireland/Ilwaco/Jensen and Midway.
- Rechannelize the intersection of Bayshore Drive and City Beach Street to improve safety and better facilitate traffic flow. Install raised islands at the intersection and a separate left turning lane on Bayshore Drive. Integrated signal/traffic control with the intersection of Bayshore Drive/City Beach Street and Pioneer Way to accommodate increased traffic on Bayshore Drive and vehicle queuing on southern intersection leg.
- Improve signal control and operations to facilitate traffic flow onto Bayshore Drive under either circulation scenario to accommodate goods movement and a smooth by-pass route for through trips in downtown.

Based upon recommendations from the Advisory Committee, City staff review, and public comments, two conceptual circulation alternatives were carried forward into a more refined design process. These two alternatives included:

One-Way Circulation on Pioneer Way (Alternative #1)

One-way traffic eastbound from City Beach Street to Midway Boulevard. Modify on-street parking to angle configuration and serpentine parking between the north and south sides of Pioneer.

Two-Way Circulation on Pioneer Way (Alternative #4B)

Maintain existing two-way traffic flow. Modify on-street parking to angle configuration and serpentine parking between the north and south sides of Pioneer.

During the course of these efforts, public outreach and solicitation included a presentation of key findings and conclusions of the circulation alternatives to the general public and a presentation before the Planning Commission and City Council in April of 1999. Additionally, the Advisory Committee and City mailed and distributed project information and surveys to downtown business and the community at large.

Refined Design Process and Public Workshop

As a follow-on to the *Downtown Oak Harbor Circulation Study*, MAKERS architecture and urban design worked with the City and Chris Saxman, local architect, to develop conceptual plans and sketches showing how the alternative configurations would actually look and function. The purpose of these illustrations was to help the community determine a preferred configuration for Pioneer Way, and in particular to help forge a consensus on a one-way or a two-way configuration.

These conceptual plans and sketches sought to illustrate the objectives for Pioneer Way identified by the earlier study:

- Enhancing the pedestrian environment
- Slowing traffic, while maintaining adequate capacity
- Making parking easier

All of these objectives are part of a larger goal of making Downtown Oak Harbor a more vibrant, economically viable part of the community. While traffic and street improvements are only part of the solution for revitalizing Pioneer Way, they are undoubtedly key elements.

Three types of illustrations were prepared to portray the differences between the alternatives: Chris Saxman prepared large-scale plans of the Pioneer Way corridor. MAKERS used these plans to develop cross-sections at three locations along the street showing the existing conditions and the two main alternatives, then prepared perspective sketches to give a better idea of how the alternatives would actually look.

The illustrations were presented at a Public Workshop on November 9, 2000, which was attended by about 40 citizens representing a variety of interests. Following the presentation, an open discussion was conducted, allowing the participants an opportunity to express their preferences, identify which issues were most important to them and air their concerns. All of the comments were recorded and posted, and consensus was reached on making the north-south cross streets two-way to the degree possible without reducing on-street parking, slowing vehicle speeds on Pioneer Way, and improving the pedestrian environment.

The clear preference among workshop participants was two-way traffic with angled parking on alternate sides which received 19 dots compared with 11 for the one-way alternative, none for two-way with parallel parking both sides and slightly wider sidewalks, and 5 for the status quo. The survey results also indicated a preference for the two-way configuration.

Preferred Alternative

Clearly, there is a wide range of divergent opinions on what is best for Pioneer Way and the community. There was consensus on making north-south cross streets two-way (providing on-street parking can be maintained) and a clear preference for two-way traffic with angled parking on alternate sides and two to four feet of additional sidewalk width.

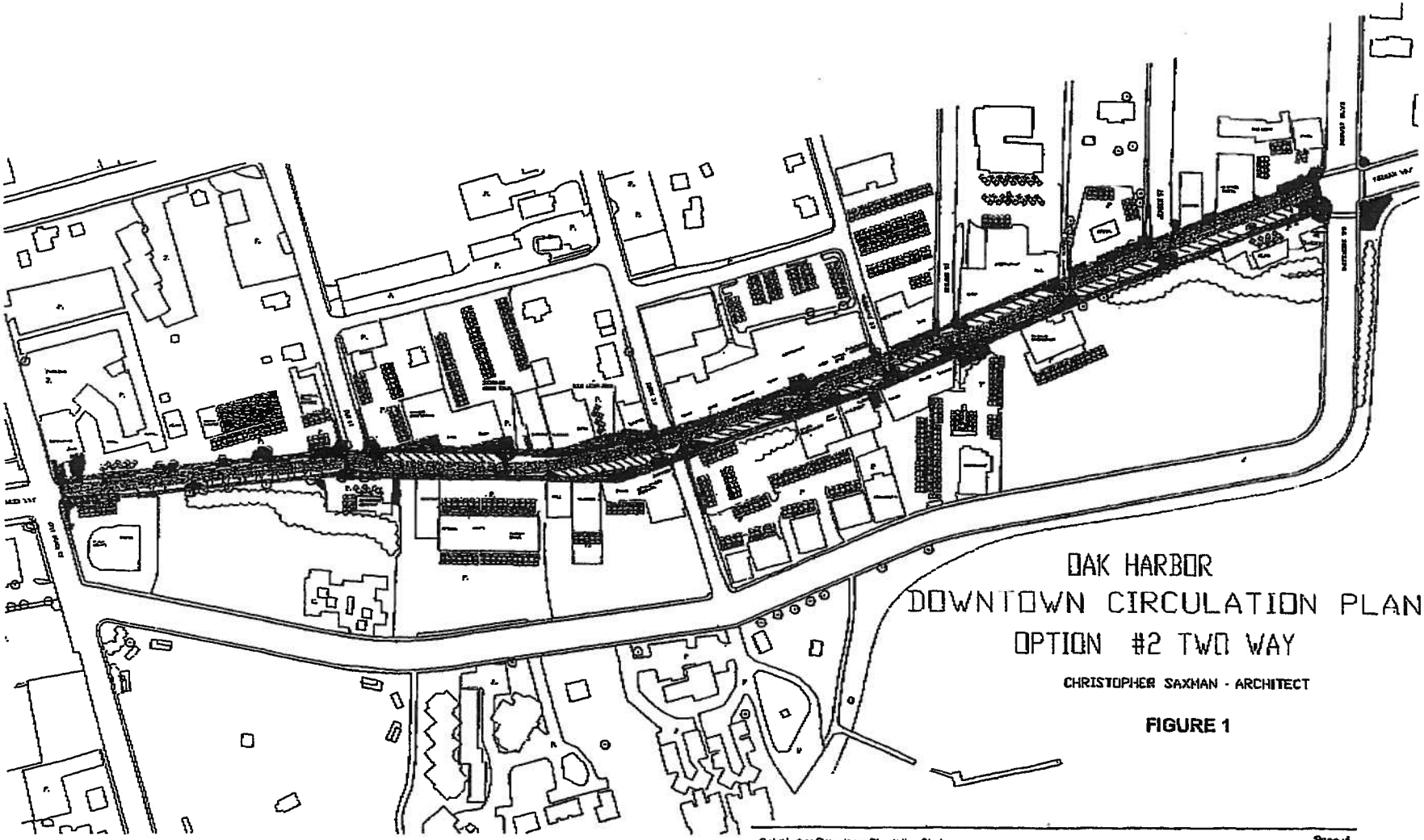
There was consensus that the top priority was making Pioneer Way more safe and pleasant for pedestrians, and adding sidewalk width was the top objective toward meeting this goal, followed closely by crating additional landscaping. Making parking easier and slowing down traffic were rated somewhat lower, respectively, followed by making it easier to drive to and from Pioneer Way businesses. Increasing the number of parking spaces was not generally rated as a high priority, however. Although it was not listed as one of the issues on the survey, there was a strong feeling that the improvements need to be *dramatic* to be successful.

These community objectives for improving Pioneer Way can be met by the preferred alternative (Alternative # 4B) in a two-way traffic configuration with angled parking. Community priorities for this important part of Oak Harbor's past and future should provide a strong basis for further development of street improvement plans for Pioneer Way.

The preferred alternative is shown in Figure 1, and includes two-way circulation, angled parking, pedestrian curb bulbs, increased sidewalk width, street trees, and other pedestrian sidewalk amenities.

Supporting Comprehensive Plan Goals and Policies

As part of the preferred capital improvements to Pioneer Way, a series of supporting goals and policies were developed by the Advisory Committee and are included as recommended amendments to the City's Comprehensive Plan.



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ATTACHMENT 1

Transportation Element
(to be inserted on page 70 of the Comprehensive Plan)

Goal 8: **Circulation improvements shall be implemented in the downtown in order to promote a more pedestrian friendly, economically viable area.**

Discussion: A key part of downtown revitalization efforts include creating a more pedestrian friendly environment. Downtown area property and business owners believe that changes in the area's circulation pattern are crucial to creating the desired environment.

Policy 8.a Pioneer Way, from City Beach Street to Midway Boulevard, shall continue to be a two-way direction street for vehicular traffic.

Discussion: The major circulation decision made for the downtown area answered the question of whether Pioneer Way should be a one-way or two-way street. After significant study and discussion the majority of involved parties chose to continue Pioneer Way as a two-way street. The removal of the parallel parking on both sides of the street, and replacing it primarily with angled parking on alternating sides of the street, may be implemented to help create the physical space necessary for the envisioned pedestrian improvements. The change in parking type will also make parking in the downtown area easier.

Policy 8.b Pioneer Way, from City Beach Street to Midway Boulevard, should be designated a collector street so that the street functional classification supports the goals for the downtown area.

Policy 8.c Traffic-calming measures such as narrowing lane widths, installing four-way stop signs at key intersections, reducing the speed limit, etc. should be implemented in the downtown area.

Policy 8.d Pedestrian improvements such as wider sidewalks, enhanced crossings, increased landscape areas, benches, restroom facilities and other amenities should be installed in the downtown area.

Policy 8.e Increased circulation and directional changes to Dock, Ely, Ireland, and Hathaway Streets should be implemented to support the overall circulation goals of the downtown area.

Policy 8.f Improvements to the signalized intersections at Pioneer Way/City Beach St. and Pioneer Way/Midway Blvd./Bayshore Dr. should be made to promote through traffic movements in the downtown area onto Bayshore Drive.

Policy 8.g Bayshore Drive, from City Beach Street to Pioneer Way, should retain its functional classification as a minor arterial.

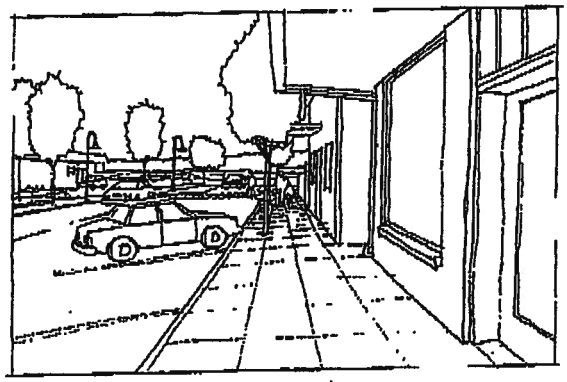
Discussion: With the reclassification of a portion of Pioneer Way from an arterial to a collector and in light of certain development proposals in the area, retaining Bayshore Drive as a minor arterial is necessary to facilitate traffic movement within and through the downtown.

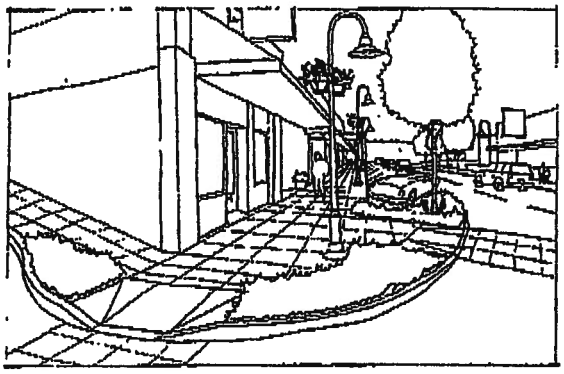
Policy 8.h Signage and/or other means should be created that encourages through-truck traffic to use Bayshore Drive as a bypass route to the downtown area.

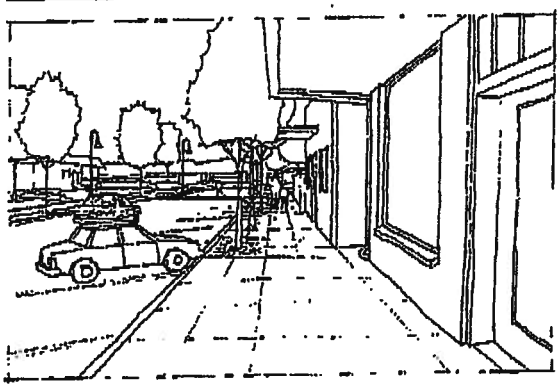
Economic Development Element
(to be inserted on page 72 of the Comprehensive Plan)

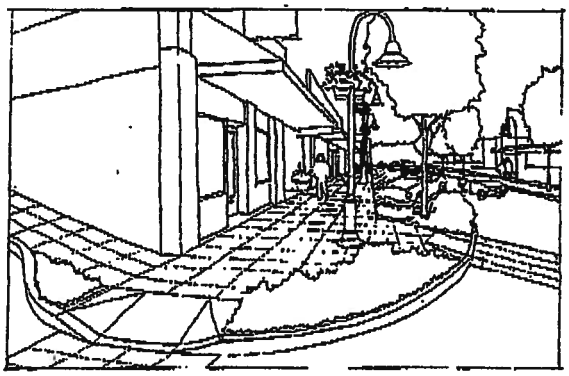
Policy 2.e The City should seek, support and assist in grant applications to help fund construction of planned circulation improvements in the downtown area.

Pioneer Way Improvement Study









April 2001

prepared for the

City of

Oak Harbor

by

MAKERS
architecture + urban design

Pioneer Way Improvement Study

As a follow-on to the Downtown Oak Harbor Circulation Study, MAKERS architecture and urban design worked with the City and Chris Saxman to develop conceptual plans and sketches showing how the alternative configurations would actually look and function. The purpose of these illustrations was to help the community determine a preferred configuration for Pioneer Way, and in particular to help forge a consensus on a one-way or a two-way configuration. These conceptual plans and sketches sought to illustrate the objectives for Pioneer Way identified by the earlier study:

- Enhancing the pedestrian environment
- Slowing traffic, while maintaining adequate capacity
- Making parking easier

All of these objectives are part of a larger goal of making Downtown Oak Harbor a more vibrant, economically viable part of the community. While traffic and street improvements are only part of the solution for revitalizing Pioneer Way, they are undoubtedly key elements.

Three types of illustrations were prepared to portray the differences between the alternatives: Chris Saxman prepared large–scale plans of the Pioneer Way corridor. MAKERS used these plans to develop cross-sections at three locations along the street showing the existing conditions and the two main alternatives, and then prepared perspective sketches to give a better idea of how the alternatives would actually look.

Public Workshop:

The illustrations were presented at a Public Workshop on November 9, 2000, which was attended by about 40 citizens representing a variety of interests. 15 identified themselves as business owners, 10 as property owners and 13 as interested citizens (some were in more than one group). The presentation began with a discussion of the implications of the two main alternatives:

- One-way traffic with angled parking on alternate sides and 4'-6' of additional room for sidewalks and landscaping.
- Two-way traffic with angled parking on alternate sides and 2'-4' of additional room for sidewalks and landscaping.

Two additional alternatives that were not illustrated were also discussed:

- Two-way traffic with parallel parking on both sides and 0-2' of additional room for sidewalks.
- Keeping the arterial designation and leaving the street configuration as is.

Note: All of the alternatives except the last one would require narrower lane widths and removing Pioneer Way's arterial designation.

The presentation also included a discussion of the objectives for improving Pioneer Way:

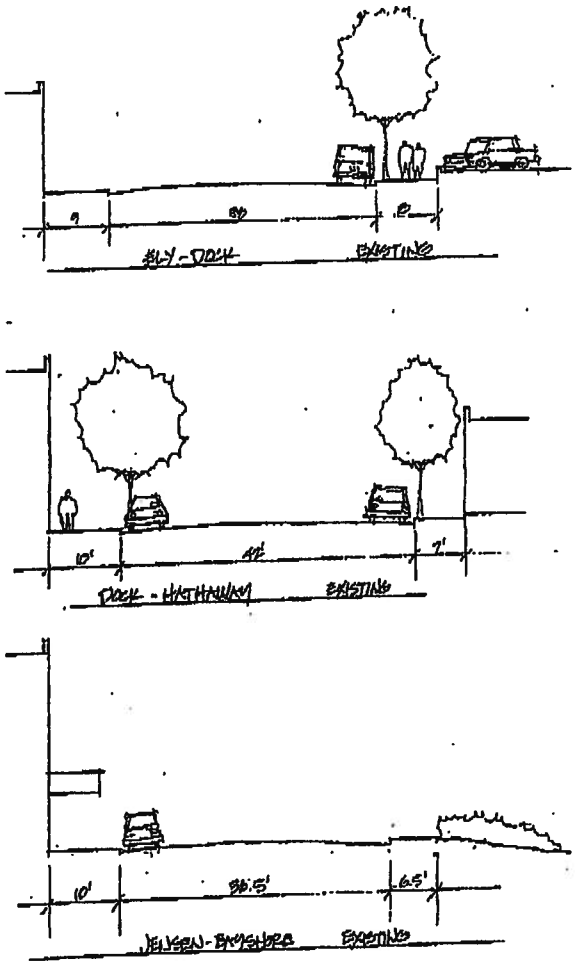
- Increase sidewalk width.
- Create additional landscape areas, including planting strips.
- Slow traffic down on Pioneer Way.
- Make it easier to get in and out of parking.

- Increase number of parking spaces.
- Make it easier to drive to and from Pioneer Way business.
- Make Pioneer Way more pleasant and safe for pedestrians.

Following the presentation, an open discussion was conducted, allowing the participants an opportunity to express their preferences, identify which issues were most important to them and air their concerns. All of the comments were recorded and posted, and consensus was reached on making the north-south cross streets two-way to the degree possible without reducing on-street parking, slowing vehicle speeds on Pioneer Way, and improving the pedestrian environment. Then each participant was given one large and five small adhesive dots. The large dots were placed on the alternative configuration they preferred and the small dots were placed on the issues they thought were most important. Participants were also given a survey and asked to rate the alternatives and issues.

The clear preference among workshop participants was two-way traffic with angled parking on alternate sides which received 19 dots compared with 11 for the one-way alternative, none for two-way with parallel parking both sides and slightly wider sidewalks, and 5 for the status quo. The survey results also indicated a preference for the two-way configuration.

The illustrations presented at the workshop are reproduced on the following pages, followed by copies of the issue statements with their "dots" and the tabulated survey results.



Existing Cross-Sections

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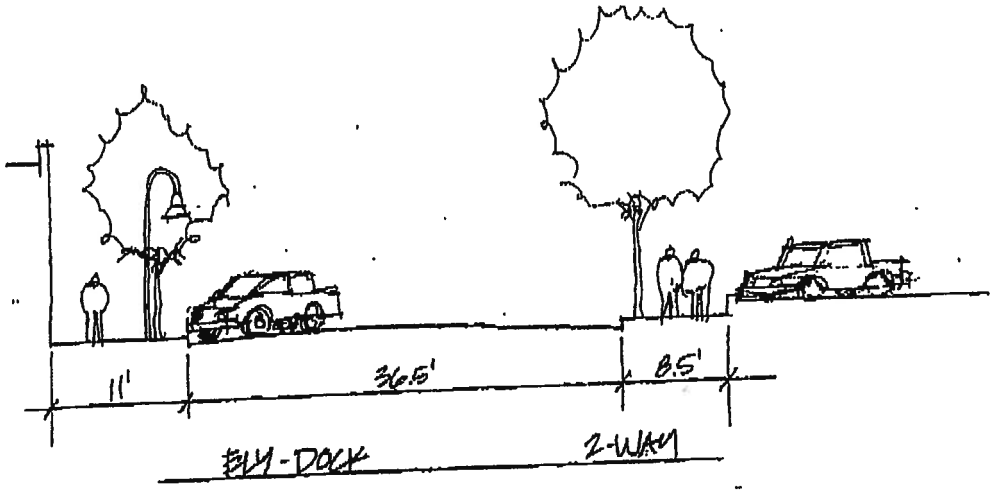
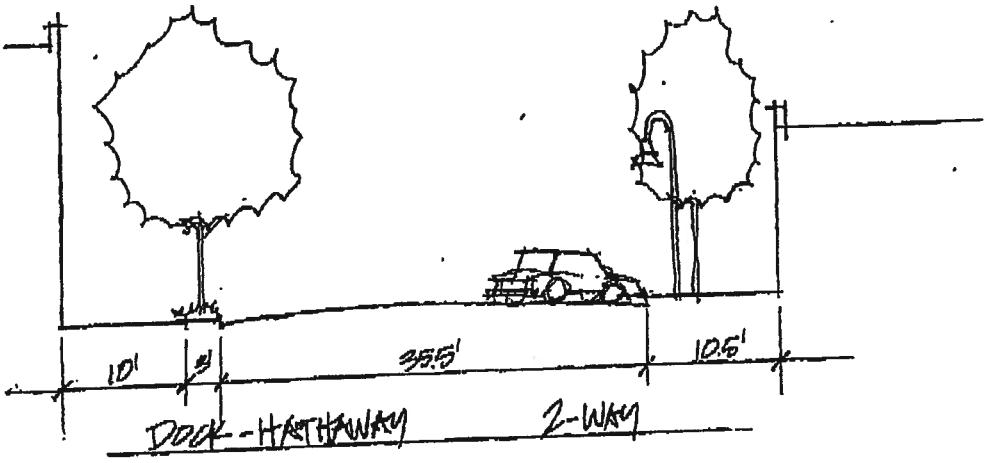
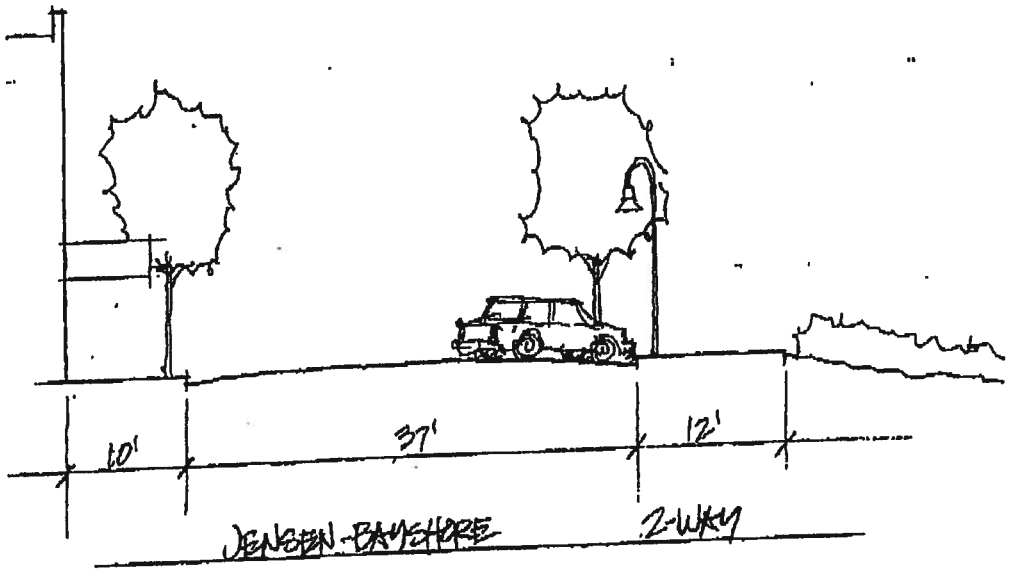
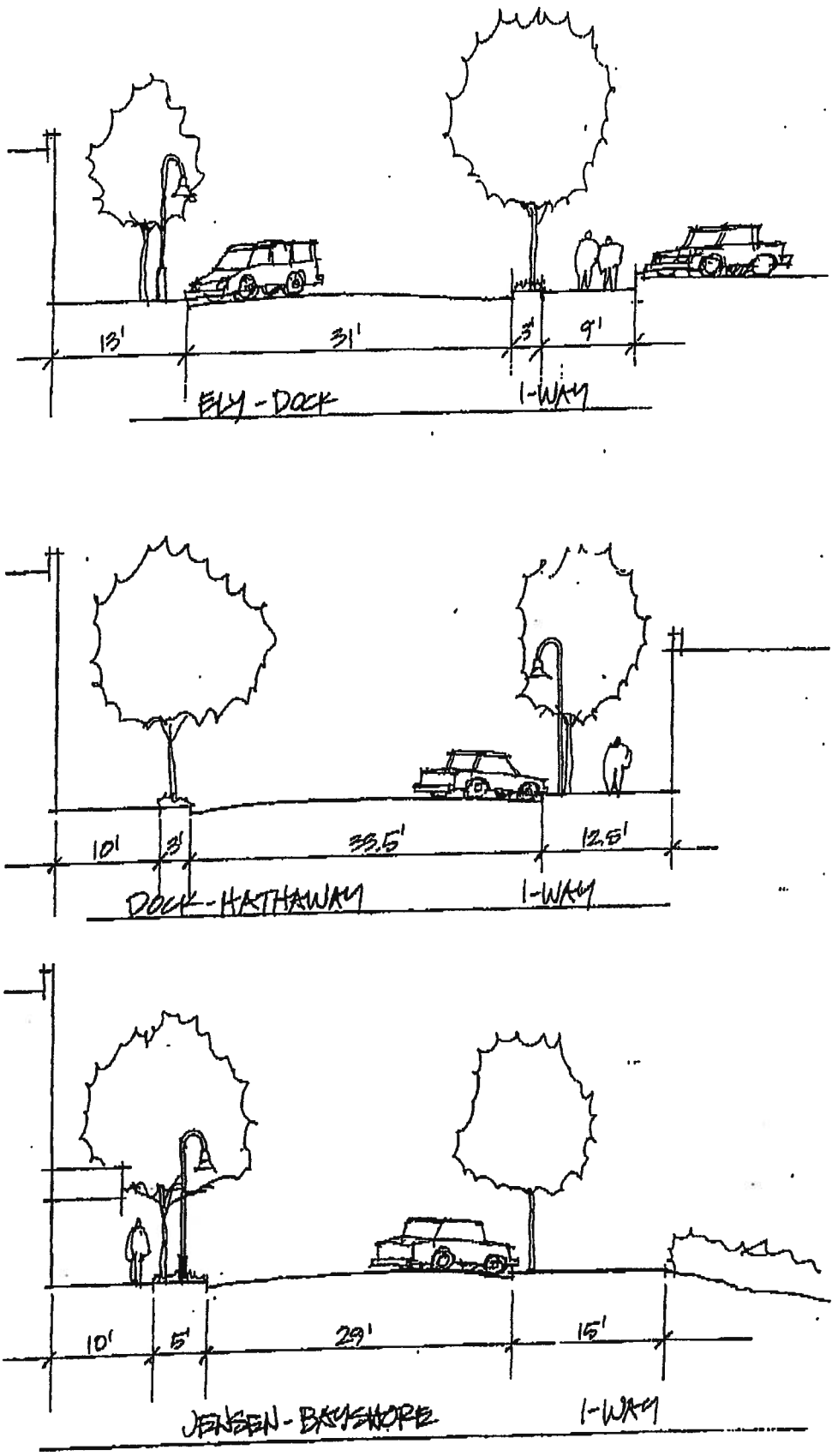






Two-Way Cross-Sections



One Way Cross-Sections

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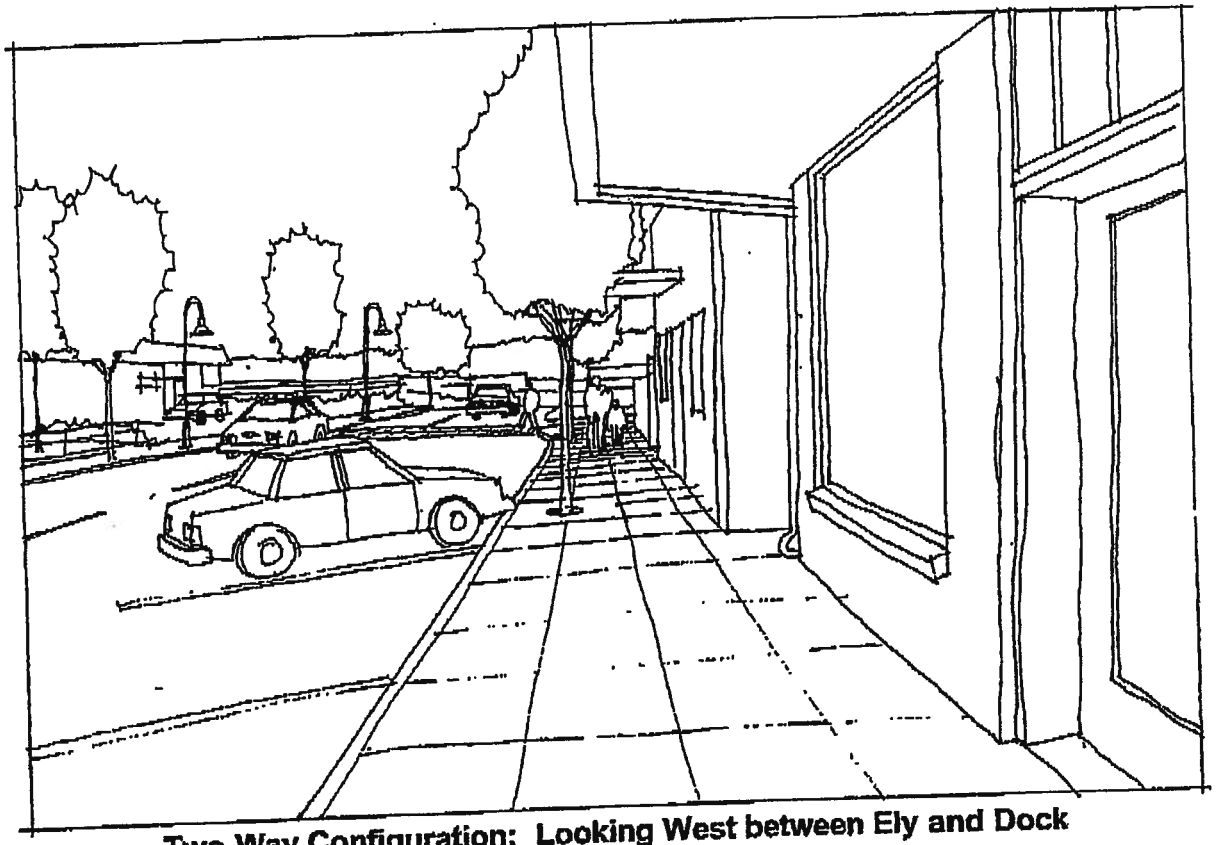
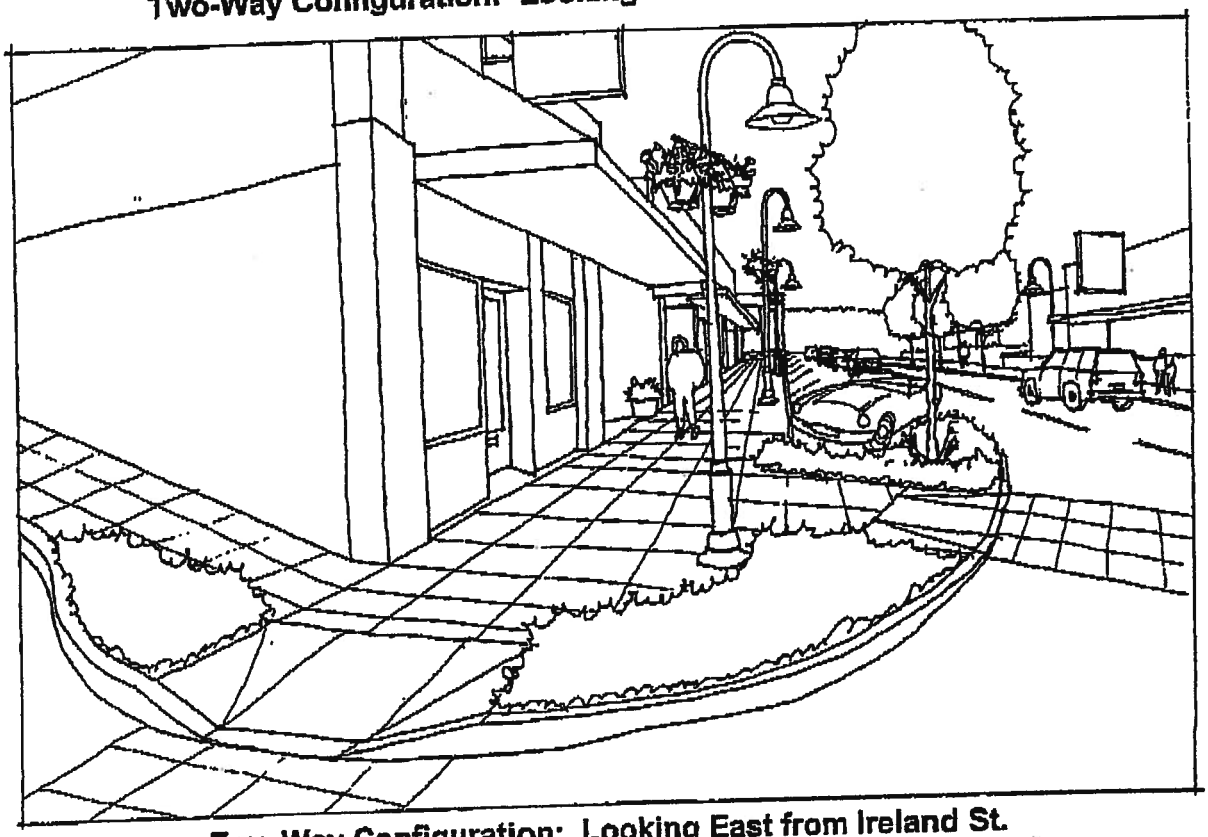
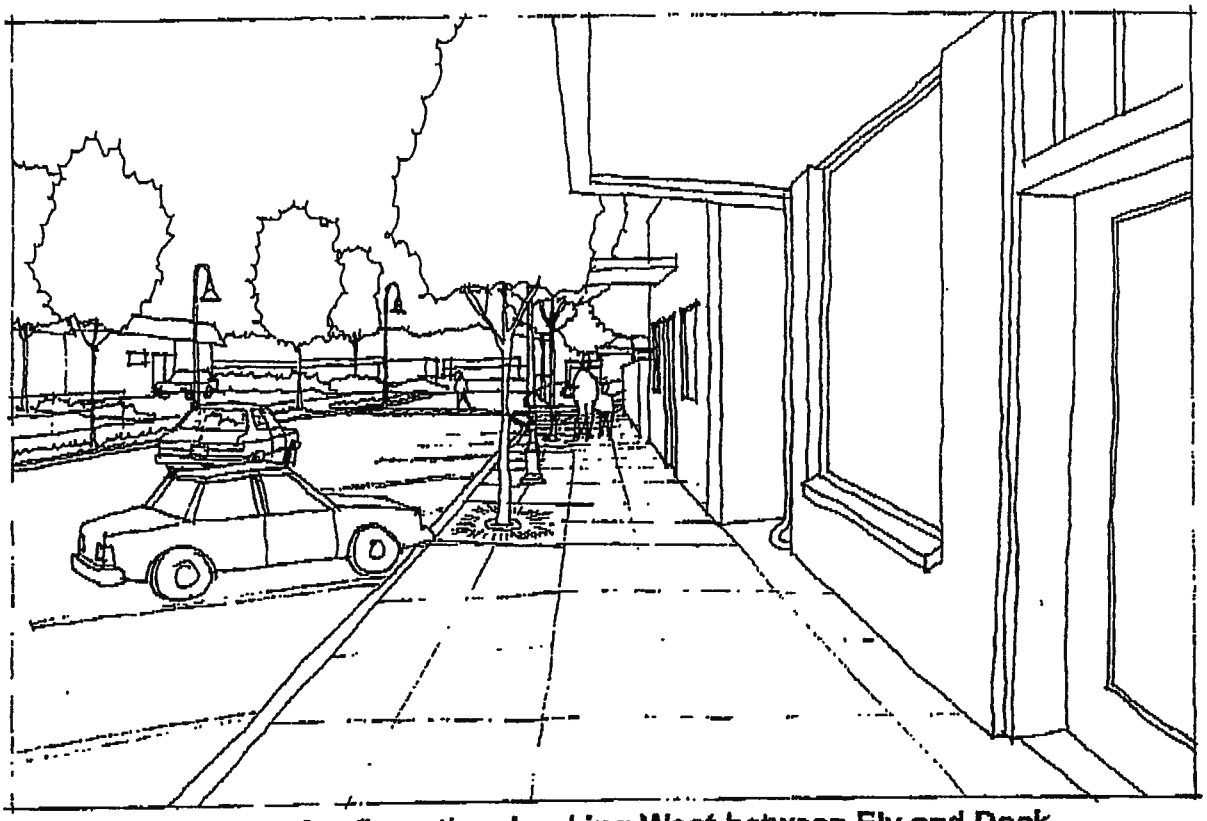


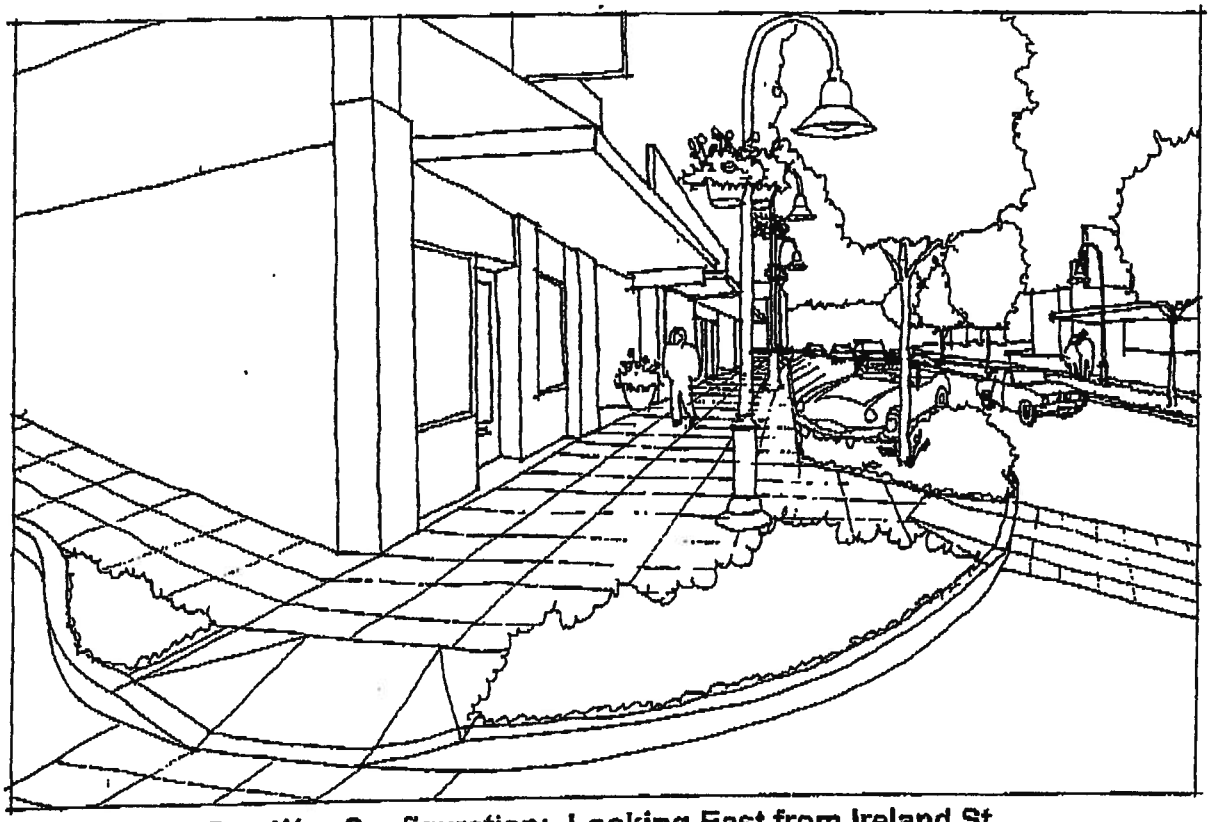
Two-Way Configuration: Looking West between Ely and Dock



Two-Way Configuration: Looking East from Ireland St.



One-Way Configuration: Looking West between Ely and Dock



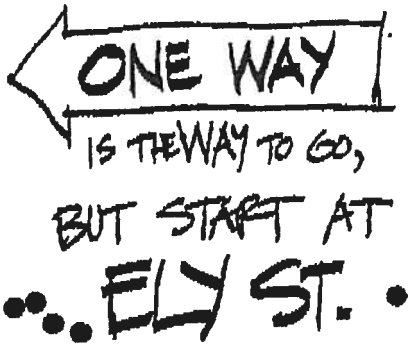
One-Way Configuration: Looking East from Ireland St.

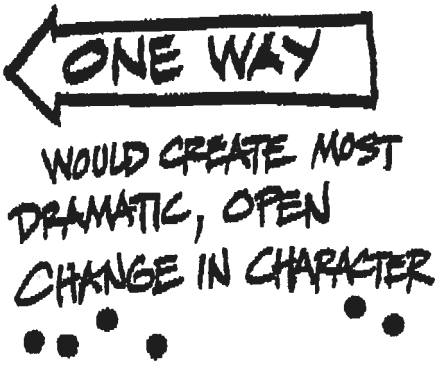
Workshop Comments

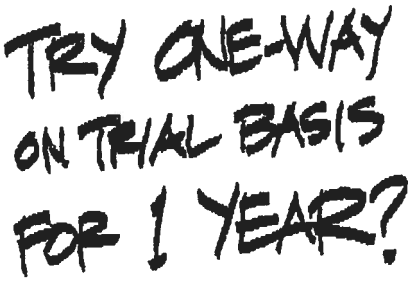
As the illustrations on these pages show, opinions are quite divergent on a number of issues. All comments were recorded, then participants were allowed to place there dots on the ones they felt were most important. These are reproduced here grouped by theme:

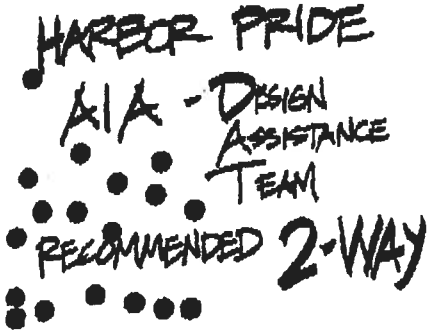
One-Way v. Two-Way

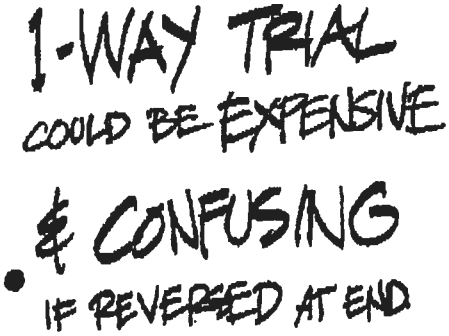
Not surprisingly, most of the comments were about the basic question of one-way vs. two-way traffic, which generated a lively debate. Some of these comments dealt with traffic flow, while others addressed business vitality and the degree of change resulting from the alternatives. These issues are dealt with further on the following pages.











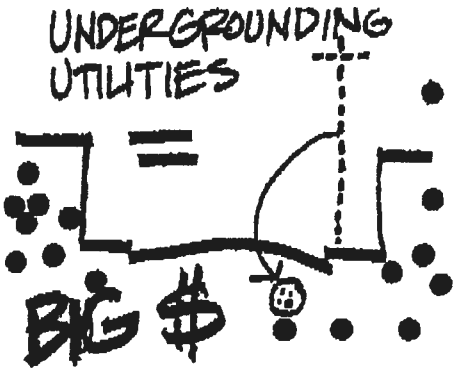
Business Vitality

Other Downtown Uses

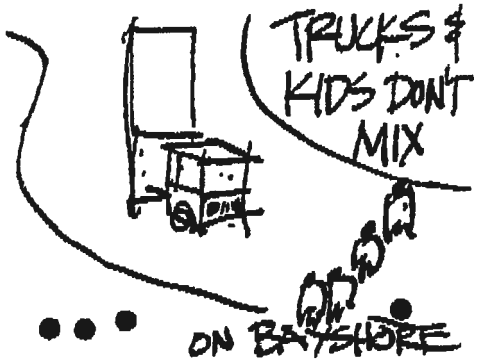
PIONEER
SERVES MORE THAN
BASE, COLLEGE, MARINA.
REMEMBER LIBRARY,
& FUTURE PIER

PEOPLE DON'T COME
DOWNTOWN FOR EASY
PARKING, BUT FOR
SPECIAL USES &
COMMUNITY ANCHORS

Undergrounding Utilities



Safety

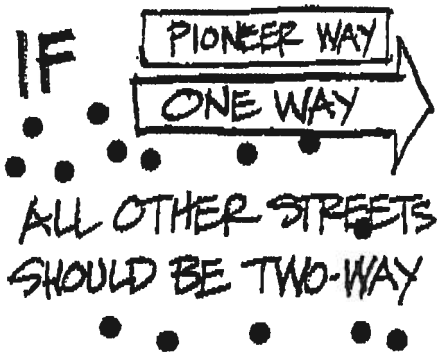


Need for Dramatic Change

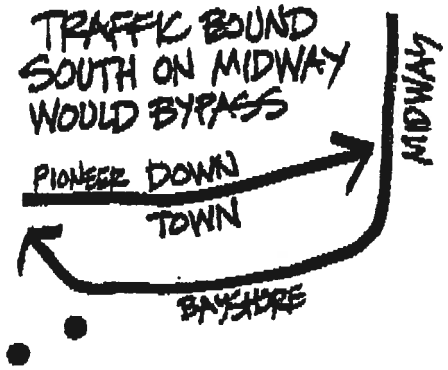
NEED TO MAKE

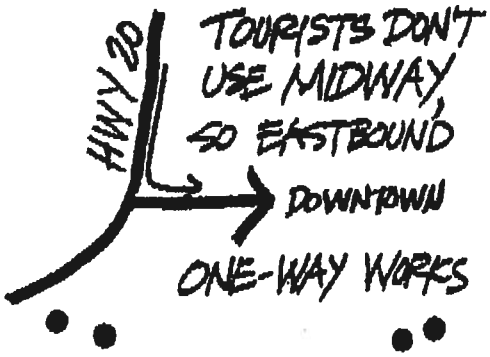
RADICAL CHANGE

Side Streets



Traffic Flow





Survey Results (NOTE: a rating of 5 is most favorable, 1 least favorable)

			Rating:					
	Avg.	Rank	1	2	3	4	5	Comments
Circulation Alternatives:								
Two-way traffic w/ angled parking	3.77	1	2	3	4	2	11	Narrower streets would slow traffic. I think this will work fine.
One-way traffic w/ angled parking	3.24	2	7			2	8	Inconvenient in many ways
Two-way traffic w/ parallel parking	2.43	3	5	3	3	1	2	Wider sidewalks would be an improvement.
Leave street configuration as is	2.42	4	7	2	1		4	It's just "O.K." as is.
Issues:								
Make Pioneer Way more pleasant and safe for pedestrians	4.10	1	2	2	1	2	13	With a purpose. I'm sure we can all agree on this.
Increase sidewalk width	4.00	2	1	1	4	4	9	Creates room for outdoor cafés, etc. Nice but could very much be rebuilt w/ underground utilities. I am a business owner with a very narrow sidewalk. Increased width, even a little, would be nice. Make this area people-friendly. If you clean up the sidewalk, it will add width: bury wires, lower trees.
Create additional landscape areas, including planting strips	3.85	3		2	8	1	9	Aesthetically appealing. This must be created uniquely property to property. Think maintenance and liability. Will create a more pedestrian friendly atmosphere. Cut trees and make lower, more inviting landscape. Be careful what you plant. Low maintenance, slow growth.
Make it easier to get in and out of parking	3.79	4	1	3	4	2	9	Not important if pedestrian area is interesting. I like angle parking, except you have to back out into traffic. We need purpose first. Then parking that is not so easy in and out of downtown so people will stay and interact or shop. No. It doesn't bother me now.

			Rating					
Issues:	Avg.	Rank	1	2	3	4	5	Comments
Slow traffic down on Pioneer Way	3.58	5	2	1	7	2	7	Pedestrian traffic is a factor of vehicular traffic. Also more crosswalks and stop signs. Yes! Yes!
Make it easier to drive to and from Pioneer Way businesses.	3.44	6	3	1	4	2	6	vs what? A mall? If you want to get there you can do it. Turn some 1-ways to 2-ways. One-way streets are perceived as inconvenient. Not necessary if area is attractive and interesting to pedestrians.
Increase number of parking spaces	2.74	7	5	3	6	2	3	Important but we do it now and survive. We need to educate people as to the availability of parking in area to support larger anchors. Too many already. If at all possible. We have a large parking lot behind our business that nobody uses. Better signage may help with off-street parking. In a separate area - large parking lots to promote walking traffic. As is. OK

Other Comments:

Hoping for a dramatic change if ever want to use downtown on a regular basis. Agree with importance of developing community anchors like performing arts center, library, etc.

We need to look at the time line of change - making a transition for life to thrive in this historic core. Respect the historic scale building to building (2 story massing). How does this circulation connect to the water?

Allow live/work environments on Pioneer.

Anchors - create a purpose for people to want to come downtown; Library in center of town. (Not focus on process or method of traffic.)

You want to create a setting where prople can park without easy in and out.

Go with ideas from Harbor Pride Group.

Too many parking spaces already.

I would like to see shade trees with park benches, old-fashioned lighting, and other pedestrian perks.

Most importantly, we need to attract special businesses such as sidewalk cafés, gift shops, nicer restaurants, maybe a theater, etc. to attract pedestrians.

More parades, event, etc. and marketing would also be an improvement.

Thank you Staff. Keep up the good work.

Survey Comments continued:

Must be dramatic. Must look different.

Need anchor things - dock - convention center - plaza square - performing arts center.

It needs to be people friendly places to stop - places to linger.

Can support 2-way. Support common element improvements. Need to pay attention to dynamics of traffic around downtown area (Bayshore).

I assume the goal is to attract tourists as well as local people to the downtown.

If the goal is to attract tourists, there needs to be some emphatic means to identify the downtown and get them off of SR-20

Which is the primary goal? To attract more locals or more tourists? The plan for Pioneer may be different depending on this goal.

I fail to see how either of the options will bring $$ to this area unless the business owners can also come up with an attractive front.

Need more signage to direct tourists and a reason for them to follow that direction. Which comes first? Traffic flow or reason to go?

SE Ely Street should be two-way.

Between Dock St. and Hathaway Street there is no parking allowed for businesses on the north side of Pioneer Way.

Only three of the businesses on the north side have rear access to the parking lot.

Direct truck traffic to Bayshore.

50% of population is of senior citizens age. Not inclined to walk very far from their cars.

Conclusion

Clearly, there is a wide range of divergent opinions on what is best for Pioneer Way and the community. There was consensus on making north-south cross streets two-way (providing on-street parking can be maintained) and a clear preference for two-way traffic with angled parking on alternate sides and two to four feet of additional sidewalk width. This was reflected in the "dot exercise" at the workshop, where this alternative was favored by nearly two to one, as well as in the survey, where the distinction was less dramatic due to the weighting of responses. Still, a total of 17 gave the highest rating to one of the two-way configurations, while only eight gave the one-way alternative the highest rating. The one-way alternative also had significantly higher low ratings than the preferred two-way alternative. This probably reflects the concern that a one-way configuration could have a negative impact on businesses on Pioneer Way.

There was consensus that the top priority was making Pioneer Way more safe and pleasant for pedestrians, and adding sidewalk width was the top objective toward meeting this goal, followed closely by creating additional landscaping. Making parking easier and slowing down traffic were rated somewhat lower, respectively, followed by making it easier to drive to and from Pioneer Way businesses. Increasing the number of parking spaces was not generally rated as a high priority, however. Although it was not listed as one of the issues on the survey, there was a strong feeling that the improvements need to be dramatic to be successful.

These community objectives for improving Pioneer Way can be met by the preferred alternative. The community priorities for this important part of Oak Harbor's past and future should provide a strong basis for further development of street improvement plans for Pioneer Way.

K J S *Associates, Inc.*

Memorandum

DATE: August 6, 1999

TO: Advisory Committee Members, Downtown Circulation Study

FROM: Michael J. Read, P.E., KJS Associates

RE: Evaluation of Alternatives for the *Downtown Oak Harbor Circulation Study*

The following alternative circulation improvements were evaluated as part of the *Downtown Oak Harbor Circulation Study*. This memorandum presents the findings of the evaluation for the advisory committee use and consideration. A total of five circulation alternatives were evaluated. Planning level cost estimates and the impacts and benefits of each alternative is provided within this study. The alternatives included:

Alternative #1
One-way traffic eastbound from City Beach Street to Midway Boulevard.

Alternative #2
One-way traffic eastbound from City Beach Street to Ireland, two-way traffic from Ireland to Midway Boulevard.

Alternative #3
Two-way traffic. Retain parallel parking on both sides of Pioneer.

Alternative #4A
Two-way traffic. Retain on-street parallel parking, but only on one-side of Pioneer. On-street parking would serpentine between the north and south sides of Pioneer.

Alternative #4B
Two-way traffic. Modify on-street parking to angle configuration and serpentine parking between the north and south sides of Pioneer.

Common Elements Among Alternatives

- Improved vehicle access and circulation through and within the downtown area.
- Traffic control and roadway improvements to maintain acceptable levels of service.
- Address vehicle speeds and arterial calming on Pioneer Way.
- Improved pedestrian environment through sidewalk widening and on-street amenities.
- Improved pedestrian safety.
- Improved on-street parking configurations for vehicle movements, vehicle access, and supply.

- Enhanced truck delivery network for local deliveries and accommodating through truck volumes.
- Downtown urban revitalization and enhanced economic vitality of downtown business.

Alternative Improvements to Downtown Circulation

One-Way Circulation: These alternatives would address traffic control, circulation, truck routing, pedestrian crossing, and parking configurations assuming a one-way street system is created on some portion or all of Pioneer Way. Two separate one-way street systems were evaluated:

1. Alternative #1, Pioneer Way: One-way eastbound from City Beach Street to Midway Boulevard, make traffic control and other improvements to facilitate through traffic back to SR 20 on other streets (Bayshore Drive, Barrington, SE 8th, Regatta, etc.). Specific modifications in addition to one-way traffic include:
   - Switch Ely Street and Dock Street to two-way traffic from present one-way configuration.
   - Replace existing traffic signal with stops signs to control north/south traffic at Dock Street and Pioneer.
   - Stop signs for left turns onto Pioneer from Ireland and Jensen.
   - Increase sidewalk width along Pioneer by an average of 8 feet.
   - Convert existing parallel parking to angle parking (creates approximately 88 additional on-street parking spaces); serpentine parking along both the north and south side of Pioneer.
   - Rechannelize the intersection of Bayshore Drive and City Beach Street to improve safety and better facilitate traffic flow. Install raised islands at the intersection and separate left turning lane on Bayshore Drive. Integrated signal control with the intersection of Bayshore Drive/City Beach Street and Pioneer Way may be necessary due to increased traffic on Bayshore Drive and vehicle queuing on southern intersection leg.
2. Alternative #2, Pioneer Way: One-way eastbound from City Beach Street to Ireland, make traffic control and changes in one-way directionality of north-south streets to accommodate movements back to SR 20 via Barrington and SE 8th Avenue. Pioneer Way between Ireland and Midway Boulevard would remain in a two-way configuration. Specific elements included:
   - Switch Ely Street and Dock Street to two-way traffic from present one-way configuration.
   - Switch Hathaway from a one-way northbound to one-way southbound.
   - Switch Ireland from a one-way southbound to a one-way northbound
   - Replace existing traffic signal with stops signs to control north/south traffic at Dock Street and Pioneer.

- Stop signs for left turns onto Pioneer from Hathaway.
- Increase sidewalk width along Pioneer by an average of 8 feet.
- Convert existing parallel parking to angle parking (creates approximately 57 additional on-street parking spaces); serpentine parking along both the north and south side of Pioneer. Note: some parallel parking retained.
- Install a traffic island at Ireland to direct westbound traffic off of Pioneer onto Ireland.
- Rechannelize the intersection of Bayshore Drive and City Beach Street to improve safety and better facilitate traffic flow. Install raised islands at the intersection and separate left turning lane on Bayshore Drive. Integrated signal control with the intersection of Bayshore Drive/City Beach Street and Pioneer Way may be necessary due to increased traffic on Bayshore Drive and vehicle queuing on southern intersection leg.

Two-way Circulation - Revised Traffic Control Treatments and Parking Configurations on Pioneer Way: These alternatives would involve removing the existing signal at Pioneer Way and Dock Street and installing stop control signage at key intersections on Pioneer Way. It would identify traffic control, truck circulation, pedestrian needs, and parking configurations on downtown streets. Traffic signal improvements/changes at the intersections of Bayshore Drive at Pioneer Way and Bayshore Drive/Midway Boulevard and Pioneer Way may also be required for those drivers who did not want to travel on Pioneer Way and travel through all-way stop controlled intersections. Two additional two-way system alternatives were developed in the final stages of the study to consider alternative on-street parking configurations and travelway patterns. The three two-way alternatives that were evaluated included:

1. Alternative #3: Two-way traffic on Pioneer Way. Retain parallel parking on both sides of Pioneer in current configuration. Standardize roadway cross-section to capture additional pedestrian space where possible.
   - Switch Ely Street and Dock Street to two-way traffic from present one-way configuration.
   - Replace existing traffic signal with a 4-way stop at Dock Street and Pioneer.
   - All-way stop at Ireland and Pioneer.
   - Increase sidewalk width where possible; varies between 0 and 6 feet in total.
   - Retain existing parallel parking; no additional parking created
   - Provide pedestrian curb bulbs at Pioneer and City Beach/Ely/Dock/Hathaway/ Ireland/Ilwaco/Jensen and Midway.
   - No additional on-street parking stalls will be created along Pioneer.
   - Rechannelize the intersection of Bayshore Drive and City Beach Street to improve safety and better facilitate traffic flow. Install raised island at the intersection and separate left turning lane on Bayshore Drive. Stop control for northbound movements from City Beach Street onto Bayshore Drive.

2. Alternative #4A:Two-way traffic. Retain on-street parallel parking, but only on one-side of Pioneer. On-street parking would serpentine between the north and south sides of Pioneer.
   - Switch Ely Street and Dock Street to two-way traffic from present one-way configuration.
   - Rechannelize the intersection of Bayshore Drive and City Beach Street to improve safety and better facilitate traffic flow. Install raised islands at the intersection and separate left turning lane onto Bayshore Drive. Stop control for northbound movements from City Beach Street onto Bayshore Drive.
   - Replace existing traffic signal with a 4-way stop at Dock Street and Pioneer Way.
   - Increase sidewalk width where possible; varies between 4 and 12 feet in total.
   - Retain existing parallel parking on only one-side of the curb. Eliminate parking on alternative curb faces with serpentine travelway of two-way flow. Total on-street parking stalls on Pioneer would be reduced by 37 stalls (out of a total of 90 stalls). Loss in on-street parking would be mitigated through the creation of additional on-street parking on side streets to Pioneer Way.
   - Provide pedestrian curb bulbs and enhanced crossing treatments along Pioneer Way at City Beach/Ely/Dock/Hathaway/Ireland/Ilwaco/Jensen and Midway (maintain turning lanes at Pioneer and Midway).
   - Install all-way stop control at the intersection of Pioneer Way and Ireland.

3. Alternative #4B: Two-way traffic along Pioneer Way. Modify on-street parking to angle configuration and serpentine parking between the north and south sides of Pioneer.
   - Switch Ely Street and Dock Street to two-way traffic from present one-way configuration.
   - Rechannelize the intersection of Bayshore Drive and City Beach Street to improve safety and better facilitate traffic flow. Install raised islands at the intersection and C-curb to provide a separate left turning lane on Bayshore Drive and to channelize northbound approach into a right-angle with Bayshore Drive.
   - Replace existing traffic signal with a 4-way stop at Dock Street and Pioneer Way.
   - Increase sidewalk width where possible; varies between 0 and 6 feet in total.
   - Eliminate parking on alternative curb faces with serpentine travelway of two-way flow and convert existing parallel parking to angle parking. Total on-street parking stalls on Pioneer Way would be increased by approximately 44 stalls.
   - Provide pedestrian curb bulbs and enhanced crossing treatments along Pioneer Way at City Beach/Ely/Dock/Hathaway/Ireland/Ilwaco/Jensen and Midway (maintain turning lanes at Pioneer and Midway).
   - Install all-way stop control at the intersection of Pioneer Way and Ireland.

Cumulative Assessment

In order to provide a cumulative assessment of these alternative solutions in the context of future development in the downtown area as well as throughout the greater Oak Harbor area a planning level determination of future traffic conditions in the downtown core was developed. This future baseline assessment included the following assumptions:

- Existing (1998) turning movement volumes were factored by 12 percent to account for general vicinity traffic growth.
- New trips associated with the *Harbor Watch* redevelopment and the marina expansion at the Seaplane Base, Naval Air Station, were determined. An additional 275 p.m. peak hour trips were added to the downtown street system and distributed in a manner likely to result from these projects.

Table 1 summarizes intersection levels of service under these baseline future assumptions. All intersections would operate at LOS D or better with the exception of Pioneer Way and SR 20. However, recently completed signal phasing improvements so that westbound right turning movements could occur simultaneously with the southbound phase, improve the signal efficiency and operation to LOS C at the Pioneer Way and SR 20 intersection.

Table 1: Future Baseline Intersection Levels of Service

Intersection	1998 Existing	Future Baseline Conditions
Pioneer Way at City Beach Street	LOS B (9 sec.)	LOS B (11 sec.)
Pioneer Way at Dock Street	LOS B (8 sec.)	LOS B (8 sec.)
Pioneer Way at Midway Boulevard	LOS B (9 sec.)	LOS B (11 sec.)
SE 8th Avenue at Midway Boulevard	LOS B (10 sec.)	LOS B (10 sec.)
SE 8th Avenue at SR 20	LOS B (10 sec.)	LOS B (11 sec.)
SE Barrington Drive at SR 20	LOS C (24 sec.)	LOS D (33 sec.)
Pioneer Way at SR 20	LOS C (20 sec.)	LOS C (25 sec.)
Pioneer Way at Hathaway Street	LOS B (SB - 8 sec.)	LOS B (SB - 8 sec.)
Pioneer Way at Ireland Street	LOS B (SB - 8 sec.)	LOS B (SB - 9 sec.)
SE 9th Avenue at Midway Boulevard	LOS B (EB - 9 sec.)	LOS C (EB - 11 sec.)
SE Barrington Street at Dock Street	LOS A (SB - 5 sec.)	LOS B (SB - 5 sec.)
SE 8th Avenue at Ireland Street	LOS B (AWS - 9 sec.)	LOS C (AWS - 12 sec.)

Level of Service Evaluation

Table 2 summarizes intersection levels of service under the alternative one-way and two-way improved street systems. As shown, all intersections would operate at LOS C or better, with the exception of SR 20 and Barrington, which would operate at LOS D. Specific traffic control, vehicular flow, parking, and pedestrian environment improvements are shown in Figures 1 through 6 for alternative street systems.

Table 2: Future PM Peak Intersection Levels of Service

Intersection	1998 Existing	Pioneer One-Way to Midway	Pioneer One-Way to Ireland	Improved Two-Way System
Pioneer Way at City Beach Street	LOS B (9 sec.)	[illegible]	[illegible]	LOS B (11 sec.)
Pioneer Way at Dock Street	LOS B (8 sec.)	LOS B (TWSC - 8 sec.)	LOS B (TWSC - 8 sec.)	[illegible]
Pioneer Way at Midway Boulevard	LOS B (9 sec.)	LOS B (13 sec.)	[illegible]	LOS B (11 sec.)
SE 8th Avenue at Midway Boulevard	LOS B (10 sec.)	[illegible]	LOS B (10 sec.)	LOS B (10 sec.)
SE 8th Avenue at SR 20	LOS B (10 sec.)	LOS B (11 sec.)	LOS B (11 sec.)	LOS B (11 sec.)
SE Barrington Drive at SR 20	LOS C (24 sec.)	LOS D (28 sec.)	LOS D (27 sec.)	LOS D (33 sec.)
Pioneer Way at SR 20	LOS C (20 sec.)	LOS C (18 sec.)	LOS C (18 sec.)	LOS C (20 sec.)
Pioneer Way at Hathaway Street	LOS B (SB - 8 sec.)	No Critical Turning Movements	LOS B (SB - 8 sec.)	LOS B (SB - 8 sec.)
Pioneer Way at Ireland Street	LOS B (SB - 8 sec.)	LOS B (SB - 6 sec.)	LOS A (EB - 3 sec.)	LOS B (AWS -8 sec.)
SE 9th Avenue at Midway Boulevard	LOS B (EB - 9 sec.)	LOS C (EB - 16 sec.)	LOS C (EB - 11 sec.)	LOS C (EB - 11 sec.)
SE Barrington Street at Dock Street	LOS A (SB - 5 sec.)	LOS B (SB - 9 sec.)	[illegible]	LOS B (SB - 5 sec.)
SE 8th Avenue at Ireland Street	LOS B (AWS - 9 sec.)	LOS C (TWSC - 18 sec.)	LOS C (AWS - 14 sec.)	LOS C (AWS - 12 sec.)

Note: Shaded cells indicate a significant decrease in level of service compared with future baseline no-action conditions (i.e., without any improvements).

Recommendations by Alternative

Table 3 provides a summary of pedestrian space enhancements and implications to on-street parking supply by alternative. Table 4 summarizes planning-level costs of each alternative by major sub-elements including curb bulb treatments, increased pedestrian curb space, signal control measures, other traffic control and traffic flow elements, and on-street parking treatments. Tables 5 through 9 highlight specific recommendations to traffic control, signal improvements, vehicular flow, parking, and pedestrian enhancements by each alternative roadway configuration.

Although truck circulation and load/unload zones are discussed at a conceptual level within the summary tables, a detailed identification of specific locations is not provided given the uncertainties of the next level of design efforts and the number of alternatives presented in this report. However, at a conceptual level, large truck movements would be restricted on Pioneer Way itself between City Beach Street and Midway Boulevard and routed to Bayshore Drive through the downtown core. Two major study objectives would both reduce the overall street width of Pioneer Way as well as constrict turning movement radii for larger vehicle movements at intersections within the corridor. As well, the enhanced "pedestrian" environment of the downtown core would not be conducive to continued large trucking movements along Pioneer Way.

Deliveries via smaller wheel-based truck within the downtown core would be enhanced through the use of load/unload zones opposite street parking strategically placed along Pioneer Way. These areas would also concurrently serve as larger street areas for fire and emergency vehicle accessibility needs. Again the exact placement and total number of these zones would greatly depend upon emergency and fire access needs, but generally would be placed at approximately 1 per every other block face or more along Pioneer Way. Additionally, depending upon the final alternative selected, increased on-street parking supply along Pioneer Way would allow load/unload zones on side-streets to be located to accommodate local service and delivery needs.

Table 3: Pedestrian Space and Parking Stall Implications by Alternative

	City Beach to Ely	Ely to Dock	Dock to Hathaway	Hathaway to Iiwaco	Iiwaco to Midway	Increased Pedestrian Space (sq ft)	On-Street Parking Supply
Alternative 1 Cross-Section	32	32	32	32	32		+ 88 stalls
Increased Pedestrian Space	-	2,800	3,000	2,760	2,700	11,260	
Alternative 2 Cross-Section	32	32	32	32	38		+ 57 stalls
Increased Pedestrian Space	-	2,800	3,000	2,760	-	8,560	
Alternative 3 Cross-Section	28	36	36	36	36		no change
Increased Pedestrian Space	2,000	800	1,500	1,480	900	6,680	
Alternative 4a Cross-Section	28	28	28	28	28		- 37 stalls
Increased Pedestrian Space	2,000	4,800	4,500	4,040	4,500	19,840	
Alternative 4b Cross-Section	28	37	37	37	37		+ 44 stalls
Increased Pedestrian Space	2,000	300	1,125	1,160	450	5,035	

Table 4: Planning-Level Cost Estimates by Alternative

	Increased Curb Space	Intersection Approach Narrowing	Signal Improvements	Traffic Flow Improvements	Parking Enhancements	Total Cost
Alternative 1	$188,600	$180,000	$21,000	$119,250	$3,700	$512,550
Alternative 2	$143,400	$150,000	$19,500	$123,375	$3,175	$439,450
Alternative 3	$111,900	$180,000	$19,500	$81,250	$1,500	$394,150
Alternative 4a	$332,300	$180,000	$19,500	$88,250	$3,250	$623,300
Alternative 4b	$84,300	$180,000	$19,500	$88,250	$3,700	$375,750

Figures 1 through 4 provide street-level conceptual diagrams of each alternative configuration. Figures 5 and 6 provide the meandering travelway configuration of one-way alternatives in the context of on-street angle parking. The meandering configurations would also apply to the two-way alternatives, with changes in cross-section and parking configuration. Figures 7 through 9 overview specific elements of the one-way and two-way traffic flow improvements necessary to implement major circulation enhancements.

Alternatives 1 and 4B were selected by the citizens steering committee as the preferred alternatives for further analysis and public involvement.

Table 5: Alternative #1 Pioneer One-Way to Midway - Proposed Improvements

Type of Improvement	Treatment	Description	Justification	Planning Cost Estimate
Traffic Control	Signal Improvements	Phasing-timing improvements at Pioneer Way and Bayshore/City Beach Street	Facilitate vehicular flow back to SR 20.	$3,500
		Remove signal control at Pioneer Way/Dock Street	Not warranted due to volume and one-way system on Pioneer.	$12,500
		Phasing-timing improvements at Pioneer Way and Midway Blvd	Facilitate westbound vehicular flow back to SR 20 via Bayshore and SE 8th Avenue	$3,500
		Phasing-timing improvements at SE 8th Avenue and Midway Blvd	Facilitate westbound vehicular flow back to SR 20 via SE 6th Ave	$1,500
	Stop Sign Control	Convert Pioneer/Dock Street intersection to two-way stop control with Pioneer Way as the major street.	Facilitate traffic movement on Pioneer Way under a one-way system.	$1,000
	Turning Restrictions	Install signage at key entry/exit intersection along Pioneer Way to restrict movements westbound on Pioneer Way	Facilitate traffic movement and provide safe operation of Pioneer Way under a one-way system.	$1,500
Vehicular Flow	One-Way Streets	Converts Pioneer Way from a two-way street to a one-way eastbound street between City Beach Street and Midway Blvd.	Convert street to a one-way system to increase on-street parking availability and pedestrian environment on Pioneer Way.	$15,000
	Two-Way Streets	Convert Ely Street from a one-way northbound (between Pioneer and Barrington) to a two-way street.	Facilitate traffic movement to one-way street system on Pioneer and improve local circulation alternatives.	$4,250
		Convert Dock Street from a one-way southbound (between Pioneer and Barrington) to a two-way street.	Facilitate traffic movement to one-way street system on Pioneer and improve local circulation alternatives.	$4,250
	Intersection Approaches	Install island and rechannelize intersection to improve turning movement radius and safety at City Beach Street and Bayshore	Improve safety and operation.	$85,000
Parking Configuration	On-street Parking Availability	Convert existing on-street parallel parking to angle parking along specific streets segments on Pioneer Way	Increase parking availability to downtown business and enhance vehicular access. Increases on-street spaces by 88 stalls.	$2,200
	Signage/ Visibility	Install signage to direct drivers to available off-street public parking.	Improve parking access.	$1,500
Goods Movement	Truck Route	Restrict large tractor trailer movements to Bayshore Drive through signage.	Roadway configuration would be too narrow for larger vehicles.	$750
	Local Deliveries/Load-Unload Zones	Provide for load/unload zones between each block on opposing street face of angle parking	Maintain local deliveries for business and reduce conflicts with parking vehicles and moving traffic.	$7,500
Pedestrian Environment	Increase Pedestrian Space	Narrow roadway at key intersections to improve pedestrian visibility and decrease pedestrian exposure.	Expand curb face extensions into roadway where space is available to improve pedestrian environment.	$188,600
	Pedestrian Safety	Calm traffic on Pioneer through roadway narrowing and horizontal obstacles (parked vehicles).	Increase pedestrian safety through installation of curb bulbs at key crossing locations.	$180,000
Total Capital Costs				$512,550

Table 6: Alternative #2 Pioneer One-Way to Ireland - Proposed Improvements

Type of Improvement	Treatment	Description	Justification	Planning Cost Estimate
Traffic Control	Signal Improvements	Phasing-timing improvements at Pioneer Way and Bayshore/City Beach Street	Facilitate vehicular flow back to SR 20.	$3,500
		Remove signal control at Pioneer Way/Dock Street	Not warranted due to volume and one-way system on Pioneer.	$12,500
		Phasing-timing improvements at Pioneer Way and Midway Blvd	Facilitate westbound vehicular flow back to SR 20 via Bayshore and SE 8th Avenue	$3,500
	Stop Sign Control	Convert SE 8th Avenue/Ireland intersection to all-way stop control.	Facilitate large traffic movements on opposing intersection legs.	$500
		Convert Pioneer/Dock Street intersection to two-way stop control with Pioneer as the major street.	Facilitate traffic movement on Pioneer Way under a one-way system.	$1,500
		Convert Barrington/SE 8th Avenue intersection to stop control on southbound Ireland and eastbound 8th.	Facilitate westbound vehicular flow back to SR 20 Barrington Drive.	$750
	Turning Restrictions	Install signage at key entry/exit intersection along Pioneer Way to restrict westbound movements	Facilitate traffic movement and provide safe operation of Pioneer Way under a one-way system.	$1,500
Vehicular Flow	One-Way Streets	Converts Pioneer Way from a two-way street to a one-way eastbound street between City Beach Street and Ireland Street	Convert street to a one-way system to increase on-street parking availability and pedestrian environment on Pioneer Way.	$10,125
	Two-Way Streets	Convert Ely Street from a one-way northbound (between Pioneer and Barrington) to a two-way street.	Facilitate traffic movement to one-way street system on Pioneer and improve local circulation alternatives.	$4,250
		Convert Dock Street from a one-way southbound (between Pioneer and Barrington) to a two-way street.	Facilitate traffic movement to one-way street system on Pioneer and improve local circulation alts.	$4,250
		Switch directional flow on Hathaway/Ireland couplet.	Facilitate westbound vehioular flow back to SR 20 Barrington Drive.	$9,750
	Intersection Approaches	Install island and rechannelize intersection to improve turning movement radius and safety at City Beach Street and Bayshore	Improve safety and operation.	$85,000
Parking Configuration	On-street Parking Availability	Convert existing on-street parallel parking to angle parking along specific streets segments on Pioneer Way	Increase parking availability to downtown business and enhance vehicular access. Increases on-street spaces by 67 spaces.	$1,675
	Signage/ Visibility	Install signage to direct drivers to available off-street public parking.	Improve parking access.	$1,500
Goods Movement	Truck Route	Restrict large tractor trailer movements to Bayshore Drive.	Roadway configuration would be too narrow for larger vehicles.	$750
	Local Deliveries/Load-Unload Zones	Provide for load/unload zones between each block on opposing street face of angle parking	Maintain local deliveries for business and reduce conflicts with parking vehicles and moving traffic.	$5,000
Pedestrian Environment	Increase Pedestrian Space	Narrow roadway at key intersections to improve pedestrian visiblity and decrease pedestrian exposure.	Expand curb face extensions into roadway where space is available to improve pedestrian environment.	$143,400
	Pedestrian Safety	Calm traffic on Pioneer through roadway narrowing and horizontal obstacles (parked vehicles).	Increase pedestrian safety through installation of curb bulbs at key crossing locations.	$150,000
Total Capital Costs				$439,450

Table 7: Alternative #3 Improved Pioneer Two-Way System - Proposed Improvements

Type of Improvement	Treatment	Description	Justification	Planning Cost Estimate
Traffic Control	Signal Improvements	Phasing-timing improvements at Pioneer Way and Bayshore/City Beach Street	Facilitate vehicular flow to SR 20 via Bayshore Drive.	$3,500
		Remove signal control at Pioneer Way/Dock Street	Not warranted due to volume and one-way system on Pioneer.	$12,500
		Phasing-timing improvements at Pioneer Way and Midway Blvd	Facilitate vehicular flow to SR 20 via Bayshore Drive.	$3,500
	Stop Sign Control	Convert SE 8th Avenue/Ireland intersection to all-way stop control.	Facilitate large traffic movements on opposing intersection legs.	$500
		Convert Pioneer/Dock Street intersection to all-way stop control	Existing signal not warranted. All-way stop provides arterial calming affect on Pioneer and minimizes delay to side street mobility and access across Pioneer Way.	$1,000
		Convert Pioneer/Ireland Street intersection to all-way stop control	All-way stop provides arterial calming affect on Pioneer and minimizes delay to side street mobility and access onto Pioneer Way.	$1,000
Vehicular Flow	Two-Way Streets	Convert Ely Street from a one-way northbound (between Pioneer and Barrington) to a two-way street.	Facilitate traffic movement to two-way street system on Pioneer and improve local circulation.	$1,500
		Convert Dock Street from a one-way southbound (between Pioneer and Barrington) to a two-way street.	Facilitate traffic movement to two-way street system on Pioneer and improve local circulation.	$1,500
	Intersection Approaches	Install island and rechannelize intersection to improve turning movement radius and safety at City Beach Street and Bayshore	Improve safety and operation.	$75,000
Parking Configuration	On-street Parking Availability	Loss of some on-street parking may result through improvements to pedestrian environment and crossing treatments.	No on-street parking deficiencies currently exist nor would demand change significantly given Harbor Watch redevelopment.	$0
	Signage/ Visibility	Install signage to direct drivers to available off-street public parking.	Improve parking access.	$1,500
Goods Movement, Local Deliveries	Truck Route	Restrict large tractor-trailer movements to Bayshore Drive.	Roadway configuration would be too narrow for larger vehicles.	$750
	Local Deliveries/Load-Unload Zones	Provide for load/unload zones between each block.	Maintain local deliveries for business and reduce conflicts with parking vehicles and moving traffic.	$0
Pedestrian Environment	Increase Pedestrian Space	Narrow roadway at key intersections to improve pedestrian visibility and decrease pedestrian exposure.	Curb bulb installation at key locations, and curb face extensions into roadway where space is available.	$111,900
	Pedestrian Safety	Calm traffic on Pioneer through roadway narrowing and curb bulbs at each intersection.	Narrow entire curb-to-curb space to 36 feet. Narrow intersection approaches with curb bulbs to 20 feet. Provide turning lanes where demand warrants throughout Pioneer Way.	$180,000
Total Capital Costs				$394,150

Table 8: Alternative #4a Meandering Two-Way System on Pioneer with Parallel Parking Configuration - Proposed Improvements

Type of Improvement	Treatment	Description	Justification	Planning Cost Estimate
Traffic Control	Signal Improvements	Phasing-timing improvements at Pioneer Way and Bayshore/City Beach Street	Facilitate vehicular flow to SR 20 via Bayshore Drive.	$3,500
		Remove signal control at Pioneer Way/Dock Street	Not warranted due to volume and one-way system on Pioneer.	$12,500
		Phasing-timing improvements at Pioneer Way and Midway Blvd	Facilitate vehicular flow to SR 20 via Bayshore Drive.	$3,500
	Stop Sign Control	Convert Pioneer/Dock Street intersection to all-way stop control	Existing signal not warranted. All-way stop provides arterial calming affect on Pioneer and minimizes delay to side street mobility and access across Pioneer Way.	$1,000
		Convert Pioneer/Ireland Street intersection to all-way stop control	All-way stop provides arterial calming affect on Pioneer and minimizes delay to side street mobility and access onto Pioneer Way.	$1,000
Vehicular Flow	Two-Way Streets	Convert Ely Street from a one-way northbound (between Pioneer and Barrington) to a two-way street.	Facilitate traffic movement to two-way street system on Pioneer and improve local circulation.	$1,500
		Convert Dock Street from a one-way southbound (between Pioneer and Barrington) to a two-way street.	Facilitate traffic movement to two-way street system on Pioneer and improve local circulation.	$1,500
	Intersection Approaches	Install island and rechannelize intersection to improve turning movement radius and safety at City Beach Street and Bayshore	Improve safety and operation.	$75,000
Parking Configuration	On-street Parking Availability	Loss of some on-street parking may result through improvements to pedestrian environment and crossing treatments.	Elimination of 37 stalls.	$1,750
	Signage/ Visibility	Install signage to direct drivers to available off-street public parking.	Improve parking access.	$1,500
Goods Movement, Local Deliveries	Truck Route	Restrict large tractor trailer movements to Bayshore Drive.	Roadway configuration would be too narrow for larger vehicles.	$750
	Local Deliveries/Load-Unload Zones	Provide for load/unload zones between each block.	Maintain local deliveries for business and reduce conflicts with parking vehicles and moving traffic.	$7,500
Pedestrian Environment	Increase Pedestrian Space	Narrow roadway at key intersections to improve pedestrian visibility and decrease pedestrian exposure.	Curb bulb installation at key locations, and curb face extensions into roadway where space is available.	$332,300
	Pedestrian Safety	Calm traffic on Pioneer through roadway narrowing and curb bulbs at each intersection.	Narrow entire curb-to-curb space to 36 feet. Narrow intersection approaches with curb bulbs to 20 feet. Provide turning lanes where demand warrants throughout Pioneer Way.	$180,000
Total Capital Costs				$623,300

Table 9: Alternative #4b Meandering Two-Way System on Pioneer with Angle Parking Configuration - Proposed Improvements

Type of Improvement	Treatment	Description	Justification	Planning Cost Estimate
Traffic Control	Signal Improvements	Phasing-timing improvements at Pioneer Way and Bayshore/City Beach Street	Facilitate vehicular flow to SR 20 via Bayshore Drive.	$3,500
		Remove signal control at Pioneer Way/Dock Street	Not warranted due to volume and one-way system on Pioneer.	$12,500
		Phasing-timing improvements at Pioneer Way and Midway Blvd	Facilitate vehicular flow to SR 20 via Bayshore Drive.	$3,500
	Stop Sign Control	Convert Pioneer/Dock Street intersection to all-way stop control	Existing signal not warranted. All-way stop provides arterial calming affect on Pioneer and minimizes delay to side street mobility and access across Pioneer Way.	$1,000
		Convert Pioneer/Ireland Street intersection to all-way stop control	All-way stop provides arterial calming affect on Pioneer and minimizes delay to side street mobility and access onto Pioneer Way.	$1,000
Vehicular Flow	Two-Way Streets	Convert Ely Street from a one-way northbound (between Pioneer and Barrington) to a two-way street.	Facilitate traffic movement to two-way street system on Pioneer and improve local circulation.	$1,500
		Convert Dock Street from a one-way southbound (between Pioneer and Barrington) to a two-way street.	Facilitate traffic movement to two-way street system on Pioneer and improve local circulation.	$1,500
	Intersection Approaches	Install island and rechannelize intersection to improve turning movement radius and safety at City Beach Street and Bayshore	Improve safety and operation.	$75,000
Parking Configuration	On-street Parking Availability	Loss of some on-street parking may result through improvements to pedestrian environment and crossing treatments.	Create 44 new stalls.	$2,200
	Signage/ Visibility	Install signage to direct drivers to available off-street public parking.	Improve parking access.	$1,500
Goods Movement, Local Deliveries	Truck Route	Restrict large tractor trailer movements to Bayshore Drive.	Roadway configuration would be too narrow for larger vehicles.	$750
	Local Deliveries/Load-Unload Zones	Provide for load/unload zones between each block.	Maintain local deliveries for business and reduce conflicts with parking vehicles and moving traffic.	$7,500
Pedestrian Environment	Increase Pedestrian Space	Narrow roadway at key intersections to improve pedestrian visibility and decrease pedestrian exposure.	Curb bulb installation at key locations, and curb face extensions into roadway where space is available.	$84,300
	Pedestrian Safety	Calm traffic on Pioneer through roadway narrowing and curb bulbs at each intersection.	Narrow entire curb-to-curb space to 36 feet. Narrow intersection approaches with curb bulbs to 20 feet. Provide turning lanes where demand warrants throughout Pioneer Way.	$180,000
Total Capital Costs				$375,750

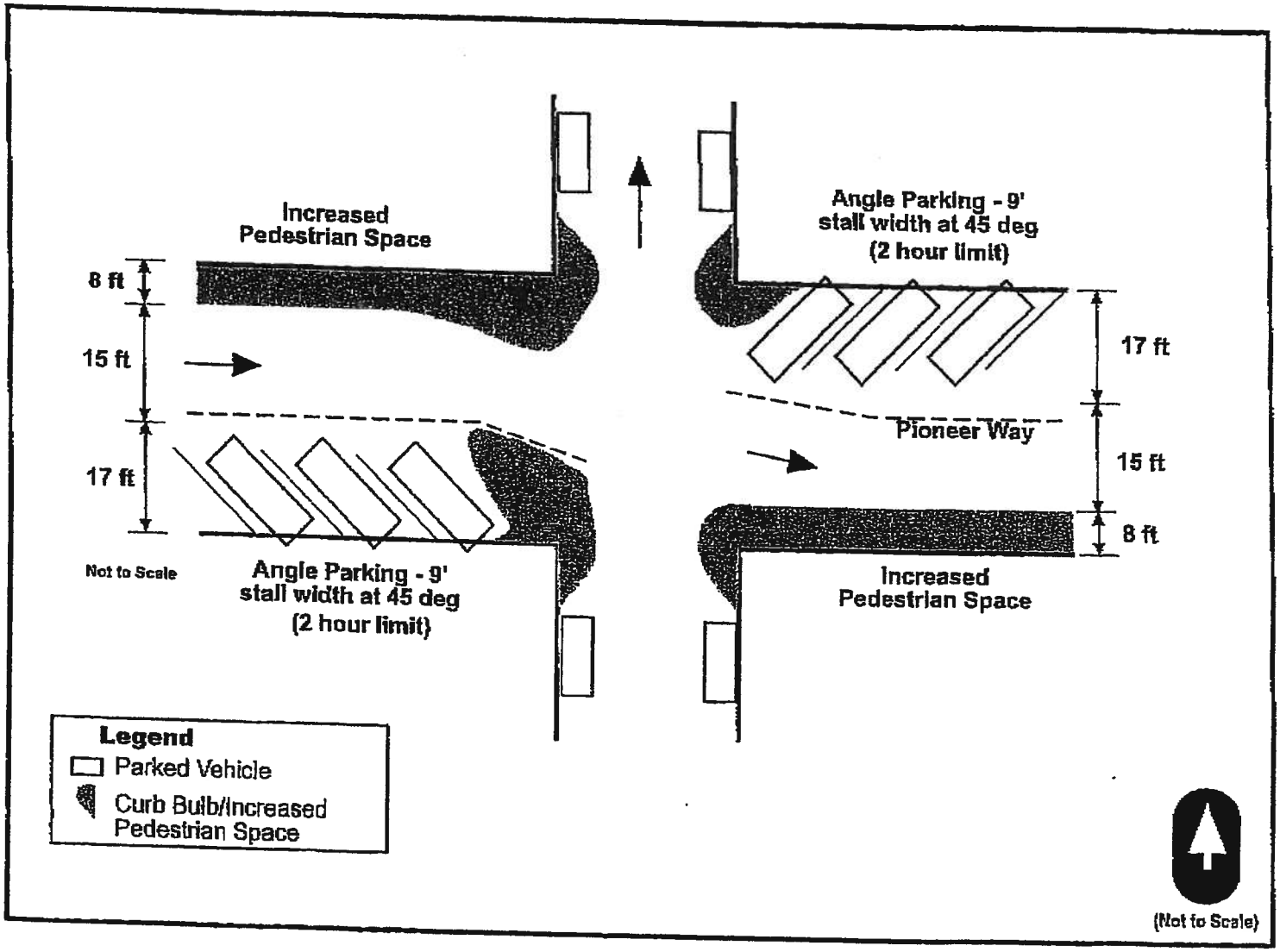


Figure 1
Alternatives 1 and 2 - Conceptual One-Way Configuration on Pioneer Way

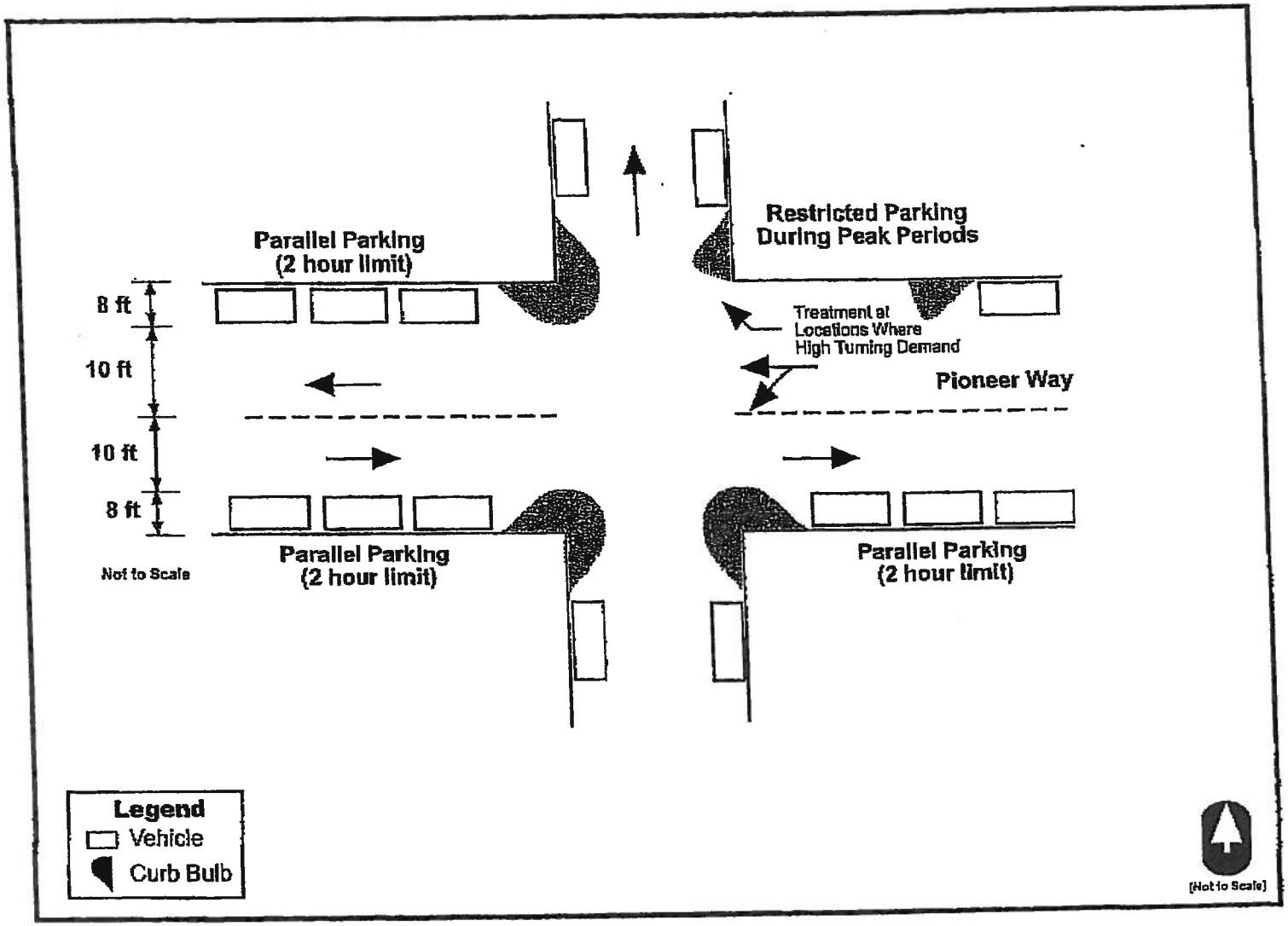


Figure 2
Alternative 3 - Conceptual Two-Way Configuration on Pioneer

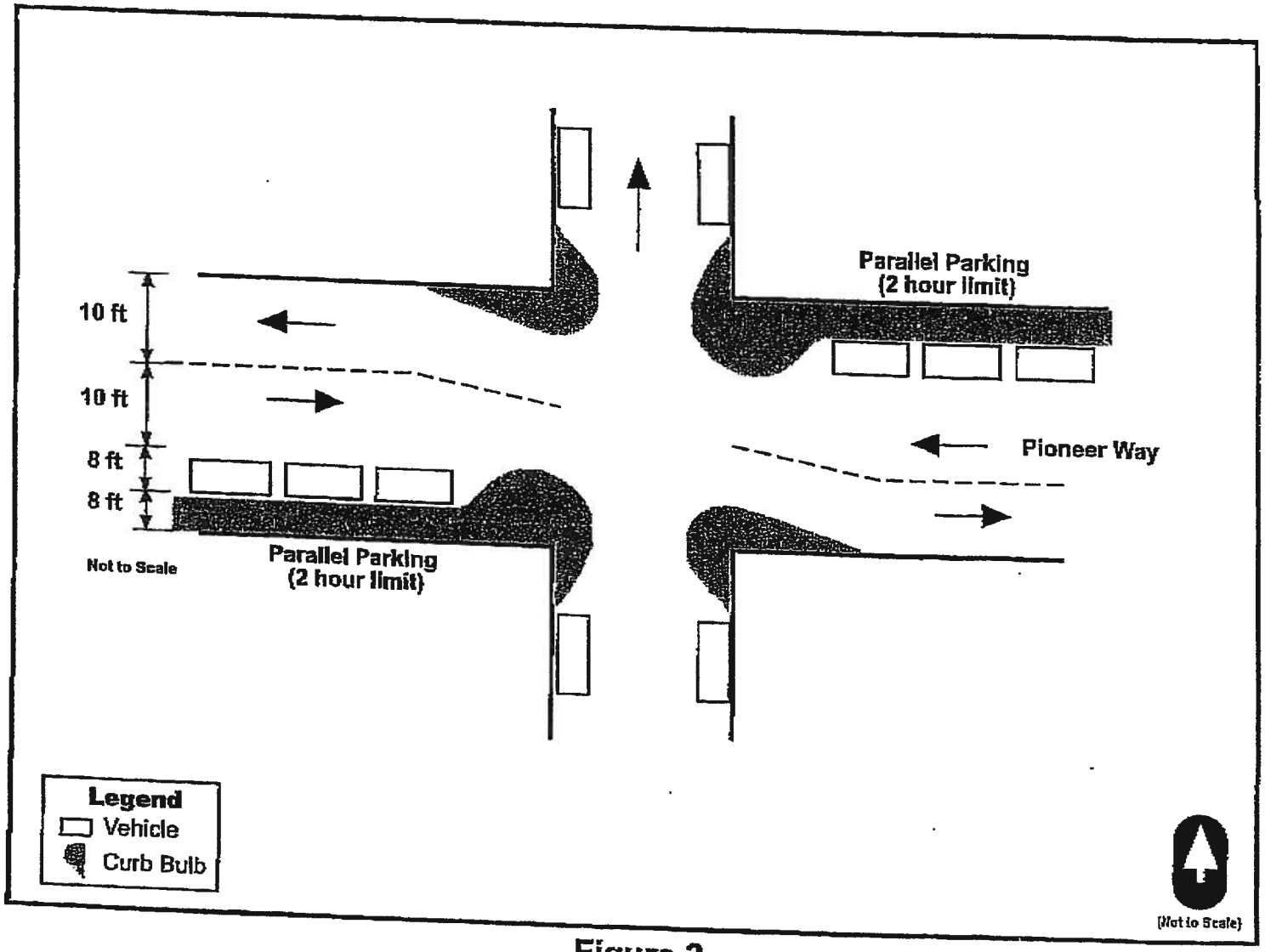


Figure 3
Alternative 4a - Conceptual Two-Way Configuration on Pioneer

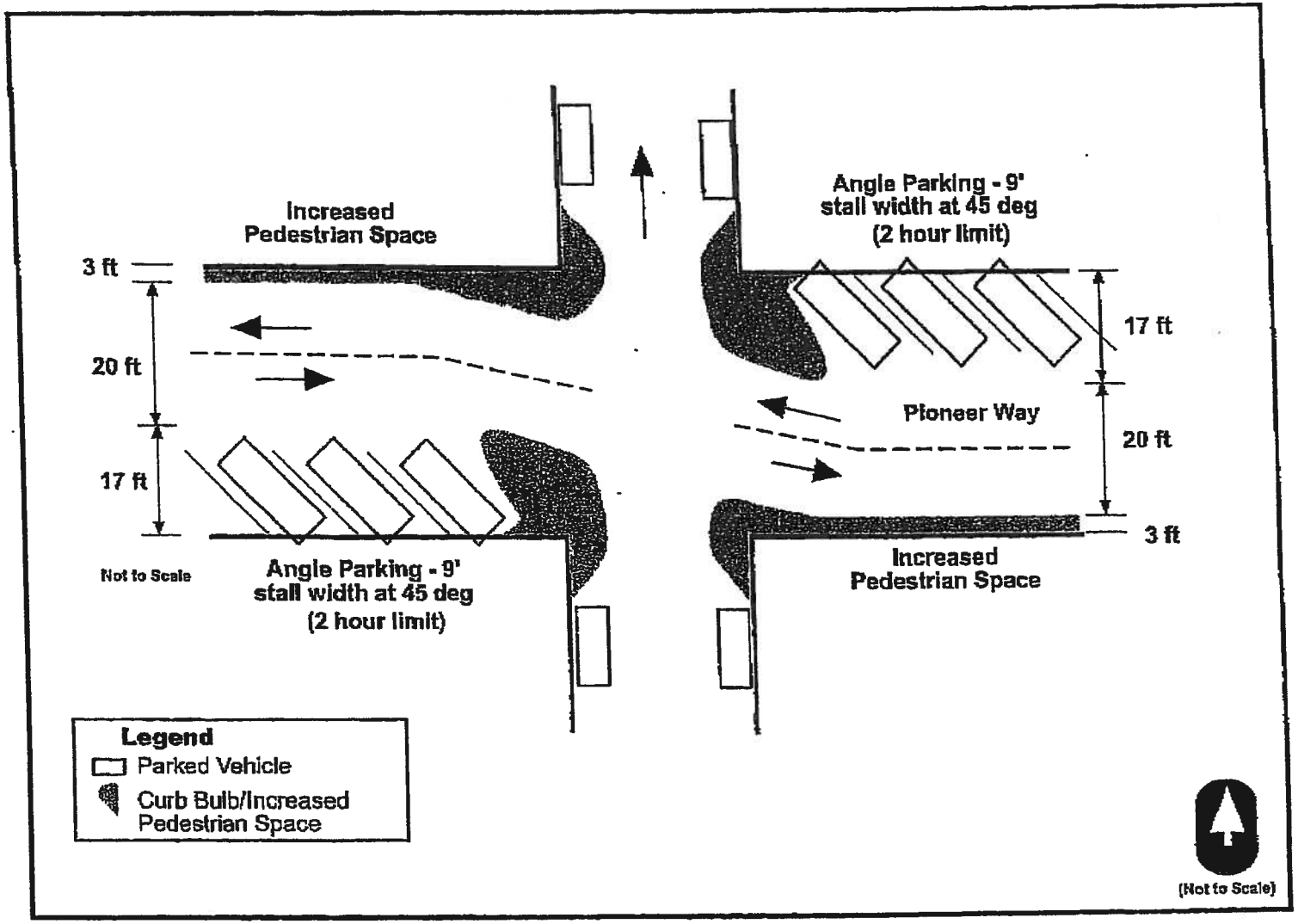
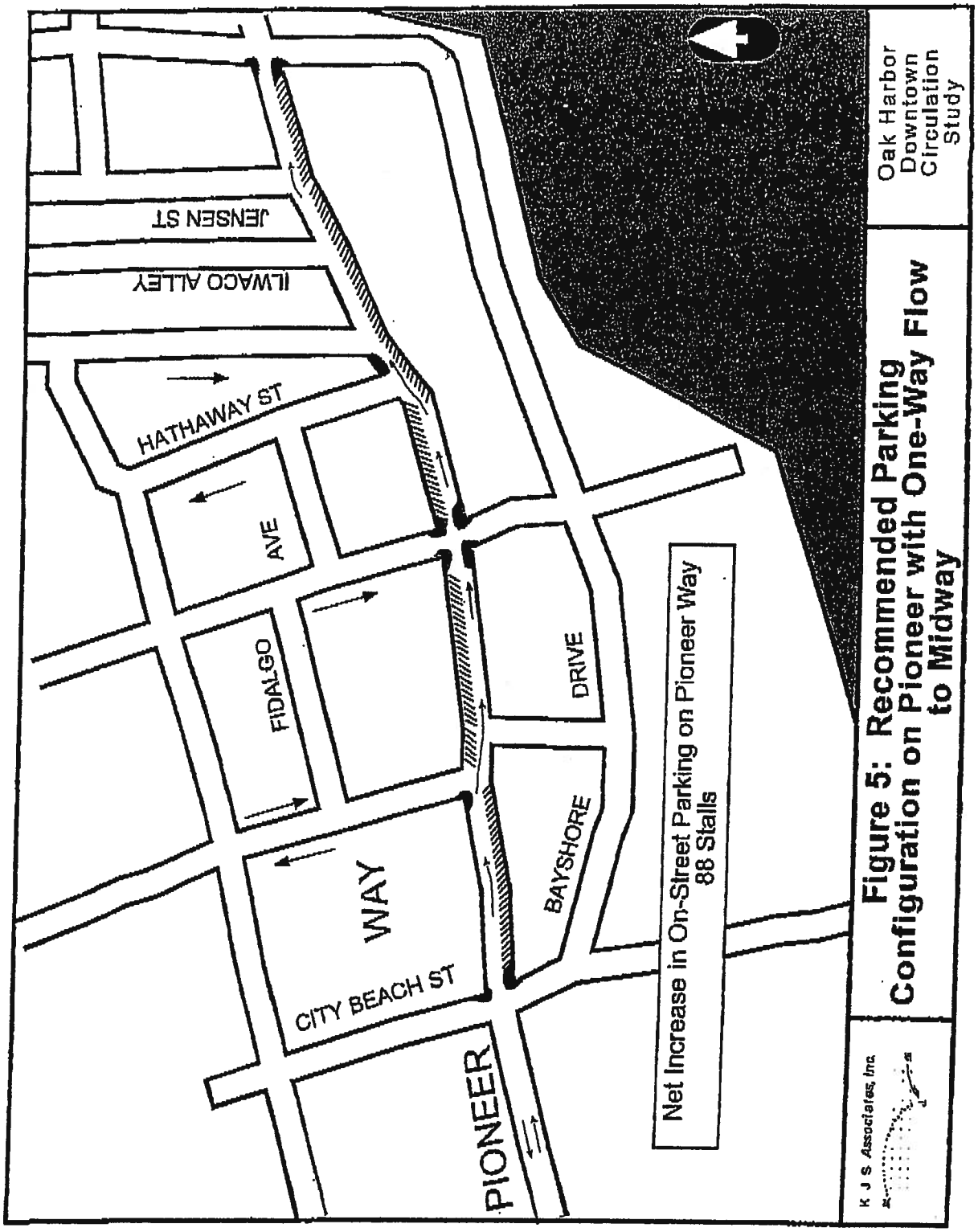
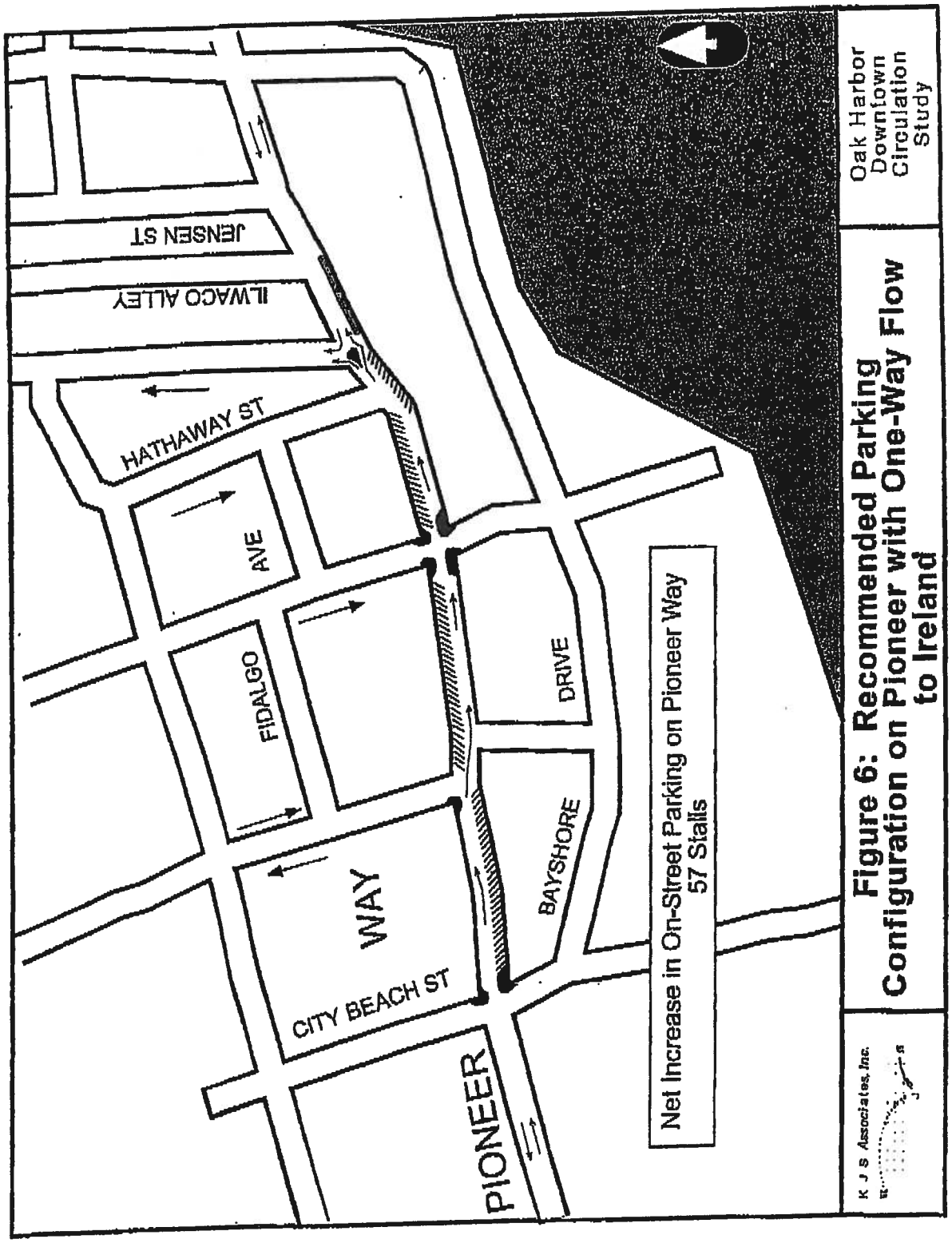
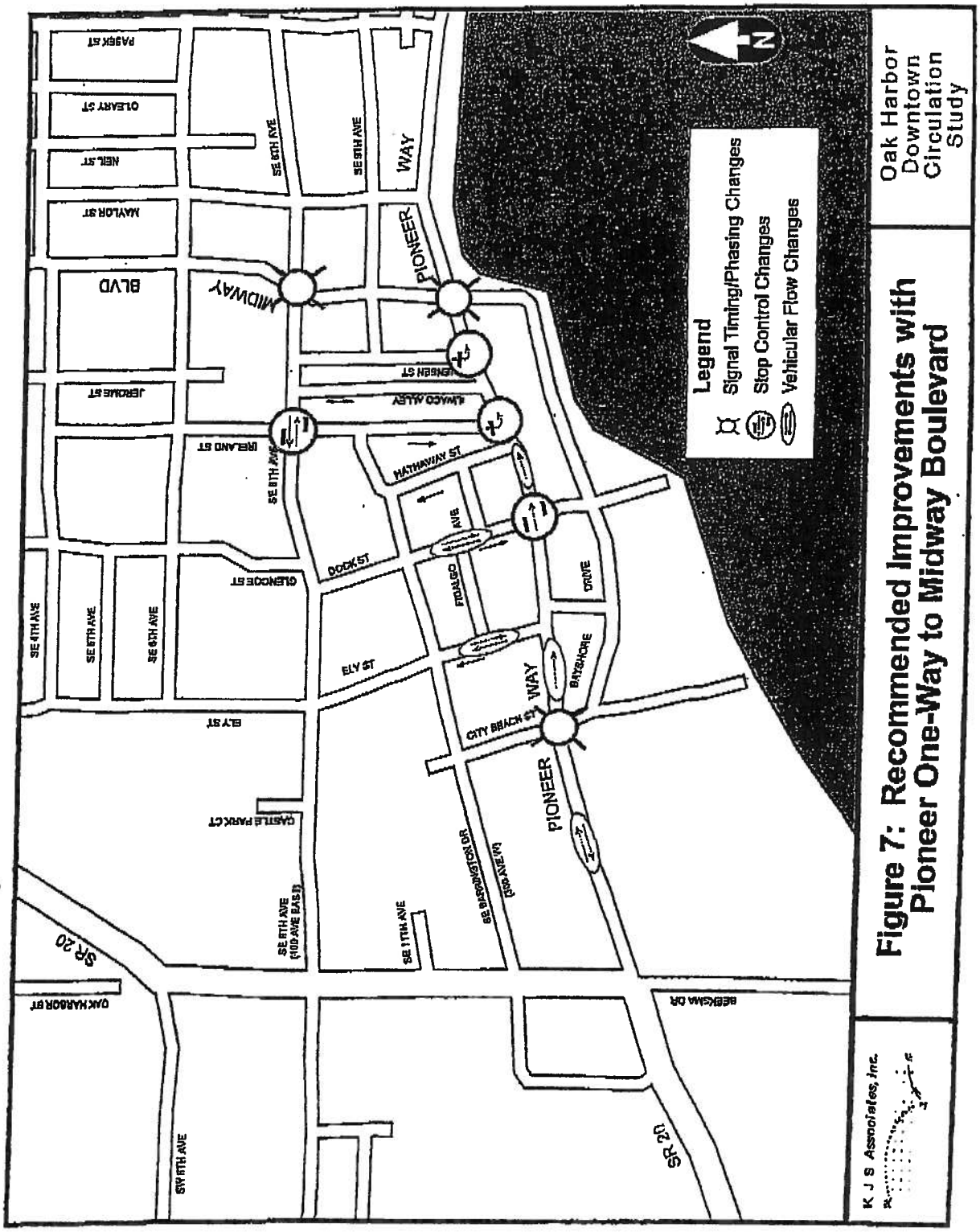


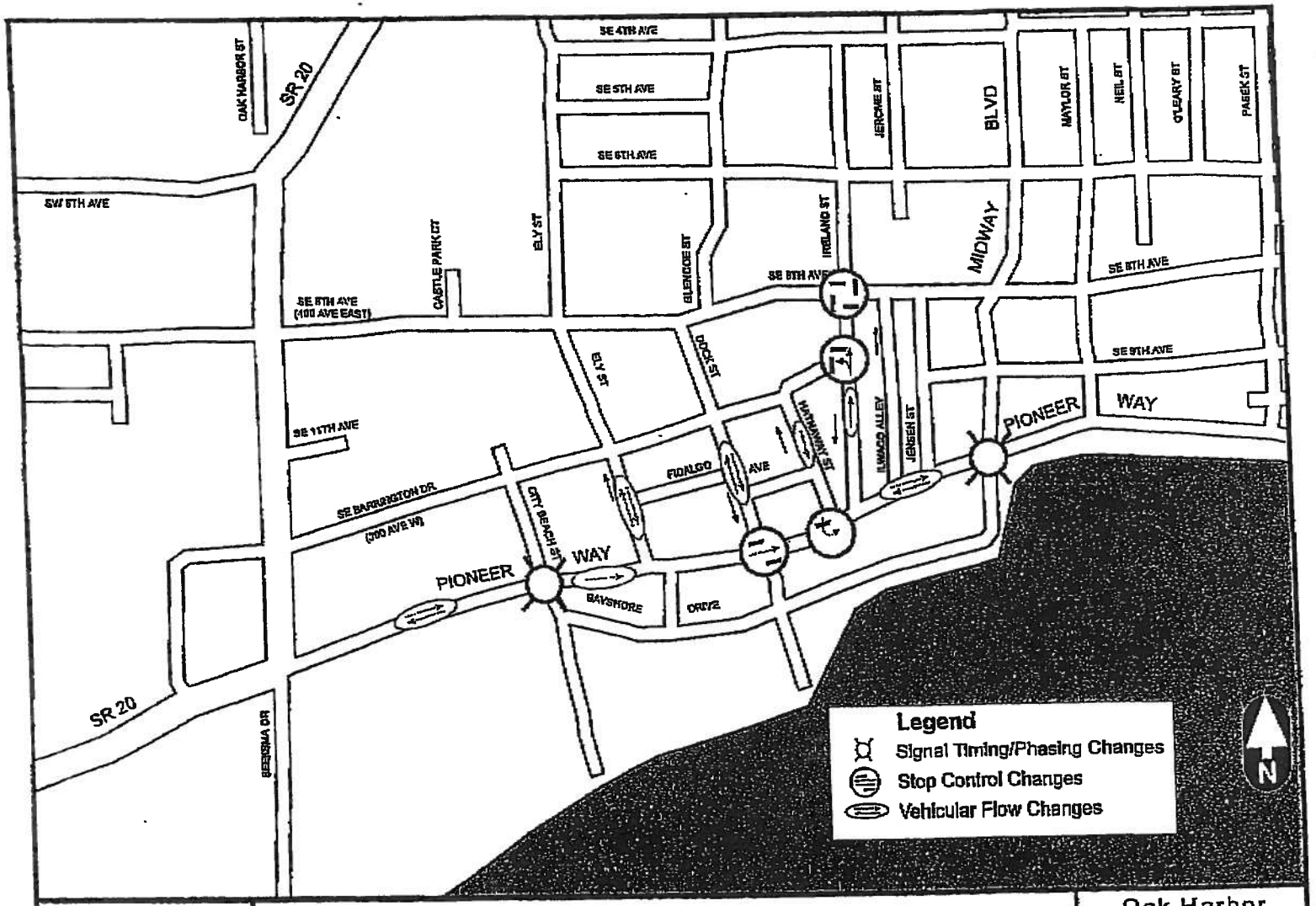
Figure 4
Alternative 4b - Conceptual Two-Way Configuration on Pioneer Way



ATTACHMENT 1


JENSEN ST
ILWACO ALLEY
HATHAWAY ST
AVE
FIDALGO
WAY
CITY BEACH ST
PIONEER
BAYSHORE
DRIVE
Net Increase in On-Street Parking on Pioneer Way
57 Stalls
K J S Associates, Inc.
Figure 6: Recommended Parking Configuration on Pioneer with One-Way Flow to Ireland
Oak Harbor Downtown Circulation Study

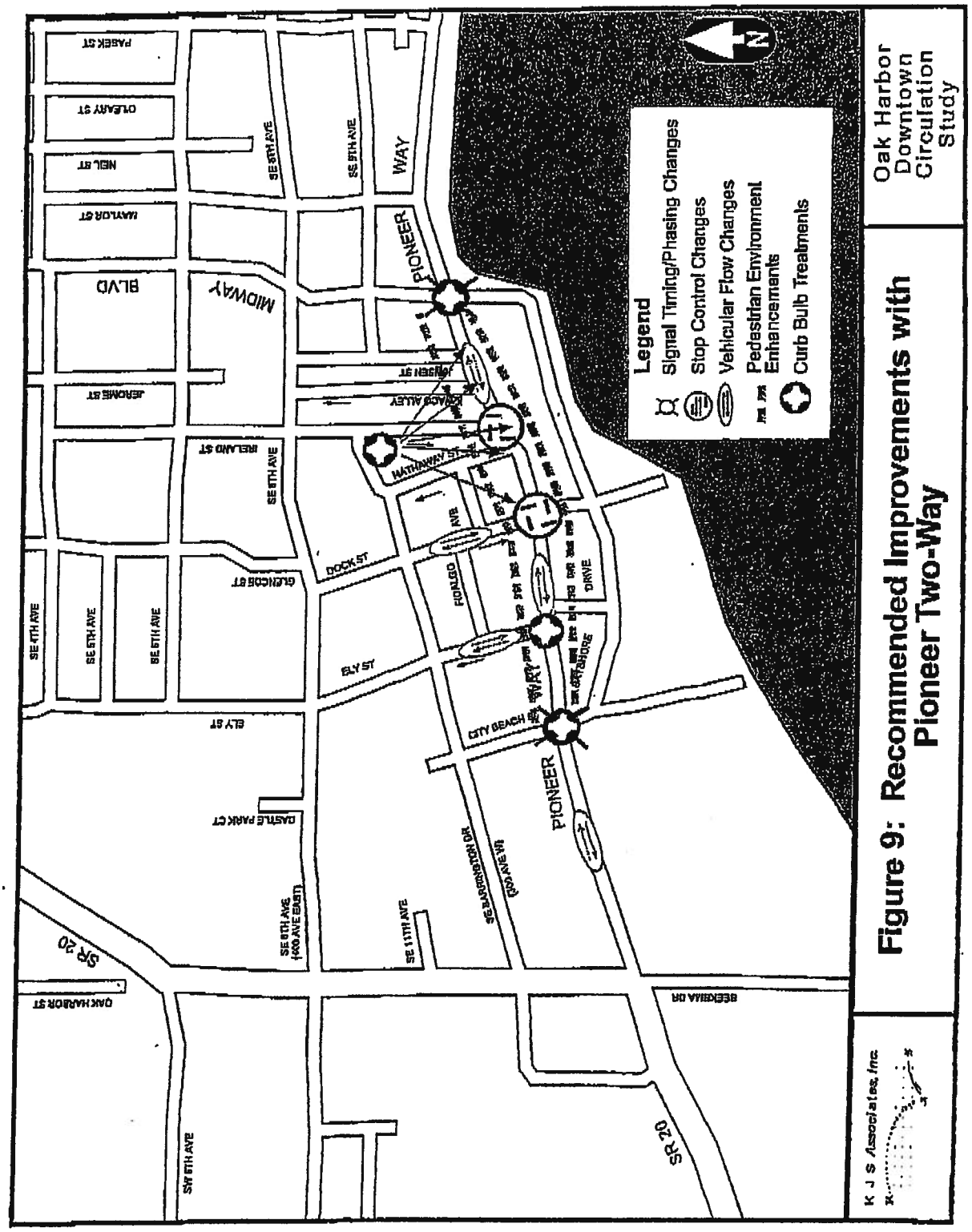

Legend
Signal Timing/Phasing Changes
Stop Control Changes
Vehicular Flow Changes
Oak Harbor Downtown Circulation Study
Figure 7: Recommended Improvements with Pioneer One-Way to Midway Boulevard
K J S Associates, Inc.
PIONEER WAY
MIDWAY BLVD
SE 6TH AVE
SE 7TH AVE
SE 8TH AVE
SE 11TH AVE
SE BARRINGTON DR
(300 AVE/W)
SE 8TH AVE (100 AVE EAST)
SR 20
SW 8TH AVE
OAK HARBOR ST
CASTLE PARK CT
ELY ST
GLENCOE ST
IRELAND ST
JEROME ST
MAYLOR ST
NEIL ST
OLEARY ST
PARK ST
DOCK ST
MATHAWAY ST
FIDALGO AVE
BAYSHORE DRIVE
CITY BEACH ST
BEECHWOOD DR
N



K J S Associates, Inc.

Figure 8: Recommended Improvements with Pioneer One-Way to Ireland

Oak Harbor Downtown Circulation Study


Legend
Signal Timing/Phasing Changes
Stop Control Changes
Vehicular Flow Changes
Pedestrian Environment Enhancements
Curb Bulb Treatments
Oak Harbor Downtown Circulation Study
Figure 9: Recommended Improvements with Pioneer Two-Way
K J S Associates, Inc.
PIONEER WAY
CITY BEACH
HATHAWAY ST
DOCK ST
ELY ST
SR 20
SE 5TH AVE
SE 6TH AVE
SE 11TH AVE
SE BARRINGTON DR
GEORGIA DR
OAK HARBOR ST
CASTLE PARK CT
MIDWAY BLVD
JEROME ST
IRELAND ST
GERNCOB ST
NEIL ST
OLEARY ST
PASEK ST
JENSEN ST
ICAGO ALLEY
FIDALGO AVE
DRIVE
N

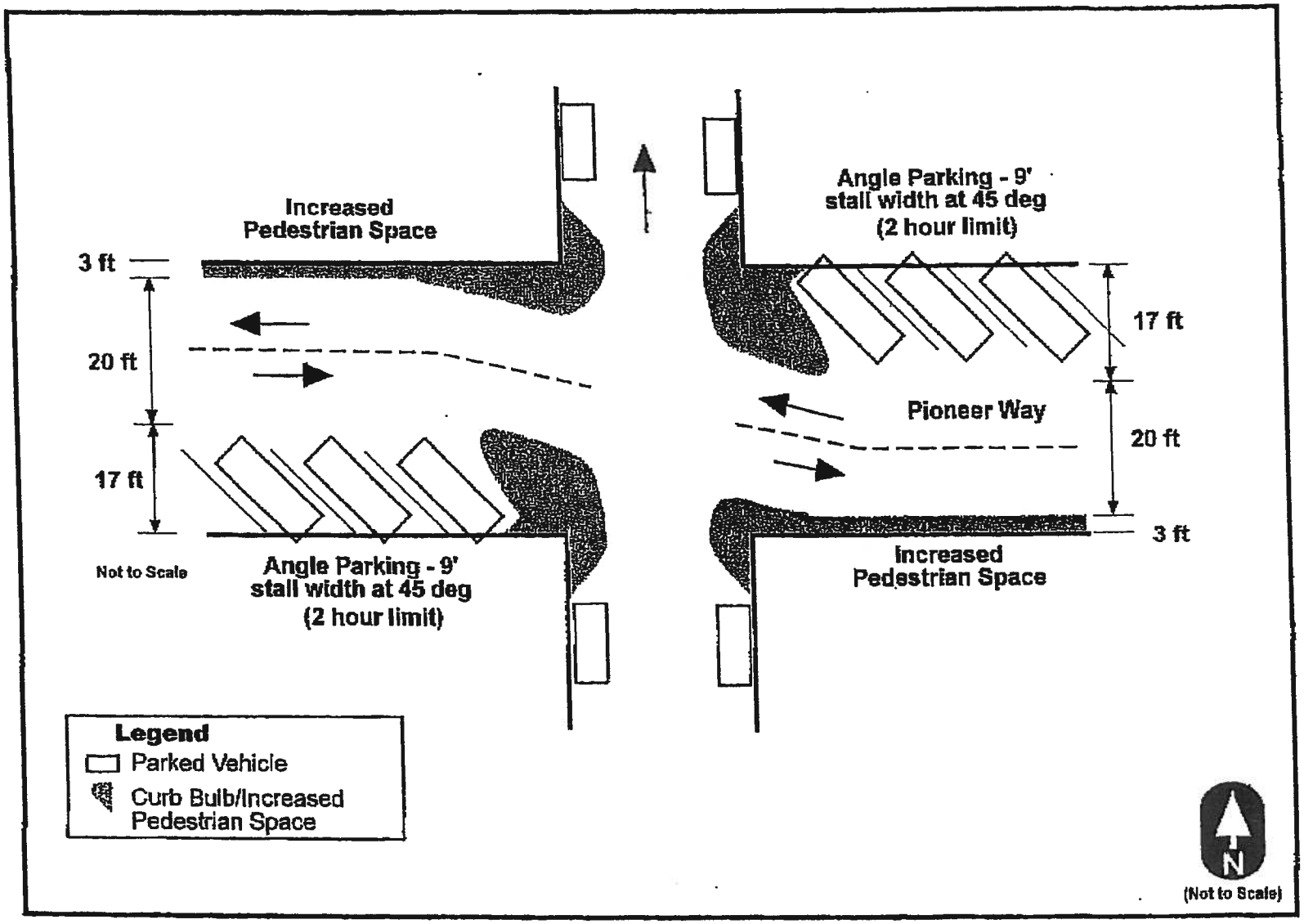


Figure 4
Alternative 4b - Conceptual Two-Way Configuration on Pioneer Way

PORT ANGELES, WA SDAT:

DOWNTOWN PORT ANGELES AND THE GATEWAY CORRIDOR: RECONNECTING TO THE COMMUNITY

A SUSTAINABLE DESIGN ASSESSMENT TEAM FINAL REPORT

PORT ANGELES, WA
MARCH 16-18, 2009

The American Institute of Architects Center for Communities by Design

AIA Communities by Design
The American Institute of Architects
1735 New York Ave., NW
Washington, DC 20006-5292
Phone 202.626.7300
www.aia.org

turning lanes at some or all intersections, it may be possible to segregate trip types for more efficient flow and put the current right of way to another use.

TWO TWO WAY STREETS

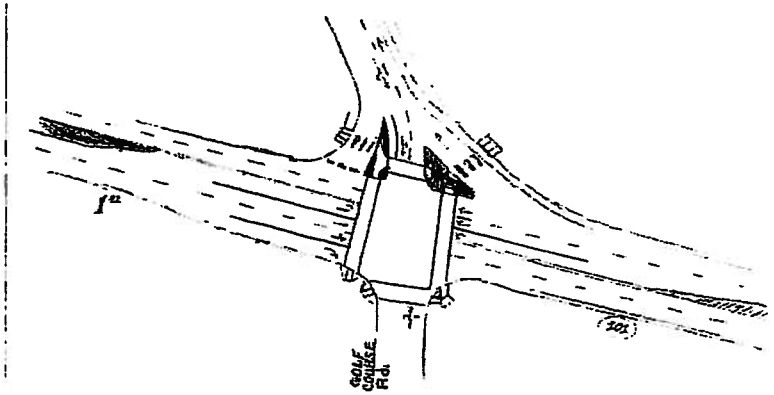
In this alternative First and Front Streets both become two-way streets. This change would help reduce the amount of circulating traffic, motorist that can't get to their destination in the most direct (shortest) path and must drive farther to go around the block. This circling activity is likely increasing the daily counts on First and Front by as much as 30%. By changing both streets to two-way operation, pollution can be reduced and it may be possible to add capacity. This change also would permit a new paradigm to emerge. Both streets would no longer be 'the state highway' if one of them has sufficient right-of-way space to serve the needs of the State.

RECOMMENDATION

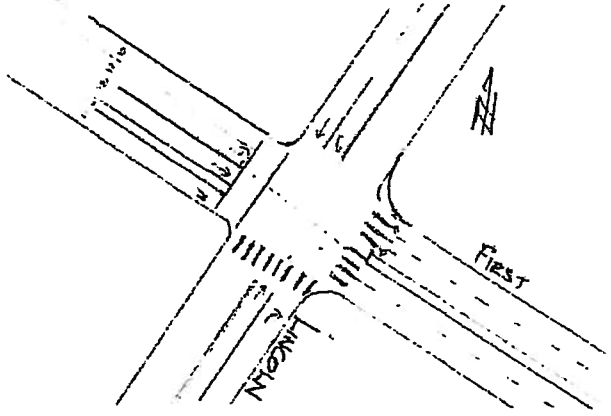
We recommend that Port Angeles explore with the Washington Department of Transportation ways to decouple Front and First Streets so that each street is returned to two-way operation. It is further recommended that First Street becomes the Highway 101 Route so that Front Street can be returned to Port Angeles as a local through street.

ONE FOUR LANE STATE ROUTE

The adoption of First Street as the designated State Route through Port Angeles to Lincoln would require First Street becomes a four-lane road with a median and no on-street parking. First Street has fifty-one feet of curb-to-curb



roadway over most of its length. Fifty-one feet is sufficient for four 11-foot travel lanes and a seven-foot median, or four 12-foot travel lanes and a 3-foot median. At major intersections, where a left-turn lane is needed, a nine- to eleven-foot turn lane is possible with narrower travel lanes until those intersections can be widened. For the recommended speed limit of 35 mph on Highway 101 in Port



President Anderson opened a public hearing regarding Council Bill No. 02-01-03, a proposed ordinance providing for the conversion of Hoyt Avenue (19th to 32nd Street), Wetmore Avenue (19th to 37th Street), and California Street (Rucker to Rockefeller) from one-way to two-way streets.

President Anderson invited public comment.

Wayne Wentz, City Traffic Engineer, and Michael Stringham, Perteet Engineering, gave a brief presentation regarding the project background, schedules, design alternatives, public involvement, benefits and challenges, and budget.

Maureen Moore, 2404 Hoyt #1, expressed concern at the lack of notification regarding the proposed street conversion and requested that the Council delay action to allow further citizen input.

The following individuals spoke in support of the proposed ordinance. They stated that it would make traffic patterns less confusing and help revitalize downtown Everett: Jim Kellett, Edward Jones Office, 2722 Colby; Dick Bennett, Downtown Everett Action Committee, 2707 Colby #900; and Sigfred Martinis, 2611 Rockefeller.

The following individuals spoke in opposition to the proposed ordinance. They expressed concern regarding safety issues related to left turns and the loss of parking spaces: Kal Leichtman, 3410 Colby #8; Al Furiak, 6312 Cypress; and Ruby Filmore.

Moved by Council Member Pope, seconded by Council Member Olson to close the public hearing.

Roll was called with all council members voting yes.

Motion carried.

AADT Traffic counts
City of Oak Harbor

STREET	FROM	TO	1999	2000	2001	2002	2003	2004	2005	2006	2007
SW Heller Street	SW Barrington Dr.	SW 8th Ave.		. .	8190	7489	7824	7049	8955	7329	8124
SW Heller Street	SW Putnam Drive	W. Whidbey Ave.	13001	6111	7448	8478	8754	8763	8462	8735	8327
NW Heller Street	W. Whidbey Ave.	NW 2nd Ave.			6870	7186	9589	9265	8736	8572	8315
NW Heller Street	NW 2nd Ave.	NW 8th Ave.	7719	8150	7696	8989	8538	8085	7986	7938	7710
NW Heller Street	NW 8th Ave.	NW Crosby Ave.			8133	6795	8580	7908	8115	7545	7326
NW Heller Street	NW Crosby Ave.	N. Corp. City Limits	7314	6392	7812	8293	8550	8394	7936	7804	7572
SW Swantown Ave.	SR 20	Ft. Nugent Ave.	12047	20951	17780	11845	12884	12160	11490	11781	11010
SW Swantown Ave.	Ft. Nugent Ave.	SW Heller Street	13300	6210	8785	6173	9226	8782	8180	8238	7655
SW Swantown Ave.	SW Heller Street	Thornberry Dr.			2822	2558	1941	2544	2893	2526	2280
SW Scenic Heights Street	SR 20	Freund St.	2200	3579	1868	917	2785	1878	2128	1934	1899
Ft. Nugent Ave.	SW Swantown Ave.	SW Neinhuis St.	5012	9484	5334	5545	8122	5975	5881	5987	5764
SE Midway Blvd.	SE 8th	SE 4th Ave.	8778	8189	9133	6728	7574	7432	8333	6580	6209
NE Midway Blvd.	NE 5th Ave.	NE 6th Ave.	11284	12467	10697	11803	10414	9489	8992	9073	7864
NE Goldie Street	NE 16th Ave.	N. Corp. City Limits	9343	9188	7879	8812	8199	7155	8451	8632	8719
NE 16th Ave.	SR 20	NE Goldie Street	4551	1138	708	679	972	971	935	945	994
NE 16th Ave.	SR 20	Regatta Drive	1491	1138	3413	1380	1443	1418	1141	1278	1234
NW Crosby Ave.	N. Oak Harbor Street	NW Anchor Dr.	3369	5365	9178	3726	4340	4226	5244	5900	4565
SE Pioneer Way	SR 20	SE City Beach Street	13478	18600	10241	17482	13923	8400	11322	11738	11188
SE Pioneer Way	SE City Beach Street	Midway Blvd.	8881	10367	11128	10452	9304	8227	8732	8288	7837
SE Pioneer Way	Midway Blvd.	SE Regatta Drive	8594	8699	10686	7828	8120	7547	7473	7215	
SE Bayshore Drive	Midway Blvd.	SE City Beach Street	2737	2388	2313	5141	2418	2466	2150	1930	2082
SW Erie Street	SW Barrington Drive	SR 20			4719	5015	4284	5073	3425	5027	3449
SW Fairhaven Drive	SW Barrington Drive	SW 8th Ave.	887	926	989	1048	913	1083	1064	1085	1038
SW Fairhaven Drive	SW 6th Ave.	SW 4th Ave.	5640	2780	4891	3038	2863	3303	3509	2920	3142
NW Fairhaven Drive	W. Whidbey Ave.	NW 3rd Ave.	1117	2627	2213	2638	2532	2498	2590	2471	2505
SE Barrington Drive	SR 20	SE Ely Street	7335	6088	6902	7176	6454	8885	6877	7185	6881
SE Barrington Drive	SE Ely Street	SE Ireland Street	5724	5316	5620	5271	5225	4658	4469	4680	5007
SE Ireland & SE 8th Ave.	SE Barrington Drive	Midway Blvd.	7783	4403	7282	5251	5828	4800	5120	4846	5496
SE 6th Ave.	Midway Blvd.	SE Ely Street		1239	1208	573	1144	1062	1462	1056	1003
SW 6th Ave.	SR 20	SW Fairhaven Drive	3269	3860	3850	3903	4071	4097	3981	3874	3685
SW 6th Ave.	SW Fairhaven Drive	SW Heller Street	1300	1373	2176	1764	1418	1524	1545	1573	1481
SE 6th Ave.	Midway Blvd.	SE Regatta Drive	5919	1691	1564	932	1499	985	1332	1211	1036
SE Ely Street	SE 6th Ave.	SE 4th Ave.	3092	3219	4892	2888	2882	3050	2894	2628	2513
SE 3rd Ave.	SR 20	S. Oak Harbor Street	8648	8046	5542	4650	4712	4395	5035	4826	4868
SE 4th Ave	SE Cabot Drive & SE Ely Street	Midway Blvd.			1196	2109	1723	2098	2066	2230	2414
E. Whidbey Ave.	Midway Blvd.	SE Regatta Drive	8830	3186	4794	4850	6124	5517	5698	5502	5472
E. Whidbey Ave.	Midway Blvd.	SR 20	7685	4715	8965	9894	9260	8770	7924	7792	7378
E. Whidbey Ave.	SR 20	Oak Harbor Street	12981	11152	10453	10553	10930	11026	11228	10950	10724
W. Whidbey Ave.	Oak Harbor Street	NW JIB STREET	8256	5018	5867	8488	7343	7767	8330	8144	7588
W. Whidbey Ave.	NW Jib Street	NW Heller Street			4637	5571	5418	5954	5879	5892	5656
W. Loerland Drive	Heller Street	W. Corp. City Limits	2438	2360	4053	2809	2516	2678	2755	2718	2782
SE Regatta Drive	SE 4th Ave.	SE 6th Ave	5405	6246	8242	7084	7175	6546	6984	7178	6447
NE Regatta Drive	E. Whidbey Ave.	N. Corp. City Limits	8092	6132	6293	9510	7640	7122	7163	7060	6186
S. Beeksma Drive	SR 20	City Beach Park	1473	3252	2180	1197	942	1299	1233	1340	1190
S. Oak Harbor Street	SE 3rd Ave.	Whidbey Ave.	4411	4541	4135	4780	4583	4474	4667	4990	4897
N. Oak Harbor Street	Whidbey Ave.	NE 7th Ave.	8039	15720	7460	3840	8006	6102	7691	8680	8517
N. Oak Harbor Street	NE 7th Ave.	NW Crosby Ave.	9358	10527	9238	5802	9342	9937	8987	10804	9474
N. Oak Harbor Street	NW Crosby Ave.	N. Corp. City Limits	10659	7891	6686	8060	7700	8481	7211	7229	6958

ATTACHMENT 1

AADT Traffic counts

City of Oak Harbor

STREET	FROM	TO	1999	2000	2001	2002	2003	2004	2005	2006	2007
NE 5th Ave.	Midway Blvd.	NE Regatta Drive	1249	893	3316	858	872	987	797	809	614
NE 7th Ave.	Midway Blvd.	SR 20	4075	4168	4241	2349	4201	3418	4500	4289	4323
NE 7th Ave.	SR 20	N. Oak Harbor Street	5266	5203	5401	4261	6323	5599	5327	5934	5506
SE Cabot Dr	SR 20	SE Ely Street			6366	4674	3987	4576	4451	4162	4085
NW Crosby Ave	NW Heller Street	NW Prow Street			4653	1843	1921	1979	3265	1938	1941
SW 8th Ave	SR 20	SW Bowmer	868		3335	3303	901	1473	1100	1886	2505
SW Balda St	SW Scenic Hts	SW Waterloo Ave							1354	1250	1285

ENVIRONMENTAL CHECKLIST

CITY OF OAK HARBOR
865 SE Barrington Drive
Oak Harbor, Washington 98277
Phone: (360) 279-4510

RECEIVED
AUG 06 2010
CITY OF OAK HARBOR
Development Services Department

Purpose of Checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the information to help you and the City identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the City decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information know, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply". Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems the City can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The City may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." In addition, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

c. Proposed measures to reduce or control impacts, if any:

Consultation with the DAHP has resulted in a recommendation that an archaeologist be on-site to report on monitoring and ground disturbance, with further consultation.

14. TRANSPORTATION

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

Pioneer Way, Bayshore Drive and Barrington Drive are major east-west connectors through downtown Oak Harbor. Several side streets connect these roadways to each other. SR 20, the major state route that runs through Whidbey Island, is located a quarter mile to the west of the project area. Please see vicinity map.

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Oak Harbor is served by Island Transit. The Harbor Station Transit Center is located at Dock Street and Bayshore Drive, a block south of the project area. Routes that serve the station include Routes 1, 2, 3, 6, 9, 10, and 411W.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

c.How many parking spaces would the completed project have? How many would the project eliminate?

There will be an overall increase in parking spaces available. The completed project will have between 120 and 130 parking spaces. Pioneer Way currently has 83 parking spaces.

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

The proposal improves circulation on the street system and enhances facilities for pedestrians. Traffic flow will be altered with the redesign of the street to one-way and intersections with side streets will be improved to facilitate traffic and turning movements. The project does not require the improvement of additional streets.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Yes. Water transportation facilities are located within the harbor, but will not be impacted by the project.

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

The proposal itself does not generate vehicular trips, but is designed to accommodate 15,000 average daily trips in the twenty-year planning horizon.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

g. Proposed measures to reduce or control transportation impacts, if any:

The project itself improves the street system, increases parking opportunities in the downtown area, and encourages pedestrians to park their cars and walk around downtown. The City continues to engage the public and business owners in public meetings to address transportation and access concerns.

During construction, special attention will be given to street closures, parking needs, and continued pedestrian and vehicular access to local businesses. The City will work closely with Island Transit to reroute buses that cross Pioneer Way.

15. PUBLIC SERVICES

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

No increase is anticipated.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None needed.

16. UTILITIES

a. Circle utilities currently available at the site: **electricity**, **natural gas**, **water, refuse service, telephone, sanitary sewer,** septic system, other.

Attachment B

CITY OF
Oak Harbor
WHIDBEY ISLAND, WASHINGTON

RECEIVED
AUG 06 2007
ISLAND COUNTY
COMMISSIONER'S OFFICE

August 6, 2007

Island County Board of County Commissioners
PO Box 5000
Coupeville, WA 98239-5000

Re: City of Oak Harbor
2007 Rural County Economic Development Funds Application

Dear Commissioners:

On behalf of the City of Oak Harbor I pleased to submit our 2007 Rural County Economic Development Funds application for the Pioneer Way Street Reconfiguration project. As you will see from our application materials the City has identified this project as one of the cornerstones to our overall economic diversification strategy.

We look forward to meeting with you and discussing our application. I trust that you will find it complete; however should you have any questions or require any additional information please do not hesitate to contact me at 279-4511 or at spowers@oakharbor.org. Thank you for your time and attention to this matter.

Sincerely,

Steve Powers, AICP
Director, Development Services Department

cc: Enclosures
File

865 S.E. Barrington Drive • Oak Harbor, Washington 98277-4092 • City Hall (360) 279-4500

ATTACHMENT 1

ISLAND COUNTY – APPLICATION FOR 2007
RURAL COUNTY ECONOMIC DEVELOPMENT FUNDS

Applicant: City of Oak Harbor **Contact:** Steve Powers

Project Title: Pioneer Way Street Reconfiguration

Application Date: August 6, 2007

Total Project Cost: $8,420,000

$4,460,000	Street reconfiguration, landscaping, etc.
$1,800,000	Below street utilities (water, sewer, storm drain)
$2,160,000	Off-street plazas

Amount Raised to Date: $1,800,000 (City funds budgeted; utilities);

Funding strategy for street improvements:

$1,000,000	Rural County Economic Development Funds
$1,000,000	REET (City; pending)
$1,160,000	Bonds (City; pending)
$1,300,000	LID (Property owners; not committed)

Funding for off-street plazas not yet identified.

Is this a Phased Project: NO **Over how many years?** N/A

Are you requesting a funding gap? YES.

What amount are you requesting now? $1,000,000

Briefly describe your project:

The Pioneer Way Street Reconfiguration project involves the complete reconstruction of SE Pioneer Way in Oak Harbor, with the primary goal of creating a pedestrian-oriented street in the heart of the city's historic shopping area to enhance its desirability for commercial/retail and development activity. The project area is identified in air photos below.

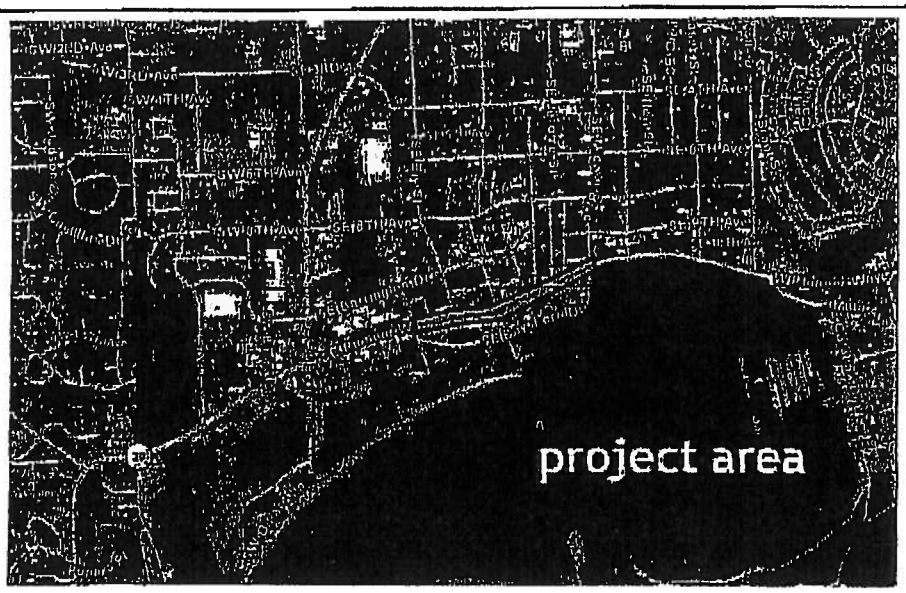


Figure 1: Project Area in Oak Harbor

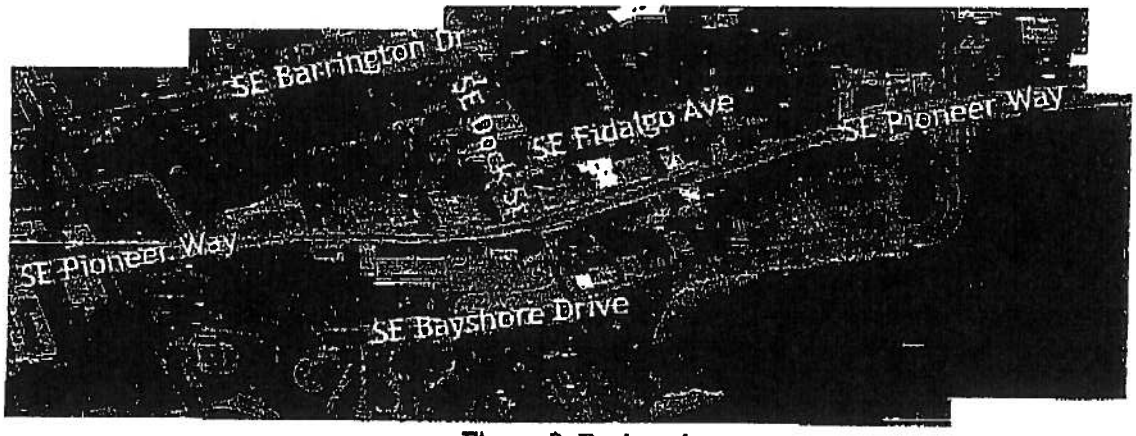


Figure 2: Project Area

Major project features include:

- replacement of water, sewer and storm drain lines;
- improved street design: curbs, gutters, sidewalks & enhanced pedestrian crossings;
- angled parking substituted for parallel parking;
- serpentine travel lanes to improve parking ease and reduce vehicular speeds for safety;
- undergrounding of overhead utility lines; and,
- installing new street furniture, street lights and planter strips with landscaping.

The specific pedestrian-oriented improvements in the project include:

- Wider sidewalks;
- Landscape planter areas;
- Pedestrian hill climb connecting Hal Ramaley Park and the downtown;
- Central public plaza;
- Improved pedestrian street crossings; and,
- Raised intersections designed for use during special events an activity nodes.

The design features of the project are intended to support downtown businesses, and increase the development potential for mixed-use projects by creating a shopping and strolling street environment in which people are truly comfortable. These types of commercial districts tend to be more desirable commercial areas, with increased economic activity and improved livability for residents and visitors alike; with real estate surveys consistently showing that a growing segment of the population prefers communities that are walkable and livable.[1] The following sketches illustrate the character of the Pioneer Way Reconfiguration project:

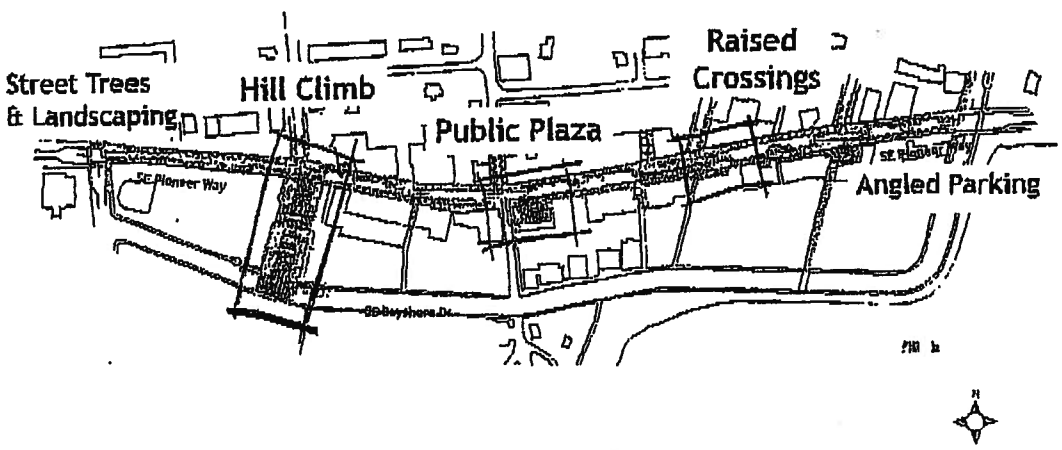


Figure 3: Overall Plan for Project with Main Features Highlighted

[1] Katz, Bruce, *Six Ways Cities Can Reach Their Economic Potential*, The Brookings Institution, 2006, p. 4)

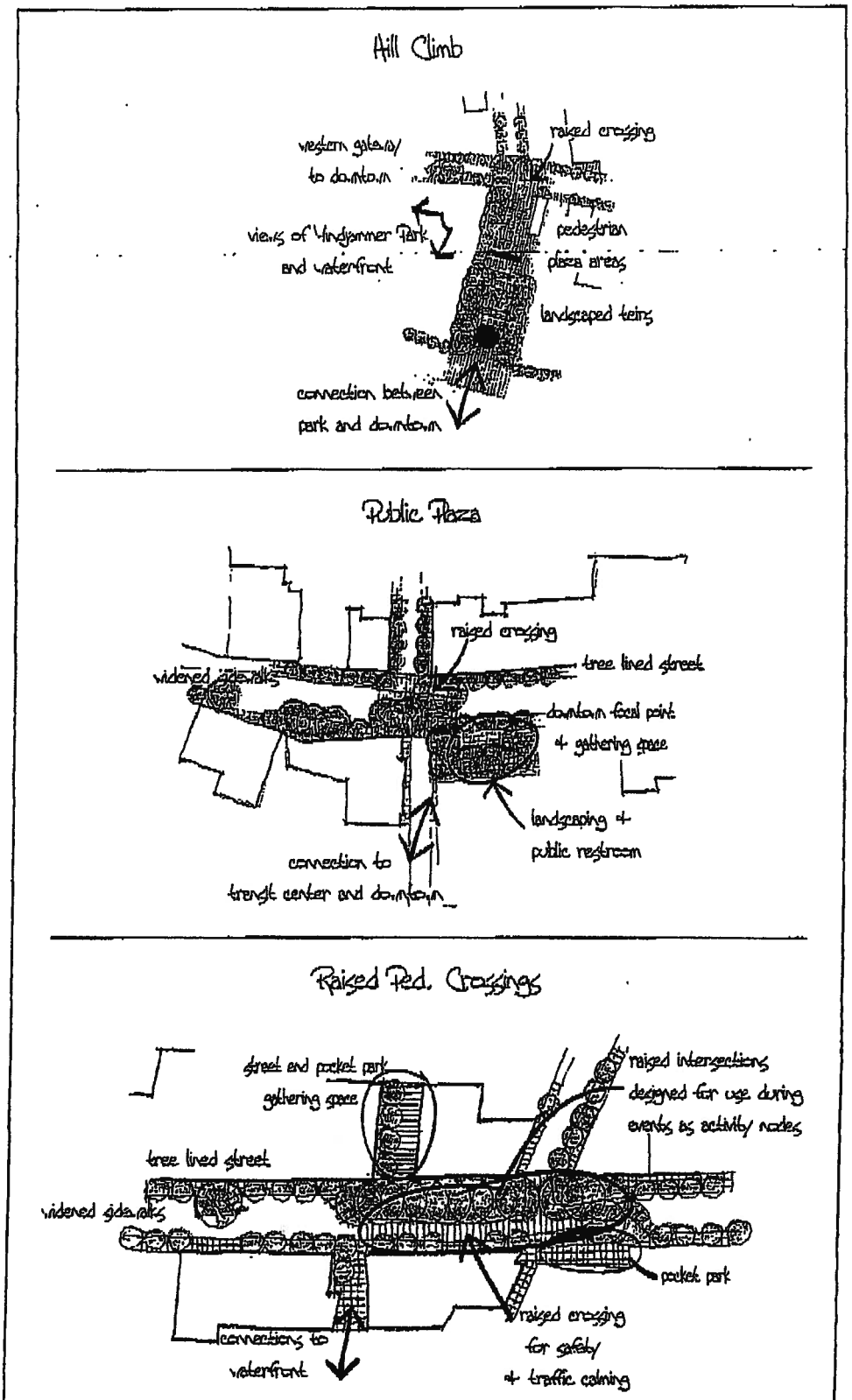


Figure 4: Sketches of Main Features

ATTACHMENT 1

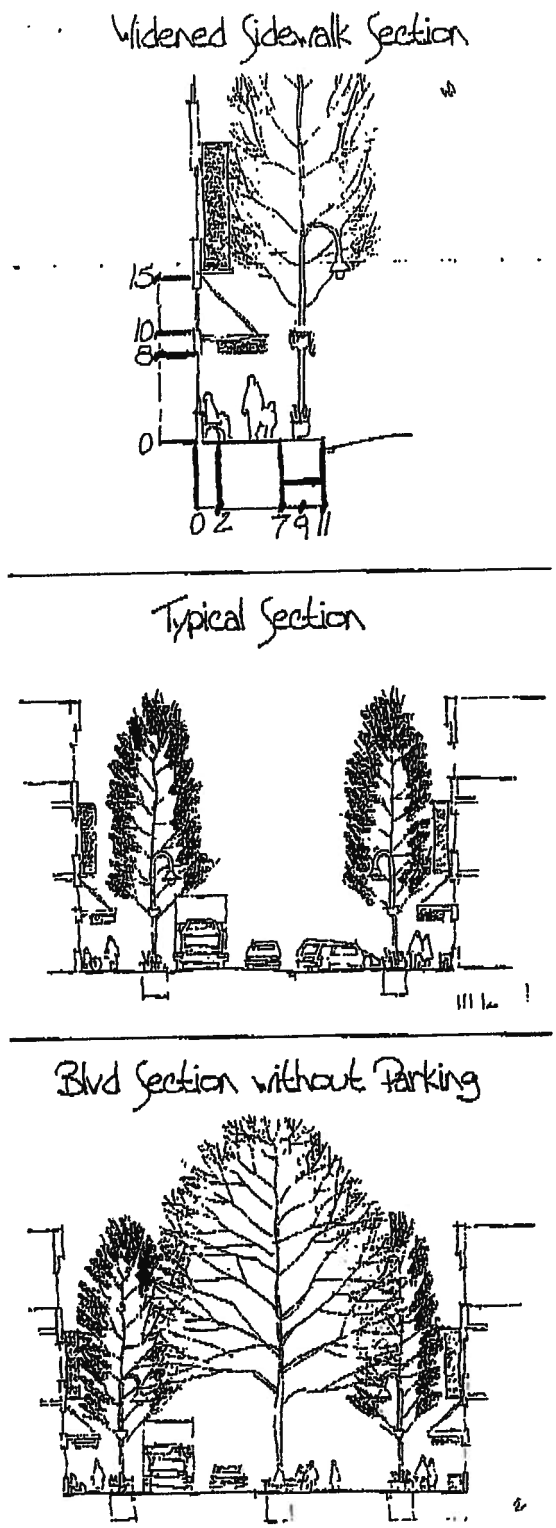


Figure 5: Simulations of General Streetscape Character

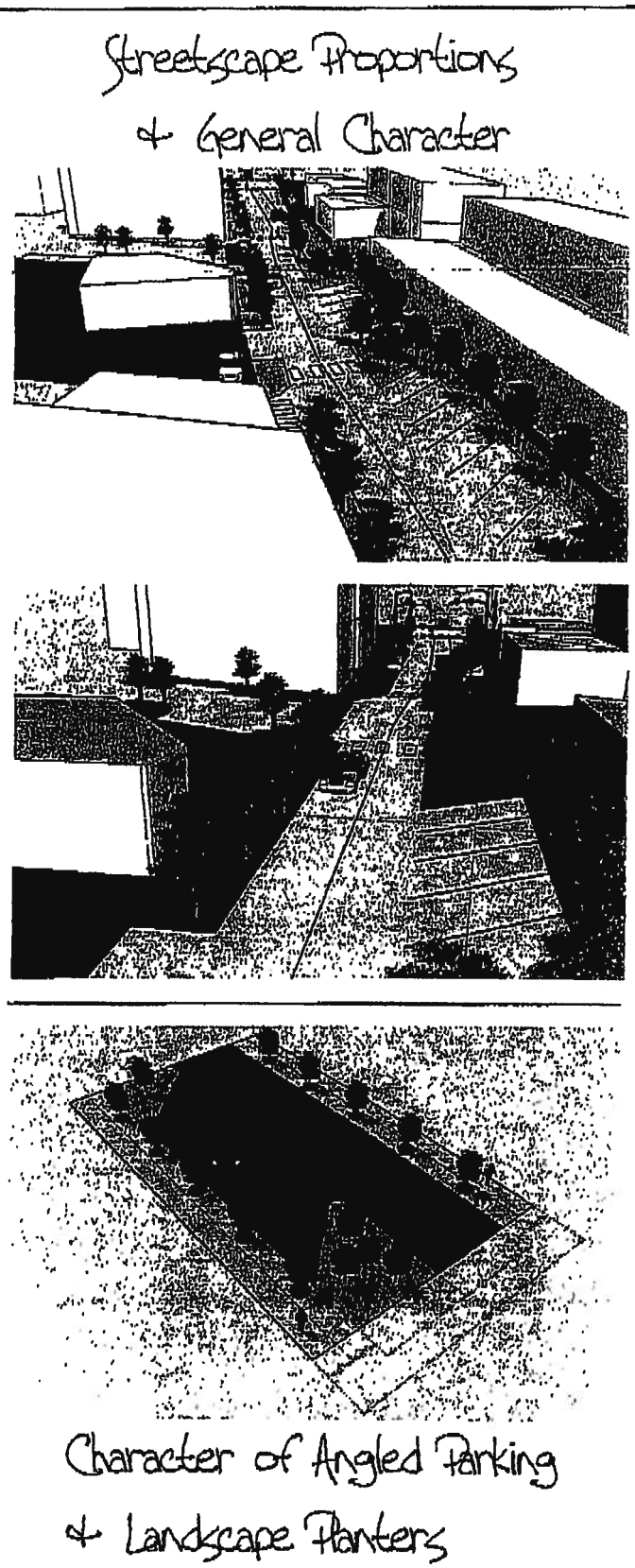


Figure 6: Simulations of General Streetscape Character

How does the project satisfy, in whole or in part, your economic diversification strategy?

The City's recent economic development activities have been focused on a number of areas including support for existing market sectors, and attracting new businesses within commercial and industrial areas.[2] The Pioneer Way project allows the city to address changing market demands and capitalize on the existing assets of the downtown and waterfront areas to provide service sector jobs and capital investment in mixed use projects in the downtown.

The following information demonstrates how this project is consistent with the City's economic development strategy as embodied in the Comprehensive Plan and the North Whidbey Community Diversification Plan. Also included in this section is information relating to contemporary economic development issues, influences, and trends, by which this project is all supported.

Comprehensive Plan Policies

The revitalization of Oak Harbor's downtown has long been part of the City's economic diversification strategy. Some of that focus has been in implementing the Comprehensive Plan policies, while some of the effort has been in improving development regulations that encourage urban density, and mixed-use projects that support a vibrant and livable downtown district. The Brookings Institution publication *Six Ways Cities Can Reach Their Economic Potential* identifies that these strategies are sound investments in the future of the community, stating, "Evidence shows that the urban form is not only competitively wise, but fiscally sound".[3]

The Pioneer Way Reconfiguration project, and the entire Windjammer Plan, arose out of existing economic development policy framework. These polices are defined within the City's Comprehensive Plan, Economic Development Element. Goal 2 and its associated policies envision a combination of public-private activities that could create a climate ripe for business retention and growth:

Goal 2 — *Implement the Waterfront Redevelopment, Branding and Marketing Program[4] to increase visitor spending and enhance the quality of life and economic vitality of Oak Harbor.*

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[2] A portion of the North Whidbey Community Diversification Action Plan focuses on the creation and attraction of manufacturing jobs which would be located within the industrial zoned areas of the city.

[3] Katz, Bruce, *Six Ways Cities Can Reach Their Economic Potential*, The Brookings Institution, 2006, p. 7

[4] The Pioneer Way Reconfiguration project is found within the broader 2005 economic development plan adopted by the City: The Waterfront Redevelopment, Marketing and Branding Program (Windjammer Plan). This plan is a comprehensive strategy to focus on economic development in the waterfront and the tradition downtown with market based approaches that: build on the available assets of the City and community; develops partnerships with multiple stakeholders; fosters community support; influences capital investment with private-public partnerships; and creates incentives to development and investment.

Policy 2.a	*The City shall pursue a variety of funding strategies as outlined in the Waterfront Redevelopment, Branding and Marketing Program in order to bring about its implementation.*
Policy 2.b	*The City will assist the Harborside Shops businesses in forming a Business Improvement District, or other similar funding mechanism, to help implement the capital and non-capital projects identified in the Waterfront Redevelopment, Branding and Marketing Program.*
Policy 2.c	*The City should seek, support and assist in grant applications to help fund construction of planned circulation improvements in the downtown area.*

Other support for this economic diversification effort can be found in the Land Use Element of the Comprehensive Plan. These polices speak to economic diversification through implementing projects and community asset development:

Policy 1.f	*Support revitalization efforts of downtown Oak Harbor…through the implementation of adopted plans and programs.*
Goal 7	*To encourage land use opportunities for diversified economic development.*
Policy 7.a	*Support, through incentives, the upgrading of Oak Harbor's downtown and the enhancement of its identity.*
Policy 7.b	*Enhance and protect the waterfront as an asset for future economic development, as outlined in the Waterfront Redevelopment, Branding and Marketing Program.*
LAND USE ELEMENT 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.f,	*Retain and enhance the character of historic commercial districts.*
Policy 14.g,	*Promote commercial infill development.*

The physical characteristics of the streetscape improvements would implement Goal 6 of the Urban Design Element of the Comprehensive Plan:

Goal 6	*The redevelopment of downtown Oak Harbor shall receive continued support, consistent with the Waterfront Redevelopment, Branding and Marketing Program. The City may consider guidelines for: a comprehensive signage program to enhance way-finding; pedestrian oriented design elements within the public right-of-way; and, human scaled architectural detailing and building design.*

North Whidbey Community Diversity Action Plan

The North Whidbey Community Diversity Action Plan has been a key strategy document to recent economic development activities within North Whidbey Island and Oak Harbor. This document sets out policies for improving the stability, growth and resilience of the economy of the region. These policies are clearly broad in nature but have provided direction in the development of refined project initiatives such as the Pioneer Way Reconfiguration project, and the Windjammer Plan of which it is a part.

Building on community assets and existing businesses, as proposed with the Pioneer Way project, is exactly what the North Whidbey Community Diversity Action Plan states in the introduction[5]:

> *Develop strategies which will enhance the vitality of existing area businesses.*
> *Guide the investment of the public and private sector in terms of organizational resources, infrastructure improvements and land use policies.*

The economic diversification strategies for North Whidbey focused on five targeted opportunities including "Downtown & Waterfront Development/Tourism". Chapter two further refines this policy direction, instructing the community of Oak Harbor to "capitalize on the unique resource of the Oak Harbor Waterfront and Downtown"[6]. A specific action strategy is also identified for the downtown and waterfront to strengthen economic opportunities, including targeting three markets.[7] To meet these markets three actions are defined; the first two are directly reflected in the plans for completing the Pioneer Way Reconfiguration project, and the Windjammer Plan:

1. *Commence plans to establish an LID to finance the remainder of the capital projects with revenue bonds.*
2. *Establish a Property Improvement/Beautification program.*[8]

The City, downtown property owners, and downtown businesses have begun developing the framework for an LID that will help fund the implementation of the Pioneer Way project. These same stakeholders, representatives from the Chamber of Commerce, architects, members of the public, and local area banks have also participated in creating specific design guidelines

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[5] *North Whidbey Community Diversity Action Plan*, City of Oak Harbor; Island County; WA Department of Community Development; US Department of Defense, Office of Economic Adjustment,, 1995, Introduction,

[6] Ibid., p.10

[7] "1. A stronger local market for residential space producing a greater in-town population needing local services for everyday personal needs; 2. A market arising for increased office space as the Downtown becomes the focus for business and professional needs on North Whidbey Island. This will result in a greater need for business services; 3. A recreational/retail market developed to serve visitors from throughout the area as well as residents and office workers.", Ibid. , p.14

[8] Ibid., p.14

for building façades in the downtown. These will be utilized primarily in two ways to support capital investment in the downtown:

1. As an incentive to invest, and to ensure a cohesive character to the downtown, local Banks and the City have developed a program by which downtown businesses/property owners may receive low interest loans for building façade improvements. The design guidelines are being used as a tool to ensure the quality and suitability of the improvements to qualify for the loans.

2. The City is incorporating the design guidelines into the existing regulations governing new development and renovations. Therefore, all new developments in the downtown will conform to the same design parameters. While these will have flexibility and encourage innovative designs, they will ensure that the downtown evolves in a manner that is aesthetically appealing and functional. This will provide a greater level of assurance to business, development, real estate, and investment interests regarding the quality of the design and contextual sensitivity of new developments in downtown.

Contemporary Conditions and Trends

By improving the downtown district and making it more attractive to service oriented businesses and mixed-use developments with commercial/retail components, the efforts of the City are addressing strong national economy trends. The shifting American economy, from manufacturing to service sector jobs, is illustrated in the image below from the Brookings Institution[9].

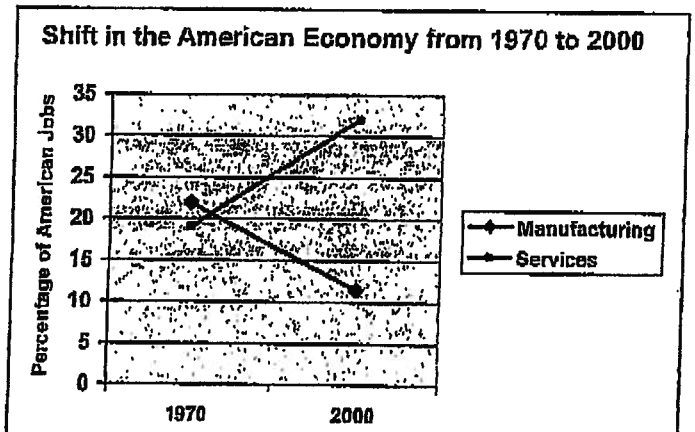

Figure 7: Shift in Job Market 1970 to 2000

Recent research and market findings from across the country reveal an increased market demand for walkable urbanism — living, working and entertainment within a pedestrian environment provided by downtowns and similar places.[10] "In a recent study by the National Association of Realtors and Smart Growth America, six in ten prospective homebuyers, when asked to choose between two communities, chose the neighborhood that

[9] Katz, Bruce, *Six Ways Cities Can Reach Their Economic Potential*, The Brookings Institution, 2006, p.5

[10] Christopher B. Leinberger, Real estate developer and Director of the graduate Real Estate Program at University of Michigan, 2007 keynote presentation at the annual meeting of the Downtown Sacramento Partnership

offered a shorter commute, sidewalks, and amenities like shops, restaurants, libraries, schools, and public transportation within walking distance. They prefer this over the one with longer commutes and larger lots but limited options for walking"[11] Nation wide changes in household makeup is also influencing these preferences.

This project will help tap into these strong market trends and desires for livable, walkable neighborhoods increasing the development potential for the area by improving the aesthetics and function of the downtown.[12] This is expected to result in construction of residential and commercial mixed-use projects, and increased commercial activity in the downtown.

With conventional suburban development, the necessary pre-conditions for growth include the provision of utilities, services and schools. Creating the walkable city neighborhoods identified in contemporary planning, development, and real estate circles, as attractive and necessary for private investment (in terms of residential and business activity) requires all of this and much more.[13] The Pioneer Way project, as part of the overall Windjammer Plan, improves the visual and functional appeal of the infrastructure of the traditional commercial core of the community. By utilizing public investment, this also signals the community's commitment, and provides assurances to investors that the downtown is viewed by the City and community as a worthwhile asset[14]; improving the prospects of private-public partnerships and ultimately private investment and business activity.

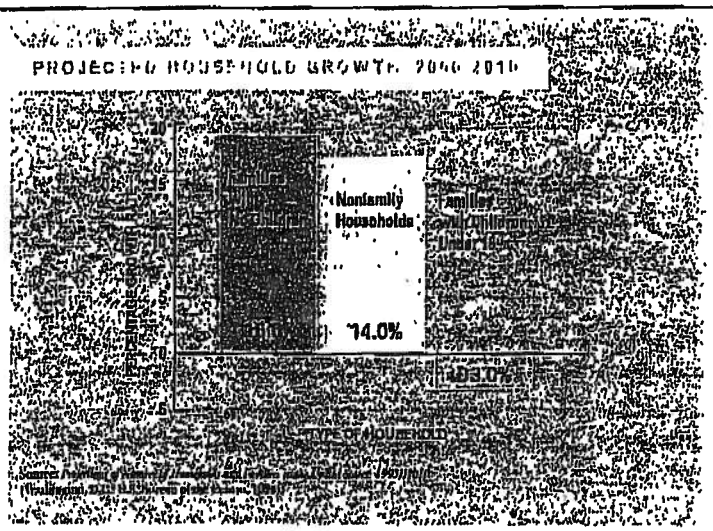

Figure 8: Household Growth 2000 to 2010

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11 *Higher Density Development Myth and Fact*, Urban Land Institute (in cooperation with the AIA, National Housing Council and Sierra Club), 2005, p.7

12 Changes in national household makeup are also increasing the need for a greater range of residential options beyond the predominantly single family, single lot, development charecteristic of Island County. The form of housing that would be developed in a revitalizing downtown would support this increasing population

13 "There is a need for a physical definition of the place, a comprehensive strategy for the place to be created, and management to implement the strategy", *Turning Around Downtown: Twelve Steps to Revitalization*, Brookings Institution, March 2005, p.4

14 "Important public infrastructure projects provide opportunities to advance local goals", Seidman, Karl F, *Revitalizing Commerce for American Cities*, Fannie Mae Foundation, September 2004, p. 47

In *Turning Around Downtown: Twelve Steps to Revitalization*, published by the Brookings Institution the role of this form of investment and its potential rate or return is clearly defined (p. 4):

> *Early progress must be made in building this expanded definition of infrastructure – along with a believable commitment to provide the rest – in order to attract the private sector developers and investors who will ultimately drive the downtown turnaround. Only by re-establishing a private sector real estate market (the focus of steps 6 to 12) can a downtown prosper. In fact, successful downtown turnarounds have shown that for every $1 of public investment, there will be $10 to $15 of private money.*

The North Whidbey Community Diversity Action Plan identifies three fundamental building blocks to serve as a foundation for community economic activity. The need for implementation of the Pioneer Way improvements speaks directly to the third:

> *A commitment to action must be made by public and private sector leadership following an open community planning process which seeks participation by stakeholders.*[15]

The timing of this public investment is critical, as it signals to private investors and businesses that the community is committed to the positive outcome of the downtown district[16]. The influence this economic development strategy has on potential private investment in the downtown has already become evident. As a result of the adoption of the Windjammer Plan and the initial work completed to date (including the preliminary designs of a redeveloped Pioneer Way) interest in downtown mixed-use development has increased. This was exhibited by the proponent's statement at the public hearing for a mixed use application which includes 119 residential units and 15,867 sq. ft. of commercial space:

> *We think that the City's plan for the redevelopment of the downtown and the waterfront is an outstanding one. As a matter of fact, if I may interject here, one of the reasons why we proceeded with the design and planning of this project in this location was the fact that the City's waterfront redevelopment plan exists. We believe that it is an outstanding one..."*[17]

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15 *North Whidbey Community Diversity Action Plan*, City of Oak Harbor; Island County; WA Department of Community Development; US Department of Defense, Office of Economic Adjustment, 1995, Chapter 2-2

16 To achieve future success in economic diversification "The bulk of the public investment must be made in the early years, however, in order to set the stage for private development." *Turning Around Downtown: Twelve Steps to Revitalization*, the Brookings Institution, March 2005, p. 4

17 Mr. Fred Flemming, proponent of 119 residential unit mixed use proposal, quote from Hearing Examiner Public Hearing of July 9, 2007

What planning has taken place regarding this project, and is the project part of a plan?

The City has already undertaken the visioning process for the Pioneer Way project as part of the Windjammer Plan[18], to determine community support and uncover the emotional, economic and fiscal reasons for reinvesting in the downtown. This process built upon a history of community efforts, was professionally managed and has been continued by bringing together representatives of local government, neighborhood groups, retailers, and business owners. Support for these activities has been provided by the City through staff resources, allocating funding to initiate specific projects, and facilitating the creation of private/public partnerships for specific projects.

The Pioneer Way project is part of the City's Comprehensive Plan and its Capital Improvement Plan. Other, specific planning efforts, past and present, include:

1. 2001, Downtown Circulation Plan;
2. 2005, Waterfront Redevelopment, Branding and Marketing Program (The Windjammer Plan);
3. 2006, Commercial Lands Analysis and Inventory (conducted as part of the 2006 Comprehensive Plan Update);
4. 2006, Oak Harbor Downtown Streetscape Design Charette (an ancillary project linked with the overall economic development activities outlined in the Windjammer Plan);
5. 2006, Detailed cost estimate of Pioneer Way project components[19];
6. 2006, Pioneer Way Storefront Design Guidelines (an ancillary project linked with the overall economic development activities outlined in the Windjammer Plan);
7. 2007, Amendments to the zoning code were adopted to improve options for residential and mixed use developments within the district to enhance the livability of the area and opportunities for economic vitality.[20]

Is this project included in:

Capital Facilities Plan __X__ Yes _____ No

Comprehensive Plan __X__ Yes _____ No

NOTE: see attached Exhibit A Capital Facilities Plan and Comprehensive Plan References.

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[18] This plan is a comprehensive strategy to focus on economic development in the waterfront and the tradition downtown with market based approaches that: build on the available assets of the City and community; develops partnerships with multiple stakeholders; fosters community support; influences capital investment with private-public partnerships; and creates incentives to development and investment.

[19] This is a very details preliminary engineering/construction level estimate outlining all components necessary for completion of the project (in 2006 dollars.

[20] Since this project is part of an entire economic development program there are a number of planning actions that support the overall plan, and thus the Pioneer Way Street Reconfiguration plan.

Have engineering reports and feasibility studies been prepared, and if so, when?

The 2001 Downtown Circulation Plan, which determined the travel lane and parking characteristics of the intended project was prepared by a registered traffic engineer. Other engineering consultants have completed preliminary designs for water line portions of the project. This work was undertaken in 2003.

A cost estimate and project component breakdown for the Pioneer Way project has been completed in 2006. This is a detailed preliminary engineering/construction level cost estimate of project components necessary for completion of the entire project (in 2006 dollars). This information is being utilized in a number of ways:

- to determine the feasibility of project elements;
- to develop potential private-public partnerships; and,
- to determine the characteristics of an LID to fund a portion of the project.

Have you secured funds for this project from state or federal programs or foundations?

The City has had discussions with representatives from the Washington State Department of Community Trade and Economic Development (CTED) regarding possible funding sources for street reconfiguration and streetscape portions of this project. Additionally discussions regarding the utility portions of the project with a representative from the Public Works Trust Board have taken place. Our State Representatives have been briefed about this project and the City's economic development strategy. To date no outside funding has been secured for the project.

Are there other efforts you have made that are unique to this project?

There are many efforts that are unique to this project, all of which relate to community coordination. These are summarized as follows:

- The City has contracted with a consultant to assist with implementation of the Windjammer Plan, conduct project specific feasibility analyses, and facilitate private/public partnerships;
- The City has budgeted $512,500 for the Windjammer Project including approximately $32,000 directly associated with the Pioneer Way redevelopment;
- The City meets regularly with the Harborside Merchants Association (a downtown business organization which has participated in a number of the initiatives of the Windjammer economic development plan) and has their support for this project;
- The Harborside Merchants Association formed a 'Streetscape Committee.' City staff, and the consultant tasked with the management and implementation of projects associated with the Windjammer Plan, met

regularly with this committee during the summer of 2006 to develop the desired streetscape program for the Pioneer Way project;

- The Harborside Merchants Association formed a 'Facades Committee.' City staff and the consultant tasked with the management and implementation of projects associated with the Windjammer Plan, met regularly with this committee during the fall of 2006 to develop design guidelines for buildings located along Pioneer Way. These guidelines complement, and work with, the streetscape design and are viewed as an important part of transforming this area into a pedestrian-oriented retail area; and,[21]
- The Windjammer Committee (whose membership includes the Executive Director of Chamber of Commerce, two downtown business owners and members of the Harborside Shops Merchants Association, three City Council members, the Mayor and staff) meets monthly for the purposes of implementing the Windjammer Plan. A prominent project included in these meetings is the Pioneer Way Street Reconfiguration.

Support for the entire Windjammer Plan and the Pioneer Way project has included the following actions by the City[22]:

- Developed partnerships with local community service organizations to test market feasibility and implement components of the plan;
- Created private/public partnership exploring the feasibility for a synergistic development of a special events center, enhanced park area, and improved connection between the waterfront and downtown;
- Adopted amendments to the zoning code to improve options for residential and mixed use developments within the downtown to enhance the livability of the area and opportunities for economic vitality;
- Print and web based marketing materials and information has been generated and made available to local businesses.

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[21] The City, downtown property owners, downtown businesses, representatives from the Chamber of Commerce, architects, members of the public, and local area banks have developed specific design guidelines for building façades in the downtown. These will be utilized to support capital investment by providing a greater level of assurance to business, development, real estate, and investment interests regarding the quality of the design and contextual sensitivity of new developments in downtown.

[22] All of these activities mirror the strategies for success recommended by the Brookings Institution in *Turning Around Downtown: Twelve Steps to Revitalization* (March 2005, p. 8): "strategies including: defining the character; encourage housing; determine retail walking district parameters; determine cultural facilities to be located downtown; focusing on public infrastructure to support the district; recruitment efforts on businesses for the downtown for increased employment; providing opportunities for public involvement and information dissemination; bringing existing non-profits into the process; continuously market downtown and events; make downtown a community gathering place for the entire community".

How many full-time permanent jobs will be created or retained?

Create in 1-3 years - Estimated approximately 20 to 25 part-time service industries
Estimated 12 full-time service industries; and,
Estimated 30 to 60 construction oriented industries.

Created in 3-5 years - Estimated approximately 20 to 25 part-time service industries
Estimated 12 full-time service industries; and,
Estimated 45 to 60 construction oriented industries.

Jobs retained - the economic strength of the downtown district will be increased as a result of this project, and is expected to ensure greater job retention rates and reduced vacancies that currently experienced in the downtown.

There are a number of areas in which this project is expected to impact job retention and creation in the community and greater North Whidbey region, specifically:

1. New mixed-use developments, increased population, and the evolution of a more desirable commercial street environment will provide a more vital commercial retail street reducing the storefront vacancy rate, thereby increasing employment opportunities;

2. The development of new retail/commercial spaces within mixed-use buildings with contemporary amenities will result in filling a commercial rental niche not currently available. This is expected to attract a new range of businesses that currently have very limited opportunities in North Whidbey.

3. Employment resulting from construction of new mixed-use buildings and reinvestment in existing properties in the downtown;

4. Real estate trends show that many employers are attracted to communities that offer their potential employees with lifestyle amenities they desire. These employers are seeking the 'creative class' of employees that desire to live in walkable urban neighborhoods.[23] By developing a more vibrant and livable mixed-use downtown, those individuals that choose to reside here will potentially help attract the attention of new businesses.

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[23] "Downtown revitalization can bring additional economic development benefits as well. With increasing demand for walkable urbanism and a dearth of such neighborhoods in most metropolitan areas, cities with vibrant downtowns have a better shot of recruiting or retaining the 'creative class' of workers economists, like Richard Florida, have shown is key to future growth" (Richard Florida, *The rise of the Creative Class* (New York: Basic Books, 2002). *Turning Around Downtown: Twelve Steps to Revitalization*, Brookings Institution, March 2005, p. 5

In addition to the jobs that can be attributed to this project, and the entire economic development program of the Windjammer Plan, there will be other economic impacts on the City, North Whidbey Island and County. These will result from the capital investments in the downtown made by the public, private-public partnerships, and solely private development activities, all adding to the local economy through: increased patronage of local suppliers; increased taxes of appreciating and newly developed properties; rental of new commercial spaces; and, sale of real estate.

What is the size of the population that will benefit by this project?

It is believed that the greater North Whidbey area will benefit from this project through the provision of a strengthened commercial area. That population is projected to be 40,642 by 2010. It is possible that some residents from elsewhere on Whidbey Island would also take advantage of this area.

How will this project improve infrastructure capacity?

The project will improve infrastructure capacity in the following ways:

1. By bringing the underground utilities of sewer, water, and storm drain lines up to contemporary engineering standards and capacities, eliminating the increasingly frequent service interruptions caused by line failures of the aging systems;

2. The pedestrian walkway infrastructure will be functionally and aesthetically improved with wider sidewalks, landscaped planter strips and reconstruction with ADA compliant transitions and enhanced street crossings for safety; and,

3. The street section will be reconstructed to reduce traffic speeds with narrow serpentine lanes to improve safety, as well as, improving parking access along the street with angled parking.

How many businesses do you plan on serving with this project?

This project is expected to directly serve approximately 101businesses. The number of businesses that are directly adjacent or neighbor the project include approximately 71 businesses along SE Pioneer Way, and approximately 30 businesses along the adjacent streets of SE Fidalgo Ave. and SE Bayshore Drive.

Currently there is also a pending development project located on the 1000 block of SE Pioneer Way that includes 15,867 sq. ft of retail space that will be served when constructed.

Additionally, increased residential development in the Downtown that is expected to result from the City's economic development strategy will result in added business for other businesses throughout the entire community.

How many jurisdictions do you plan on serving with this project?

The jurisdictions that will be served by this project are the City of Oak Harbor, Island County, and the Navy (NAS Whidbey).

How many months will this project take to complete?

The project is expected to take nine to twelve months to complete.

Are there other factors significant to this project that we should be aware of, such as emergency declarations, volunteer efforts, links to other priority projects, etc.?

The City has already undertaken the visioning process for the Pioneer Way project as part of the Waterfront Redevelopment, Marketing and Branding Program. This process built upon a history of community efforts, was professionally managed and has been continued by bringing together representatives of local government, neighborhood groups, retailers, and business owners. Support for this group's activities has been provided by the City through staff resources, allocating funding to initiate specific projects, and funding professional management services. A significant portion of this management is devoted to the development of private/public partnerships for components of the plan.

Similar to the National Trust's Main Street approach used by an estimated 1600 communities nationwide, the Pioneer Way improvement project is one component of a system of economic development initiatives (the Windjammer Plan) with four intersecting areas: 1) Design and physical improvements to enhance the district's attractiveness; 2) promotion and marketing to strengthen the district's image and attract more customers; 3) economic restructuring to identify the districts economic potential, build on existing assets, and attract new business and capital.; 4) organizational development that engages all major concerned parties in planning and executing commercial district revitalization. "The aim is to create an appealing environment, and attract the pedestrian activity necessary for a vital commercial district."[24]

Community service groups have approached the City with interest in partnering for the completion of components of the Windjammer Plan, and this work has begun. While these are not elements specific to the Pioneer Way project, the comprehensive and interrelated nature of the City's current economic development strategy does link all these activities. As public interest and momentum builds with the successful completion of these projects it is expected that additional opportunities for community based volunteer partnerships will emerge.

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[24] Seidman, Karl F., *Revitalizing Commerce for American Cities*, Fannie Mae Foundation, September 2004, p. 3

What quantifiable outcomes are you going to track to measure the success of this project?

There are a number of indicators that will be tracked to identify the success of this project. Changes in the following will provide clear information regarding the impacts and areas of influence of the project, as they show levels of private investment, interest and commitment in private/public partnerships, retail and commercial vitality, and desirability of the district for both complementary business and residential land uses:

- Storefront vacancy rate
- Retail/commercial mix
- Changes in sales tax revenues for the downtown
- Number of development applications for vacant sites
- Number of renovation or redevelopment applications
- Interest and success in completing private/public partnerships for project components, such as the plaza space (and/or associated Windjammer projects)
- Uptake rate for the sale of new residential units developed within the district

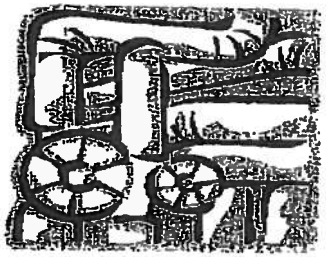
EXHIBIT A: Capital Facilities Plan and Comprehensive Plan References

City of Oak Harbor
WHIDBEY ISLAND, WASHINGTON

City of Oak Harbor

Capital Improvement Plan 2007–2012

February 20, 2007



Non-Enterprise Funded Activities—Capital Facilities

The following is a listing of capital facility projects that are needed within the six year planning timeframe to enable the City to meet Comprehensive Plan goals, LOS or to further a sub-area plan or strategy. For detailed information on needed non-enterprise funded projects, see Appendix C.

New Non-Enterprise Funded Capital Facilities, 2007–2012

Streets

- Improvements to NE 16th Avenue
- Design for the construction of NE 16th Avenue
- Installation of signalized street lights
- Barrington Drive Extension
- Bayshore Drive Extension
- Oak Harbor Street Improvements
- SR–20 Widening

General Administration

- New City Animal Shelter
- New Library Carpet
- New Senior Center

Parks and Recreation

- Development of Ft. Nugent Park Phase 3
- Land acquisition for future park development
- Windjammer Trail Connection
- Trail extensions at Freund Marsh
- Scenic Heights Trail Head

Marina

- Oak Harbor Marina Redevelopment

Windjammer

- Freund Marsh
- Pioneer Way Reconstruction and Streetscape
- RV Park Development
- Special Events Center
- Windjammer Park Redevelopment
- Oak Harbor Municipal Pier Project

Fire

- New West Side Fire Station

CITY OF
Oak Harbor
WHIDBEY ISLAND, WASHINGTON

Comprehensive Plan

October 2005

ATTACHMENT 1

1.d Ensure that economic development addresses all levels of the demography, including, the youth and retired.

1.e The City, working with other governmental agencies and the public sector, shall seek to provide employment opportunities for older adults, particularly those with low-to-moderate incomes.

Goal 2 - **Implement the Waterfront Redevelopment, Branding and Marketing Program to increase visitor spending and enhance the quality of life and economic vitality of Oak Harbor.**

Discussion

The Waterfront Redevelopment, Branding and Marketing Program focuses on capital and non-capital projects intended to improve the community's economic and recreational opportunities along the waterfront. The mix of existing assets ripe for redevelopment, combined with future development opportunities, will contribute significantly to the community's livability and economic vitality. The existing commercial core area, referred to as the Harborside Shops area, receives special prominence in the program.

Policy:

2.a The City shall pursue a variety of funding strategies as outlined in the Waterfront Redevelopment, Branding and Marketing Program in order to bring about its implementation.

2.b The City will assist the Harborside Shops businesses in forming a Business Improvement District, or other similar funding mechanism, to help implement the capital and non-capital projects identified in the Waterfront Redevelopment, Branding and Marketing Program.

2.c The City should seek, support and assist in grant applications to help fund construction of planned circulation improvements in the downtown area.

2.d The City should support and assist private property owners in the Harborside Shops area with planning projects in conformance with the Waterfront Redevelopment, Branding and Marketing Program.

2.e Improve Harborside Shops area identity from State Highway 20 through signage and other projects identified in the Waterfront Redevelopment, Branding and Marketing Program.

Goal 3 - **Increase Oak Harbor's market share of retail sales to reduce the economic leakage off-island.**

Policy:

3.a Adequate land should be zoned, where compatible with existing uses, to meet the retail needs of the local community.

Policies:

1.a Develop, preserve and enhance a pedestrian oriented character throughout the city.

1.b Preserve and enhance the streetscape with more sidewalks, landscaping and buffers to the highway.

1.c Encourage future commercial development design to be oriented less toward the automobile.

Discussion: Appropriate design guidelines should be developed to promote more pedestrian-oriented commercial areas.

1.d Business-related signs, both temporary and permanent, should serve the needs of the business owner and public to identify business locations but should not proliferate in a manner whereby the sum of all signs detracts from a positive aesthetic experience of the City's commercial areas.

1.e Signage standards should promote design sensitivity to the context in which signs are placed and scaled to both the mass of the building and the location of the sign on the lot.

1.f Support revitalization efforts of downtown Oak Harbor and other neighborhoods through implementation of adopted plans and programs.

Goal 2 - To retain the character and visual identity of the Oak Harbor area.

Policies:

2.a Encourage planned residential development (PRDs) with performance based standards.

2.b Consider view corridors when planning for development.

2.c Draft and implement a landscape ordinance for inclusion with development regulations.

Goal 3 - To protect, develop and manage the urban forest resources of the City because of their value to the community in terms of community identity, public health, environmental integrity, habitat and economic support of property values.

Policies:

3.a Encourage tree retention in new development, where feasible. Require the use of native plant species in landscaping plans, where appropriate.

3.b Require compatible tree planting with all new development.

3.c Alternative methods for protecting, and effectively managing the urban forest resources of the City for future generations, will be considered during

development review processes, including appropriate and effective off-site mitigation proposals.

3.d The City should develop a standardized off-site mitigation process to support this Goal.

Goal 4 - To preserve community character through quality design.

Policies:

4.a Encourage city beautification through design and quality standards for landscaping of both public facilities and private development.

4.b Encourage the identification and preservation of structures and places of historic and/or architectural significance.

4.c Require all public facilities constructed by public agencies to be appropriately landscaped and designed.

4.d Identify, preserve and enhance desired views of water, mountains or other unique landmarks or landscape features. Such views should be regarded as important and valuable civic assets.

Goal 5 - To protect existing land uses as new development occurs.

Policies:

5.a Encourage private and public preservation of undeveloped open space.

5.b Require adequate buffers between proposed new development and existing land uses.

Goal 6 - To develop indoor and outdoor opportunities/facilities for youths, adults and families.

Policies: (Also see Public and Quasi-Public Land Uses and the Government Services Element)

6.a Place special emphasis on activities and places for youths/teenagers.

6.b Consider opportunities for development of a multi-use center (cultural/arts/convention).

6.c Explore best possible off-hour use of school facilities for additional community activities.

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

Policies:

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

7.b Enhance and protect the waterfront as an asset for future economic development, as outlined in the *Waterfront Redevelopment, Branding and Marketing Program.*

ATTACHMENT 1

12.i Larger vacant parcels should be planned for new high quality research and business parks.

Goal 13 - To plan industrial development, clustered in expanding areas, in a coordinated manner.

Policies:

13.a Require business parks, which cluster uses into a master-planned, campus-type development, to include interior landscaping and site design controls.

13.b Assist business parks developers with parcel aggregation and permitting.

13.c Encourage business parks to provide coordinated landscaped buffers around the perimeter of the park.

Commercial Development

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.

Policies:

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.

14.b Promote the development of clustered commercial facilities that will accommodate high traffic-generating uses. Large single sites are preferred over *ad hoc* strip commercialization.

14.c Allow neighborhood scale services that are compatible with residential areas. Develop standards to ensure that such services are compatible in location, scale, design and intensity with the prevailing neighborhood character.

14.d Include consideration of architectural quality and good site planning in the design of commercial developments.

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.

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

14.g Promote commercial infill development.

5.d Developments along Oak Harbor's waterfront should enhance the area's natural and physical aesthetics.

5.e Scenic transportation routes should be identified. Adjacent properties owners will be encouraged to protect scenic values.

5.f The City and the Navy should cooperate on the protection of viewsheds and view corridors.

Goal 6 - The redevelopment of downtown Oak Harbor shall receive continued support, consistent with the *Waterfront Redevelopment, Branding and Marketing Program.*

Discussion
Enhancing the pedestrian experience and improving connections and access to the waterfront from neighboring areas of the city should have the highest priority. The City may consider guidelines for: a comprehensive signage program to enhance way-finding; pedestrian oriented design elements within the public right-of-way; and, human scaled architectural detailing and building design.

Policy: 6.a The historic character of downtown and Harborside Shops area should be encouraged through the establishment of design guidelines and a design review process.

Discussion
For example design policies for the CBD should support the development of an interrelated and connected system of pedestrian walkways while maintaining other access options. Additionally they should provide a variety of pedestrian oriented commercial and cultural opportunities along the street.

6.b Building heights should be coordinated in the downtown and Harborside Shops vicinity to enhance the area's view of the harbor.

Industrial Development Design
As with commercial development, industrial activities can suffer from blight and unsightliness. However, with landscaping and architectural sensitivity to exterior design, color and materials, such activities can be attractive and complementary to the community. The use of dense, native, forest vegetation or the replanting of a variety of coniferous trees to buffer industrial facilities from neighboring land uses and right of ways can contribute significantly to improve their appearance.

Goal 7 - Establish design guidelines for industrial and business park development.

Policy: 7.a Mitigate the visual and traffic impacts of industrial uses on adjacent properties and street corridors.

Attachment C

Downtown Streets

Are We Strangling Ourselves on One-Way Networks?

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ABSTRACT

As many communities are in the process of revitalizing their downtowns, a common issue is the prevalence of intricate and often confusing one-way street networks. This paper provides a comparison of one-way versus two-way street systems for downtowns and presents an evaluation methodology for considering two-way conversion. The analysis gives equal weight to all modes of travel and includes the non-regular visitor to downtown. Motorist analysis factors include mobility, vehicle miles of travel (VMT), number of turning movements, travel time, vehicle capacity, and parking supply. Pedestrian factors analyzed are number and severity of pedestrian/vehicle crossing conflicts. Direction and symmetry of routes comprise the transit analysis factors, and retail factors measure the visibility of street front locations.

INTRODUCTION

Ever since the explosion of automobile use that occurred after WWII, people have moved their residences further and further from downtown centers, out into new suburban communities. With this exodus came a daily travel ritual in which suburbanites in motor vehicles behave as tides do, placing a tremendous strain on the downtown street network. The historical response to this strain has been to improve the efficiency of moving vehicles into and out of the city at all costs, without considering other system users.

We now understand that downtowns that operate predominantly as a place of work and clear out in the evening are the ones most often struggling to foster new development and business ventures. The longstanding mantra to seek the greatest speed by which commuter motorists can flee the city has accelerated the downtown deterioration process. The sad results are streets congested with fast-moving automobiles and barren of lively pedestrian, cultural, or commercial activity after the mad evening exodus.

As many communities are in the process of revitalizing their downtowns, a common issue is the prevalence of intricate and often confusing one-way street networks. This legacy of one-way streets can be traced back to when the streets' sole mission was to move traffic into and out of the downtown employment center as quickly as possible. An emerging role of downtown as a cultural and entertainment center is now challenging the

embedded mindset that the primary purpose of streets is the unequivocal movement of commuter automobile traffic.

HOW WE GOT HERE: A BRIEF HISTORY OF ONE-WAY NETWORKS

One-way streets in downtowns were not an overnight occurrence; rather, their proliferation was the result of a series of events that occurred over a number of years. The development of one-way downtown networks can be traced through four very distinct periods of evolution.

The *Pre-Freeway Era* encompasses the time from prior to the development of the automobile to just after the conclusion of World War II. Cities were at the height of their development, and downtowns not only served as the seat of the local governments, but were also the hub of all social, civic, and cultural activity within the surrounding region. Downtown streets were home to not only motor vehicles, but also streetcars, trolleys, buses, and most importantly, people. Movement of each of these travel modes was equally balanced, with cars and pedestrians coexisting peacefully in a controlled, slow-speed environment. Retail business activity was at an all-time high, with most goods and services available in the core of the downtown.

It is important to note that during this era most downtown workers did not commute great distances; rather, most lived within 2 to 5 miles of their downtown jobs. Suburbs had not yet been invented, as the transportation facilities of the day did not support long commute distances. However, all this was about to change, in the name of progress.

America learned several important lessons during the course of World War II. Perhaps one of the most profound was the example that Nazi Germany provided through its impressive system of limited-access highways, by which expedient movement of troops and goods across the country was possible. With the passage of the Federal Highway Act of 1956, the *Freeway Proliferation Era* had begun.

The construction of the freeways did exact many benefits for commerce; however, it also opened the door for downtown workers to move farther from their place of work. As downtown workers began to seek out less expensive, more desirable housing in the suburbs, the mode balance on downtown roadways that had been prevalent for many years began to shift toward facilitating the speedy entrance and exodus of commuters. Downtown streets began to be converted to one-way travel to facilitate this expedient movement into the city in the morning and out in the afternoon.

As downtown workers continued the flight to the suburbs, providers of goods and services soon followed. Small downtown shops were recreated in the suburbs as regional shopping malls, supermarkets, and discount stores. Workers no longer patronized the small shops downtown since they could fill their needs closer to home, often at lower prices. Many of the small, family-owned businesses that had been located downtown for years either moved to the suburbs with their market or succumbed to closure as the market dwindled.

This *Post-Freeway Era* reached its peak in the 1980s, when even traditional downtown corporate offices sought out the cheaper land in the suburbs. Many formerly strong downtowns were reduced to blighted, empty streets and boarded-up storefronts, devoid of life after 6 pm.

Downtowns have seen a resurgence, beginning in the 1990s, as communities began to rediscover the attraction of the downtown as a location. Most downtowns never lost the designation of the cultural and governmental hub of their community; however, the ability of the downtowns to adapt to a new role as entertainment centers has aided in their comeback during this, the *Reemerging Era.*

Many people are returning to downtowns as residents and workers now seek to escape the outlying suburbs and office parks. Since most suburban developments rely on one or two major arterial roadways, the traffic impacts associated with these areas have become much worse than ever imagined in the downtown, with its well-defined street network grid. As people return to downtown, there has been a plea for a rebalancing of downtown roadways, to make them safer and friendlier again for all modes of travel. It is in this context that many cities are contemplating the conversion of one-way streets to two-way travel.

CONFLICTING OPINIONS

The return of one-way downtown street networks to two-way travel is a relatively new phenomenon associated with downtown revitalizations. Opinions about the feasibility of two-way conversions vary widely, according to the interest group polled. Three of the most prevalent groups in communities that are investigating the possibility of two-way conversion are discussed in the following paragraphs.

A Traffic Engineer's Perspective

For many years, traffic engineers were mandated to "move as much traffic as possible, as quickly as possible," often resulting in degradation of movement for other modes of travel. The unequivocal movement of the motor vehicle through a downtown network was of paramount concern; all other modes of travel took a back seat. Effectiveness of the network was measured by the amount of delay a motorist would encounter on a given street segment or intersection during either the morning or afternoon peak hours.

Given this context, one-way streets do make sense; the *Transportation and Traffic Engineering Handbook* reports that the conversion to two-way operation generally increases capacity by about 10 to 20 percent. The case is also often made that one-way streets help facilitate good signal progression through a downtown network. One-way streets also offer the opportunity to control their traffic flow at signalized intersection approaches by a single signal phase, freeing up green time for intersecting street movements. One-way streets also have fewer conflicting turning movements at their intersections, reducing the chance for a through vehicle to encounter a turning vehicle. Finally, curbside activity such as service vehicle loading and unloading is less disruptive to the traffic flow on a one-way street, where only one travel lane is usually blocked by this activity.

In traffic engineering circles, however, the operational disadvantages associated with one-way streets are becoming increasingly recognized. The system often forces drivers to follow out-of-direction routes to their destinations, causing an increase in both the number of turning movements required and vehicle miles of travel (VMT). The direct result of this recirculation is an increase in traffic volumes on a given segment or intersection within a one-way system, with a corresponding degradation in air quality within the downtown.

Signal progression can often be maintained on two-way streets to favor the peak direction movement during the morning and afternoon peak hours with minimal effect on through-vehicle delay or the capacity of the network.

The User's Perspective

Another group with a vested interest in what happens to downtown one-way street networks is the users of those facilities. Users can be grouped into three general categories: the motorist, the transit rider, and the pedestrian. Each group views the street network in a different way, as discussed below.

Motorists

Motorists use the street network as a means for navigating the downtown to get to their destination. In most cases, a downtown motorist's destination is someplace to park the car, namely a garage, lot, or on-street parking space; upon parking, the motorist leaves the vehicle as a pedestrian to access the final destination. It is well known that people attempt to park as close to their ultimate destination as possible, in an effort to minimize walking distance.

One-way streets do not pose a major inconvenience for commuters and regular visitors to the downtown; these motorists have learned the downtown network and know the "best route" to their destination. Rather, it is the occasional visitors to downtown who are often confused and disoriented on encountering a one-way street network. Often, these motorists are able to see their destination but are shunted away from it by the one-way streets. But these occasional users are in fact the customers that revitalized downtowns are trying to attract. If circulation in the downtown can be made easier by converting one-way streets, people in this target market segment may be better pleased with their overall downtown experience and become more regular downtown patrons.

Transit Patrons

A one-way street network exacts a similar toll on the downtown transit system and its users. In a one-way network, stops on the same route for opposite directions are forced to be located on two different streets. Again, the most affected users are the occasional downtown visitors, who are not familiar with the system. For instance, a visitor who is dropped off at a stop downtown on a one-way street may not realize that the transit stop for his return trip is actually located one block away on a different street. Regular transit users can even become victims of this system in sections of downtown with which they are not familiar. In a two-way system, transit stops for a particular route can be located across the street from each other, eliminating this confusing situation.

Pedestrians

As stated previously, at some point every downtown visitor becomes a pedestrian. Whether one arrives by private vehicle, taxi, or rail or bus transit, it becomes necessary at

some time to navigate the street system on foot. One-way streets present challenges to the pedestrian due to the speed and direction of adjacent vehicular traffic and pedestrian expectations at intersections.

On a two-way street, pedestrians always have the choice of walking facing the oncoming traffic or with their backs to it. This choice does not exist on a one-way street, where pedestrians moving in the same direction of the vehicular traffic will always have adjacent traffic coming behind them regardless of which side of the street they choose to walk on.

At intersections of two streets that are each two way, pedestrians have an expectation of potential vehicular conflicts with their path as they cross the intersection. This sequence reverses itself for the opposite movement across the intersection, for a total of two conflict sequences that the pedestrian should expect. When a one-way street is included in the intersection, the number of potential conflict sequences increases dramatically. This phenomenon will be discussed in greater detail in the evaluation section of this paper. Suffice it to say, a pedestrian who is crossing an intersection of one-way streets must pay particular attention to the direction of both through and turning traffic to avoid a conflict.

It is also important to remember that a one-way street system always has a greater magnitude of vehicle turning movements compared to a two-way system. Any turning movement, regardless of street configuration as one- or two-way, creates *exactly* the same potential for vehicle/pedestrian conflict, namely, one legally turning vehicle crossing the path of one legally crossing pedestrian. Thus, aside from the complexity of conflict sequences, there are simply more (typically 30–40%) vehicle/pedestrian conflicts within a one-way street network than in a comparable two-way system.

Downtown Community Perspective

Much attention recently has been given to downtown vitality and redevelopment efforts. One-way street conversions to two-way are part of a much bigger effort to make downtowns more livable and economically successful. City leaders, both political and business, are becoming increasingly concerned with the quality of the outdoor environment experienced by downtown visitors.

Some national chains are beginning to develop downtown locations, with an emphasis on service industries such as office supplies, bookstores, and coffeehouses. In our experience, most of these retailers prefer the exposure and accessibility offered by a location on a two-way street. This fact is supported by examples such as Vine Street in Cincinnati, where 40% of businesses in this economically depressed downtown corridor closed after the street was converted from two-way to one-way.

As retail and entertainment activities begin to increase downtown, cities today are experiencing an influx of new downtown residents not seen in decades. Young professionals with no children, looking for an urban lifestyle, as well as "empty-nesters" who are tired of the big house and yard (with a corresponding big commute) are beginning to return to the housing areas within and immediately adjacent to downtown. For these people, livability is of paramount importance. As shown in Figure 1, large gains in overall livability can often be accomplished while exacting only a slight increase in vehicular delay.

The cost of living in downtown neighborhoods is relatively high compared to suburban neighborhoods. Downtown residents expect the high cost of living to be offset

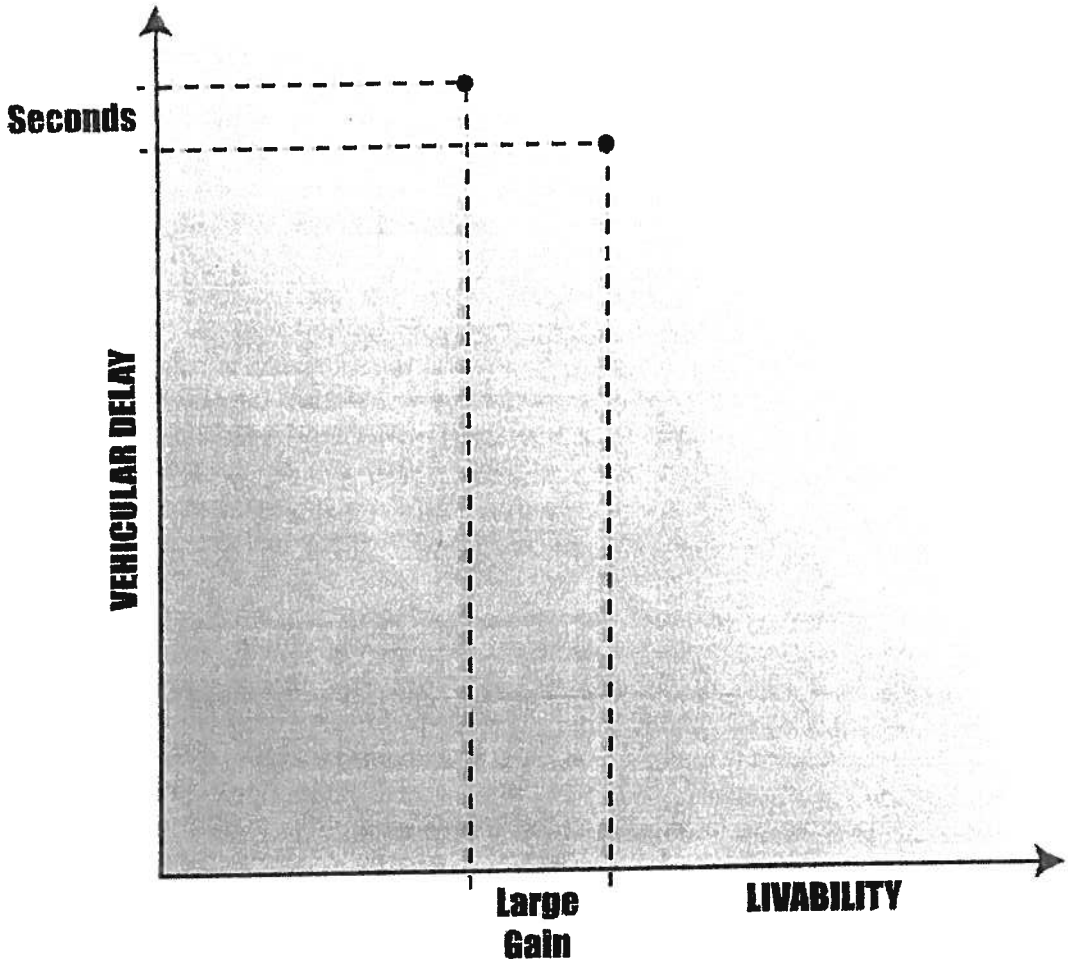

FIGURE 1 Livability index.

by better services, close proximity to public facilities such as parks, walkable streets, and being close to the center of activity. Being able to walk to these attractions is very important to urban residents.

A high level of auto accessibility in a downtown is more important to urban residents than access to regional roadways. By requiring less out-of-direction travel and fewer turning movements, a two-way street network is better for short trips to local establishments than a one-way street network. Livable streets benefit all users of a downtown whether they are using transit, an automobile or walking.

ONE-WAY VERSUS TWO-WAY: EVALUATION MEASURES

In order to effectively evaluate the impacts and benefits of converting a given one-way street network to two-way travel, it is proposed that a combination of evaluation measures be used. As summarized in Figure 2, these measures include traditional travel service impacts such as capacity and vehicular delay, but also take into account livability issues within the downtown street network such as transit routing, pedestrian mobility

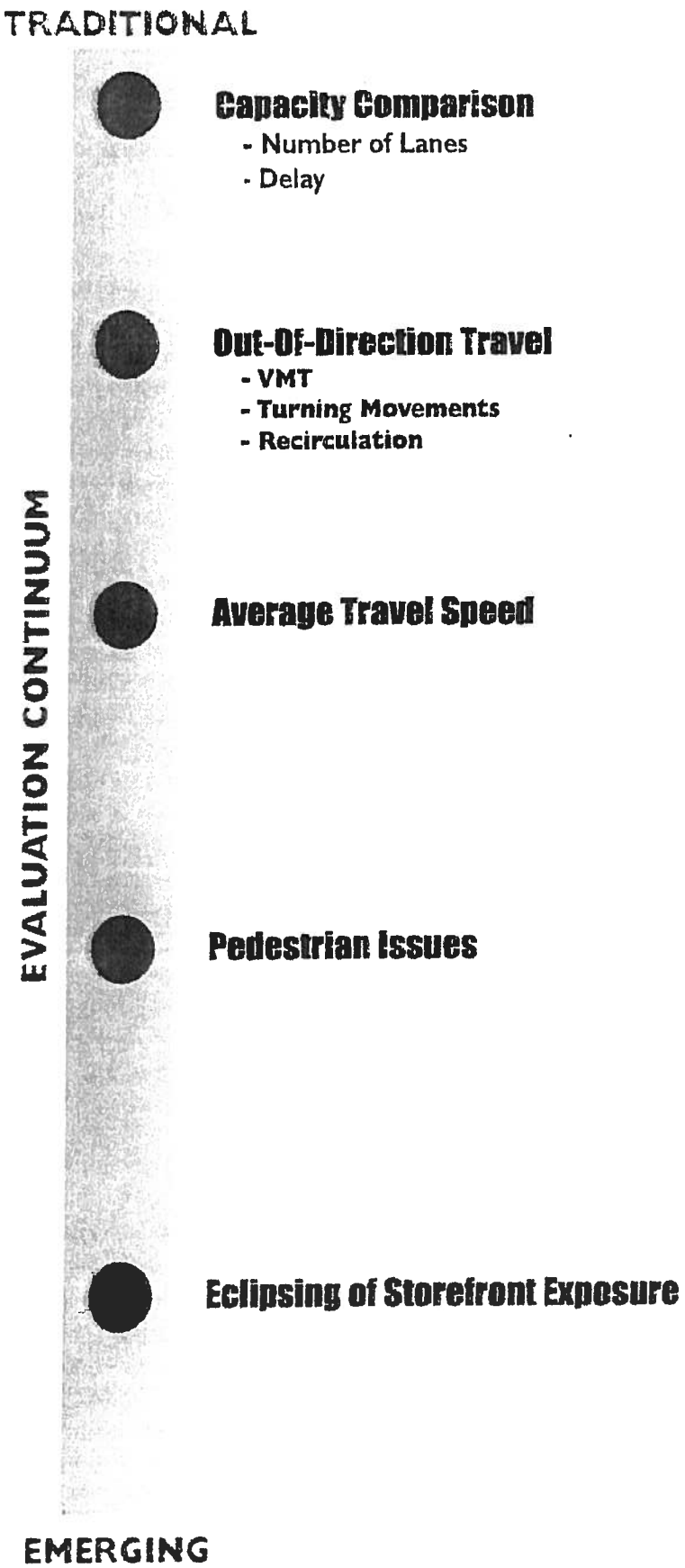

FIGURE 2 One-way vs. two-way measures of effectiveness.

ATTACHMENT 1

and safety, and retail business street exposure. These measures are defined in detail within this section.

Network Capacity Comparison

The first evaluation measure is a comparison of the total east-west and north-south street capacity for both the existing one-way and proposed two-way travel conditions. To make this comparison, traffic counts on the street segments must be obtained for the a.m. and p.m. peak hours. These existing volumes must then be reassigned on the converted network to allow for the redistribution of traffic that will occur when the one-way restriction on certain streets is lifted. This reassignment can be accomplished through the use of a manual reassignment for small street networks or by using a traffic modeling software package for more detailed networks. Once a set of traffic volumes has been established for both the one-way and two-way scenarios, screenlines can be established to account for all of the east-west and north-south lane capacity through the network. Capacity volume thresholds can then be established for the desired level-of service on the streets contained in the screenline. Since it is acknowledged that a one-way lane does have a slightly greater capacity that a corresponding two-way street, a 10–20 percent reduction in lane capacity is taken for the two-way facilities. Volume-to-capacity ratios (v/c) can then be established for each of the facilities along the screenline in both a one-way and two-way configuration. Aggregated v/c's can be obtained by summing the volumes and capacities for each travel direction, giving an indication of the total available system capacity in both the east-west and north-south travel corridors. An example of this application as used in New Haven, Connecticut, is illustrated in Figure 3.

Most downtowns have a well-developed street grid; this abundance of alternate routes is the inherent advantage that downtowns have over their competitors, suburban office and retail parks, where all traffic is generally forced onto the one or two available arterials. This corridor capacity approach assumes that as one facility begins to approach its capacity, some traffic will divert to other parallel, less-used facilities. This diversion begins to animate some of the downtown roadways that were previously forgotten in the one-way system, making them more visible and attractive for redevelopment.

Out-of-Direction Travel

As stated previously, one of the inherent disadvantages with one-way streets is that they force additional turning movements at the intersections caused by motorists who must travel "out-of-direction" to reach their destination. These additional turning movements increase the chance of a vehicular-pedestrian conflict at any given intersection, and also result in a systemwide increase in VMT over a comparable two-way system due to the amount of recirculating traffic.

The magnitude of these measures can be quickly estimated using the following approach. By choosing several downtown "portals," typically used entry and exit points from the downtown street network, and several major downtown "destinations," usually a high concentration of parking, supply, or office use, vehicular paths can be traced from origin to destination and back assuming both a one-way and two-way street network. This

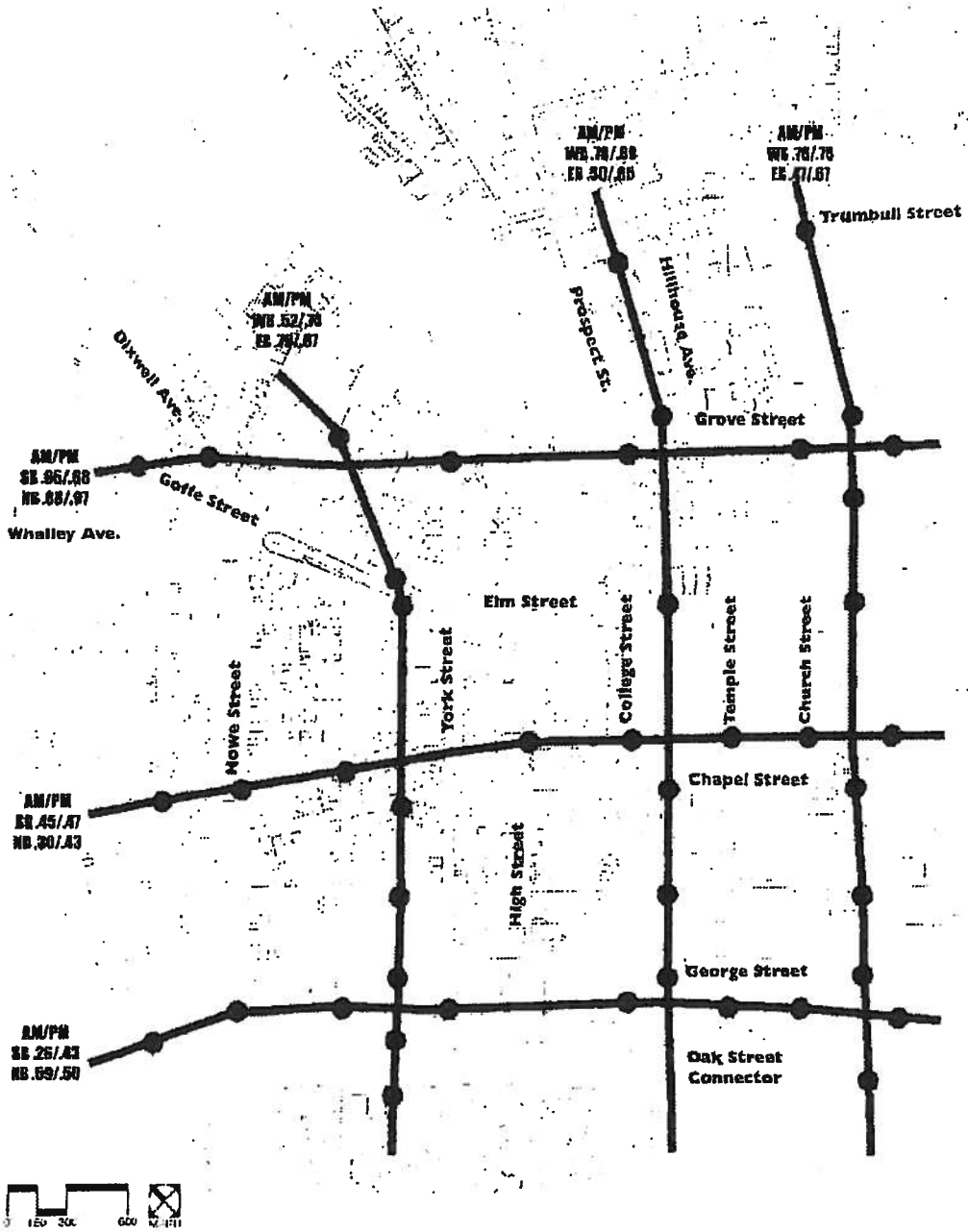

FIGURE 3 Screen lines and traffic volumes New Haven, Conn. (proposed).

method will give a comparison of the number of turning movements and total travel distance for each street configuration. Our experience shows that a one-way system usually yields approximately 120 to 160% of the turning movements when compared to a two-way system, and the travel distance between portal and destination is usually 20 to 50 percent greater in a one-way street system.

An additional measure of this comparison can be made by simulation modeling of both the one-way and two-way networks with TRAF-NETSIM. The simulation program would yield system VMTs and delays for each case, which could then be compared.

Travel Speed Comparison

It is true that overall average through-travel speeds are lower for a two-way street configuration than for a one-way system. However, to achieve a rebalancing of the system, it is important to consider *all* users of the downtown street network, not just the through traveler. Slower vehicular speeds are safer for crossing pedestrians, as they allow longer gaps in the traffic stream for crossing. Additionally, for those travelers with a destination downtown, accessibility and mobility are usually more important than through vehicular delay.

In most downtowns, the delay penalty will be small for the through traveler. For instance, a decrease in average arterial travel speed of five miles per hour over a one-quarter mile segment of network yields an additional three minutes of travel time. This delay incurred by the through traveler must be weighed against the other objectives of the community to determine the acceptability of the impact.

Pedestrian Measures of Effectiveness

Pedestrian measures of effectiveness such as sidewalk capacity and pedestrian LOS will not be covered in this discussion since they do not pertain specifically to the one-way versus two-way argument. Concerns for downtown pedestrians with regard to one-way streets center on convenience, safety and the quality of the walking environment.

The convenience to pedestrians is a key element to the livability and vitality of a successful downtown. A prosperous downtown contains many more offerings of goods and services than a blighted one and is therefore far more attractive to the pedestrian.

The conventional wisdom has always assumed that one-way streets were safer and more comfortable for pedestrians to cross than two-way streets. Superficially, it would seem that crossing the single direction of traffic on a one-way street is always preferable to crossing a two-way street.

As is often the case, the conventional wisdom is wrong. In fact, crossing a one-way street presents greater difficulties to the pedestrian than crossing a two-way street. The explanation lies in the greater number of different vehicle/pedestrian conflict sequences (hereinafter "conflict sequences") that are encountered in crossing the one-way street. Any given conflict sequence consists of: (1) the kind of turning movement that the vehicle is engaged in, (2) the direction (left-to-right or vice versa) in which the vehicle path intersects with the pedestrians and (3) the location of the vehicle with respect to the pedestrian's field of view, at the beginning of the vehicle movement. Figure 4 illustrates the conflict sequences for both one-way and two-way intersections.

There are only two possible sequences (sequences #1 and #2 in diagram) that pedestrians can encounter in crossing a two-way street. Regardless of what leg of the intersection they cross, they will never encounter other than these two conflict sequences. Further, these two sequences are closely related, essentially the mirror image of each other.

On one-way streets, by contrast, there are 16 different conflict sequences that pedestrians can encounter, depending upon which leg of the intersection they are crossing. Further, these sequences vary widely in their component parts. For example, some sequences have only a single conflict, while others have two or even three. Further, the

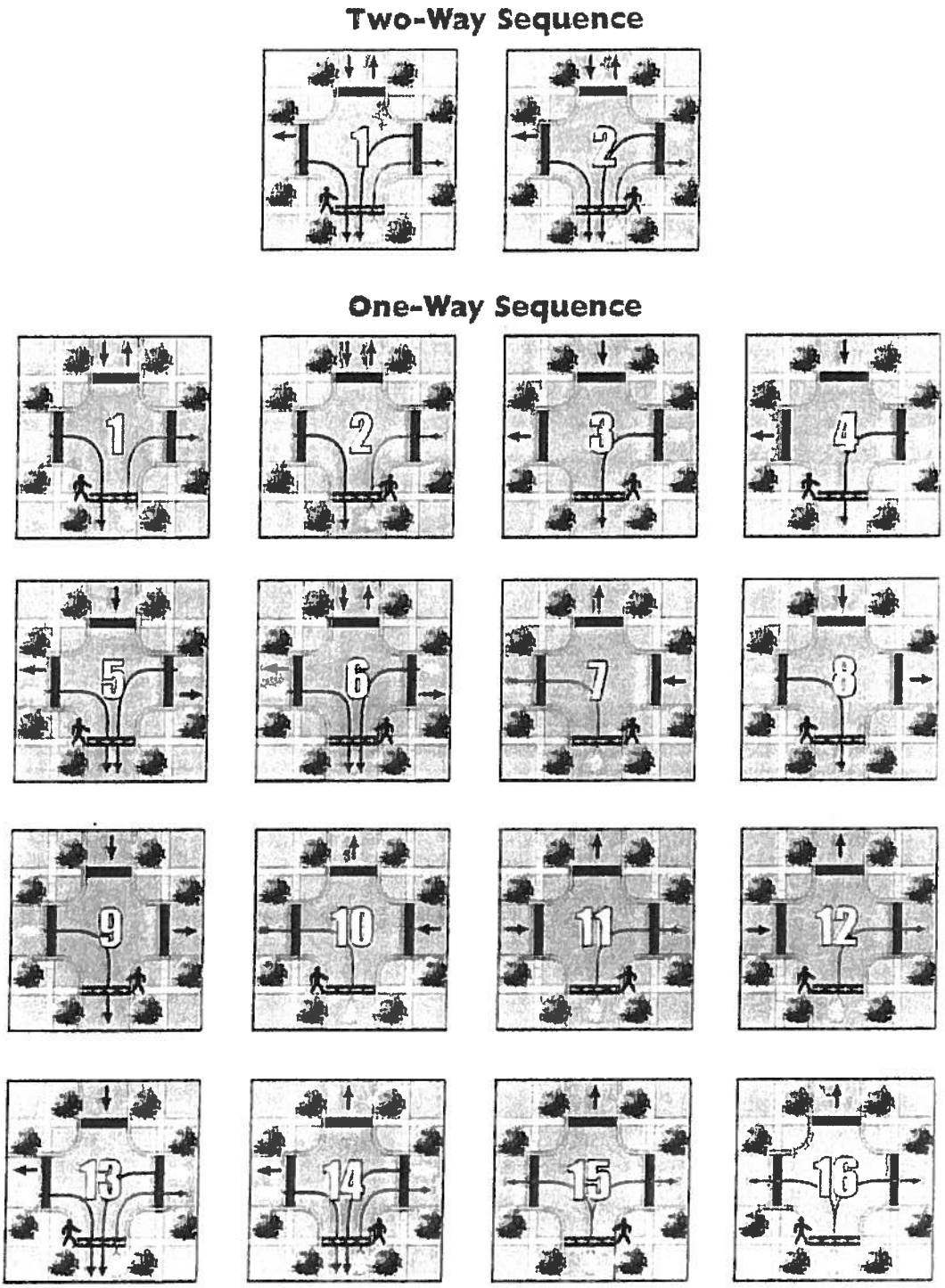

FIGURE 4 Sequence of conflicts created by one-way streets.

sequences involve a wide variety of directions of vehicle flow and pedestrian views of the vehicle. The conventional view of the safety of one-way street crossing usually focuses on crossing the upstream leg of the intersection, in which only a single turning movement is encountered (sequence #11 and #12 in the diagram). However, this situation comprises only 2 of the 16 possible conflict sequences. The complexity and variety of the other 14 are typically overlooked when discussing the merits of one-way streets.

Eclipsing of Storefront Exposure

One-way streets have a negative impact on storefront exposure for those businesses highly dependent on pass-by traffic. As a vehicle stops at or enters an intersection the driver has excellent visibility of the storefronts on the far side of the cross street. On one-way street networks, precious storefront exposure is lost when one direction of travel is removed, causing one side of every cross street to be partially "eclipsed" from view, as illustrated in Figure 5. "Eclipsing" occurs on cross-street storefronts along the

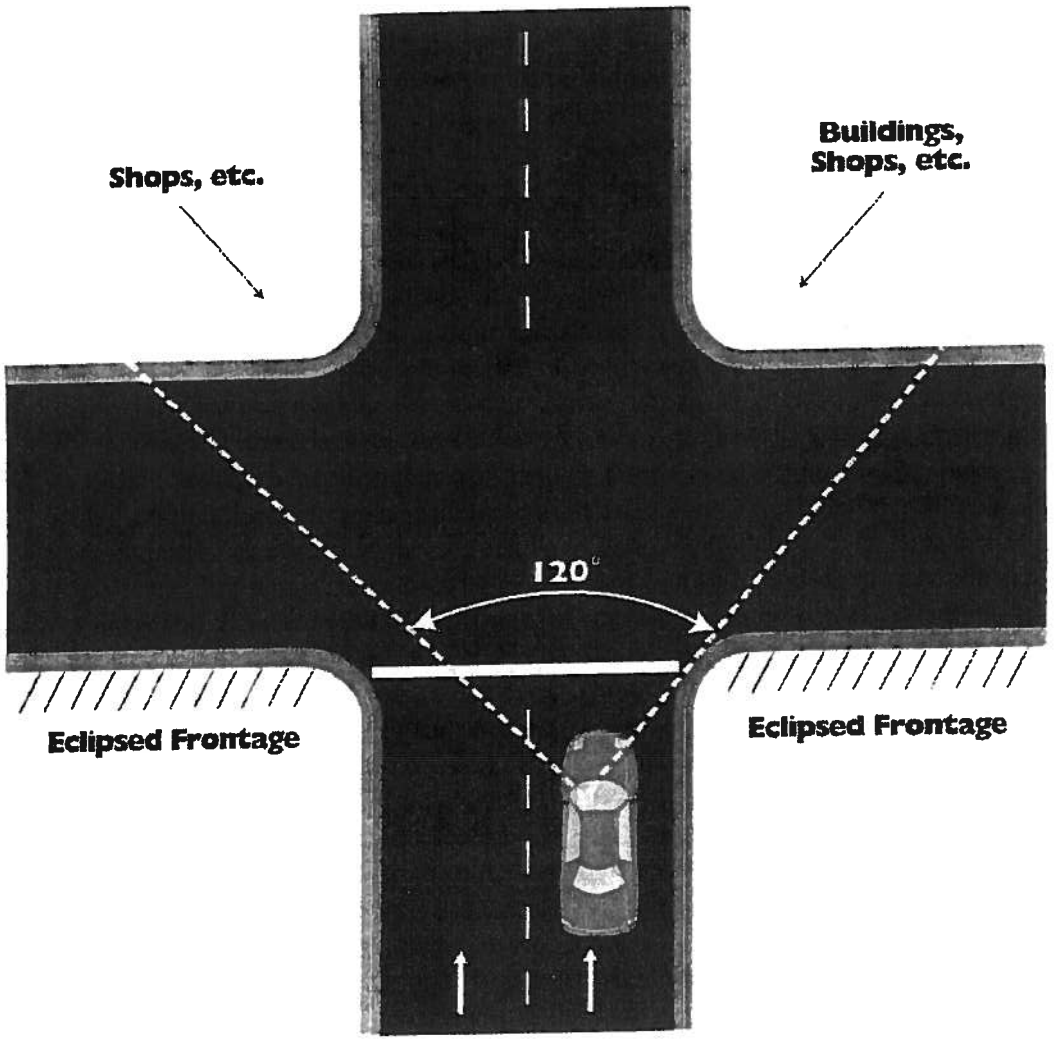

FIGURE 5 Retail eclipsing a diagrammatic summary.

nearside of the intersection relative to the direction of travel, and where downtown street networks contain many one-ways the accumulated negative impacts are significant. A methodology was developed to calculate the loss of exposure to first floor commercial property.

The quantity of eclipsed store frontage is a function of the quantity of one-way street approaches in the intersection, block perimeter size, building setback and street width.

As block perimeter size increases, assuming the store frontage eclipsed remains relatively constant, the percentage of impacted property decreases. The opposite is true when block perimeters decrease, exacting an unfair disadvantage to the downtown with a superior small-block size street grid. Building setback and street width combine to determine the storefront footage visible across the street from the corner to the range of sight limited by the glancing angle. The greater the sum distance from building setback to building setback on the cross street, the more the store frontage eclipsed. An application of the eclipsed frontage analysis is shown in Figure 6.

Once the evaluation measures have been quantified using the presented methodology, they can be summarized in a matrix similar to the one presented in Figure 7. In this way, a clear comparison is readily available for review by all interested parties.

GETTING IT DONE: NEXT STEPS

By carefully evaluating the results of an analysis using the methodology described above, a community can make a better-informed decision about converting one-way streets to two-way travel. Decision makers can weigh these quantitative criteria against the vision and goals a community has for its downtown and determine if the through-traffic impacts are acceptable in gaining livability within the downtown. Once the decision is made to convert to two-way networks, several implementation strategies are available to make the transition as simple and cost-effective as possible.

Figure 8 graphically depicts five options that can be used to implement a systemwide downtown network conversion from one-way to two-way streets. The strategies allow communities to undertake as much or as little conversion as they desire in each phase and provide a systematic approach to deal with specific financial concerns or skeptics. As can be seen from Figure 9, a conversion plan as dramatic and far-reaching as the one recommended for New Haven, Connecticut, can entail significant costs and time and is therefore a candidate for phasing.

Many communities are in the process of converting their one-way streets to two-way networks. Table 1 summarizes some of those communities as well as where they are in the process.

In conclusion, it is important to note that converting the street network from one-way to two-way will not by itself guarantee an immediate resurgence of growth and activity downtown. Most communities have come to this recommendation as a part of a greater vision or urban design plan for their downtown. The conversion of one-way streets is most often accompanied by other initiatives designed to attract additional downtown development or redevelopment and make downtown a more livable community.

FIGURE 6 Retail/commercial properties eclipsed by one-way streets, New Haven, Conn.

Motorists		
Mobility	Out of Direction	Direct
Vehicle Miles	130-140% Direct	Direct
Turns	160% Direct	Direct
Travel Time (Through)	Minutes Better	
Travel Time (Local)		Direct
Capacity	2-5% Better	
Parking	1/2 L.H.	Normal
Pedestrians		
Conflict Sequences	16	2
Conflict Quantity	160% Direct	Direct
Transit	Complex	Single Route
Retail	25% Eclipsed	All, Visible
Neighborhoods		
Access		
Identity		

FIGURE 7 Sample evaluation matrix.

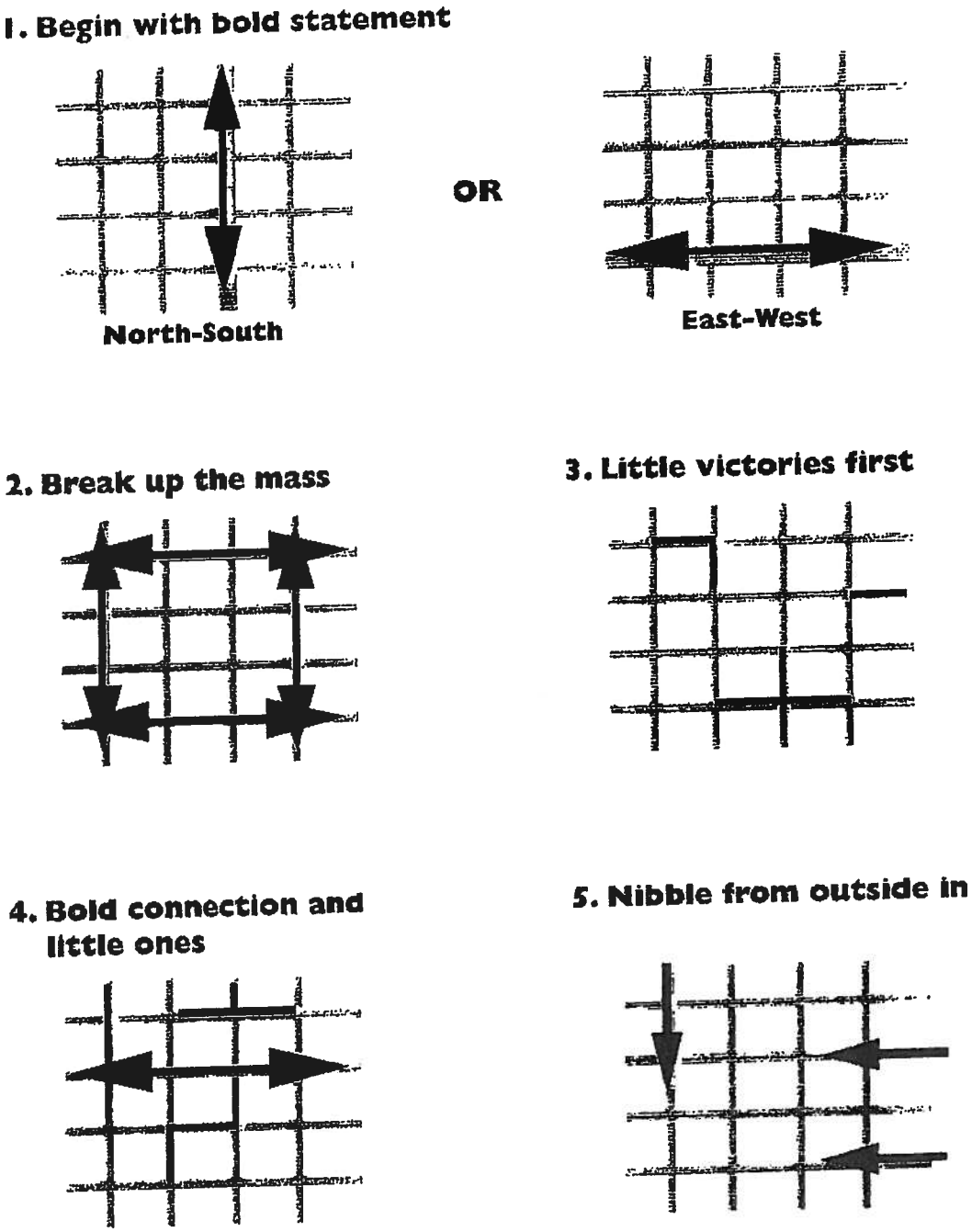

FIGURE 8 Strategies for restoring "two-ways".

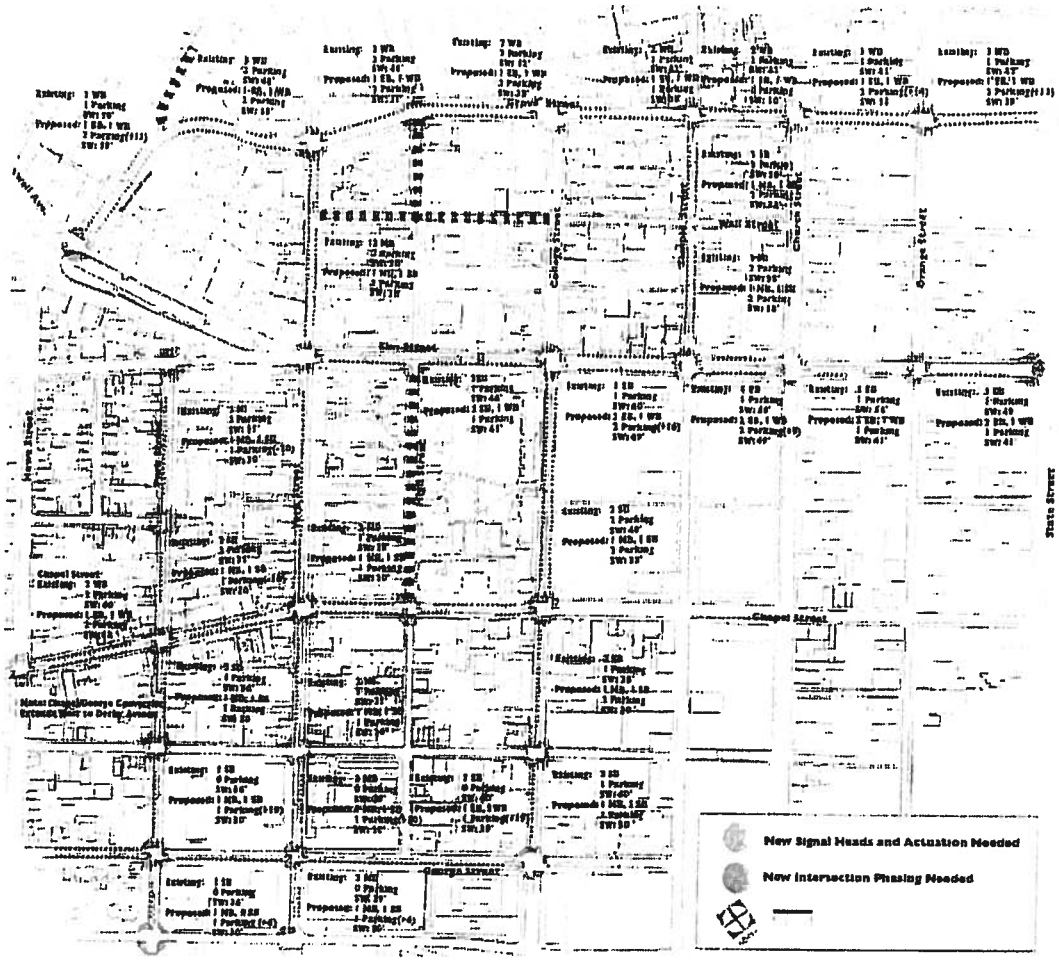

FIGURE 9 Sample conversion plan - New Haven, Conn.

TABLE 1 Communities Undertaking One-Way Conversions

City	*Chief Supporters of Conversion*	*Reasons for Conversion*	*Current Stage in Conversion*	*Primary Contact*
Albuquerque, NM	City transit system and council member	Create a pedestrian-friendly environment near a new intermodal facility and reduce confusion for visitors	City council will approve conversion this year.	Robert Dourte, Transportation Development, (505) 924-3990
Berkeley, CA	Neighborhood association	Accommodate buses and bikes and reduce neighborhood cut-through	Final draft of conversion plan now in preparation.	Charles Deleuw, Traffic Engineering, (510) 644-6540
Cincinnati, OH	Local business community (Over-The-Rhine Chamber of Commerce)	Calming traffic and attract new neighborhood businesses	A city council resolution has called for conversion.	Judith Osbourne, Over the Rhine Chamber of Commerce, (513) 241-2690
Edmonton, Alberta	Business community	Increasing retail activity downtown	A majority of one-way streets to be converted in August, 1998.	Frank Perich, Transportation and Engineering (403) 496-1787
Norfolk, VA	Planning office, local residents, traffic engineering department	Completion of boulevard system surrounding downtown and traffic calming in residential area	Conversion of two streets to be complete by mid-July 1998.	Brian Townsend, Planning, (757) 664-4752
Toledo, OH	Business and government leaders (Downtown ToledoVision)	Create a pedestrian- and visitor-friendly downtown	Two streets were converted in 1997, and plans call for the entire downtown network.	Joe Moran, Downtown ToledoVision, (419) 244-3747
Waukesha, WI	Traffic engineering department/ business community	There is no longer a need for a one-way network	Several streets have been converted, and more on an ad hoc basis	Don Martinson, Southeastern WI Regional Planning Commission, (414) 547-6721

ATTACHMENT 1

ACKNOWLEDGMENTS

The authors would like to express their gratitude to Jonathan Hoffman, student at the Georgia Institute of Technology and Glatting Jackson intern during the summer of 1998, for his assistance in compiling data and studying the effects of retail frontage eclipsing in New Haven, Connecticut.

RESOURCES

Special Report 209: Highway Capacity Manual (1994 update). TRB, National Research Council, Washington, D.C., 1994.

Harwood, D. W. *NCHRP Report 330: Effective Utilization of Street Width on Urban Arterials*, TRB, National Research Council, Washington, D.C., 1990.

Attachment D

The Impact of One and Two Way Streets on Adjacent Business.

by Stan Stanley

References supporting two way streets in Downtown retail corroders

The Worst Main Street Revitalization Ideas

http://www.urbanreviewstl.com/?p=7012

"Main streets across this country, from big cities to suburbs to small towns, have been abused by urban planners over the second half of the 20th Century trying to find the right formula to reverse the exit to the edge.

In big cities you had white flight and schools as explanations for flight but in many small towns these reasons didn't exist. They didn't have the mall on the edge of town drawing customers away from main street. They had only the single school district. However, many had Wal-Mart pulling customers out of the existing downtown's.

The "solutions" were almost universal from big city Central Business Districts to suburban areas to small towns. With some exceptions these all failed:

One-way traffic - charming main streets were turned into high speed roads to get through town. See Collinsville IL and many others..."

The Return of the Two-Way Street. Vancouver WA

http://www.governing.com/column/return-two-way-street

"Rather than wait for the $14 million more in state and federal money it was planning to spend on projects on and around Main Street, it opted for something much simpler. It painted yellow lines in the middle of the road, took down some signs and put up others, and installed some new traffic lights. In other words, it took a one-way street and opened it up to two-way traffic.

The merchants on Main Street had high hopes for this change. But none of them were prepared for what actually happened following the changeover on November 16, 2008. In the midst of a severe recession, Main Street in Vancouver seemed to come back to life almost overnight.

Within a few weeks, the entire business community was celebrating. "We have twice as many people going by as they did before," one of the employees at an antique store told a local reporter. The chairman of the Vancouver Downtown Association, Lee Coulthard, sounded more excited than almost anyone else. "It's like, wow," he exclaimed, "why did it take us so long to figure this out?"

A year later, the success of the project is even more apparent. Twice as many cars drive down Main Street every day, without traffic jams or serious congestion. The merchants are still happy. "One-way streets should not be allowed in prime downtown retail areas," says Rebecca Ocken, executive director of Vancouver's Downtown Association. "We've proven that."

Downtown East West Corridor Study. Redmond WA

http://www.redmond.gov/insidecityhall/documentlibrary/pdfs/Resolutions/RES1289.PDF

"WHEREAS, the city of Redmond has a vision to reclaim our downtown as an economically healthy, people-friendly place, enhanced by the movement of pedestrians, bikes, cars, and a diversity of businesses, and

WHEREAS, the Transportation Facility Plan identifies three critical projects in Downtown Redmond Which will support implementation of the downtown vision:

- Redmond Way and Cleveland Street improvements including the conversion of the one-way couplet to two-way streets...

Designated by Washington State Department of Transportation (WSDOT) as State Routes 908 and 202, respectively, the existing couplet was created in 1986 to maximize traffic circulation through Downtown. However, recent studies show that a majority of traffic (62%) is destined for Downtown. Because the couplet is conducive to throughput traffic and not destination traffic it does not support a healthy retail environment and is not a pedestrian-friendly place. The one-way street system also creates driver confusion, with many visitors giving lost upon entering the downtown corridor. All these factors impede redevelopment and real estate investment in business: that could contribute to thriving pedestrian environments along the corridor"

The Impact of Traffic Patterns on Corridor Retail
http://www.co.washington.or.us/LUT/PlanningProjects/Bethany/loader.cfm?csModule=security/getfile&pageid=146651
"Much has been written on the debate over one-way vs. two-way traffic and the inherent impacts. However, most of the information presented has been from the perspective of the traffic engineer, rather than from the perspective of the retailer. This report is an attempt to provide the perspectives of both... Among the studies discovered, most, if not all, indicated a negative relationship on "heavy streets" (defined as one-way with synchronized lights and comparatively high volumes) between both the awareness of one's surroundings and willingness to interact within those surroundings...
Arguments for two-way streets include: enhanced businesses perform better; a favorable pedestrian environment; increased storefront exposure; and, fewer service disruptions. Research has proven that businesses on two-way streets have a comparatively elevated tax base, command stronger commercial rents and net higher real estate values, versus businesses on one-way streets. This same research suggests that the improved pedestrian safety and comfort afforded by a two-way traffic environment encourages shoppers to patronize adjacent businesses by foot, creating economic synergy...
For those businesses highly dependent on passer-by traffic, two-way streets are essential...
Two-way streets tend to promote a sense of pedestrian dominance that contributes to the tax base, creates an environment that encourages urban residential development and contributes to a compact city form."

University of Georgia Small Business Development Center: Evaluating Potential Locations for Your Retail Business
http://www.sbdc.uga.edu/pdfs/cedwards04.pdf\
"Beware of One-Way Streets – Locating on a one-way street exposes your business to the traffic traveling in only one direction. In addition, it will be more difficult for your potential customers to access your location."

Bringing Back the Two-Way Street:
http://www.preservationnation.org/main-street/main-street-news/2002/06/bringing-back-the-two-way-street.html
"The conversion of streets from one-way to two-way traffic seems to be a growing trend across North America. In the United States and Canada, many cities and towns have already made the change or are in the process of considering such conversions. While the circumstances motivating such changes and the logistical issues involved vary from place to place, most of the communities contemplating the conversion process cite easier access, traffic calming, and support for local businesses as reasons to make the transformation."

Converting One-way Streets to Two-way
http://www.preservationnation.org/main-street/main-street-news/2002/06/converting-one-way-to-two-way.html
"Many factors combine to make main street economically successful. One important, but often overlooked, aspect is the traffic pattern. One-way streets are efficient but they are not customer friendly for people coming downtown to shop two or three times a month... When should a community consider converting a street or network of streets from one-way to two-way traffic? The most important consideration is whether it will help the revitalization effort. If the area affected by the conversion is a retail district that is experiencing a comeback, then a conversion may be warranted.... Perhaps the most important reason for changing the traffic flow of a downtown street is to improve the economic well-being of the commercial district. A survey of 25 towns and cities that have converted their main streets show that many have experienced significant reductions in vacant floor space after the conversion."

Smart Growth: Main Streets and Transportation Policies
http://www.preservationnation.org/main-street/main-street-news/2002/06/smart-growth.html
"Transportation policies have great impacts, both positive and negative, on the economic vitality and quality of main streets. Poorly planned by-passes can spawn edge-of-town sprawl that lures businesses away from downtown. One-way road pairings can lead to increased traffic speed, turning main streets into speedways. And bans on on-street parking can make it hard for local main street businesses to accommodate their customers. For those reasons, downtown revitalization leaders should pay close attention to local transportation plans."

Downtowns: A New Look for Their Transportation?
http://www.ite.org/membersonly/itejournal/pdf/Jha98a18.pdf
"Instead of "more access, more traffic capacity" which we heard in days gone by, we are hearing calls for improved internal circulation for pedestrians and a need for a more localized, focused transportation system... Lower traffic volumes, slower speeds, convenient but unobtrusive parking, more neighborhood "character" and aesthetic quality, and increased safety and security are all being demanded.... Where we frequently pursued one-way streets to increase roadway capacity under the travel patterns of the past, we are now realizing that we can do as well in downtowns with more two-way streets."

Converting One-Way Streets to Two-Way. Lexington KY
http://www.lexingtondda.com/collegetown/11UKBOOK-TRAFFIC.pdf
"The prevailing wisdom is that in a retail district, two-way streets enhance a neighborhood's environment, reduce speeds to levels that are more compatible with pedestrian traffic, and that a "busy" street can be an indicator of a healthy business environment... Often times one-way streets create an unnecessary struggle for retail districts. They make it difficult for motorist to stop at, or return to a business they have passed. As a result, in business districts, one-way streets can have a vacuous affect. Like the one-way motorist, retail vitality moves out of town quickly."

Downtown success is a two-way street. Lexington KY
http://tomeblen.bloginky.com/2009/02/28/downtown-success-is-a-two-way-street/
"Downtown Lexington's legacy from 20th century traffic engineering efficiency is its one-way street pairs... It didn't work. Worse yet, those one-way streets have hampered public and private efforts to reinvent and revitalize downtown Lexington ever since.
Here's the problem: Cars go faster on one-way streets, especially when lanes are wide. That makes traffic more dangerous, especially for pedestrians, and more noisy. One-way streets hurt business and confuse tourists."

Riverwalk, Art Crawls, Two-Way Traffic Revive Downtown Waukesha. WI
http://milwaukee.bizjournals.com/milwaukee/stories/2005/07/18/focus1.html
"Waukesha's downtown resembled a ghost town following the shopping mall boom of the 1960s and 1970s, according to local business and community leaders.
The proliferation of one-way streets only contributed to the unwelcoming vibes of the downtown business district.
Thanks to development initiatives over the past decade, Waukesha's central business district finally has become a destination of choice.... The bounce is evident in the record-low office and retail space vacancy rates....
Downtown business leaders cite a number of factors that they say have created an environment more conducive to conducting business in downtown Waukesha. These changes include the elimination of one-way streets, the start-up of community policing programs, the city's long-term development plan, the beautification of the Fox River corridor and an active artisan community."

Effects of Two-Way Traffic Flow on High and Maple Street in the City of Holyoke MA
http://www.pvpc.org/resources/transport/hlyke_traf.pdf
"Based on the results of the Pioneer Valley Regional Transportation Model, both High Street and Maple Street are capable of accommodating two-way traffic flow between Appleton and Lyman Streets. Two-way traffic flow could assist in reducing vehicle travel speeds through downtown Holyoke, encouraging pedestrian traffic, and in conjunction with ongoing redevelopment efforts make downtown more economically successful."

Additional References supporting two way streets in Downtown retail corroders

Main Street Program
MainStreet.org
Smart Growth: Main Streets and Transportation Policies
Main Street 101: Public Improvements Part I
Main Street 101: Public Improvements on Main Street, Part II

American Planning Association
American Planning Association
Street Design Guidelines for Healthy Neighborhoods

Other Studies/Articles
Dayton Street Conversion Project
twowaystreetstudy.pdf (application/pdf Object)
Evaluating Urban Downtown One-Way to Two-Way Street Conversion Using Multiple Resolution Simulation and Assignment Approach
Streetsblog Capitol Hill » Are Two-Way Streets the Way of the Future?
Going Both Ways: Are Indy's Downtown Merchants Punished by One-Way Streets? - Smaller Indiana
Let's Go KC » Yet another one-way street is being eliminated Downtown
Davenport considers more two-way streets
February_08.pdf (application/pdf Object)
ParkPlandMarket2way.pdf (application/pdf Object)
Streetfilms | Park Slope: One Way Is The Wrong Way
Downtown Development Authority - Two-Way Street Project
One Way? Wrong Way -- Courant.com
Traffic Flow Conversion Study Executive Summary.pdf (application/pdf Object)

References supporting one way streets

One-Way Streets Are Better Than Two-Way
http://www.i2i.org/articles/2-2005.pdf
"Planners also sometimes argue that two-way streets are better for businesses on those streets because it is easier for patrons to reach those businesses. But traffic flows on one-way streets can be significantly higher than on two-way streets...
Converting one-way streets to two-way traffic is one of the latest fads of urban planning. Such conversions will increase congestion, pollution, and traffic accidents, but planners ignore these problems and talk about how they will lead to more "vibrant" streets, whatever that means."

Attachment E

August 17, 2010

Kristi Jensen
Windermere Whidbey Island
32785 SR 20 Suite 4
Oak Harbor, WA 98277

Dear Kristi:

Thank you for sending us your information regarding the City of Oak Harbor's plans to convert Pioneer Way from a two-way street to a one-way configuration.

Our firm produced a Waterfront Redevelopment, Branding & Marketing Program for Oak Harbor in 2005. The goal of the plan was to provide recommendations for the City to further develop its tourism industry, revitalize downtown, recruit non-tourism businesses, and make Oak Harbor a place where businesses could thrive and residents and visitors would enjoy spending their time.

The key for Oak Harbor to achieve this success revolves around its waterfront. The projects detailed in the plan would redevelop City Beach Park, further develop Freund Marsh and the waterfront trail system, and revitalize downtown. The waterfront redevelopment would create a gorgeous, unique park area, with a variety of activities to attract residents and visitors, including a family play area, a plaza event area, an amphitheater overlooking the lagoon, an extensive trail system, an interpretive center, and upgraded and expanded RV facilities.

The park redevelopment would attract many more people – residents and visitors. The proximity of downtown to the waterfront would lure many people into the shops and restaurants there, particularly with enhanced corridor linkages, and revitalization and business recruitment efforts. But the key to attracting additional traffic downtown is the waterfront redevelopment, and this should be top priority.

Converting two-way streets to one-way was a popular plan in the 1950s and 1960s, with the goals of improved traffic flow and to reduce conflicts at intersections. But those plans didn't take into consideration the goals of economic development or a sense of community. Since that time, many cities have converted their one-way streets back to two-way, for many reasons:

- One-way streets create circuitous and confusing transportation patterns, making navigation particularly difficult for visitors.

- Frequently businesses on one-way streets have less exposure to passing customers.

- Narrow two-way streets actually slow traffic.

Address 6840 Fort Dent Way Suite 360 Seattle, WA 98188 Phone 206 241 4770 Fax 206 241 4750 www.destinationdevelopment.com
ddi
Destination Development, Inc.

ATTACHMENT 1

• Some studies show that two-way streets improve pedestrian and bicycle safety, rather than the opposite.

• With the direct routes provided by two-way streets, there are fewer miles of travel, less fuel consumption, and less automobile emissions.

• Two-way streets allow direct emergency vehicle access to and from downtown.

• Two-way streets improve pedestrian perception of the street as less of a barrier and of the downtown as being more intimate.

The Hyannis Main Street Improvement District conducted a survey in December of 1999 of 22 communities that had converted downtown streets from one-way to two-way. This study reported that the vast majority of communities reported improved business, increased investment downtown, increased pedestrian friendliness, more choices for travel downtown, and a general feeling of improved livability and a greater sense of community after conversion to two-way streets.

It is our opinion that changing the configuration of Pioneer Way to a one-way street is likely to have adverse effects on downtown – making it more difficult for businesses to succeed and more difficult for people to get around. We urge the City to reconsider this idea.

If the cost of this project were redirected to the waterfront redevelopment, downtown would see more business – people want things to do, and a redeveloped waterfront would attract many more people who would also gravitate to the additional offerings downtown. We suggest the City reassess the street configuration after downtown becomes the community's central gathering place.

Before a one-way street configuration can work successfully, without negatively impacting economic development, the downtown needs to be such an outstanding destination that people will be willing to drive "around" or park a block or two away because downtown Oak Harbor is worth the walk.

I hope this is helpful.

Best regards,

Roger A. Brooks

Roger A. Brooks
Destination Development International

mjb

Attachment F

GIBSON TRAFFIC CONSULTANTS
TRAFFIC ENGINEERING • TRANSPORTATION PLANNING
2802 WETMORE AVE. • SUITE 220 • EVERETT, WA 98201 • PH: (425) 339-8266 • FAX: (425) 258-2922

September 23, 2010

Kristi Jensen
Windermere Whidbey Island
32785 SR 20, Suite 4
Oak Harbor, WA 98277

Re: Pioneer Way Reconfiguration Assessment, City of Oak Harbor
Two-way to One-way Circulation, GTC #10-088

Gibson Traffic Consultants (GTC) has been retained to provide a review of available materials that have been presented as part of a SEPA application to convert Pioneer Way from a two-way to a one-way roadway from City Beach Street to Midway Boulevard.

According to the SEPA Checklist the one-way conceptual design for Pioneer Way was approved by the Oak Harbor City Council in December 2009. This one-way conceptual design is not consistent with the December 2009 Comprehensive Plan that calls out Pioneer Way as a route to provide a marked bicycle path along. The one-way nature means that bikes would have to divert one block to continue on this route or that counter flow would have to be allowed, which is inappropriate with parallel parking or back-in angle parking. The angled parking shown and the one-way nature of the conceptual design is not conducive to a safe bicycle route.

The SEPA Checklist identifies the Oak Harbor Downtown Circulation Study (April 2001) as environmental information that has been prepared or directly related to this proposal. There has been no update or additional analysis presented covering the downtown circulation. Based on this study the preferred alternative was the two-way option with angled parking. As part of the Oak Harbor Downtown Circulation Study analysis prepared by KJS Associates, Inc., it was shown that the proposed one-way impacted more intersections negatively than the improved two-way system, thus reducing level-of-service ratings for the road system. See Table 2, page 6.

Pursuant to the Oak Harbor Downtown Circulation Study the Comprehensive Plan had been updated to include Goals that identified that Pioneer Way, from City Beach Street to Midway Boulevard, shall continue to be a two-way street for traffic. These goals were still in place in the February 2007 Comprehensive Plan. It was this two-way City of Oak Harbor Pioneer Way Street Reconfiguration that was awarded Rural Economic Development Sales Tax Funds for the 2007 Cycle from the Board of Island County Commissioners in the amount of $1 million.

It should be noted per the 2007 Transportation Element Figure 4-2 Existing PM Peak Hour Turning Movement Volumes that more traffic is shown heading west along Pioneer Way from City Beach Street to Midway Boulevard. Also, according to the City of Oak Harbor Average Daily Traffic Data this stretch of Pioneer Way carried less traffic in 2007 (7,837 ADT) than it did in 1999 (8,881 ADT); therefore, there are no capacity reasons to be changing the roadway from two-way to one-way flow.

In the 2007 Transportation Element, the Comp Plan called for a change to the functional classification of Pioneer Way from a minor arterial to a collector with a maximum acceptable service volume of 10,500 ADT (LOS D). In doing so, the identified design capacity within the SEPA Checklist of 15,000 ADT would be operating above the roadway's functional classification and contrary to the goal of making the corridor pedestrian friendly.

GTC has performed an extensive literature search of cities that have reversed or are reversing one-way systems to two-way systems to better serve the surrounding community. A local example of this was in the City of Everett, when in 2002 the city held a public hearing to convert portions of Hoyt Avenue, Wetmore Avenue, and California Street from one-way to two-way streets. Wayne Wentz, the City Traffic Engineer and Michael Stringham of Perteet, a consulting firm, presented on the project background, schedules, design alternatives, public involvement, benefits, and challenges. Also, in a 2009 AIA (The American Institute of Architects) Communities by Design report for the City of Port Angeles the AIA made the major recommendation that Port Angeles explore with the Washington State DOT ways to decouple Front and First Streets (one-way streets). This would allow each street to return to two-way operation. In the fast growing South Lake Union area of Seattle, the City, property owners, adjacent businesses and developer have come together to make the former one-way 9th Avenue/Westlake one-way couplet into two two-way streets. This change was to enhance business opportunities and promote a pedestrian friendly streetscape.

The general consensus among both planners and traffic engineers has been that one-way streets are best reserved for situations where there are high volumes of traffic to be moved. However, in downtown and commercial areas, where traffic volumes are not an issue, one-way streets are not preferred and are often detrimental to the surrounding neighborhoods. One-way streets tend to create more dangerous situations for pedestrians due to visibility and higher speeds. One-way streets also have adverse impacts on adjacent businesses because of a lack of visibility, confusing routes and the need for longer trips for patrons of such businesses.

GTC trusts that this memorandum addresses the impacts of the possible reconfiguration of Pioneer Way from a two-way street to a one-way street. If there are any questions or comments, please contact GTC at (425) 339-8266.

Sincerely,

GIBSON TRAFFIC CONSULTANTS, INC.

Matthew J. Palmer, P.E.

Traffic Engineer

Attachments

XC: Richard Aramburu, Aramburu & Eustis Attorneys at Law

To Whom It May Concern,

My name is Adam Hand. I am the former owner and Executive Chef of The Bay City Bistro, formally located on historic Oak Harbor Pioneer Way. I am writing this letter to clarify the reasoning behind the closer of the semi fine dinning bistro that I successfully ran for three years.

I started Bay City Bistro in May of '07 and the lease was up for renewal in April of '10. To be clear, I did not have any second thoughts of renewing my three year lease for the space that I grew to love, until the downtown road construction project was introduced and voted on by the city council. Only then did I start to worry about the progress of my business in that historic location. Despite the local gossip my reasoning's were not a question of a one way street or a two way street (though that issue is surrounded by its own inconsistencies). I based my decision on the way the city council was treating the downtown merchants.

There way of following through on a decision to beautify the street was conducted in an alienating manner to all the business owners that there actions would effect. Now I am all for the beautifying of the down town. I know the street has its issues and would love to see it set right. The fact that the street is being redone is not the issue that I am fighting. It's the way the city is planning this event, the manor in witch they are conducting the project, and the false facts that are being conveyed to the community. They came to us in merchant meetings and said plans would be set in a way to limit the loss of business then went to there council meeting and told us to our faces (only behind there desks this time) that it would be perfectly expectable to loose 85% of businesses in the downtown, and that this would make way for "high end, upscale" stores and restaurants to come in after the project is done.

This statement highly offended me, and I wasn't offended for just my bistro, but for all my fellow merchants in witch I shared my life on Pioneer Way with. For that statement seems to be the mission statement for the whole project. Lying to our faces, and hoping that we all go out of business to leave a vacant down town. They propose an eleven month construction project on a street where businesses don't have back doors, and the only help they tried to offer was a bunch of lies that were told behind closed doors. This isn't any way for a city to treat its small businesses. We could thrive more as a community if only we felt the city, like other cities, cared about us.

I can't help but to imagine if I treated the council member the way they treated us in there city meeting when they came to eat at the restaurant. How they might feel about me. If I told them I had a special dish for them and I convinced them to order it. But when I brought out it would be something completely different. They would send it back and say "This isn't what you promised me." I would roll my eyes at them, head back into the kitchen and come back with an unchanged plate a bill to place in front of them and walk away.

Rcvd 2/2/2 ATTACHMENT 2

That seems to be the way all of us in the downtown feel like. As a result, a lot of us have left, or plan on leaving, or want to leave but can't. Those who are staying have a loom over there heads that is brought on by the city, and alls there is to do is wait and see what happened to there business. So when it came down to sign a renewal for Bay City Bistro. My Partner and I discussed what the future held for us in Oak Harbor. We decided to quit while we were ahead so our city wouldn't put us out of business as well.

Sincerely

Adam Hand
Owner/Operators of Bay City Bistro

Dave N Hand II

Kathy Gifford

From: Steve Erickson [wean@whidbey.net]
Sent: Tuesday, September 28, 2010 2:49 PM
To: Margery Hite; Steve Powers
Cc: GayLynn Beighton; Bob Pederson
Subject: Tonight's OH OC meeting

Please include these comments in the record for tonights hearing regarding Oak Harbor's SEPA appeal procedures,

The SEPA appeal procedures in the ordinance under consideration at tonight's Oak Harbor Planning Commission meeting are not clear as to if and how a threshold determination for a UGA change can be appealed. We believe that such appeals are highly problematic as outlined below:

There are several statutory requirements and limitations that are relevant here.

1. Statutory authority for initial appeal of noncompliance with the Growth Management Act resides in the Growth Management Hearings Boards (GMHBs). Appeals must be brought to a GMHB before judicial review can be sought.
2. That authority includes appeals of State Environmental Policy Act environmental threshold determinations and adequacy of Environmental Impact Statements. RCW 36.70A.280(1).
3. With the exception of failure to act claims, only legislative ADOPTIONS may be challenged for noncompliance with SEPA "as it relates to plans, development regulations, or amendments, ADOPTED under" GMA or the Shoreline Management Act. Ibid.
4. Cities simply make recommendations to counties about Urban Growth Areas. GMA is explicit that the authority for designating UGAs resides with counties, not cities: "The county shall designate and take other actions related to urban growth areas. . ." RCW 36.70A.040(3)(c). Therefore, an action by a city to change its UGA, including a SEPA threshold determination or preparation of an EIS, is not appealable to a Growth Management Hearings Board.

Therefore, a cities' SEPA threshold environmental determination or EIS relating to a UGA is not appealable, since a city's legislative action is simply a request/recommendation to the county to adopt the UGA proposed by the city. In fact, the city is not even in the position before the county of being an "applicant." The county's action is a separate proceeding with its own process. It is this process which is appealable to a GMHB, not the city's.

So, if a city provides for administrative appeal of a SEPA threshold determination or adequacy of an EIS, the decision on that appeal may not be appealed. All appeals of GMA matters must be brought before a GMHB before judicial review is possible. But because the city can not adopt a UGA, there is no adoption to be brought before a GMHB. But under state statute, appeal of this decision (of a city's administrative appeal of SEPA relating to a UGA) must first go to a GMHB before judicial review can be sought.

Because the decision of an administrative appeal of SEPA related to a city's UGA may not be further appealed (to either a GMHB or a court), it may not be resolved. Because it may not be resolved, it is futile. Numerous court decisions stretching back decades hold that parties cannot be required to engage in futile legal processes. Therefore, (potential) appellants cannot be required to bring city administrative appeals of SEPA determinations and EIS's relating to UGAs.

-Steve Erickson

Whidbey Environmental Action Network
Preservation Education Restoration
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Adult Entertainment Ordinance

Public Hearing

PLANNING COMMISSION

TO: CITY OF OAK HARBOR PLANNING COMMISSIONERS

FROM: CAC KAMAK, AICP, SENIOR PLANNER

SUBJECT: 2010 COMPREHENSIVE PLAN AMENDMENTS – REQUESTED LAND USE CHANGES

DATE: 10/22/2010

CC: STEVE POWERS, AICP, DEVELOPMENT SERVICES DIRECTOR

Purpose: The purpose of this report is to provide the Planning Commission with information regarding the legal framework regulating Adult Oriented Businesses, accepted zoning methodology for locating such uses in a community, the locations suitable for such uses in Oak Harbor, land use distribution that impacts the location of such uses and determine whether the properties identified in the Interim Adult Entertainment Facilities Overlay District is sufficient to meets the needs of the community and the adult industry. The information provided is for review and feedback. The Planning Commission is not expected to make a recommendation at this time.

Regulating Adult Entertainment Facilities: The regulation of Adult Entertainment Facilities also known as Adult-Oriented Businesses (AOB) or Sex-Oriented Businesses (SOB) have been debated in the US Supreme and State Courts which have noted that such activity constitutes "expressive conduct" entitled to some protection under the state and federal constitution[1]. However, the Supreme Court has also issued a number of decisions upholding adult business regulations aimed at reducing "secondary effects" such as increased criminal activity, sexual related crime, increased blight, increased vacancy rates etc.

In Young v. American Mini Theaters, Inc., (1976) and City of Renton v. Playtime Theaters, Inc., (1986) the Supreme Court concluded that adult oriented business regulations which are designed to reduce the secondary effects that such businesses have on their surrounding neighborhood are "content neutral" because they are enacted to reduce the secondary effects rather than suppress whatever message is being conveyed by the performer/entertainer. The harmful secondary effects the Court identified are:

1. Increased Crime – rape, sexual assault, prostitution and illegal drug sales
2. Decreased Property Values – both residential and commercial
3. Urban Blight – people and businesses fleeing the community

In adopting an ordinance regulating adult entertainment facilities, the courts do require that there must be a reasonable nexus between a municipality's adult

[1] U.S. Const. amend.1. The state constitution contains a similar provision. Wash. Const. art. 1, § 5.

entertainment ordinance and the secondary effects evidence upon which it's based. Although the passage of restrictive zoning ordinances must be supported by sufficient factual findings, the Supreme Court has held that this evidence may be borrowed from other cities where the secondary effects exist. Since Oak Harbor does not currently have any adult entertainment facilities to determine the secondary impacts, it will have to rely on studies performed elsewhere as long as whatever evidence the City relies upon is reasonably believed to be relevant to the problem it addresses.

Based on the above, Staff has provided a collection of summaries of studies (Attachment 1) related to the secondary effects of adult entertainment facilities. Some of these studies can be reviewed in more detail as the City progresses through the review and hearing process.

Regulating Adult Entertainment Facilities through Zoning: Zoning that has distinguished Adult Entertainment Facilities from other commercial uses has been upheld by the courts provided it is done within certain constitutional constraints. There are two primary methods of zoning Adult Entertainment Facilities. One is the "dispersion zoning" that regulates the uses by distance separations such as "within 1000 feet of any other such establishment or within 500 feet of a residential area". The second is the "concentration zoning" where a particular use, in this case the Adult Entertainment Facility, is prohibited from locating anywhere except in a specific portion of the municipality. Both methods have been held to be constitutionally permissible as legitimate "time, place, and manner" restrictions of protected speech[2]. Both methods of regulation are subject to the three-prong constitutional test listed below:

1. It should be unrelated to suppressing speech
2. It must be narrowly tailored to serve a substantial governmental interest
3. The regulations must permit reasonable alternative channels of communication

The above tests and other checks and balances are discussed in more detail in the article "Regulating Adult Entertainment" by Daniel Olsen (Attachment 2). The nuances of each prong of this test are complex but it also points to what zoning cannot do:

- Zoning cannot completely eliminate Adult Entertainment Facilities from the municipality
- Zoning cannot exclusively permit Adult Entertainment Facilities in an area that is "commercially unavailable"
- Zoning cannot force preexisting Adult Entertainment Facilities to cease operation and relocate.

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[2] City of Renton v. Playtime Theatres, 475 U.S. at 52. Also, 427 U.S. at 63, n.18 ("Reasonable regulations of the time, place, and manner of protected speech, where those regulations are necessary to further significant governmental interests, are permitted by the First Amendment" citing Kovacs v. Cooper U.S. 77(1949) (limitation on use of sound trucks); Cox v. Louisiana, 379 U.S. 559 (1965) (ban on demonstration in or near courthouse with the intent to obstruct justice); Grayned v. City of Rockford, 408 U.S. 104 (1972) (ban on willful making, on grounds adjacent to school, of any noise which disturbs the good order of the school session)

Dispersed versus Concentrated Approach: The interim ordinance adopted by the City Council on May 4, 2010 established an overlay zone over three properties on Goldie Road that are zoned I, Industrial and PIP, Planned Industrial Park. If this were to be adopted as the final overlay zone it would be "concentrated zoning" similar to the approached in Times Square in New York City and the Combat Zone in Boston. However, it should be noted that Oak Harbor's interim overlay zone properties were identified using a separation distance from sensitive areas such as schools, parks and religious institutions. The advantages of the concentrated approach are:

1. Like uses are treated alike – the same uniform district standards apply to all uses equally. Any changes to other districts will not have an effect upon the adult entertainment facilities within the special overlay district.

2. Lower administrative costs – once the district is established and development standards set, there is not need for costly case-by-case review of adult business requests other than the regular site development or building permit review.

3. Regulation over the total growth of these uses and the development of specific new uses – the limits of the area for these uses are defined. The dispersal method may have no upper limit of these uses provided that all separation requirements are met.

4. Easier evaluation of total public services impact – heavier traffic, limited parking space, higher police costs and other effects of the adult entertainment facilities can be easier to identify if they are concentrated into one area.

The drawbacks of this approach are documented in the land use case study summaries provided in Attachment 1. Studies, such as the ones done in Austin, TX indicate that the crime rate can be 66% higher in areas where there is a concentration of such uses.

The dispersion approach (also referred to as the Detroit Model) regulates adult entertainment facilities by separating them from each other and other sensitive uses. Cities typically will require that adult entertainment facilities be separated from each other by a distance that can vary from 300 feet to 2000 feet. The regulation will also call out separations from sensitive areas such as schools, churches and parks. Some cities have also required separations from other establishments that serve alcohol. This is a more popular model since studies show that the secondary effects of these uses such as crime rates etc. are less when they are dispersed.

Location suitability for Oak Harbor: Although most studies (Attachment 1) of the impacts of AOBs done across the country indicate that the dispersion approach is the preferred approach, it is important to note that it may not be applicable to Oak Harbor due to its layout and distribution of land uses. SR 20 cuts across the City and serves as a major arterial. This has led to a concentration of commercial uses along this major corridor. Residential uses immediately flank these commercial uses. If the dispersion

approach is used for locating AOBs in Oak Harbor, even a modest and reasonable buffer/separation distance of 500 feet (used by most cities in Attachment 1) from residential uses would eliminate almost all commercial spaces for AOBs and thus render the regulations unconstitutional. The only areas that are not impacted by the buffer/separation distance are along Goldie Road (see Attachment 3). The uses in this area are primarily industrial along with a mix of commercial uses. Restriction of sensitive uses in this area is due to its proximity to NAS Whidbey Ault Field. Since AOB need to be separated from sensitive areas, as proven by the studies in Attachment 1, the Goldie Road corridor may be the only suitable location for Adult Entertainment Businesses. Therefore a concentrated approach may be suitable for Oak Harbor.

The land identified in the interim ordinance for the overlay zone was a result of a buffer/separation criteria that the community identified through a public hearing process. The separation distance was increased from 100 feet to 750 feet for residential after a public input process. The impacts of AOBs did not vary between residential uses and impacts on schools, parks and religious institutions. Therefore the buffer/separation criterion[3] was established at 750 feet for all sensitive uses (residential, schools, parks and religious institution).

The 750 feet separation is not an unreasonable distance when compared to other communities. The distances range between 500 feet and 1000 feet. Communities such as Garden Grove, CA and Whittier, CA have adopted 1000 feet separation while communities such as Adams County, CO and Manatee County, Florida have adopted 500 feet separations. St. Paul, MN has a 800 feet separation and Beaumont, TX and Houston, TX have a 750 feet separation from sensitive uses.

Land Use distribution: The information below summarizes the overall distribution of zoning classifications within the city. This information will give an idea of the total percentages that each zoning classification occupies in the City in relation to each other. This information will eventually help determine if adequate land has been zoned for Adult Entertainment Facilities in Oak Harbor.

The total area of the properties that have designated zoning classification in the city is approximately 3170 acres. This area does not include rights of way and NAS Whidbey. RI, Single Family Residential takes approximately 41% of the total area and is the largest zoning classification in the city. PF, Public Facilities, which includes parks, schools, marina and other city owned facilities, is the second largest zoning category with 11%. R2, Limited Multifamily Residential is third with 6% followed by C3, Community Commercial at approximately 5%. The industrial categories I, Industrial zoning is 1.58% and PIP, Planned Industrial Park is 1.15%. (Attachment 4)

The number of lots in each zoning category provides an indication of the average size of the lots. The R1 zoning classification has approximately 4084 parcels in 1116 acres. This constitutes smaller lots with an average of .27 acres per parcel. The Central

[3] The criterion was used to determine the properties excluded from the buffer and is not a criterion used for locating AOBs in the community.

Business District has 144 lots in 41 acres, also indicating smaller size lots at approximately .28 acres per parcel. The Community Commercial zoning has approximately 203 lots in 164 acres which equates to approximately .80 acres per parcel. The Industrial zoning classification has approximately 50 acres in 10 lots which is 5 acres per parcel and the Planned Industrial Park zoning classification has 11 lots in approximately 36.5 at 3.3 acres per parcel.

Developability of properties: The amount of land available in the relevant zoning categories is critical to determine the fairness of the regulations on Adult Entertainment Facilities. It will help determine if adequate land in this community has been zoned for the adult businesses and how it compares to other commercial uses.

In a recent study on the Urban Growth Area (UGA) capacity analysis, assessed land value data was obtained from the Island County assessor's office to determine the availability of land for development. For the purpose of this report, assume that the developability of a parcel is high if the assessed land value of the property is 90% or greater than the value of the structure. This assumes that a very small structure or improvement has an insignificant value when compared to the total value of the property and is therefore a prime candidate for development. Therefore, if the structure value is 0 in the assessor's data, then the parcel can be assumed to be vacant and the land value will constitute 100 % of the property value. Therefore the 90% threshold will identify the properties generally considered the most developable land in the City.

The recent analysis indicates that in the 90% threshold, 16.7 acres of C3, Community Commercial property is highly developable in the city. Since the city has a total of 164 acres of C3, Community Commercial zoned properties, 16.7 acres constitutes approximately 10% of all C3 zoned properties. Under the same threshold 29.1 acres out of a total of 50 acres (58%) of Industrial zoned land is highly developable and 22.5 acres out of a total of 36.5 acres (62%) of Planned Industrial Park is considered highly developable. Therefore there is more Industrial and Planned Industrial Park zoned land that is considered highly developable when compared to the Community Commercial lands.

Value of properties: The market value of properties varies with many conditions such as location, accessibility, infrastructure, utilities available etc. The values also fluctuate with time and changing market conditions. A recent interview with a local appraiser indicated that the cost of industrial land is less expensive per square feet that commercial land. Large industrial lands that are 5 acres or greater that are not improved and development-ready are approximately $1 per square feet and the industrial lands that are improved are approximately $3-$4 per square feet. Commercial properties generally range from $8 to $20 per square feet based on location. Commercial properties located along the along the highway range between $17 - $20 per square feet, while along Midway Blvd they range between $8 -$10 per square feet. In downtown the value commercial properties range from $10 to $15 per square feet.

North Whidbey and the Goldie Road Corridor: The areas adjacent to Ault Field Road, Oak Harbor Road and Goldie Road contain the largest inventory of industrial lands available in Island County. A large portion of this area is in the City's Urban Growth Area. The City and the County have entered into an Interlocal Agreement regarding the development of this area. The agreement provides for consistent land use planning and street development between the properties located in the city and the county in this area. The area is also under an enterprise zone (Attachment 5) which provides development and annexation incentives.

Goldie Road is a minor arterial and is one of the major roads that serve the North Whidbey area. It provides one of the primary accesses to the NAS Whidbey Ault Field campus. Goldie Road in conjunction with Midway Blvd is a major north-south connection between residential, commercial and industrial uses for Oak Harbor.

The Goldie Road corridor has been consistently developing in the past years and is likely to continue to develop in the future. There have been recent annexations in the area along Easy Street and west of Goldie Road accompanied with land use changes to accommodate commercial development.

Utilities such as water and sewer are available along Goldie Road. One of the incentives for development of properties in the enterprise areas is the waiver of the sewer connection fee which normally recoups the cost of construction of the sewer line.

Developability of properties identified in the interim Ordinance: The three properties identified in the interim ordinance adopted on May 4, 2010 are located along the Goldie Road Corridor. They are hereafter referred to as the subject properties. As indicated in the figure below they have been labeled Property 1, 2 and 3 for convenient reference. Properties 1 and 2 are zoned PIP, Planned Industrial Park and encompass approximately 9.7 acres. Property 3 is zoned I, Industrial and is approximately 9 acres.

The zoning and land use of properties surrounding the subject area vary between the City and the County. To the north the property is adjacent to land in the county that is zoned OH-PIP and includes several lots with small industrial type uses. The property to the west is vacant/undeveloped in the City and is zoned I, Industrial. To the south, a portion of the subject property adjacent to the county that is zoned OH-Residential, with mobile homes and a portion of it is adjacent to property in the city that is zoned PIP, Planned Industrial Park.

The subject properties slope generally west from Goldie Road to a gully that drains the larger area to the 7th Avenue wetlands. The soils in this area are mostly a Everett-Alderwood complex (see Attachment 6). The soils have a high infiltration rate and will therefore be suitable for low impact development techniques to handle the storm water requirements that will be required at the time of development. Property 1 that is developed for storage uses a infiltration pond for stormwater and is likely the same methodology that will be used for the development of the other properties in the area.

All utilities are available to the subject properties. Sewer and water lines run along Goldie Road. Due to the slope of the area, development of the properties will require wastewater to be pumped up to Goldie Road. The individual connections and their design can vary and will be reviewed along with development plans for the site.

Property 1 is partially developed as a storage facility. The property takes access from Goldie Road. The recently developed storage facility occupies the northern part of the lot and therefore has room for more development on the site. The current site improvements include access, parking and storm water facilities.

Property 2 is zoned Planned Industrial Park and is currently vacant/undeveloped. This property currently does not have access to public right-of-way. Access to this property can be provided through Property 1 with an access easement. Public access could also be provided to the site with the development of Property 3. Property 2 will likely be the last property to develop in this area due to this limitation.

Property 3 is the largest parcel and is zoned I, Industrial. It is currently vacant and undeveloped. This property has access to Goldie Road but is also adjacent to the Gun Club Road right-of-way. Subdivision of this property will require the construction of Gun Club Road and possibly an extension of new street to Property 2. Since there are no minimum lot sizes in the Industrial Zoning Classification, the property can be subdivided in many lots of various sizes to suit the needs of the user/buyer. Most of the eventually subdivided lots will take access from a newly constructed Gun Club Road that will be built to a collector street standard. The design and construction of Gun Club Road will be reviewed along with development plans. A visual survey of the area indicates that there may be some wetlands at the lowest point of the property. A Critical Area Report may be necessary to determine the extent of the wetlands and identify any mitigation that may be necessary.

Supply and demand: There are currently no Adult Entertainment Facilities located in Oak Harbor. In fact there are no Adult Entertainment Facilities locates in Island County. There have been no applications filed with the City or the County for Adult Oriented Businesses ever. Therefore it is difficult to determine if there is a demand for such facilities. The lack of demand may be due to the unique location of Oak Harbor and Island County, the State's liquor laws regarding such uses or the unknown market for such uses in the area. The reasons can be numerous but it is clear that such uses have not made a legitimate attempt to locate in Oak Harbor or Island County[4].

The City's consideration of providing an overlay zone for Adult Entertainment Facilities in the Goldie Road corridor, based on the low demand, will provide a substantial supply of developable land for such uses. The total area being considered for the overlay zone is approximately 18.7 acres which constitutes approximately .66 percent of all land uses zoned in the city. It is approximately 22% of the properties zoned I, Industrial and PIP, Planned Industrial combined. The available land that is being considered for the overlay zone is more than the total area of commercial properties currently available in the city based on the 90% developability threshold discussed earlier.

The County is also considering similar development codes for AOBs. The area of focus is in the Goldie Road, Ault Field Road and Oak Harbor Road vicinity. The City's overlay zone for adult entertainment facilities combined with the eventual County adoption of code for AOB will provide an ample supply of land/properties for such uses.

Summary of Findings: Based on the above analysis it can be determined that:-

- Adult Oriented Businesses are entitled to some protection under the State and Federal constitution
- The courts have upheld regulations that are tailored to regulate the secondary effects (crime, property values, blight) of such businesses
- Regulations cannot completely eliminate these uses from a municipality
- The dispersed approach and concentrated approach have both been held to be constitutionally permissible as legitimate "time, place, and manner" of protected speech
- The dispersed approach is not suitable for Oak Harbor since it eliminates almost all properties
- Concentrated approach may be the best method for Oak Harbor to regulate adult entertainment facilities
- There is more industrial land available for development than commercial lands.
- Properties identified in the interim overlay district, referred to as subject properties, fall outside the buffers of sensitive areas

[4] Filing an application for business license, building permit, site plan etc. is considered a legitimate attempt. However, there has been interest indicated at various times to open adult entertainment facilities but none have come to fruition.

- Subject properties are located in a developing area and can be served by all utilities.
- Area of subject properties is more than all available community commercial lands
- Since there have been no applications for the development of adult entertainment facilities in Oak Harbor and Island County the land identified in the interim ordinance will provide and ample supply of properties and will be augmented by properties identified by the county in and around the same area.

Conclusion: Based on the analysis in this report, staff believes that the Interim Adult Entertainment Facilities Overlay District can be adopted as the Final Adult Entertainment Facilities Overlay District. Since studies indicate that the concentrated approach can have increased crime rates over the dispersed approach, specific site development conditions can be considered for inclusion in the development codes.

Recommendation: Staff recommends that the Planning Commission take public comment on this item and continue the public hearing to its November 23, 2010 meeting.

Attachments:

1. Summary of Studies done in other jurisdictions around the country
2. "Regulating Adult Entertainment: by Daniel Olsen
3. Map of Buffers from sensitive uses
4. Table of Zoning Areas
5. Enterprise Area Maps
6. Soils map and information

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NLC SUMMARIES OF "SOB LAND USE" STUDIES

CRIME IMPACT STUDIES BY MUNICIPAL AND STATE GOVERNMENTS ON HARMFUL SECONDARY EFFECTS OF SEXUALLY-ORIENTED BUSINESSES

1. *American Center for Law and Justice*
2. *Phoenix, Arizona*
3. *Tucson, Arizona*
4. *Garden Grove, California*
5. *Los Angeles, California*
6. *Whittier, California*
7. *Adams Co., Colorado*
8. *Manatee Co., Florida*
9. *Indianapolis, Indiana*
10. *Minneapolis, Minnesota*
11. *Saint Paul, Minnesota*
12. *Las Vegas, Nevada*
13. *Ellicottville, New York*
14. *Islip, New York*
15. *New York, New York*
16. *Times Square, New York*
17. *New Hanover Co., North Carolina*
18. *Cleveland, Ohio*
19. *Oklahoma City, Oklahoma*
20. *Oklahoma City, Oklahoma II*
21. *Hamilton County, Tennessee*
22. *Amarillo, Texas*
23. *Austin, Texas*
24. *Beaumont, Texas*
25. *Cleburne, Texas*
26. *Dallas, Texas*
27. *El Paso, Texas*
28. *Houston, Texas 1983*
29. *Houston, Texas 1986*
30. *Houston, Texas 1991*
31. *Houston, Texas 1997*
32. *Newport News, Virginia*
33. *Bellevue, Washington*
34. *Des Moines, Washington*
35. *Seattle, Washington*
36. *St. Croix Co., Wisconsin*
37. *Rome, Georgia*
38. *Saint Marys, Georgia*
39. *Adams County, Colorado*
40. *Saint Paul, Minnesota*
41. *The State of Minnesota, Attorney General's working group*
42. *Kennedale, Texas*
43. *Effingham County, Effingham, Illinois*

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National Law Center Summary of the
AMERICAN CENTER FOR LAW AND JUSTICE
LAND USE STUDY
DATED MARCH 31, 1996

OVERVIEW: This report, compiled by the Environmental Research Group for the American Center for Law and Justice in 1996, reviews the current state of knowledge about the impact of sexually-oriented businesses (SOBs) upon nearby residential and commercial areas. The study particularly notes the effect of SOBs on smaller municipalities. The study finds that SOBs support detrimental activities (i.e. personal and property crimes, prostitution, drugs, etc.) within the vicinity that are incompatible with activities occurring within residential areas. SOBs also have a negative impact on local businesses. Evidence indicates that when SOBs are located near each other or near businesses that serve alcohol, the harmful impact increases. Noting that this is not a recent problem, the study points to many municipalities that have examined the impact of SOBs on surrounding communities, thereby building an ample record of evidence in support of regulation and restriction of location and concentration of SOBs.

FINDINGS: The study gives a "Historic Overview" of the issues of SOBs and their effects, dating back to the late eighteenth century. The "tableau vivant" and "concert saloon," were the forerunners of today's "topless bar," seemingly in response to the economic pressures of the young working male of that day. The clientele of today's SOBs has not changed very much over time, being mostly young, single, transient males. In the past, when these businesses operated in a legal, far less regulated climate, it was much easier to see the link between SOBs and crime. Today, the impact of SOBs on its surroundings is less clear, but broader in scope.

The report examines the Garden Grove, CA study by McCleary and Meeker (1991) in depth, which studies 10 years worth of crime statistics in the area, pointing out the significant increase in property (burglary, theft, auto theft) and personal (assault and robbery) crimes that occur within 1,000 feet of an SOB when it is located near an establishment that sells alcohol. They also cite the City of Indianapolis study, which found a 77% higher incidence of serious crime in the area with multiple SOBs compared to the control area (matched by demographic characteristics, building types, etc.). The study indicated that SOBs help create conditions that draw outsiders to the area and provide venues for opportunistic crimes. Sex-related crimes were 4 times higher in *residential* areas near an SOB than in *commercial* areas near an SOB. Similar findings regarding significant increases in crime and arrests in areas near SOBs are referenced from studies out of Minnesota, the City of Austin, Los Angeles, and Hollywood.

Public and semi-private spaces (such as parking lots, spaces between buildings, and parks) have questionable ownership, thereby furthering the opportunity for crime. When an SOB exists, these areas become used for illicit purposes. As a result, legitimate users and residents are driven away by the illicit activity. A public area devoid of women and elderly is an indication of the relative safety in a public space. As potential patrons avoid an area, other commercial businesses suffer. The study notes that women who do walk in areas near an SOB can be subject to harassment and propositioning from assumptions that the woman is associated with the SOB. This all contributes to a "climate of fear" that intimidates people and causes them to avoid the area altogether. This may also contribute to declining property values.

National Law Center Summary of the
AMERICAN CENTER FOR LAW AND JUSTICE
LAND USE STUDY
(CONTINUED)

The study points to evidence that the presence of SOBs effects perceived reductions in the value of residential and commercial property. The City of Indianapolis conducted the most detailed survey, doing a 20% sample national survey of real estate appraisers and a 100% survey of appraisers in similarly-sized cities with a response rate of 33%. Seventy-five percent of those responding indicated that there was a significant negative impact on residential and commercial property values when SOBs are located nearby. In fact, no other type of facility (including drug rehab centers), have such a significant negative impact on property values. A City of Austin study stated that the presence of SOBs in a neighborhood leads mortgage lenders to the conclusion that it is in decline. Similar results have been found in other studies.

The study references trade area studies that indicate SOBs are regional facilities that primarily attract people from outside the neighborhood. A license plate study in Bothell, Washington showed that out of 321 cars in the parking lot of an SOB, only 8 (2.5%) were registered in Bothell. A regional customer base, as opposed to a neighborhood customer base makes SOB owners less responsive to neighborhood problems, decreases the informal social control of behavior, and increases the potential for opportunistic crime.

Finally, the study indicates that the negative effects of an SOB in a small town will likely be more magnified than in a bigger city. First, the compact nature of surrounding residential areas to the downtown area increases the reach that harmful, negative effects would have in the town. Also, smaller populations and shorter commercial business hours result in much lighter use of public, semi-private, uncontrolled spaces (i.e. parks, parking lots and recessed storefronts), thereby providing much greater potential for illicit activity in areas surrounding SOBs. Small towns typically experience more economic stress than larger cities. This is aggravated when SOBs locate in the downtown business district of a small town.

National Law Center Summary of the
PHOENIX, ARIZONA
LAND USE STUDY
DATED MAY 25, 1979

The study examines crime statistics for 1978 comparing areas which have sexually-oriented businesses with those that do not. The results showed a marked increase in sex offenses in neighborhoods with sexually-oriented businesses, and also proved increases in property and violent crimes as well. This study is not unique but is unusually significant, in covering the issue of property crimes more extensively.

Three study areas (near locations of sexually-oriented businesses) and three control areas (with no sexually-oriented businesses) were selected. The study and control areas were paired according to the number of residents, median family income, percentage of non-white population, median age of population, percentage of dwelling units built since 1950, and percentage of acreage used for residential and non-residential purposes.

Three categories of criminal activity were included in the study: property crimes (burglary, larceny, auto theft), violent crimes (rape, murder, robbery, assault), and sex crimes (rape, indecent exposure, lewd and lascivious behavior, child molestation).

On average, the number of sex offenses was 506% greater in neighborhoods where sexually-oriented businesses were located. In one of the neighborhoods the number was 1,000% above the corresponding control area. Of the sex offenses, indecent exposure was the most common offense and the largest contributor to the increase of crimes in areas where sexually-oriented businesses were located. Even without considering the crime of indecent exposure, the number of other sex crimes, such as rape, lewd and lascivious behavior, and child molestation, was 132% greater than in control areas without sexually-oriented businesses.

On average the number of property crimes was 43% greater in neighborhoods where sexually-oriented businesses were located, and the number of violent crimes was 4% higher in those areas.

The Phoenix ordinance requires sexually-oriented businesses to locate at least 1,000 feet from another sexually-oriented business and 500 feet from a school or residential zone. Approval by the City Council <u>and</u> area residents can waive the 500 foot requirement. A petition signed by 51% of the residents in the 500 foot radius who do not object must be filed and be verified by the Planning Director.

National Law Center Summary of the
TUCSON, ARIZONA
LAND USE STUDY
DATED MAY 1, 1990

OVERVIEW: This report is a memorandum from Police Department Investigative Services to the City Prosecutor describing events and activities at "adult entertainment bookstores and establishments" that demonstrate the need for stronger ordinances. Investigations had been in progress since 1986 following numerous complaints of illegal sexual activity and unsanitary conditions.

FINDINGS: Officers found a wide variety of illegal sexual conduct at all adult businesses. At virtually every such business, employees were arrested for prostitution or obscene sex shows. Dancers were usually prostitutes where, for a price, customers could observe them performing live sex acts. At several businesses, customers were allowed inside booths with dancers and encouraged to disrobe and masturbate. Many times, dancers would require customers to expose themselves before they would perform. Underage dancers were found, the youngest being a 15 year old female.

Within peep booths, officers found puddles of semen on the floor and walls. If customers had used tissues, these were commonly on the floor or in the hallway. On two occasions, fluid samples were collected from the booths. In the first instance, 21 of 26 samples (81%) tested positive for semen. In the second sampling, 26 of 27 fluid samples (96%) tested positive for semen. "Glory holes" in the walls between adjoining booths facilitated anonymous sex acts between men.

RECOMMENDATIONS: (1) The bottom of the door in peep booths must be at least 30 inches from the floor so that an occupant can be seen from the waist down when seated. (2) The booth cannot be modified nor can a chair be used to circumvent the visibility of the client. (3) Employee licensing procedures that include a police department background check should be put in effect. (4) In the event of a denied or revoked license, the requirement of a hearing before any action is taken.

National Law Center Summary of the
GARDEN GROVE, CALIFORNIA
LAND USE STUDY
DATED SEPTEMBER 12, 1991

OVERVIEW: This report by independent consultants summarizes statistics to determine whether adult businesses should be regulated because of their impact on the community in terms of crime, decreased property values and diminished quality of life. Statistics were measured from 1981 to 1990, and included crime data and surveys with real estate professionals and city residents. Garden Grove Boulevard, which has seven adult businesses, was selected as the study area. The study incorporated many control factors to insure accurate results. The report includes a brief legal history of adult business regulation and an extensive appendix with sample materials and a proposed statute.

CRIME: Crime increased significantly with the opening of an adult business, or with the expansion of an existing business or the addition of a bar nearby. The rise was greatest in "serious" offenses (termed "Part I" crimes: homicide, rape, robbery, assault, burglary, theft and auto theft). On Garden Grove Boulevard, the adult businesses accounted for 36% of all crime in the area. In one case, a bar opened less than 500 feet from an adult business, and serious crime within 1,000 feet of that business rose more than 300% the next year.

REAL ESTATE: Overwhelmingly, respondents said that an adult business within 200-500 feet of residential and commercial property depreciates that property value. The greatest impact was on single family homes. The chief factor cited for the depreciation was the increased crime associated with adult businesses.

HOUSEHOLD SURVEYS: 118 calls were completed in a random sample of households in the Garden Grove Boulevard vicinity. The public consensus was that adult businesses in that area were a serious problem. Nearly 25% of the surveyed individuals lived within 1,000 feet of an adult business. More than 21% cited specific personal experiences of problems relating to these businesses, including crime, noise, litter, and general quality of life. 80% said they would want to move if an adult business opened in their neighborhood, with 60% saying they "would move" or "probably would move." 85% supported city regulation of the locations of adult businesses, with 78% strongly advocating the prohibition of adult businesses within 500 feet of a residential area, school or church. Women commonly expressed fear for themselves and their children because of adult businesses.

RECOMMENDATIONS: The report concludes that adult businesses have a "real impact" on everyday life through harmful secondary effects and makes four recommendations: (1) Keep current requirement of 1,000 feet separation between adult businesses; (2) Prohibit adult establishments within 1,000 feet of residential areas; (3) Enact a system of conditional use permits for adult businesses with police department involvement in every aspect of the process; and (4) Prohibit bars or taverns within 1,000 feet of an adult business.

National Law Center Summary of the
LOS ANGELES, CALIFORNIA
LAND USE STUDY
DATED JUNE, 1977

OVERVIEW: The Department of City Planning studied the effects of the concentration of sexually-oriented businesses on surrounding properties for the years 1969-75 (a time of proliferation for such businesses). The report focuses on five areas with the greatest concentration of these businesses (compared to five "control" areas free of them), and cites data from property assessments/sales, public meeting testimony, and responses from two questionnaires (one to business/residential owners within a 500 foot radius of the five study areas and a second to realtors/real estate appraisers and lenders). Crime statistics in the study areas were compared to the city as a whole. Also included: a chart of sexually-oriented business regulations in eleven major cities, details of current regulations available under state/municipal law, and appendices with samples of questionnaires, letters, and other study materials.

PROPERTY: While empirical data for 1969-75 did not conclusively show the relation of property valuations to the concentration of sexually-oriented businesses, more than 90% of realtors, real estate appraisers and lenders responding to city questionnaires said that a grouping of such businesses within 500-1,000 feet of residential property decreases the market value of the homes. Also, testimony from residents and business people at two public meetings spoke overwhelmingly against the presence of sexually-oriented businesses citing fear, concern for children, loss of customers and difficulty in hiring employees at non-adult businesses, and the necessity for churches to provide guards for their parking lots.

CRIME: More crime occurred in areas of sexually-oriented business concentration. Compared to city-wide statistics for 1969-75, areas with several such businesses experienced greater increases in pandering (340%), murder (42.3%), aggravated assault (45.2%), robbery (52.6%), and purse snatching (17%). Street robberies, where the criminal has face to face contact with his victim, increased almost 70% more in the study areas. A second category of crime, including other assaults, forgery, fraud, counterfeiting, embezzlement, stolen property, prostitution, narcotics, liquor laws, and gambling increased 42% more in the study areas over the city as a whole.

RECOMMENDATIONS: The study recommended distances of more than a 1,000 feet separating sexually-oriented businesses from each other, and a minimum of 500 feet separation of such businesses from schools, parks churches and residential areas.

National Law Center Summary of the
WHITTIER, CALIFORNIA
LAND USE STUDY
DATED JANUARY 9, 1978

OVERVIEW: After experiencing a rapid growth of sexually-oriented businesses since 1969, the Whittier City Council commissioned a study of the effects of the businesses on the adjacent residential and commercial areas. At the time of the study, Whittier had 13 "adult" businesses: 6 model studios, 4 massage parlors, 2 bookstores, and 1 theater. Utilizing statistics, testimonies, and agency reports, the study compared two residential areas and four business areas over a span of 10 years (1968-1977). One residential area was near the largest concentration of adult businesses, the other had no commercial frontage but was chosen because of similar street patterns, lot sizes and number of homes. For businesses, Area 1 had six adult businesses, Area 2 had one, Area 3 had three, and Area 4 had none. 1973 was selected as the year to compare before and after effects of the adult businesses. Two chief concerns cited in the report are residential and business occupancy turnovers and increased crime.

OCCUPANCY TURNOVER: After 1973, 57% of the homes in the adult business area had changes of occupancy, compared to only 19% for the non-adult business area. Residents complained of "excessive noise, pornographic material left laying about, and sexual offenders (such as exhibitionist) venting their frustrations in the adjoining neighborhood." Citizens also expressed concern about drunk drivers coming into the area. Business Area 1, with the most concentration of adult businesses (6), experienced a 134% increase in annual turnover rate. Area 3, with three adult businesses at one location, showed a 107% turnover rate. Area 2 (with 1 adult business) had no measurable change and Area 4 (with no commercial or adult businesses) experienced a 45% decrease in turnover from similar periods.

CRIME: The City Council looked at the two residential areas for the time periods of 1970-73 (before adult businesses) and 1974-77 (after adult businesses). In the adult business area, criminal activity increased 102% (the entire city had only an 8.3% increase). Certain crimes skyrocketed (malicious mischief up 700%; all assaults up 387%; prostitution up 300%). All types of theft (petty, grand, and auto) increased more than 120% each. Ten types of crime were reported for the first time ever in the 1974-77 period.

RECOMMENDATIONS: The Council's report recommended a dispersal type ordinance that prohibits adult businesses closer than 500 feet to residential areas, churches and schools. Distances between adult businesses was recommended at 1,000 feet. In addition, the study proposed a 1,000 foot separation from parks because of their use by citizens after normal working hours. Adult businesses would be given an 18-36 month amortization period (if the change involved only stock in trade, a 90 day period was recommended).

National Law Center Summary of the
ADAMS CO., COLORADO
LAND USE STUDY
DATED APRIL, 1988

OVERVIEW: This report, authored by Sgt. J.J. Long of the Adams County Sheriffs Department, was designed to accompany a new Nude Entertainment Ordinance. The report covers two parts: first, an April 1988 study of six representative locations in Adams County was undertaken to determine the transiency of adult business customers. Second, crime statistics in two Adams County areas featuring adult businesses were gathered for the years of 1986 and 1987. The study concluded that there was a clearly demonstrated rise in crime and violence, and an increase in the attraction to transients to the area as a result of nude entertainment establishments. This caused a danger to residents and an undesirable model for youth and the community at large.

FINDINGS: Adams County features 6 adult bookstores (all but one featuring nude entertainment), 1 all nude "pop shoppe," 7 massage parlors, 8 topless nightclubs (with liquor licenses), and 6 nude "rap," lingerie, and modeling-type studios (28 locations in all). An April 1988 study of six adult business locations in Adams County, revealed that 76% of patrons were transient. During the time when no adult ordinance was in effect in Adams County (1986 and 1987), 24 crimes were reported in one area featuring two adult businesses. Eighty-three percent of these crimes were linked to the adult businesses. Forty-two percent of these crimes occurred at the location of an all-nude establishment, and sixty-four percent occurred outside the hours of 4:00 p.m. to midnight. During 1987, 28 crimes were reported, 93% of which were linked to the adult businesses, 50% were alcohol-related offenses, and 77% occurred at a single establishment. Finally, 61% of those crimes occurred during hours other than those between 4:00 p.m. and midnight. Crime rates between 1986 and 1987 for another Adams County area featuring three adult bookstores, two topless nightclubs, a bar, a liquor store, and a beer outlet revealed a 15% increase in crime, (i.e., 55 crimes in 1986 as opposed to 63 in 1987). In 1986, 29 of those crimes involved alcohol, while in 1987, 41 were linked to alcohol (a 41% increase). A rural area of Adams County with a single topless nightclub experienced a 39% increase in crime between 1986 and 1987. There was a marked increase in the number of adult entertainment locations opening for business during 1986 and 1987. Further, a check of criminal histories of some of the offenders showed arrests for morals crimes, sexual assaults, alcohol-related offenses, and crimes of violence. A study of armed robbery in one area during the same time period revealed that 66% of all reported armed robberies occurred at the adult bookstores. Finally, seven homicides from 1977 to 1987 were directly linked to adult bookstores and nude entertainment businesses.

The 1988 enactment of the Nude Entertainment Ordinance, which was upheld by the Colorado Supreme Court, reduced the number of adult businesses in Adams County to only 14. The Adams County ordinance included the following provisions: 1) restricting hours of operation from 4:00 p.m. to midnight, Monday to Saturday; 2) restricting location of SOBs to 500 feet from sensitive uses; 3) an amortization clause requiring compliance within a six month period; and 4) a public nuisance provision for repeated or continuing violation of the ordinance.

National Law Center Summary of the
MANATEE CO., FLORIDA
LAND USE STUDY
DATED JUNE, 1987

OVERVIEW: This report, conducted by the Manatee County Planning and Development Department, examines the ramifications of a proposed adult entertainment ordinance. It depends upon the findings of other jurisdictions to forecast the effects of adult businesses in Manatee County. It also examines other land use studies in order to determine appropriate land use controls for Manatee County.

FINDINGS: The **Boston Model** of concentrating adult businesses into on "combat zone" has the following advantages: 1) like uses are treated alike; 2) lower administrative costs; 3) control over growth of pornographic uses and the development of specific new uses; 4) no definitional vagueness; 5) apparent constitutionality; and 6) easier evaluation of total public services impact of pornographic uses (traffic, limited parking, higher police costs and other effects). Disadvantages of this model center on the blighting effect when a central zone is created. It may also attract "undesirables" to one area. The **Detroit Model** has these advantages: 1) apparent constitutionality (withstood challenge in *Young v. American Mini Theatres*); and 2) creates a separation zone between other adult businesses and residential areas. However, it suffers from definitional weaknesses. Most jurisdictions have adopted some form of the Detroit model. Other cities have added additional buffer requirements.

Studies of secondary effects in other cities (Austin, TX, Indianapolis, IN, Los Angeles, CA, and St. Paul, MN) have examined the impact of adult businesses on property value, crime rates, and incidences of blighting. Based upon the negative findings in these areas, cities have recommended zoning and other land use regulations.

There are five adult businesses currently in the County. All five are separated from one another by more than 1,000 feet. None meet the minimum residential buffer distance of 500 feet.

RECOMMENDATIONS: The dispersal model ordinance should be considered. The present zoning ordinance should be amended to add buffer requirements to provide distance from 1) residential districts, 2) churches, schools, child care facilities, and public recreation areas, and 3) other established adult businesses. There should be at least 500 feet of separation between an adult business and the nearest residential zone. A 2000 foot buffer should be established for churches, schools, child care facilities, and recreation areas. Adult businesses should be separated from one another by at least 1000'. A one year amortization period for compliance should be considered (as provided in the draft ordinance). "Sign controls should be considered which still protect a business's freedom to advertise, but also minimize public's exposure to such uses."

INDIANAPOLIS, INDIANA

National Law Center Summary of the
LAND USE STUDY
DATED FEBRUARY, 1984

OVERVIEW: After a 10 year growth in the number of sexually-oriented businesses (to a total of 68 on 43 sites) and numerous citizen complaints of decreasing property values and rising crime, the city compared 6 sexually-oriented business "study" areas and 6 "control" locations with each other and with the city as a whole. The study and control areas had high population, low income and older residences. In order to develop a "best professional opinion," the city collaborated with Indiana University on a national survey of real estate appraisers to determine valuation effects of sexually-oriented businesses on adjacent properties.

CRIME: From 1978-82, crime increases in the study areas were 23% higher than the control areas (46% higher than the city as a whole). Sex related crimes in the study areas increased more than 20% over the control areas. Residential locations in the study areas had a 56% greater crime increase than commercial study areas. Sex related crimes were 4 times more common in residential study areas than commercial study areas with sexually-oriented businesses.

REAL ESTATE: Homes in the study areas appreciated at only 1/2 the rate of homes in the control areas, and 1/3 the rate of the city. "Pressures within the study areas" caused a slight increase in real estate listings, while the city as a whole had a 50% decrease, denoting high occupancy turnover. Appraisers responding to the survey said one sexually-oriented business within 1 block of residences and businesses decreased their value and half of the respondents said the immediate depreciation exceeded 10%. Appraisers also noted that value depreciation on residential areas near sexually-oriented businesses is greater than on commercial locations. The report concludes: "The best professional judgment available indicates overwhelmingly that adult entertainment businesses -- even a relatively passive use such as an adult bookstore -- have a serious negative effect on their immediate environs."

RECOMMENDATIONS: Sexually-oriented businesses locate at least 500 feet from residential areas, schools, churches or established historic areas.

National Law Center Summary of the
MINNEAPOLIS, MINNESOTA
LAND USE STUDY
DATED OCTOBER, 1980

OVERVIEW: This report is divided into two sections: the relationship of bars and crime and the impact of "adult businesses" on neighborhood deterioration. In the study, an "adult business" is one where alcohol is served (including restaurants) or a sexually-oriented business (i.e., saunas, adult theaters and bookstores, rap parlors, arcades, and bars with sexually-oriented entertainment). Census tracts were used as study areas and evaluated for housing values and crime rates. Housing values were determined by the 1970 census compared to 1979 assessments. Crime rates were compared for 1974-75 and 1979-80. The study is strictly empirical and reported in a formal statistical manner; therefore it is difficult for layman interpretation of the data.

FINDINGS: The report concludes that concentrations of sexually-oriented businesses have significant relationship to higher crime and lower property values. Other than statistical charts, no statements of actual crime reports or housing values are included in the report. thus, the lay reader has only the most generalized statements of how the committee interpreted the empirical data.

RECOMMENDATIONS: First, that adult businesses be at least 1/10 mile (about 500 feet) from residential areas. Second, that adult businesses should not be adjacent to each other or even a different type of late night business (i.e., 24-hour laundromat, movie theaters). third, that adult businesses should be in large commercial zones in various parts of the city (to aid police patrol and help separate adult businesses from residential neighborhood). The report said "policies which foster or supplement attitudes and activities that strengthen the qualities of the neighborhoods are more likely to have desired impacts on crime and housing values than simple removal or restriction of adult businesses."

National Law Center Summary of the
ST. PAUL, MINNESOTA
LAND USE STUDY
DATED ARIL, 1988 (SUPPLEMENTAL TO 1987 STUDY)

OVERVIEW: As a "result of a growing concern among St. Paul citizens that the City's existing adult entertainment zoning provisions, adopted in 1983," did not "adequately address the land use problems associated with adult entertainment", the City Council directed the Planning Commission to study possible amendments to the Zoning Code. The Commission's proposed amendment was based on findings made during public hearings. The "substitute" "Amendment", adopted by the City Council, is a result of those findings and the findings made by the Council during its public hearings. The 1988 Study includes the findings, addresses the nine key features of the "substitute" "Amendment", and gives the rationale for each.

FINDINGS, "AMENDMENT", AND RATIONALE:

1) "[A]dult uses are harmful to surrounding commercial establishments but that significant spacing requirements between adult uses can minimize the harm in zones reserved for the most intensive commercial activity."

2) The "Amendment" treats all nine defined adult uses the same. Included are: "adult bookstores", "cabarets", "conversation/rap parlors", "health/sport clubs", "massage parlors", "mini-motion picture theaters", "motion picture theatres", "steamroom/bathhouse facilities", and "other adult uses." Each is defined as providing "matter", "entertainment", or "services" which is "distinguished or characterized by an emphasis on the "depiction", "description", "display" or "presentation" of "specified sexual activities" or "specified anatomical areas." "Most, if not all, existing statistical studies of the impact of adult uses do not differentiate between different types of adult uses and do not recognize that the land use impact of various types of adult uses is significantly different." "[E]qual treatment is consistent with the emphasis on deconcentration".

3) The "Amendment" set spacing between adult uses at 2,640 feet outside of the downtown area and 1,320 feet downtown. A six-block goal could not be met because of the necessity to provide a "sufficient land mass". The Phoenix and Indianapolis land use studies indicate that "the negative land use impact of a single adult use extends for up to three blocks".

4) Distances between adult uses and residential zones were increased from 200 feet to 800 feet "outside of downtown" and from 100 to 400 feet downtown in the substitute "Amendment". The goal of 1,980 feet outside of "downtown" and 990 feet downtown could not be met because of the necessity to provide "enough land and sites for potential future adult uses."

5) Distances from "protected uses" outside of downtown were increased from zero to 400 feet and from 100 to 200 feet downtown. Protection for zones "other than residential or small neighborhood business zones" was "justified" because their populations are "particularly vulnerable to the negative impacts of adult uses." "Protected uses" are: day care centers; houses of worship; public libraries; schools; public parks/parkways/public recreation centers and facilities;
fire stations (because of use for bicycle registration and school field trips); community residential facilities; missions; hotels/motels (which often have permanent residents).

National Law Center Summary of the
ST. PAUL, MINNESOTA
LAND USE STUDY
(CONTINUED)

6) Limiting one type of adult use per building was justified by experience with two pre-existing "multi-functional" adult businesses, numerous studies by other cities, and St. Paul's own study in 1978, which documented significantly higher crime rates associated with two adult businesses in an area, and significantly lower property values associated with three adult uses in an area. The 1987 study included statistics showing that most "prostitution arrests in the city occur within four blocks on either side of the concentration of four adult businesses." Other problems included "the propositioning" and "sexual harassment of neighborhood women mistaken for prostitutes", "discarding of hard-core pornographic literature" ("which is "most strongly associated with adult bookstores") "on residential property where it becomes available to minors", a "generally high crime rate," and "a general perception" that such an area "is an unsafe place due to the concentration of adult entertainment that exists there". Redevelopment experience in St. Paul showed that adult use areas caused a "blighting influence inhibiting development". Multi-functional adult uses will attract more customers which "increases the likelihood that such problems will occur." A "Sex for Sale Image" attracts more street prostitutes and their customers, and demoralizes other businesses and neighborhood residents".

7) Amount of land available for 24 existing adult uses (which includes split-off of two multi-functional businesses with three-four types per business) was 6.5% of the City's total land mass, for a maximum of 44 sites based on "absolute site capacity", calculated without regard for existing infrastructure, or 28 sites based on "relative site capacity" on existing street frontage calculated without regard for existing development or suitability of land for development.

8) Annual review of the "Special Condition Use Permit" was included in the "Amendment" "to ensure that no additional uses are added to the type of adult use that is permitted."

9) Prohibition of obscene works and illegal activities was included in the "Amendment" to "guard against the conclusion that the Zoning Code permits activities which the City can and should prohibit as illegal."

National Law Center Summary of the
LAS VEGAS, NEVADA
LAND USE STUDY
DATED MARCH 15, 1978

OVERVIEW: Prior to adopting a zoning ordinance for adult businesses, the City of Las Vegas conducted a survey of businesses, residences, and real estate brokers and agents. The results of the survey are included in this report. Also included in the report: minutes of the March 15, 1978, City Commission meeting on the matter of adding an adult business zoning chapter to the City code; an affidavit from Donald Saylor, Director of the Department of Community Planning and Development for Las Vegas, on the blighting effect of adult businesses; an affidavit from William Powell, Vice and Narcotics detective with the Las Vegas Metropolitan Police Department, on the link between a high concentration of adult businesses and an increase in criminal activity; and an affidavit from Donald Carns, professor of Sociology at the University of Nevada, Las Vegas, on the problems adult businesses pose for the economic well-being and vitality of a city.

FINDINGS: Among brokers and realtors, overwhelming majorities said that adult entertainment establishments had negative effects on the market value (82%), saleability/rentability (78%), and rental value (76%) of properties located near these establishments. According to 81%, there is a decrease in the annual income of businesses in the vicinity of adult establishments. Strong majorities reported that a concentration of adult businesses near other businesses (from under 500 feet to more than 1000 feet) has negative effects on market values, rental values, and rentability/saleability of residential property. Among surveyed homeowners and residents living near adult businesses, the consensus was similar: adult establishments have a negative effect on the 1) neighborhood; 2) business conditions (sales and profits) in the area (2-square block radius); and 3) value and appearance of homes in the vicinity (within 500 feet). Reportedly, 85% said that their normal living habits had been limited or hindered in some way due to the presence of adult businesses in the area. Among surveyed business owners and proprietors, the results were mixed. The majority of respondents did report that adult businesses had a negative effect on homes immediately adjacent to and in the area (500 feet or more) of adult businesses. A majority believed adult businesses had the following secondary effects: complaints from customers (66%), additional crime (58%), and deteriorated neighborhood appearance (58%). Finally, among residents living in areas not located near adult businesses, the consensus was clear: adult establishments have negative effects on neighborhoods, business conditions in the City, the value and appearance of homes, property values, the amount of crime, and resident transiency. These residents were nearly unanimous (96%) in the belief that their living habits had been limited or hindered by the operation of adult businesses.

RECOMMENDATIONS: Adult businesses should be prohibited from locating in residential areas. They should also be restricted to designated areas and dispersed throughout those designated areas. Adult businesses should be located at least 1000 feet from playgrounds, churches, schools, and parks.

National Law Center Summary of the
ELLICOTTVILLE, NEW YORK
LAND USE STUDY
DATED JANUARY, 1998

OVERVIEW: On April 28, 1997, the Ellicottville Village Board of Trustees and Town Board placed a moratorium on approvals of new sexually-oriented establishments. There were four purposes for the move: 1) to allow the community time to study the effects of adult entertainment businesses; 2) "to determine if a regulatory response was necessary;" and 3) "if stronger land use controls were warranted to draft the regulatory changes for the legislative board's consideration." As there were no adult businesses in Ellicottville at the time of the study, the report cites secondary effects studies in other jurisdictions as a means of forecasting the effects of an Ellicottville adult business. The negative secondary effects examined included: economic impacts, property values, fear of crime, and negative impact on community character.

FINDINGS: Ellicottville is a community that relies upon attracting tourists. As such, "the atmosphere and aesthetic features of the community take on an economic value." Though active land use controls have been practiced to maintain the look and vitality of the community, currently there are no differentiations made between the regulation of an adult business and, say, a juice bar.
To assess potential secondary effects, studies administered in other New York jurisdictions will be helpful. The 1994 NYC Adult Entertainment study found the following: adult businesses tend to cluster in certain areas, a rise in crime is linked to clusters of adult businesses, negative reactions toward adult businesses were common among adjacent business and home owners, isolation of adult businesses limited secondary effects, real estate brokers believe property values are negatively impacted by nearby adult establishments, and adult business signs are often larger and more graphic.

Allowing adult businesses to locate within the historic business district would negatively impact Ellicottville's efforts to provide a family-friendly community. Similarly, permitting adult businesses to locate near residences would have an eroding effect on "aesthetic qualities" and property values. The type of signage typically used by adult businesses would run counter to the business district. The following uses seemed most prone to negative secondary effects: the Ellicottville historic district, places of worship (6 churches in Ellicottville), the school, the child care facility, recreation parks/areas/playgrounds and public/civic facilities, and residential neighborhoods.

RECOMMENDATIONS: The Town and Village should adopt zoning regulations that create a land use category, and regulate adult establishment uses, allowing them to locate in industrial zones and the industrial-service commercial district. The establishment of adult businesses should be considered Conditional Uses (requiring approval of a special use permit). Exterior advertising, signs, and loudspeakers and sound equipment should be regulated. The following distance buffers should be set for: 500 feet (town) or 300 feet (Village) from residential areas; 1000 feet (town) or 500 feet (Village) from other adult businesses; and 500 feet (town and Village) from a church, school, day care center, park, playground, civic facility or historic resource. Definitions for adult uses should be added to existing zoning regulations.

National Law Center Summary of the
ISLIP, NEW YORK
LAND USE STUDY
DATED SEPTEMBER 23, 1980

OVERVIEW: This report, compiled by Daniel Dollmann of the Islip Department of Planning, features an analysis of studies and ordinances from other jurisdictions, a case study of an adult business in Islip, research of public outcry against the establishment of adult businesses in Islip, and a survey by hamlet of adult entertainment businesses in Islip. The study includes a lengthy appendix with news articles detailing the history of the Islip zoning ordinance, letters of complaint from local residents, a historical perspective about the Detroit ordinance, copies of ordinances from other jurisdictions, and a copy of the proposed Islip zoning ordinance, reflecting the findings in this report.

FINDINGS: The study looks at the Detroit ordinance, upheld by the U.S. Supreme Court in 1976, which restricted sexually-oriented businesses (SOBs) from locating within 1,000 feet of other SOBs, and within 500 feet of residential areas. The Islip ordinance is modeled after the Detroit ordinance's approach to disperse SOBs ("anti-skid row") as opposed to creating a "combat zone," which was unsuccessfully attempted by the Town of Islip in 1975. The study notes that the ordinance incorporates "adults-only" definitions in an attempt to avoid First Amendment issues. In determining its distance requirement between adult businesses and sensitive uses, the Town of Islip took into consideration: distance requirements used in Detroit, MI, Norwalk, CA, Dallas, TX, Prince George's Co., MD, and New Orleans, LA zoning ordinances; it's own measurements on an Islip zoning map of several distance proposals; information from the local case study; and resident feedback. The study analyzes the problems unique to an area called Sunrise Highway (23% of businesses are adult) and compares the differences between Islip and Detroit, including population size and number of SOBs, to justify needs for greater distance limitations between SOBs.

One of the goals of the Town is to protect its historic downtown district and keep it from further deterioration (which occurred in the past due to an increase in multi-family dwellings, transients and bars). The Study noted that limiting SOBs to the Town's light industrial zone would be in keeping with this goal. Currently, there is a "dead zone" in one of the healthier parts of the downtown area due to two adult businesses located there.

The Study includes a case study of the Bohemia Book Store which was located extremely close to a residential area. In 1980 the store was temporarily closed down by court order, as a result of citizen picketing and subsequent violence against the picketers. The operators of this particular SOB were reported to have associations with organized crime (i.e., mob-operated national porno ring, multiple obscenity charges and convictions).

RECOMMENDATIONS: the proposed zoning ordinance requires 500 feet between an adult business and residential areas or other sensitive uses, like churches and schools, and a ½ mile distance between SOBs. The ordinance includes a waiver clause for certain conditions, and an amortization clause.

National Law Center Summary of the
NEW YORK CITY, NEW YORK
LAND USE STUDY
DATED NOVEMBER, 1994

OVERVIEW: This study of the secondary impacts of adult entertainment uses on communities in New York City (NYC), prepared by the Department of City Planning (DCP), includes: a survey of studies in other jurisdictions, a description of the adult entertainment business in NYC, a review of studies previously done in NYC, a DCP survey of the impacts on NYC communities, and maps showing SOB locations.

FINDINGS: Recent trends in sexually-oriented businesses (SOBs) in NYC show a 35% increase over the last decade (75% of which were located in zoning districts that permit residences). However, since the survey for this information focused only on XXX video and bookstores, adult live or movie theaters, and topless or nude bars, this may be an underestimate of total SOB uses. Also in the past decade the availability of pornographic material has increased, the price has decreased greatly, and the image of nude bars has become more sophisticated or "upscale", contributing to the wide-spread availability of SOBs in NYC. SOBs have continued to concentrate in specific areas, specifically in three communities within Manhattan. Between 1984 and 1993: the concentrated areas of SOBs have nearly tripled; the number of SOBs has increased from 29 to 86 (74% of which were adult video stores – not included in the 1984 survey); adult theaters declined from 48 to 23, and topless/nude bars increased from 54 to 68 (54%).

After examining studies from other jurisdictions, this study concludes that the negative secondary impacts are similar in every jurisdiction, despite size of city, variations in land use patterns, and other local conditions. The study specifically examines the negative secondary impacts documented in Islip, NY, Indianapolis, IN, Whittier, CA, Austin, TX, Phoenix, AZ, Los Angeles, CA, New Hanover Co., NC, Manatee Co., FL, and MN,
which evidenced problems with "dead zones", declining property values, high turnover rates in adjacent businesses, and higher sex crime rates. Various studies done on the City of New York (including Times Square) showed that concentration of SOBs had resulted in significant negative impacts, including economic decline, decreased property values, and deterrence of customers, and significantly increased crime incidence. Business owners strongly believed their businesses were adversely affected by SOBs. The DCP did its study in NYC boroughs where there was less concentration of SOBs. The negative impacts in these areas were harder to measure, but there was a definite negative perception among residents about the presence of SOBs. It has been shown that negative perceptions related to SOBs can lead to disinvestment and tendency to avoid shopping in adjacent areas – leading to economic decline. Residents reared potential proliferation of SOBs and the resultant negative impact on traditional neighborhood-oriented shopping areas. Eighty percent of real estate brokers surveyed responded that an SOB would have a negative impact on property values (consistent with a national survey). Residents were also concerned about exposure to minors of sexual images.

The DCP concluded that it would be appropriate to regulate SOBs differently from other commercial businesses, based on the significant negative impact caused by SOBs.

National Law Center Summary of the
TIMES SQUARE, NEW YORK
LAND USE STUDY
DATED APRIL, 1994

OVERVIEW: The Times Square Business Improvement District (BID) conducted a study of the secondary effects of adult businesses on the Times Square area. Due to an increase in the number of adult use establishments from 36 in 1993[1] to 43 in 1994 the BID conducted this study to obtain evidence and documentation on the secondary effects of adult use businesses in the Times Square BID, and of their dense concentrations along 42nd Street and Eighth Avenue. The study was performed by combining available data on property values and incidence of crime, plus in-person and telephone interviews with a broad range of diverse business and real estate enterprises, including major corporations, smaller retail stores, restaurants, theatres and hotels, as well as with Community Boards, block associations, activists and advocates, churches, schools, and social service agencies.

FINDINGS: The study made the following four findings:

1) Surveys - All survey respondents voiced optimism about the future of Times Square, even as they bemoaned the increase of adult use establishments. Many respondents felt that some adult establishments could exist in the area, but their growing number and their concentration on Eighth Avenue constitute a threat to the commercial property and residential stability achieved in the past few years.

2) Crime - Although the study was unable to obtain data from before the recent increase in adult establishments and, thus, unable to show if there's been an increase in actual complaints, there were 118 complaints made to the police on Eighth Avenue between 45th and 48th compared to 50 on the control blocks on Ninth Avenue between 45th and 48th Streets. In addition, the study reveals a reduction in criminal complaints the further one goes north on Eighth Avenue away from the major concentration of these establishments.

3) Property Values - The rate of increase of total assessed values of the Eighth Avenue study blocks increased by 65% between 1985 and 1993 compared to 91% for the control blocks during the same period. Furthermore, acknowledging the many factors that lead to a property's increased value, including greater rents paid by some adult establishments, an assessment of the study blocks reveal that the rates of increases in assessed value for properties with adult establishments is greater than the increase for properties on the same blockfront without adult establishments.

4) Anecdotal evidence - Many property owners, businesses, experts, and officials provided anecdotal evidence that proximity to adult establishments hurts businesses and property values.

CONCLUSION: BID's findings support the results from other national studies and surveys. Adult use businesses in Times Square have a negative effect on property values, cause a greater number of criminal complaints, and have an overall negative impact on the quality of life for the residents and small businesses of Times Square.

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[1] This number is a great deal lower than the all time high of 140 in the late 1970s. During that time the Times Square area was referred to as a "sinkhole" by the (The Daily News, August 1`4, 1975).

National Law Center Summary of the
NEW HANOVER CO., NORTH CAROLINA
LAND USE STUDY
DATED JULY, 1989

OVERVIEW: This Planning Department report cites several studies and reports outlining adverse economic, physical, and social effects of adult businesses generally and specifically in jurisdictions across the country. While noting that New Hanover County does not currently have a noticeable problem with adult establishments, the report emphasizes the need to institute "preventative" zoning measures to protect and preserve the quality of life. It also offers an overview of common zoning approaches and the attendant constitutional issues.

FINDINGS:

1) Municipalities across the country have documented, both empirically and anecdotally, the adverse effects of adult businesses on property values, rental values, neighborhood conditions, and other commercial businesses in the immediate area.
2) Cities have documented a link between adult businesses and urban blight, increased traffic, and light and noise pollution.
3) Studies have linked concentrations of adult businesses to an increase in crime, specifically prostitution, drugs, assault, and other sex crimes.
4) Community reputations and general quality of life are also negatively impacted by the presence of adult businesses.
5) An adult bookstore has been closed and re-opened several times after raids by law enforcement authorities. It is also reported that a topless dancing establishment may be opened in the County.
6) New zoning regulations would control the establishment of adult businesses near churches, schools, and residential areas.

RECOMMENDATIONS: 1) New Hanover should adopt the dispersal (Detroit) zoning approach. 2) Adult businesses should not be permitted to locate within 1,000 feet of each other. 3) Adult businesses should not be permitted within 500 feet of any school, church, park, or residential zone. 4) Adult businesses should only be allowed to locate in designated business and industrial districts, and only by a special use permit. 5) Signs and displays used by adult businesses should be regulated to protect the public, especially teenagers and children, from exposure to obscene material ("any display, device or sign that depicts or describes sexual activities or specified anatomical areas should be out of view of the public way and surrounding property"). 6) The County Attorney's Office and Sheriff's Department should explore the viability of requiring licensing for adult businesses. 7) Definitions for "adult business establishments," "specified sexual activities," and "specified anatomical areas" should be added to the zoning ordinance.

National Law Center Summary of the
CLEVELAND, OHIO
LAND USE STUDY
DATED AUGUST 24, 1977

OVERVIEW: This is a Cleveland Police Department report from Captain Carl Delau, commander of the City's vice and obscenity enforcement units and reported by him while he participated in a panel discussion at the National Conference on the Blight of Obscenity held in Cleveland July 28-29, 1977. The topic was "The Impact of Obscenity on the Total Community." Crime statistics are included for 1976 robberies and rapes. Areas evaluated were census tracts (204 in the whole city, 15 study tracts with sexually-oriented businesses). At the time of the study, Cleveland had 26 pornography outlets (8 movie houses and 18 bookstores with peep shows). their location was not regulated by city zoning laws.

FINDINGS: For 1976, study tracts had nearly double the number of robberies as the city as a whole (40.5 per study tract compared to 20.5 for other city tracts). In one study tract with five sexually-oriented businesses and 730 people, there were 136 robberies. In the city's largest tract (13,587 people, zero pornography outlets) there were only 14 robberies. Of the three tracts with the highest incidence of rape, two had sexually-oriented businesses and the third bordered a tract with two such businesses. In these three, there were 41 rapes in 1976 (14 per tract), nearly seven times the city average of 2.4 rapes per census tract.

CONCLUSION: "Close scrutiny of the figures from the Data Processing Unit on any and every phase of the degree of crime as recorded by census tracts indicates a much higher crime rate where the pornography outlets are located."

National Law Center Summary of the
OKLAHOMA CITY, OKLAHOMA
LAND USE STUDY
DATED MARCH 3, 1986

OVERVIEW: This study contains the results of a survey of 100 Oklahoma City Real Estate Appraisers. Appraisers were given a hypothetical situation and a section to comment on the effects of sexually-oriented businesses in Oklahoma City. The hypothetical situation presented a residential neighborhood bordering an arterial street with various commercial properties which served the area. A building vacated by a hardware store was soon to be occupied by an "adult" bookstore. No other sexually-oriented businesses were in the area and no other vacant commercial space existed. With less than a one month response time, 34 completed surveys were received by the city.

FINDINGS: 32% of the respondents said that such a bookstore within one block of the residential area would decrease home values by at least 20%. Overwhelmingly, respondents said an "adult" bookstore would negatively effect other businesses within one block (76%). The level of depreciation is greater for residents than businesses. The negative effects on property values drop sharply when the sexually-oriented business is at least three blocks away. In the subjective portion, 86% of the respondents noted a negative impact of sexually-oriented businesses on Oklahoma City. Frequent problems cited by the appraisers included the attraction of undesirable clients and businesses, safety threats to residents and other shoppers (especially children), deterrence of home sales and rentals, and immediate area deterioration (trash, debris, vandalism).

CONCLUSIONS: Oklahoma City's findings supported results from other national studies and surveys. Sexually-oriented businesses have a negative effect on property values, particularly residential properties. The concentration of sexually-oriented businesses may mean large losses in property values.

National Law Center Summary of the
OKLAHOMA CITY, OKLAHOMA II
LAND USE STUDY
DATED JUNE 1992

This study, written by Jon Stephen Gustin, a retired sergeant for the Oklahoma City Police Department, examines a history of the successful abatement of sexually-oriented businesses (SOBs) in Oklahoma City between 1984 - 1989, which ultimately reduced an alarmingly high crime rate in the city, which is one of many harmful secondary effects related to the operation of SOBs in the community.

This study indicates that in the early 1980's there was a large growth of SOBs in Oklahoma City in conjunction with a boom in the oil industry resulting in a large influx of oil field workers in the area. Houses of prostitution, nude bars and adult theaters spread throughout the city. SOB promoters and entrepreneurs from around the country came to the area to compete for their share in the market. By 1984, over 150 SOBs and an estimated 200 prostitutes operated in the city. SOB owners competed by using more and more blatant signs and advertising. As a result, the city experienced epidemic proportions of crime problems associated with the SOBs. Citizens began to voice concerns over the decay of community moral standards, the increased crime rate, and decreased property values.

Although Oklahoma City had a history of unsuccessful prosecution of cases related to pornography, prostitution, and related SOBs, public pressure from citizens and elected officials ultimately resulted in support by the Chief of Police, the City Council and the city's District Attorney to prosecute SOBs that were in violation of the law. Abating prostitution and related businesses was the first priority. The media aided this effort by publishing names of arrested customers and prostitutes, and airing live coverage of arrests and raids. This bolstered citizen support of police and prosecutors.

At adult bookstores and peep booths arrests were made for customers propositioning undercover officers to engage in sex acts, for the sale and possession of pornography, the display of pornography and for health department violations (including seminal fluids on the walls and floors of peep show booths). [Note that the author uses the term "pornography" referring to illegal pornography, also known as "obscenity."]

The city next focused on prosecution for violations at nude and semi-nude dance bars, where customers engaged in sexual favors with nude employees in exchange for the purchase of expensive cocktails. Repeated arrests in these bars forced them into compliance, causing a lack of customer support. Simple arrests at escort services, which were organized fronts for prostitution, did little to abate the illegal activity. Therefore, police worked undercover , arresting solicitors of the service. Also an attempt was made to prohibit businesses that had been convicted on prostitution charges from having access to phone service.

As a result of the aggressive arrest and prosecution efforts, only a handful of the original 150 SOBs remained by early 1990. All remaining SOBs operated within statutory guidelines. It has been documented that incidents of reported rape in Oklahoma City decreased 27% during that period, while it increased 16% in the rest of the state. In 1983 nearly one-half of the rapes in Oklahoma occurred in Oklahoma City, decreasing to one-third by 1989. This is an example of the benefits of stringent enforcement and prosecution of the so called "victimless crimes" associated with SOBs.

National Law Center Summary of the
HAMILTON COUNTY AND
CITY OF CHATTANOOGA, TENNESSEE
LAND USE STUDY
DATED MAY 1997

OVERVIEW: The Community Protection Committee, established by County Resolution 794-18, undertook a 2 ½ year study of vice-related laws and law enforcement activities in Hamilton County, Tennessee. The mission of the Committee was the renewal of efforts to protect children and families, relating to public health and safety. Members of the Committee represented the Hamilton County Executive, the Board of Commissioners, the Mayor of Chattanooga, and the Chattanooga City Council. The resolution requested that all federal, state and local law enforcement agencies and legislature renew their commitments to enforcing existing vice-related laws, and enacting necessary legislation. In 1996, the Committee met bi-monthly to hear national and local experts and law enforcement officials. They finished preparing recommendations in December 1996 and presented the full report in May 1997.

SUMMARY OF THE REPORT: In preparing and researching for this report the Committee operated from the following questions: is the presence of vice related activity harmful to the community? If so, how does it harm the community? The Committee first focused on "prostitution" and "pornography" along with the corresponding "harmful effects on the community, finding that prostitution posed a danger to Chattanooga and Hamilton County.

The report found that prostitution is extremely dangerous to public health, primarily due to the spread of STDs, which currently infect one in five Americans. In Chattanooga, four people control all the escort services, which serve as a front for prostitution. The report cited statistics for Shelby County, TN, including 33% of all prostitutes jailed in 1990 tested positive for VD, and 13% of all prostitutes jailed tested positive for HIV, (all dying within 3-5 years at an estimated cost of $500,000 per person, at tax payer expense). In one topless club 8 out of 9 female employees tested positive for VD.

Other issues researched in the report include:

- addiction to obscenity and the danger it poses to Hamilton County (i.e. promoting violence and perpetuating the "rape myth");
- victims of the sex business (Performers - often runaway, drug-using girls from abusive backgrounds that are lured into stripping by promise of more money, then abused further by patrons; and Customers – addiction to pornography can produce aggression, depression, debt, and eventually, loss of family);
- the harm of pornography on children (the 12-17 yr. old male is the largest group of consumers of pornography; early exposure to porn related to greater involvement in deviant sexual practices; pedophiles use porn to molest children; in Hamilton County there were 585 cases of child molestation reported in 1994; the cost to Hamilton County to counsel sexually abused children in 1994 was over $1.5 Million; child molesters report from 30-60 victims each before arrested the first time);

- the relationship of pornography and organized crime (organized crime has historically been involved in 95% of the adult business establishments);
- the harmful secondary effects of sex businesses on the community (including increased crime, good businesses abandoning area, reduced property values, eroded tax base, and lost revenue for law enforcement);
- a look at the what the law allows regarding the regulation of pornography and the establishing of a "Community Standard";
- an examination of the positive results from enforcement of zoning and obscenity laws (specifically looking at Oklahoma City, OK which strictly enforced obscenity during the late 1980s and experienced a 27% drop in the rape rate over 6 years);
- an assessment of law enforcement manpower and training necessary to be effective;
- analysis by Bruce Taylor (NLC) of related TN statutes that need to be amended or enacted by the State legislature to protect children and families from pornography-related vice crimes (i.e. making wholesaling a felony).

RECOMMENDATIONS: The Committee's recommendations included:

(1) Hamilton County - adopting a zoning ordinance to regulate SOBs; imposing reasonable gross receipt taxes on SOBs to fund additional enforcement; appropriating funds for a Special D.A. expert in prosecuting obscenity; developing a computer network in the Sheriff's department to track child sex abuse and obscenity cases; enforcing TN State law requiring persons arrested for prostitution to be tested for STDs; and establishing a committee to assist in the implementation of these recommendations.

(2) Hamilton County Sheriff's Department and Chattanooga Police Department - establishing a child sex abuse task force; educating the public about the relationship between child sex abuse and pornography.

(3) City of Chattanooga - strengthening zoning laws; continuing dispersement policy, which prohibits SOBs from clustering; revoking certain grandfather clause protections; hiring additional vice officers (currently only one officer); and regulating SOBs from locating within 500 feet of a business selling alcohol.

(4) Small Communities within Hamilton County – enacting SOB zoning laws to limit location of SOBs in the smaller communities; closely tracking child sex abuse and obscenity cases with Hamilton County Sheriff's Department.

(5) State of Tennessee – strengthening the State's Public Indecency and Obscenity laws; encouraging an officer exchange program to assist with local enforcement; encouraging Tennessee Bureau of Investigation to review organized crime activities and connections to the sex industry across the State; enacting legislation making it a felony for an adult to solicit sex from a minor, or to use pornography to solicit sex from a minor; enacting legislation giving local governments authority to restrict SOB operating hours; and revoking applicable licenses if an SOB sells pornography to a minor.

National Law Center Summary of the
AMARILLO, TEXAS
LAND USE STUDY
DATED SEPTEMBER 12, 1977

OVERVIEW: This Planning Department report cites several sources including national news magazines, "adult business" ordinances from other cities, an American Society of Planning Officials report and pertinent Supreme Court decisions. Lengthy explanation of the *Miller* test (with legal definitions), discussion of *Young v. American Mini Theatres*, and a comparison of the Boston and Detroit zoning models are included. The city defined "adult businesses" as taverns, lounges, lounges with semi-nude entertainment, and bookstores or theaters with publications featuring nudity and explicit sexual activities. (At the time, Amarillo had 3 such theaters and 4 bookstores with space for such publications).

FINDINGS: The police department provided an analysis showing that areas of concentrated "adult only" businesses had 2 1/2 times the street crime as the city average. The Planning Department concluded that concentrations of these businesses have detrimental effects on residential and commercial activities caused by 1) noise, lighting and traffic during late night hours 2) increased opportunity for street crimes and 3) the tendency of citizens to avoid such business areas. The study noted that lack of zoning regulations would lead to concentrations of sexually-oriented businesses (causing increased crime) or more such establishments locating near residential areas or family and juvenile oriented activity sites (churches, parks, etc.)

RECOMMENDATIONS: 1) Adult businesses locate 1,000 feet from each other. No recommended distance was specified from residential zones or family/juvenile activities. 2) City development of an amortization schedule and permit/licensing mechanism. 3) City regulation of signs and similar forms of advertising. 4) Vigorous enforcement of State Penal Code, especially relating to "Harmful to Minors." 5) City amendments prohibiting minors from viewing or purchasing sexually-oriented materials (enforced physical barriers).

National Law Center Summary of the
AUSTIN, TEXAS
LAND USE STUDY
DATED MAY 19, 1986

OVERVIEW: The report was the basis for developing an amendment to existing sexually-oriented business ordinances. At the time, 49 such businesses operated in Austin, mostly bookstores, theaters, massage parlors and topless bars. The study examined crime rates, property values, and trade area characteristics.

The report focused on sexually related crimes in four study areas (with sexually-oriented businesses) and four control areas (close to study areas and similar). Two study areas had one sexually-oriented business and the others had two such businesses. To determine the effects of these businesses on property values, the city sent surveys to 120 real estate appraising or landing firms (nearly half responded). For trade area characteristics, three businesses (a bookstore, theater and topless bar) were observed on a weekend night to determine customer addresses.

CRIME: Sexually related crime ranged from 177-482% higher in the four study areas than the city average. In the two study areas containing two sexually-oriented businesses, the rate was 66% higher than in the study areas with one such business. All control areas had crime rates near the city average.

REAL ESTATE: 88% said that a sexually-oriented business within one block of a residential area decreases the value of the homes (33% said depreciation would be at least 20%). Respondents also said such a business is a sign of neighborhood decline, making underwriters hesitant to approve the 90-95% financing most home buyers require. They said commercial property is also negatively effected by such businesses.

TRADE AREA CHARACTERISTICS: Of 81 license plates traced for owner address, only 3 lived within one mile of the sexually-oriented business. 44% were from outside Austin.

RECOMMENDATIONS: 1) Sexually-oriented businesses should be limited to highway or regionally-oriented zone districts. 2) Businesses should be dispersed to avoid concentration. 3) Conditional use permits should be required for these businesses.

National Law Center Summary of the
BEAUMONT, TEXAS
LAND USE STUDY
DATED SEPTEMBER 14, 1982

OVERVIEW: This report by the city Planning Department encourages amendments to existing "adult business" ordinances to include eating or drinking places featuring sexually-oriented entertainment (strippers, etc.). Zoning laws required "adult uses" to locate 500 ft. from residential areas; 300 ft. from any other adult bookstore, adult theater, bar, pool hall or liquor store; and 1,000 feet from a church, school, park, or recreational facility where minors congregate.

CRIME: Police verified that bars, taverns, and lounges (especially those with sexually-oriented entertainment) are frequent scenes of prostitution and the sale/use of narcotics. On the whole, all criminal activity was higher at sexually-oriented businesses.

RECOMMENDATIONS: 1) Add eating/drinking places that exclude minors (under Texas law), unless accompanied by a consenting parent, guardian or spouse. 2) Require specific permits for areas zoned as General Commercial-Multiple Family Dwelling Districts. 3) Reduce the required distance of sexually-oriented businesses from residential areas, schools, parks, and recreational facilities from 1,000 to 750 ft.

National Law Center Summary of the
CLEBURNE, TEXAS
LAND USE STUDY
DATED October 27, 1997

OVERVIEW: This is a report by Regina Atwell, City Attorney for the City of Cleburne, Texas, on how and why the city organized a joint, county-wide sexually-oriented business (SOB) task force. The purpose of this report is to educate and provide assistance to other jurisdictions on what the author considers important aspects of organizing, drafting and adopting an SOB ordinance or amendment to an SOB ordinance. In the introduction, Ms. Atwell cautions that although SOBs now appear more sophisticated and have begun to integrate into the mainstream, the secondary effects of these businesses are still harmful to the community. She offers a set of questions to help assess a local government's needs to enact or update its SOB ordinance. Also, she gives a brief legal history of zoning regulations for SOBs.

ORDINANCE ENACTMENT: The City of Cleburne decided to update its existing SOB ordinance in response to plans by Houston and Dallas to revise their SOB ordinances, as well as related concerns that Dallas-Ft. Worth SOBs might subsequently infiltrate the Cleburne area. After learning that the County did not have an SOB ordinance, county officials and officials from all cities in the county were invited to appoint task force members to join the Cleburne's SOB Task Force. Due to an excellent response from the county and many cities within the county, a Joint County-Wide SOB Task Force was formed, realizing that a united stand on this issue was imperative.

After researching the law, consulting experts, examining sample ordinances from other jurisdictions, thoroughly investigating SOBs and their negative secondary effects on the community, and deciding which time/place/manner regulations were most appropriate to protect the governmental interests of their area, the Joint Task Force presented a draft of an SOB Ordinance to their city and county officials. For all its functions, the Task Force relied on the following guidelines: (1) Drafting an ordinance is done by the city planning office, the city attorney and the ordinance review committee, in reliance on case studies discussing secondary effects of SOBs. It is important that the actual studies be presented to legislators; (2) Public hearings should be held to discuss the ordinance and a legislative record created to preserve testimony, studies, maps, and other evidence; (3) Draft a good "Preamble" indicating the council's concern with secondary effects of SOBs; (4) Keep legislative record clean from any suggestions that impermissible motives have influenced the legislative process; (5) Be sure the ordinance allows reasonable "alternative avenues of communication" for SOBs to locate, and include zoning maps with measurements and available sites for the record; and (6) If interested in enacting a licensing ordinance, be sure that it is narrowly drawn to serve legitimate state interests without restricting 1A speech of SOBs. The report also gives extensive tips for how to hold public hearings.

CONCLUSIONS: Regulation of SOBs, including licensing, was necessary to combat the detrimental effects of SOBs, including high crime rate, depreciated property values, and spread of communicable diseases. In addition, the Task Force recommended enforcement of public nuisance laws, diligent prosecution of obscenity and sexual offense cases, and specialized training for local police and sheriffs.

National Law Center Summary of the

DALLAS, TEXAS
LAND USE STUDY
DATED APRIL 29, 1997

This study, which is an update of a December 14, 1994 report prepared by The Malin Group, analyzes the effects of sexually-oriented businesses (SOBs), specifically those that offer or advertise live entertainment and operate as an adult cabaret, on the property values in the surrounding neighborhoods. The study concludes that there is a much greater impact on the surrounding neighborhoods when there is a high concentration of these businesses in one locale.

The study found that the presence of an SOB in an area can create a "dead zone" which is avoided by shoppers and families with children that do not want to be in areas that also have adult uses. Also, the late hours of operation combined with loitering by unsavory people in the area where SOBs are located, appear to lead to higher crime in the area. In fact, a look at police calls for service over a four year period (1993-1996) shows that SOBs were a major source of the calls. One area averaged more than one call to police per day, where there was a concentration of seven SOBs. In that same area there was a much higher incidence of sex crime arrests than in similar areas with none or fewer SOBs.

This study applied the conclusions of several other studies completed by New York, Phoenix, Indianapolis, Austin, and Los Angeles, finding that the methodology used was appropriate and the conclusions were sound. This study concludes that the finding in these other studies would not be any different in Dallas. The studies found that SOBs have negative secondary impacts such as increased crime rates, depreciation of property values, deterioration of community character and the quality of life. In addition, real estate brokers interviewed in the Dallas area reported that SOBs are "perceived to negatively affect nearby property values and decrease market values." There were similar results from surveys taken in New York City and a national survey completed in Indianapolis and Los Angeles. The study also showed that community residents were concerned that the business signs used by SOBs were out of keeping with neighborhood character and could expose minors to sexual images. In areas where SOBs were concentrated, the signs were larger more visible and more graphic, to compete for business.

The study shows that a concentration of SOBs has a higher negative impact on the surrounding communities than an area with one isolated SOB. When concentrated, SOBs tend to be a magnet for certain businesses such a pawn shops, gun stores, liquor stores, etc., while driving away more family-oriented businesses. It can be harder to rent or sell vacant land in areas where SOBs are located. In fact, the negative perceptions associated with these areas have a significant impact on declining property values, even where other negative effects of SOBs are difficult to measure. Interviews with owners of commercial property near SOBs confirmed that the loss of property value manifested in a variety of ways, including: increased operating costs, like additional security patrols, burglar alarms, and trash cleanup; properties selling at much lower sales prices; and extreme difficulty in leasing properties. Owners thought that if the SOBs were gone, their property values would increase.

National Law Center Summary of the

EL PASO, TEXAS
LAND USE STUDY
DATED SEPTEMBER 26, 1986

OVERVIEW: This study done by the Department of Planning, Research and Development, the City Attorney's Office, the Police Department Data Processing Division, and New Mexico State University involved one year of studying the impacts of SOBs on the El Paso area. A separate report by the New Mexico State University on perceived neighborhood problems is also included. The study is in response to resident concern about the negative impacts resulting from the significant growth in SOBs over the past ten years. The study results show that SOBs are an important variable in the deviation from normal rates for real estate market performance or crime. Also included in the study are detailed maps showing the locations of SOBs in El Paso and within the selected study areas.

FINDINGS: In studying the impacts caused by SOBs, three study areas (with SOBs located in the area) and three control areas (similar areas in size and population, but without SOBs) within El Paso were identified and studied. Using the results of the study areas and the attitudes of the residents living near SOBs, the study concluded that the following conditions existed within the study areas: (1) the housing base within the study area decreases substantially with the concentration of SOBs; (2) property values decrease for properties located within a 1-block radius of SOBs; (3) there is an increase in listings on the real estate market for properties located near SOBs; (4) the presence of SOBs results in a relative deterioration of the residential area of a neighborhood; (5) there is a significant increase in crime near SOBs; (6) the average crime rate in the study areas was 72% higher than the rate in the control areas; (7) sex-related crimes occurred more frequently in neighborhoods with even one SOB; (8) residents in the study areas perceived far greater neighborhood problems than residents in control areas; (9) residents in study areas had great fear of deterioration and crime than residents in control areas.

The study of perceived neighborhood problems done by the New Mexico State University revealed strong concern by residents of the impact of SOBs on children in the neighborhood. In addition, some respondents told survey interviewers they feared retaliation from SOBs if they gave information about problems related to SOBs. Overall, this survey showed a strong, consistent pattern of higher neighborhood crime, resident fear and resident dissatisfaction in the neighborhoods containing SOBs.

RECOMMENDATIONS: The main recommendations included that a zoning ordinance be adopted with distance requirements between SOBs and sensitive uses, that a licensing system be established, that annual inspections be required, that signage regulations be established, and that a penalty/fine section be included for violations.

National Law Center Summary of the
HOUSTON, TEXAS
LAND USE STUDY
DATED NOVEMBER 3, 1983

OVERVIEW: Report by the Committee on the Proposed Regulation of Sexually-Oriented Businesses determining the need and appropriate means of regulating such businesses. Four public hearings provided testimony from residents, business owners, realtors, appraisers, police, and psychologists. The committee and legal department then reviewed the transcripts and drafted a proposed ordinance. More hearings obtained public opinion on the proposal and the ordinance was refined for vote by the City Council.

TESTIMONY: The testimony was summarized into six broad premises: (1) The rights of individuals were affirmed. (2) Sexually-oriented businesses can exist with regulations that minimize their adverse effects. (3) The most important negative effects were on neighborhood protection, community enhancement, and property values. (4) Problems increased when these businesses were concentrated. (5) Such businesses contribute to criminal activities. (6) Enforcement of existing statutes was difficult.

ORDINANCE: (1) Required permits for sexually-oriented businesses (non-refundable $350 application fee). (2) Distance requirements: 750 ft. from a church or school; 1,000 ft. from other such businesses; 1,000 ft. radius from an area of 75% residential concentration. (3) Amortization period of 6 months that could be extended by the city indefinitely on the basis of evidence. (4) Revocation of permit for employing minors (under 17), blighting exterior appearance or signage, chronic criminal activity (3 convictions), and false permit information. (5) Age restrictions for entry.

National Law Center Summary of the
HOUSTON, TEXAS II
LAND USE STUDY
DATED JANUARY 7, 1986

OVERVIEW: This is a Legislative Report prepared by the Committee on the Regulation of Sexually-Oriented Businesses for the Houston City Council. This report was prepared to explain to the members of City Council, and to the public, why the Committee has recommended certain amendments to the "original ordinance." History behind the ordinance includes the formation by the Mayor of a committee of Council Members to determine the need for regulation of sexually-oriented businesses in Houston. This was in response to growing community concern over the proliferation of SOBs. After public hearings, the Legal Department reviewed testimony and research on the subject. A final version of the "original ordinance" was adopted in December 1983.

The Committee reconvened in 1985 to revisit several possible changes in the SOB ordinance, including whether *SOBs licensed to sell alcohol* should be subject to the distance provisions of the ordinance. Originally it appeared that State law preempted municipalities from regulating SOBs that sold alcoholic beverages. But in 1985 the Texas Legislature enabled municipalities to regulate businesses selling alcohol. The Committee also wanted to consider amendments regarding consolidating administrative responsibility for enforcement of the ordinance, and review possible procedural changes that would expedite and strengthen enforcement.

FINDINGS & CONCLUSIONS: The Committee found that the feedback from the hearing was similar to that received when passing the "original ordinance." Therefore the Committee reaffirmed those findings, including: (a) that SOBs have a substantial negative impact on their surrounding neighborhoods by adversely affecting area security, property values, potential for economic development, general quality of life, suitability for family activities, and stability of the neighborhood environment; (b) that problems created by SOBs increase in intensity if clustered together; and that it is reasonable to restrict exterior signage and features to protect properties in the vicinity; and finally, (c) that SOBs are likely contributory factors to criminal activities in and around the premises.

Additional findings and conclusions for the current amendments included: (a) that the proliferation of SOBs selling alcohol contributed to the City's difficulties in economic development (expert testimony explained that Houston had a "bad reputation," making it difficult to persuade employees to move and live there); (b) that all SOBs have adverse impacts on stability and attractiveness for investment in neighborhoods, whether residential or mixed use; (c) that the "original ordinance" had a substantially positive impact on encouraging neighborhood stability and economic development, as well as lowering the incidents of crime (prostitution, drug sales) and substantial traffic jams related to clustering of SOBs; (Example: A 10-block span on Westheimer Road had a cluster of 14 SOBs and suffered from tremendous amounts of criminal activity associated with them. The passing of the "original ordinance" served as an impetus for the area turning around. Today only there are only 4 SOBs and new economic development is occurring.); (d) that applying the existing distance requirements to SOBs that serve alcohol would not unduly, unfairly or improperly limit the ability of SOBs to locate within Houston, according to a study and testimony by a member of the Planning and Development Department; (e) that continuing an amortization provision instead of grandfathering in the existing SOBs selling alcohol

would be more effective, since there was recourse for those businesses showing they could not reasonably recoup their investment within the allotted 6-month amortization period; and (f) that testimonies of committee members and the Police Department Vice Squad revealed inadequacies and inconsistencies within the permitting and enforcement process that needed to be addressed.

RECOMMENDATIONS: The Committee recommended that (1) SOBs selling alcohol be included under the same distance limitations of the "original ordinance"; (2) that the principal responsibility for overseeing the permitting process be transferred from the Department of Finance and Administration to the Police Department; (3) that the processes for enforcement of the amended ordinance be streamlined; and (4) that licensed day care centers be added to churches and schools as a protected category.

National Law Center Summary of the
HOUSTON, TEXAS III
LAND USE STUDY
DATED JANUARY 7, 1991

OVERVIEW: This is a Legislative Report prepared by the Committee on the Regulation of Sexually-Oriented Businesses for the Houston City Council. This report was prepared and adopted by the City Council as part of the legislative record regarding proposed legislation to include adult bookstores and movie theaters within the ambit of the Houston City SOB Ordinance and to amend certain permit procedures. This report is intended to supplement the 1986 report issued when the City adopted an amendment to regulate premises serving alcoholic beverages (i.e. topless bars). All of the above amendments were based on changes in the Texas state enabling statute. This report relies in part on evidence gathered in 1983 and 1986 relating to adult bookstores and movie theaters.

FINDINGS: The Committee held several hearings regarding the secondary effects of adult bookstores and movie theaters on surrounding communities. The committee heard from expert witnesses, including representatives from the police department, real estate appraisal experts, local political scientists, and dozens of citizens. The overwhelming consensus of the evidence received indicated that adult bookstores and movie theaters exert the same sorts of impacts upon surrounding communities as other forms of adult uses currently regulated. The impacts included: reduction in property values, dehumanizing impact upon nearby social institutions (i.e. churches, schools, etc.) de-stabilization of community character, and psychological concerns regarding exposure to children. These findings were the basis for the Committee to begin formal consideration of regulating adult bookstores and movie theaters.

CONCERNS & RECOMMENDATIONS: The Committee had concerns about whether the change to the ordinance would require a revision in existing distance limitations (750 feet from sensitive uses and 1000 feet from other SOBs). It concluded that leaving the distance requirements the same would still allow more than an adequate number of sites for SOBs to locate. A one-time grandfathering provision would be available to those existing SOBs that could not quite comply with the 1000-ft requirement from other SOBs, but complied with all other locational requirements.

The Committee considered various revisions of the permit provisions to fix minor administrative problems raised by the Police Department, including sites applied for but not used, time extensions for signage issues, appeals, relocation, subdivision of property, compliance and “use of pasties”, and miscellaneous areas of conformity with court decisions and city code.

The Committee considered addressing perceived loopholes in the ordinance that seemed to allow SOBs to achieve conspicuous exterior signage and premises, negatively affecting the surrounding community. However, conflicting public response to proposed amendments resulted in the Committee delaying any amendments on this issue till a future date.

HOUSTON, TEXAS III
(CONTINUED)

The Committee considered whether to add exposure of "male breasts" to the definition of "Specified Anatomical Areas", because of a Texas Supreme Court case examining this issue in light of Equal Rights. However, the Committee decided not to amend the ordinance based on expert testimony and lack of probative evidence based on actual experience in local SOBs that exposure to male breasts was considered sexually arousing.

At the second public hearing, which was poorly attended except for a few SOB business representatives, the Committee addressed various issues raised, including questions about amortization that the ordinance was being used to put SOBs out of business. The Committee maintained that the 6-month amortization was reasonable, given that extensions could be granted in certain circumstances. Also, the Committee affirmed that the ordinance does not regulate the substance of the speech, but only serves to minimize the secondary effects of adult uses on the community by addressing location, appearance, signage and related matters regarding SOBs.

CONCLUSIONS: The Committee recommended the ordinance as a logical step to complete the scope of the City's land use controls for adult uses.

National Law Center Summary of the

OVERVIEW: This is a summary of a legislative report prepared by the Sexually-Oriented Business Revision Committee for the Houston City Council, analyzing the strengths and weaknesses of the City's current SOB ordinance, and making recommendations for amendments and additions principally pertaining to employee licensing, lighting configurations, location requirements, prohibition of "glory holes," elimination of closed-off areas, public notification of SOB applications, clear lines of vision inside SOBs, and dancer "no-touch" policies. This report summary includes discussion of prior regulation efforts, testimony by HPD Vice Department, citizen correspondence, industry memos, legal research, and summaries of public testimony.

SUMMARY: This study was a result of increasing community concern over increasing proliferation of SOBs under the existing SOB ordinance and the HPD's need for better control over increasingly repetitive serious violations at numerous SOBs. The Committee made the following findings: (1) Due to criminal activity associated with SOBs, licenses should be required for all SOB employees (requiring criminal background investigations); (2) There are obstacles to successful enforcement of public lewdness, prostitution, indecent exposure, and other criminal activities (i.e. entertainers can detect when a patron is an undercover cop); (3) "Glory holes" between enclosed booths promote anonymous sex and facilitate the spread of disease, so prohibition of these openings was recommended; (4) The lack of a clear line of vision between manager's stations and booths or secluded areas (V IP rooms) encourages lewd behavior and sexual contact (also difficult to observe during inspections); (5) Multi-family tracts were being counted as one tract, so new formula devised based on homeowners' property size; (6) Inadequate lighting in SOBs makes it difficult for SOB managers and police to monitor illegal activities, so minimum requirements for "exit" signs in Uniform Building Code was suggested; (7) Locked rooms within SOBs are usually fronts for prostitution, so prohibition of enclosed rooms recommended; (8) Public and expert testimony requested the inclusion of "public parks" as a sensitive use in the zoning location ordinance; (9) Repeated testimony requested notification to public regarding pending SOB permits, so posting of a sign notifying of pending permit was required; and (10) Continuing amortization provisions was preferable to grandfathering in those SOBs not in compliance with the amended ordinance (i.e. 6 months plus extensions for recouping investment).

CONCLUSIONS: The Committee concluded that strengthening the ordinance would achieve expedited revocation process, accountability to SOB employees through licensing, aid to police investigations by improved lighting and configurations, protections to the community by increasing distance requirements, and reduction of disease from anonymous spread by eliminating "glory holes."

National Law Center Summary of the
NEWPORT NEWS, VIRGINIA
LAND USE STUDY
DATED MARCH, 1996

OVERVIEW: As of November, 1995, there were 31 "adult use" establishments: 14 "adult entertainment" establishments ("exotic dancing girls", "go-go" bars, "gentlemen's clubs", etc.); 8 "adult book/video stores" (outlets selling and renting pornographic magazines, videos, and sex devices); and 9 night clubs (music, dancing, or other live entertainment). Of the 31 uses, 17 are in the General Commercial zone, 5 in the Regional Business District zone, 7 in the Retail Commercial zone, and 2 are in the Light Industrial zone. They are dispersed along two streets with a few clusters. A proposed ordinance would require "adult uses" to be 500 feet from other "adult" uses and to locate at least 500 feet away from sensitive uses (churches, schools, homes, etc.), with no distance limits in the downtown zone.

CRIME: The Police Department researched calls for police responses to the 31 businesses, by address, for the period of January 1, 1994, to October 31, 1995, with a cross-check to assure accuracy of the calls to the correct address. The effects of concentrations of "adult uses" were also checked by comparing study areas with control areas. Study area 1, with 4 "adult" uses, had 81% more police calls than nearby control area 1. When adjusted for population differences, the study area had 57% higher police calls and 40% higher crimes than the control area. For the 31 sexually-oriented businesses, there were 425 calls of those: 65% were to strip clubs and go-go bars, averaging 23 calls per "adult entertainment" business; night clubs had 30% of the calls, averaging 14 calls per business; and "adult" bookstores and video stores had 4%, averaging 2 calls per business; . The reasons for the calls included: 25 assaults; 18 malicious destructions of property; 39 intoxications; 60 fights; and 151 disorderly conduct incidents. A selected list of restaurants with ABC licenses averaged 11 calls for service during the same period. One particular downtown "adult entertainment" establishment had 116.7 "police calls per 100 occupancy" compared to a regular restaurant, non-adult use, located across the street, with 50 calls per 100 occupancy.

MERCHANTS/REAL ESTATE: A very high percentage of realtors indicated that having "adult uses" nearby can reduce the number of people interested in occupying a property by 20 to 30%; would hurt property values and resale of adjacent residential property. Realtors expressed concern for personal safety, increased crime, noise, strangers in the neighborhood, and parking problems. Merchants associations surveyed supported strengthening the city's regulations of "adult uses" and expressed a common concern that additional "adult uses" would contribute to deterioration of their areas.

National Law Center Summary of the
BELLEVUE, WASHINGTON
LAND USE STUDY
DATED FEBRUARY, 1988

OVERVIEW: This is a compilation of materials prepared for the City Council Members of Bellevue, Washington for use in enacting an SOB zoning ordinance. The study includes general information about regulation of SOBs, secondary impacts from SOBs, experiences from nearby communities, description of Bellevue's current situation, and recommendations for appropriate forms of regulation of SOBs within Bellevue. Also included is a bibliography of land use studies, articles, correspondence and reference materials from adjacent municipalities made available for council members' use. Minutes from two public hearings about regulation of SOBs, maps showing the location of current SOBS, and memos from the planning department are also included.

FINDINGS: The study begins by explaining the legal basis history behind regulating SOBs. Existing provisions in the State and local codes relating to obscenity or licensing are mentioned. The study notes that the goal of regulating SOBs is to mitigate the secondary impacts of these uses in the communities. It concludes that the implications of the data and experience studied in other jurisdictions are significant to Bellevue. It discusses the link between crime rates and areas with concentrations of SOBs, as revealed by police research, noting the "skid row" effect that occurred in Detroit, and the higher percentages of crime documented in Cleveland (in the 1970's), and other cities. The study noted that while police crime statistics showed a strong connection between criminal activity and some adult uses, there is no clear consensus (in psychological studies) that exposure to pornography causes criminal behavior. The study also discusses the impact to property values. It notes a Kent survey of real estate appraisers that revealed an overall consensus that the impact on residential property values is probably negative. In Bellevue, the three existing SOBs are widely dispersed and centrally located in commercial areas, which have thus far not experienced deterioration in surrounding structures and areas. Based on a Puget Sound study, it was noted that SOBs are incompatible with residential, educational and religious uses. *The Northend Cinema v. Seattle* case agreed that the goal of preserving the quality of residential neighborhoods by prohibiting disruptive adult uses was a valid, substantial interest. This case also points out that residents' perceptions may be a major factor in siting SOBs. Overall the study concludes that research has shown SOBS may lead to the secondary effects mentioned above, but it is not possible to say definitely in each case. The study goes on to review regulations adopted by different jurisdictions, analyzing approaches of dispersal and concentration of SOBs. The study enumerates several sections of code showing public policy concerns to be considered when deciding Bellevue's approach to regulating SOBs. Currently, the three existing SOBs in Bellevue show no particular negative impacts on the surrounding community, and are widely dispersed from each other and other sensitive uses (residences, etc). However, there is not guarantee that future concentrations of SOBs will not occur.

RECOMMENDATIONS: The study recommended the adoption of a modified dispersal/concentration approach (i.e. dispersal within CB, OLB and CBD zones), with a 600-foot distance limitation between SOBs and other sensitive uses.

National Law Center Summary of the
DES MOINES, WASHINGTON
LAND USE STUDY
DATED AUGUST, 1984

OVERVIEW: This land use study includes an independent report prepared by R. W. Thorpe & Associates, Inc for the Des Moines City Council, and a report from the City Administration on the impacts of Sexually-Oriented Businesses (SOBs) on the area. Appendices include: a theater admission report, a 1978 Des Moines Community opinion survey, a copy of a Des Moines ordinance requiring an impact study of SOBs on the city, a list of criminal incidents related to the adult theater, a business activity chart of businesses adjacent to the adult theater, a copy *of Northend Cinema, Inc. v. City of Seattle*, 585 P.2d 1153 (1978), and transcripts of the hearing and testimonies.

FINDINGS: When the study was made, Des Moines had an adult theater operating in the Revitalization area/central business district of the city. It had been operating as such since the 1970's. The Administration report noted a 1978 Community Opinion Survey reporting that the majority of residents in the area were opposed to the theater. The Administration's report also lists several negative impacts caused by the presence of the adult theater in the community, including: decreased property values, refusal to shop in stores adjacent to the adult theatre, noticeable deterioration of the district, deferred maintenance, parking and traffic problems, attraction of transients, increased crime, and interference with parental responsibilities for children. As a result, the study noted that there had been numerous business failures and high business turnover in the commercial areas near the adult theater. Public testimony, staff studies and the independent study all concluded that the continued presence of the adult theater would nullify any investment in the revitalization efforts of downtown Des Moines. The study examined efforts to regulate SOBs in North Carolina, Detroit, Maryland, and Seattle. The Administration's study took particular note of Seattle's zoning ordinance, which restricted location of SOBs to a certain part of the city. It was upheld by that state's highest court, which said the city's important interest in regulating the use of its property for commercial purposes was sufficient justification.

The independent study submitted by R. W. Thorpe & Associates, Inc for the Des Moines City Council mostly focused on and made comparisons to studies done in cities in the western part of Washington State. However, the study also looked at other jurisdictions like Boston, and New Orleans. It looks at various negative impacts on the community including crime, decline in adjacent land uses, economic impact (decreased property values), and community impact (incompatibility with sensitive uses and areas where minors may meet collectively). It discussed differing approaches to regulating SOBs, including clustering and dispersal.

RECOMMENDATIONS: The Administration's report, based partly on the independent study, concluded that a zoning ordinance should be enacted, locating adult businesses in the CG zone along Highway 99. This would keep SOBs away from the central business district that the city was trying to revitalize and maintain a family friendly atmosphere there. Dispersal of SOBs was also recommended to minimize impact of crime potential volatile situations associated with close proximity of SOBs.

National Law Center Summary of the
SEATTLE, WASHINGTON
LAND USE STUDY
DATED MARCH 24, 1989

OVERVIEW: The report concerns a proposed amendment to add topless dance halls to existing land use regulations for "adult entertainment establishments." Seattle had eight such dance halls (termed "adult cabarets"), six established since 1987. The study relies on reports from a number of cities, including Indianapolis, Los Angeles, Phoenix, Austin and Cleveland.

FINDINGS: The increased number of cabarets resulted in citizen complaints, including phone calls, letters (from individuals and merchants associations), and several petitions with hundreds of signatures. Protests cited decreased property values; increased insurance rates; fears of burglary, vandalism, rape, assaults, drugs, and prostitution; and overall neighborhood deterioration. The report notes that patrons of these cabarets most often are not residents of nearby neighborhoods. Without community identity, behavior is less inhibited. Increased police calls to a business, sirens, and traffic hazards from police and emergency vehicles are not conducive to healthy business and residential environments.

RECOMMENDATIONS: Since city zoning policy is based on the compatibility of businesses, the report recommends that the cabarets locate in the same zones as "adult motion picture theaters." This plan allows about 130 acres for such businesses to locate throughout the city.

National Law Center Summary of the
ST. CROIX CO., WISCONSIN
LAND USE STUDY
DATED SEPTEMBER, 1993

OVERVIEW: At the time the St. Croix County Planning Department did this study, the County had two adult cabarets, but did not have a problem with concentration of sexually-oriented businesses (SOBs). The study acknowledges that SOB zoning ordinances have generally been upheld by the courts as constitutional and suggests the County consider following the lead of other communities who have enacted similar ordinances. The main concern surrounded possible growth of SOBs resulting from future plans for an interstate highway system linking St. Croix County and the great Twin Cities metro area. To preserve the County's "quality of life" the study indicates the need to take preventative vs. after-the-fact action.

SUMMARY: The study notes the continued growth of the SOB industry and analyzes the economic, physical, and social impact it has on the community. It examines documented economic impact of SOBs in Los Angeles, CA, Detroit, MI, Beaumont, TX, and Indianapolis, IN, noting that concentrations of SOBs results in decreased property values, rental values, and rentability/salability. General economic decline is also associated with concentration of SOBs. Residents surveyed in other studies perceived a less negative impact on property values of residential and commercial areas the further away SOBs were located. The study also noted that economic decline caused physical deterioration and blight. During night time operation hours, traffic congestion and noise glare could also be problems. Social impacts studied included negative effects on morality, crime, community reputation and quality of life. It noted the 1970 Commission on Obscenity and Pornography saying porn has a deleterious effect upon the individual morality of American citizens. It sites the Phoenix, AZ study reporting a tremendous increase in crime in three study areas containing SOBs (43% more property crimes, 4% more violent crimes, and over 500% more sex crimes). The study mentions Justice Powell's quote *in Young v. American Mini-Theatres* regarding using zoning to protect "quality of life."

The study analyzes different zoning techniques, including dispersal and concentration of SOBs, and their constitutionality. It also discusses the use of "special use" and "special exception" permits. Other regulatory techniques discussed include licensing ordinances, active law enforcement, sign regulations, and nuisance provisions. The study includes detailed examples of SOB definitions, a proposed zoning ordinance, and a bibliography of the sources used for this study.

RECOMMENDATIONS: The study recommended that the county adopt a zoning ordinance using the dispersal technique. It also suggested the county explore the possibility of licensing SOBs.

National Law Center Summary of the
ROME, GEORGIA CITY COMMISSION
LAND USE STUDY
DATED MARCH 6, 1995

OVERVIEW: Captain Marshall Smith, the Commander of the Detective Division of Rome (GA) City Police Department presented a report to the City Commission in respect the effects of crime rates surrounding adult entertainment and the impacts on other Georgia communities.

SUMMARY OF THE REPORT: The Captain reported several Georgia communities had sufficient increases of reported crimes in several Georgia communities. Specifically, Captain Smith reported the following:

- An investigator in La Grange, Georgia stated that after an adult entertainment business opened in this community, there was an increase in the number of calls. Specifically, the La Grange Police Department responded to 106 calls relating to one adult club in the year 1994.

- The Augusta Police Department reported that for a two-year period between January of 1993 and December 1994, the Police Department responded to 971 calls from three different adult entertainment businesses. The calls for service ranged from thefts and fights to aggravated assaults with weapons involved.

- The Whitfield County Sheriff's Office stated they have had instances involving prostitution, drugs, thefts, and aggravated assaults involving discharging of firearms.

National Law Center Summary of the
THE CITY OF SAINT MARYS, GEORGIA
DIGEST OF RESEARCH ON THE EVIDENCES OF RELATIONSHIPS BETWEEN ADULT ORIENTATED BUSINESSES AND COMMUNITY CRIME AND DISORDER

The Police Department of Saint Marys, Georgia, was requested to gather evidence relating to the evidence of the relationship between crime and adult businesses, if any.

THE REPORT: The report summarizes studies from across the United States and specifically in the State of Georgia with respect to the adverse secondary effects of all adult oriented businesses in those communities. The report took those various studies together and other sources of evidence and found that the amount of crime and the type of crime, especially sexual related crimes, would increase at statistically significant levels with the introduction of adult oriented businesses in their community.

National Law Center Summary of the
THE ADAMS COUNTY SHERIFF'S DEPARTMENT
ADAMS COUNTY NUDE ENTERTAINMENT STUDY
DATED JUNE 20, 1991

OVERVIEW: The Adams County Sheriff's Department performed research related to a proposed nude entertainment ordinance for Adams County, Colorado. In this study six representative locations were selected at random representing six different areas in the unincorporated portions of Adams County.

SUMMARY OF THE REPORT:

- The study in April of 1988 determined that 76 percent of the patronage of adult businesses in their community were transient, coming from counties other than Adams County, Colorado.

- A one-block area of the community was selected because it contained two nude entertainment establishments, a Seven Eleven, a convenience store, a neighborhood tavern, three fast food businesses, and a gas station. In this block in 1986, 24 crimes were reported from the area of which 83 percent were attributed to the two nude entertainment establishments.

- In 1987 the same area was surveyed and 28 crimes were reported, 93 percent of which were attributed to the two adult businesses. It was also noted in this block that 61 percent of the crimes occurred between 4:00 p.m. and 12:00 p.m.

- A study of another block, which included three adult book stores, two topless night clubs, one neighborhood bar, one liquor store, and one beer outlet found that during 1986, 55 crimes were reported compared to 63 crimes in 1987, a 15 percent increase.

- In a more rural and isolated section of the county where a topless night club was located, 13 crimes were reported in 1986, compared to 18 crimes in 1987, a 39 percent increase.

- This study was updated looking at 1990 statistics and reported no significant changes in these areas with a few exceptions. One such exception was that one block in question in the original study reported crimes increased by 900 percent of which a 290 percent increase was attributed to adult businesses which offered nude entertainment and/or alcohol.

National Law Center Summary of the
MINNESOTA ATTORNEY GENERAL'S WORKING GROUP ON THE REGULATIONS OF SEXUALLY-ORIENTED BUSINESSES
DATED JUNE 6, 1989

OVERVIEW: The Attorney General of the State of Minnesota created a working group with respect to the regulation of adult businesses. The working group for a testimony conducted briefings on the impact of adult businesses on crime and communities with methods available to reduce the secondary effects of adult businesses. Additional research was done to evaluate strategy use in other states and cities and the ramifications of those strategies.

FINDINGS RECOMMENDATIONS:

1. City and county attorneys' offices in the Twin Cities metropolitan area should designate a prosecutor to pursue obscenity prosecutions and support that prosecutor with specialized training.

2. The Legislature should consider funding a pilot program to demonstrate the efficacy of obscenity prosecution and should encourage the pooling of resources between urban and suburban prosecutor offices by making such cooperation a condition for receiving any such grant funds.

3. The Attorney General should provide informational resources for city and county attorneys who prosecute obscenity crimes.

4. Obscenity prosecutions should begin with cases involving those materials which most flagrantly offend community standards.

5. The Legislature should amend the present forfeiture statute to include as grounds for forfeiture all felonies and gross misdemeanors pertaining to solicitation, inducement, promotion, or receiving profit from prostitution and operation of a "disorderly house."

6. The Legislature should consider the potential for a RICO-like statute with an obscenity predicate.

7. Prosecutors should use the public nuisance statute to enjoin operations of sexually-oriented businesses which repeatedly violate laws pertaining to prostitution, gambling, or operating a disorderly house.

8. Communities should document findings of adverse secondary effects of sexually-oriented businesses prior to enacting zoning regulations to control these uses so that such regulations can be upheld if challenged in court.

National Law Center Summary of the
MINNESOTA ATTORNEY GENERAL'S WORKING GROUP ON THE REGULATIONS OF SEXUALLY-ORIENTED BUSINESSES
(CONTINUED)

9. To reduce the adverse effects of sexually-oriented businesses, communities should adopt zoning regulations which set distance requirements between sexually-oriented businesses and sensitive uses, including but not limited to residential areas, schools, child care facilities, churches and parks.

10. To reduce adverse impacts from concentration of these businesses, communities should adopt zoning ordinances which set distances between sexually-oriented businesses and between sexually-oriented businesses and liquor establishments, and should consider restricting sexually-oriented businesses to one use per building.

11. Communities should require existing businesses to comply with new zoning or other regulation of sexually-oriented businesses within a reasonable time so that prior uses will conform to new laws.

12. Prior to enacting licensing regulations, communities should document findings of adverse secondary effects of sexually-oriented businesses and the relationship between these effects and proposed regulations so that such regulations can be upheld if challenged in court.

13. Communities should adopt regulations which reduce the likelihood of criminal activity related to sexually-oriented businesses, including but not limited to open booth ordinances and ordinances which authorize denial or revocation of licenses when the licensee has committed offenses relevant to the operation of the business.

14. Communities should adopt regulations which reduce exposure of the community and minors to the blighting appearance of sexually-oriented businesses, including but not limited to regulations of signage and exterior design of such businesses, and should enforce state law requiring sealed wrappers and opaque covers on sexually-oriented material.

National Law Center Summary of the
REPORT TO THE CITY OF ATTORNEY OF KENNEDALE, TEXAS, ON CRIME-RELATED SECONDARY EFFECTS OF ADULT BUSINESSES

The City Attorney for Kennedale, Texas retained Professor Richard McCleary to express an opinion as to four questions relating to litigation in which the city was involved regarding sexually-oriented businesses (SOBs). Specifically, Professor McCleary reported on the crime-related secondary effects of SOBs.

The following are the questions asked and opinions rendered by Dr. McCleary:

Question 1: Do SOBs pose significant ambient public safety hazards?

Opinion 1: As a class, SOBs pose a significant ambient public safety hazards. These hazards involve not only "victimless" crimes (prostitution, e.g.) plus, also, "serious" crimes, (robbery, e.g.) and "opportunistic" crimes, (vandalism, e.g.) that are associated with vice.

Question 2: How valid is the empirical evidence that SOBs pose significant public safety hazards?

Opinion 2: The criminogenic nature of SOBs is a scientific fact. This opinion is based on two considerations. First, strong, empirically-validated criminological theory predicts that crime victimization risks will be higher around SOB sites as a consequence of the normal commercial activities at the sight. Second, this theoretically expected secondary effect has been observed in a diverse range of locations, circumstances, and times. Although the magnitude and nature of the observed crime-related secondary effect varies from case to case, every adequately designed study has observed and reported a large, significant effect.

Question 3: Do SOBs that provide material for off-premise-only use pose smaller ambient public safety hazards than other SOBs?

Opinion 3: To the extent that the on premise and off premise only SOB's draw similar patrons from similarly wide catchment areas, criminological theory predicts similar ambient crime risks. This theoretical expectation is supported by the data.

Question 4: Can the ambient public safety hazard associated with SOBs be mitigated by "hours-of-operation" regulations?

Opinion 4: The ambient public safety hazard (or crime victimization risk) can be mitigated by regulation, including hours-of-operation regulations.

National Law Center Summary of the
REPORT OF DR. RICHARD MCCLEARY TO EFFINGHAM COUNTY, EFFINGHAM, ILLINOIS

OVERVIEW: Dr. McCleary was asked to review materials sent to him by the Effingham County State's Attorney's office and the empirical studies of crime-related secondary effects. Dr. McCleary provided his opinions with respect crime-related secondary effects.

FINDINGS AND OPINIONS: Dr. McCleary offered the following opinions to the stated questions and those opinions are stated herein:

Question 1: Do sexually-oriented businesses, as a general class, pose significant ambient public safety hazards?

Opinion 1: As a class, SOBs pose a significant ambient public safety hazards. These hazards involve not only "victimless" crimes (prostitution, e.g.) plus, also, "serious" crimes," (robbery, e.g.) and "opportunistic" crimes, (vandalism, e.g.) that are associated with vice. The ambient public safety hazard (for crime victimization risks) can be ameliorated by regulation.

Question 2: Given an affirmative answer to the first question, how valid is the evidence upon which this opinion is based?

Opinion 2: The criminogenic nature of SOBs is a scientific fact. This opinion is based on two considerations. First, strong, empirically-validated criminological theory predicts that crime victimization risks will be higher around sexually-oriented business sites, and as a consequence of the normal commercial activities at the site. Second, this theoretically expected secondary effect has been observed in a diverse range of locations, circumstances, and times. Although the magnitude and nature of the observed crime-related secondary effect varies from case to case, every adequately designed study has observed and reported a large, significant effect.

LR 2.2000d

REGULATING ADULT ENTERTAINMENT:

Daniel Olson, Assistant Legal Counsel

The phrase "adult entertainment" might be used to describe a women's slow-pitch softball tournament or a men's horseshoe competition but these are not the circumstances to which local officials usually apply it. Rather, "adult entertainment" is commonly used to broadly describe a range of communicative conduct (dancing) or material (books, magazines, videos) with a substantial erotic or sexual character. Thus, a city council or village board member who learns that "adult entertainment" will soon be part of their community does not immediately think about preparing a letter thanking the provider.

Sometimes, the news of commercial adult entertainment activity precedes the adoption of any local sexually-oriented business (SOB) or adult-oriented business (AOB) regulation. This prompts contact with the municipal attorney who is asked what regulations can be implemented after-the-fact. The response leaves the local official unsatisfied because she is advised that the books, magazines, movies, dances and other communicative materials or conduct sold or offered by the SOB or AOB are constitutionally protected speech, provided they are not obscene communications under the three-part test set forth in *Miller v. California*, 413 U.S. 15 (1973) an codified in Wis. Stat. sec. 944.21, which severely diminishes the prospect of meaningful after-the-fact regulation.

The constitutionally protected status of non-obscene adult entertainment speech creates some tension for local officials. Despite a substantial societal presence, it is disfavored speech and the personal or political tendency of a local official is to try and keep adult entertainment speech businesses out of their community. However, she must act contrary to that tendency because there is no legally permissible method to exclude all adult entertainment speech businesses from a city or village. Total bans on adult entertainment speech businesses are unconstitutional. And, implementing policies and regulations that seek such a goal will expose the municipality **and** the official to significant financial liability. Therefore, this comment seeks to advance effective and legally permissible alternatives by identifying constitutional adult entertainment regulation systems, key constitutional principles and important unresolved issues.

REGULATION SYSTEMS

Zoning is probably the most common form of adult entertainment business regulation. There are two types of zoning utilized. The first is "dispersion zoning" which requires specified separation distances between adult entertainment businesses as well as other types of uses such as residences, schools, etc. The second is "concentration zoning" also known as "red light district" zoning which seeks to concentrate adult entertainment businesses to particular areas of a community by prohibiting their location anywhere but selected areas. Both methods are constitutionally permissible "time, place, and manner" restrictions of protected speech, provided the implementing regulations satisfy applicable constitutional principles and rules.

The second common regulation system is licensing. In general, such systems establish requirements for owners and employees of adult establishments. These requirements focus on **how** the adult entertainment business is operated rather than **where** it is located. Thus, they differ from zoning requirements, which apply to the physical property involved irrespective of the owners or operators, in that they establish management requirements on owners/operators. However,

ATTACHMENT 2

Whereas, the hospitality and friendliness of Appleton officials and citizens have contributed immeasurably to the success of this conference; and

Whereas, it is proper and fitting that the assembled delegates of the League of Wisconsin Municipalities should duly recognize the hospitality which has been so graciously afforded.

Now, Therefore Be It Resolved that the League of Wisconsin Municipalities in conference assembled on October 15, do hereby express their sincere appreciation for the contributions of the mayor, common council and other officials of the City of Appleton and its residents to the success of this 2009 Annual League Conference.

Resolution No. 2009-4

Supporting Legislation Creating Renewable Resource Credits for Electric Providers that Use Renewable Energy Applications like Solar Light Pipe Technology

Whereas, Wisconsin's Renewable Portfolio Standard (RPS) does not allow Wisconsin utilities to take full advantage of Wisconsin's renewable energy potential; and

Whereas, companion bills Senate Bill 273 and Assembly Bill 401 – relating to creation of renewable resource credits by electric providers and granting rule-making authority – fixes this problem by allowing Wisconsin utilities to employ direct use renewable energy to meet their RPS obligations; and

Whereas, direct use renewable energy is the purest form of renewable energy available; and,

Whereas, direct use renewable energy applications, such as solar water heating and solar light pipe technology, use renewable energy resources to displace electricity that is generated from fossil fuels thereby reducing harmful greenhouse gas emissions that harm our environment and allowing Wisconsin businesses and ratepayers to save significant amounts of money; and,

Whereas, direct use renewable energy will help create "green" manufacturing jobs in our state and put hundreds of Wisconsin construction workers, roofers, and electricians to work installing direct use renewable energy systems across the state.

Now, Therefore, Be It Resolved, that the League of Wisconsin Municipalities in conference assembled on October 15, 2009, urges the Legislature and Governor to enact SB 273/AB 401, reducing the need for generating energy from fossil fuels by replacing those fossil fuels with clean, renewable energy sources; and creating hundreds of good paying jobs in the process.

Resolutions Committee

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Michael Walsh, Mayor, De Pere	2
Terry Witkowski, Alderman, Milwaukee	3
Ashanti Hamilton, Alderman, Milwaukee	4
Neil Palmer, President, Elm Grove	5
Joe Davis, Alderman, Milwaukee	6
Al Richards Mayor, St. Francis	7
Michael West, President, Fox Point	8
Dianne Reese, Mayor, New Holstein	9
Mark Dahlberg, Trustee, Grantsburg	10
Larry Nelson, Mayor, Waukesha	11
Doug Williams, Mayor, Merrill	12
Fred Smith, Alderman, Watertown	13
Brian Smith, Mayor, Waupaca	14
Larry N. Arft, Manager, Beloit	15
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Michael Schumacher, Council Member, Madison	26
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John Hermes, President, Greendale	28
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Keith Chambers, President, Pulaski	30
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Jeff Speaker, Mayor, Brookfield	33

LEGAL PRINCIPLES AND ISSUES

as with zoning requirements, there are important constitutional principles restricting adult entertainment business licensing systems that must be followed.

CONSTITUTIONAL PRINCIPLES

It is well established law that constitutional protection extends to books, magazines, photographs, sculptures, paintings, movies, speeches, plays, dances and other forms of communication that primarily convey an erotic or sexual message and are not deemed obscene under the law. Thus, effective adult entertainment speech regulation hinges on compliance with the principles or rules that define its constitutionally protected status.

The Content Neutrality Principle. When analyzing speech regulations, courts distinguish between content-neutral and content-based regulations. Content-neutral regulations of speech are not concerned with the nature of the speech affected by the regulation. For example, a regulation that requires all signs in residential neighborhoods to be located at least three feet from a lot line is content-neutral. The regulation applies irrespective of whether the sign message is about a garage sale or a political candidate. In contrast, content-based regulations distinguish favored speech from disfavored speech on the basis of the ideas expressed. An ordinance that places time limits on political signs is one example because the ordinance is concerned with the sign's message.

Content-based regulations are subject to strict judicial scrutiny and are presumed invalid.[1] This presumption may be overcome only by a showing that the regulation is "necessary to serve a compelling state interest and employs the least restrictive means to accomplish it."[2]

There are few judicially recognized "compelling" governmental interests and prohibiting the expression of an idea simply because society finds the idea itself offensive or disagreeable is not one of them. Thus, it is very rare for a court to find a content-based speech regulation valid and adult entertainment speech regulation cannot be based on the fact that a local official or her community is offended by such communication.

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"It is well established that content-based regulations are subject to strict judicial scrutiny and are presumed invalid."

1. *City of Renton v. Playtime Theaters, Inc.* 475 U.S. 41, 47 (1986).
2. *See, e.g., Austin v. Michigan Chamber of Commerce,* 494 U.S. 652 (1990).

> "There is an important exception to the general rule that strict scrutiny applies to content-based regulations. Some time, place or manner regulations are treated as content-neutral, even though they are content-based."

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Upon examination, it is apparent that adult entertainment speech regulations are content-based. They universally specify coverage of only particular types of speech such as live performances characterized by the exposure of specified anatomical areas or by specified sexual activities; or films, motion pictures, video cassettes, slides, photographic reproductions, or other image producing devices that are characterized by the depiction or description of specified anatomical areas or specified sexual activities; or exotic or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers. These adult entertainment speech regulations target certain communicative activities because of their erotic or sexual content. Thus, they could be subjected to the tough strict scrutiny standard by our courts but they are not.

There is an important exception to the general rule that strict scrutiny applies to content-based regulations. Some time, place or manner regulations are treated as content-neutral, even though they are content-based.[3]

Time, place, or manner restrictions are those government uses to direct speech through certain avenues rather than others. These include restrictions on operating hours, the locations within the community it might occur and specifying open video booths, separation distances between patrons and dancers and other limitations on the way erotic or sexual messages can be conveyed. Significantly, such restrictions are only subject to content-neutral intermediate scrutiny if they "are **justified** without reference to the content of the regulated speech."[4] "Such justification is present if the regulation's predominant concern is with the 'secondary effects' of the regulated speech, rather than with the content of that speech."[5]

Accordingly, content-based time, place or manner restrictions imposed on adult entertainment speech by municipalities are not required to satisfy the more demanding **compelling** governmental interest test associated with content-based speech regulations, so long as the predominant concern of the regulation is controlling adverse secondary effects. However, such regulations cannot go too far and must also be narrowly tailored to serve the government's significant interest in curbing adverse secondary effects.[6] And, finally, they must leave open "reasonable alternative avenues" for "adult entertainment" speech communication.[7]

It is important to note that there are two lines of cases in the adult entertainment speech context with slightly different tests. The *Renton* line deals with zoning regulations aimed at dispersing adult entertainment establishments. The other line, represented by *United States v. O'Brien*, 391 U.S. 367

3. *See City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000).
4. *City of Renton*, 475 U.S. at 48.
5. *Id.* at 47.
6. *Id.*
7. *Id.*

(1968), deals with regulations directed at expressive conduct such as dancing. However, lower courts recognize that the analytical differences between the tests in each line are not significant.[8] Given that zoning is arguably the more prevalent means for controlling adult entertainment speech business and the similarity between the tests, this comment will focus on the three *Renton* test elements.

Secondary Effects.
Recognized adverse secondary effects connected with adult entertainment include increased crime, decreased property values, prostitution, illicit sex, sexually transmitted disease and urban blight.[9] It is not constitutionally necessary for any local regulation to be based on all or more than one adverse secondary effect associated with adult entertainment speech. Instead, the secondary effects justification for a content-based time, place and manner regulation of "adult entertainment" speech is present when the "municipality can demonstrate a connection between the speech regulated by the ordinance and the secondary effects that motivated the adoption of the ordinance."[10]

When evaluating the sufficiency of an asserted connection between speech and secondary effects, the courts must "examine evidence concerning regulated speech and secondary effects."[11] Thus, local officials must be able to identify for the courts the secondary effects evidence they relied upon for their regulation decision.

Municipalities are not, however, required to produce their own independent evidence of secondary effects. Rather, a municipality may rely on studies performed elsewhere "so long as whatever evidence the [municipality] relies upon is reasonably believed to be relevant to the problem that [it] addresses."[12] However, the Supreme Court cautioned that even though municipalities are not required to independently produce secondary effects evidence, "[t]his is not to say that a municipality can get away with shoddy data or reasoning."[13] For the regulation to be upheld, "[t]he municipality's evidence must fairly support the municipality's rationale for its ordinance."[14] Thus, there must be a reasonable nexus between a municipality's adult entertainment regulation and the secondary effects evidence upon which it is based.

Narrowly Tailored.
The adverse secondary effects associated with adult entertainment speech provides the constitutionally permissible grounds for content-based time, place and manner regulations. The permissible scope of such regulations is provided by the "narrowly tailored" limitation.

At one level, the "narrowly tailored" requirement is intertwined with the secondary effects justification. An adult entertainment speech ordinance is not narrowly tailored if it captures speech that does not generate the adverse secondary effects linked to erotic speech.[15] Thus, local officials must draft regulations that are not overinclusive to avoid violating the "narrowly tailored" requirement.[16]

On another level, the "narrowly tailored" analysis is not strictly connected to the secondary effects rationale. Here the concern is simply imprecise regulatory language. If regulation terms are too ambiguous or vague, the regulation is arguably not narrowly tailored. However, mathematical precision is not the standard courts use to determine whether a particular term or phrase is constitutionally adequate and avoiding successful claims that regulations are not narrowly tailored because they contain impermissible vague terms or phrases has been relatively easy for municipalities. But, local officials must understand that

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8. *See Hodgkins v. Peterson*, 355 F.3d 1048 (7th Cir. 2004) (explaining that the *O'Brien* expressive conduct analysis and the time, place and manner analysis are really just "variations on the same principle."); *see also Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003).
9. *City of Renton*, 475 U.S. at 48.
10. *R.V.S., L.L.C. v. City of Rockford,* 361 F.3d 402, 408 (7th Cir. 2004).
11. *Id.*
12. *City of Renton* at 51-52.
13. *City of Los Angeles v. Alameda Books*, 535 U.S. 435, 438 (2002).
14. *Id.*
15. *See Schad v. Mount Ephraim*, 452 U.S. 61 (1981).
16. *See e.g., MDK, Inc. v. Village of Grafton*, 345 F.Supp.2d 952 (E.D. Wis. 2004).

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inadequately drafted ordinances are still inadequate and can lead to adverse court decisions.[17]

Reasonable Alternative Avenues of Communication.
A content-based time, place or manner regulation of adult entertainment speech is constitutional only if it preserves "reasonable opportunity" to disseminate the speech at issue.[18] Thus, "only the provisions of [ordinances] that regulate the time, place or manner of adult entertainment without removing alternative channels of communication are reasonable under the First Amendment."[19]

In general, the reasonable opportunity for alternative channels or avenues of adult entertainment speech communication duty of municipalities relates to the availability of places in it where adult entertainment speech might be conducted under the regulation. If a regulation effectively eliminates all opportunity, a total ban, than the regulation is unquestionably unconstitutional. But, where is the other end of the "opportunity" spectrum? In other words, how much "opportunity" is constitutionally required?

There is no definitive answer to this question because the courts advise that the analysis is case-by-case.[20] To some extent, this makes sense given the variability of circumstances between municipalities. On the other hand, the analytical flexibility this approach attaches to a constitutional right, makes the underlying free speech right appear variable. Nonetheless, in general, "reasonable opportunity" compliance hinges on whether application of the regulation leaves some locations within the municipality's commercial real estate market that could reasonably be used for adult entertainment speech.

An adult entertainment business ordinance that satisfies the foregoing elements of the intermediate scrutiny *Renton* test or even the *O'Brien* test, is not automatically valid. It is a restriction on protected speech and, accordingly, subject to several other important general principles controlling all speech regulations, which include overbreadth, vagueness and prior restraint.

Overbreadth Doctrine.
The overbreadth principle in the speech regulation context is used by the courts in at least two ways. Both applications focus on the constitutional precision of the regulation's language.

In one form, overbreadth refers to a circumstance where a party in a case is allowed to challenge speech restrictions of a regulation that do not directly apply to the party but allegedly chill the speech rights of others who are not a party in the case but "who may be unwilling or unlikely to raise a challenge in their own stead." However, in these "facial challenge" cases, the challenging party must show that the overbreadth of the ordinance "must not only be real but substantial as well, judged in relation to the [ordinance's] plainly legitimate sweep."[21] In other words, substantial overbreadth is not demonstrated by a few hypothetical examples of overreach.

Nonetheless, some overbreadth claims have been successful. In *Erznoznik v Jacksonville*, 422 U.S. 205 (1975), the Supreme Court struck down as substantially overbroad a city ordinance that made it illegal for drive-in theater operators to show movies including any form of nudity if the film could be seen from any public road or place. Explaining the ordinance could prohibit clearly constitutional speech with nudity such as newsreel footage of an art exhibit with nude paintings, an image of a baby's buttocks, or film of bare-breasted African dancers, the Court concluded the ordinance reached too much protected speech outside of the city's legitimate concern for protecting minors from sexual images.

Application of the facial "substantial overbreadth" test in "adult entertainment" speech cases is sometimes muddled with the "narrowly tailored" prong of the content-based time, place and manner exception test. Judicial analysis can be found where the court finds that an "adult entertainment" speech regulation is not narrowly tailored because it prohibits speech not

17. *See e.g., Entertainment Concepts, Inc. v. Maciejewski*, 631 F.2d 497 (7th Cir. 1980), *cert. denied*, 450 U.S. 919 (1981) (Ordinance that applied to "adult theaters" without defining the term held to be impermissibly vague).
18. *City of Renton*, 475 U.S. at 52.
19. *Schultz v. City of Cumberland*, 228 F.3d 831, 846 (7th Cir. 2000).
20. *See Schad v. Borough of Mt. Ephraim*, 452 U.S. 61, 78-79 (1981) (Blackmun, J., concurring).
21. *Broadrick v Oklahoma*, 413 U.S 601, 615 (1973).

associated with negative secondary effects of such speech and concludes the regulation is unconstitutionally overbroad. However, such overlapping analysis is flawed. While a substantially overbroad regulation is certainly not narrowly tailored, an ordinance that is not narrowly tailored is not always **substantially** overbroad. In such cases, a more sound overbreadth inquiry focuses directly on whether the regulation reaches too much speech unrelated to the secondary effects justification, ignoring the "narrowly tailored" analysis altogether.[22]

In its second form, overbreadth refers to a circumstance where a litigant claims the regulation impermissibly denies the litigant, not a third party, too much protected speech. In these "as applied" cases, the litigant does not have to show **substantial** overbreadth. Rather, this type of overbreadth claim succeeds where the litigant demonstrates that the regulatory language prohibits a constitutionally protected form of speech.[23] This means ordinances must be carefully reviewed to determine whether they impermissibly prohibit protected speech.

Vagueness Doctrine.
Related to the overbreadth doctrine is the vagueness doctrine. Like overbreadth, vagueness is concerned with the level of precision provided by the regulation's language.

The vagueness doctrine, an aspect of the due process requirement of notice, provides that a law is facially invalid if persons of common intelligence must necessarily guess at its meaning and differ as to its application. Consequently, a law is void for vagueness if it fails to give fair warning of what is prohibited, if it fails to provide explicit standards for the persons responsible for enforcement and thus creates a risk of discriminatory enforcement, and if its lack of clarity chills lawful behavior.[24]

In general, greater clarity is required under the vagueness doctrine when the subject regulation affects fundamental rights such as free speech. Nonetheless, "perfect clarity and precise guidance have never been required even of regulations that restrict expressive activity."[25] Thus, "[t]o say that precision is a precondition to enforcement is to say that no ordinance regulating speech may stand — a proposition the Supreme Court has rejected over and over again."[26]

Noted earlier in regard to the "narrowly tailored" requirement, constitution-

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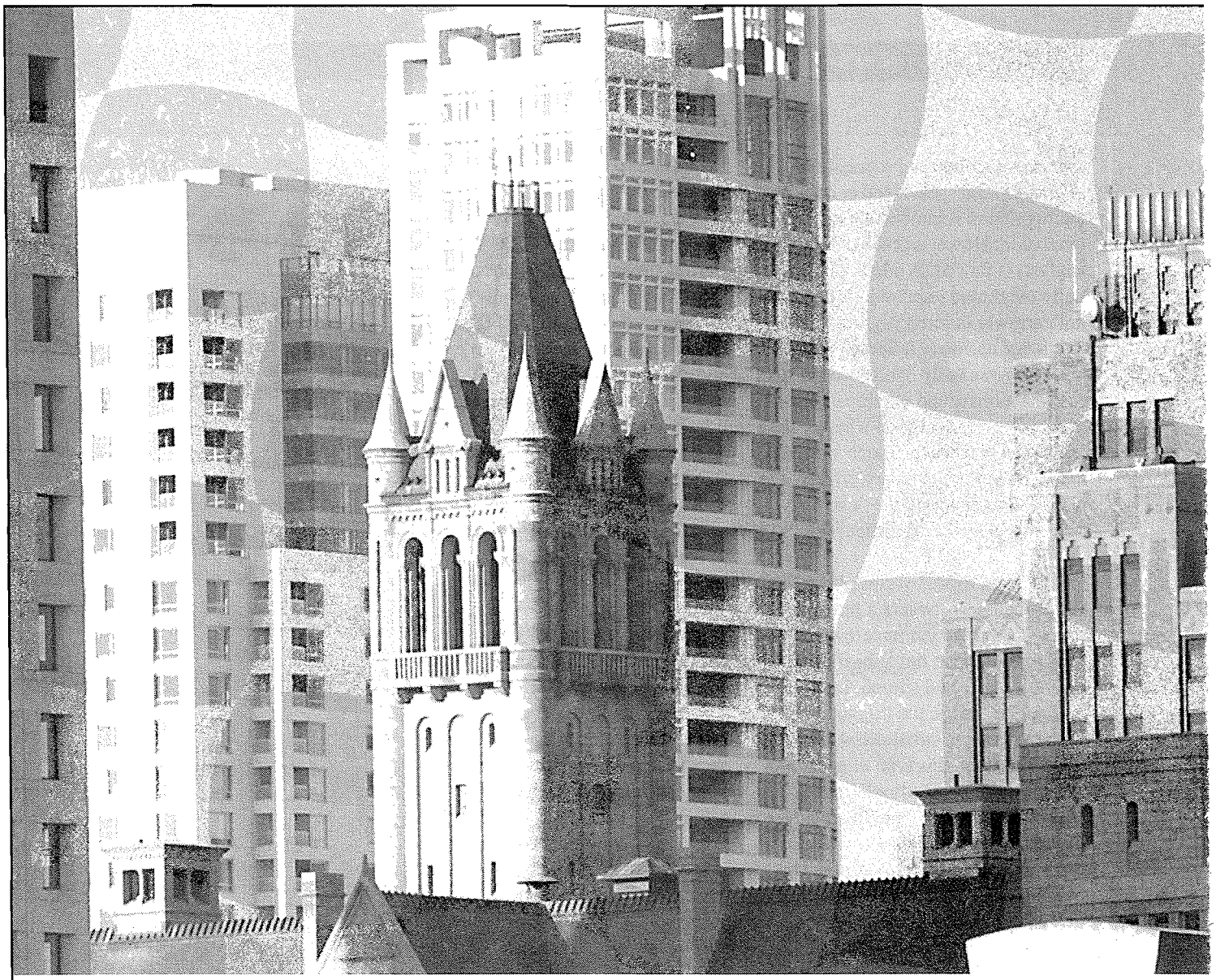
"In general, greater clarity is required under the vagueness doctrine when the subject regulation affects fundamental rights such as free speech."

22. *See e.g., Lounge Mgmt., Ltd. v. Town of Trenton*, 219 Wis. 2d 13, 580 N.W.2d 156 (1998).
23. *See Schultz v. City of Cumberland*, 228 F.3d 831, 848 (7th Cir. 2000) (Ordinance definition of "specified sexual activities" deprived "the performer of a repertoire of expressive elements with which to craft an erotic, sensual performance" and substantially interfered "with the dancer's ability to communicate her erotic message.").
24. *Grayned v. City of Rockford*, 408 U.S. 104 (1972).
25. *Ward v. Rock Against Racism*, 491 U.S. 781, 194 (1989).
26. *Anderson v. Milwaukee County,* 433 F.3d 975, 978 (7th Cir. 2006).



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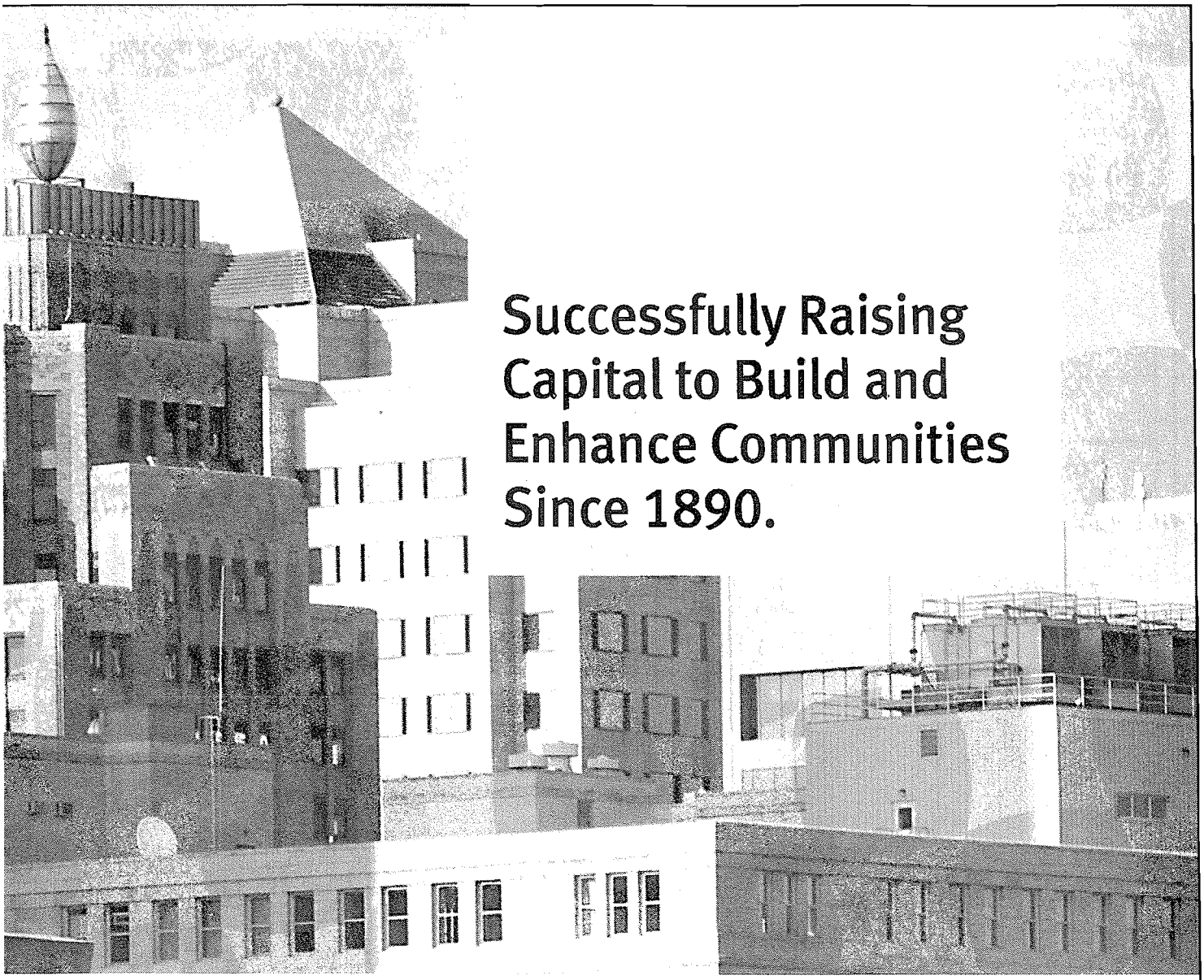

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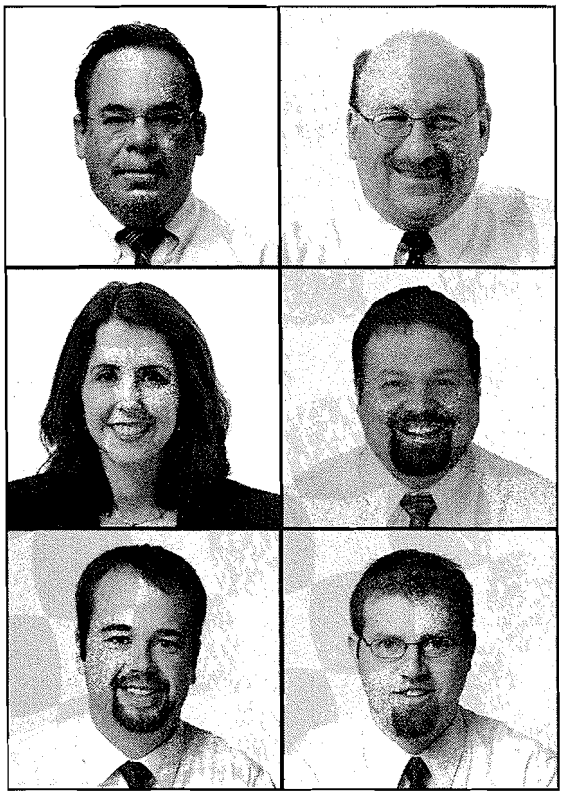

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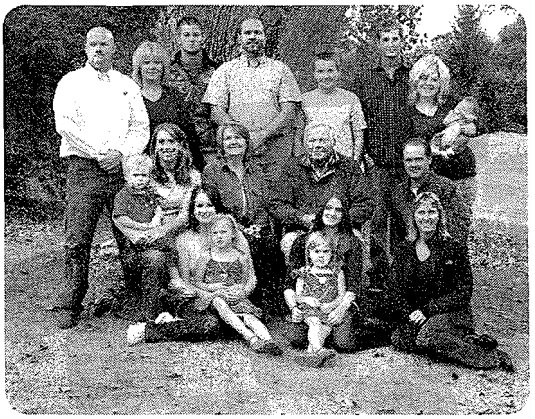


Season's Greetings . . .
From our family to yours

The Herrlings
Crack Filling Service
Cross Plains, Wisconisin

Adult Entertainment
From page 439

ally permissible imprecision in adult entertainment regulation is an effective shield in most cases to claims that terms or phrases are unconstitutionally vague. However, constitutionally acceptable imprecision is not a shelter for poor drafting. Thus, local officials must faithfully seek to produce an ordinance that is readily understood, given that the alternative will virtually assure litigation.

Prior Restraint Doctrine

Permit and licensing systems for adult entertainment speech enterprises such as conditional use permits and business licenses are prior restraints on speech since they require government permission to speak. Accordingly, these regulatory practices are subject to the doctrine of prior restraint which seeks to prevent the government from quelling expression in advance of its communication.[27]

While not *per se* unconstitutional, a prior restraint bears a heavy presumption against constitutionality.[28] However, prior restraints are upheld where procedural safeguards are in place to "reduce the danger of suppressing constitutionally protected speech."[29]

The Supreme Court addressed licensing schemes for adult entertainment speech as prior restraints in *FW/PBS*, where the local ordinance required all "sexually oriented businesses" to be licensed in order to operate. A majority of the Court could not agree on whether all of the standards set forth in its leading prior restraint decision, *Freedman v. Maryland,* 380 U.S. 51 (1965), should apply. However, a plurality did agree that an adult entertainment licensing scheme must provide clear standards to guide the decisionmaker and there must be prompt judicial review, prior to which the status quo must be maintained.

The clear standards requirement is designed to eliminate the risk of government censorship. Accordingly, adult entertainment permit or license regulations must not vest a decisionmaker with unbridled discretion that permits either undue delay or subjective decisions. Rather, under *FW/PBS*, such systems must contain narrow, objective and definite standards, including explicit and reasonable time limits for a decision.

For a while, the *FW/PBS* prompt judicial review requirement generated considerable court activity. The issue was whether local regulations must create access to prompt judicial review (difficult since municipalities generally have no power to dictate judicial action) or whether they must guarantee a judicial decision within a specified time. The Supreme Court resolved this issue in *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004), wherein the Court held that ordinary judicial review is sufficient. Thus, municipalities are not required to create judicial review access through their local regulation.

ONGOING ISSUES

So, are the legal principles guiding adult entertainment speech regulation settled? The answer is no. In part, evidence for this answer is found in the significant number of adult entertainment decisions of the Supreme Court decided by slim majorities or only pluralities. Additional evidence is provided by recent cases which highlight continuing issues tied to one or more of the legal principles already discussed.

Secondary Effects Evidence.

The "reasonably believed to be relevant" standard for secondary effects evidence set forth *Renton* is fairly lenient. Courts regularly defer to the legislative judgment of local officials about what studies are relevant. However, an ongoing issue is the degree of consistency between the secondary effects evidence relied on and the type of adult entertainment speech business regulated.[30]

Until recently, this issue did not generate a reported judicial decision by a court with Wisconsin jurisdiction. This changed with the *New Albany DVD, L.L.C v. City of New Albany*, 581 F.3d

Adult Entertainment
Continued on page 444

27. *See Alexander v. United States*, 509 U.S. 544, 550 (1993).
28. *See FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 225 (1990).
29. *See Southeastern Promotions, Ltd. v. Conrad*, 420 U.S. 546, 559 (1975).
30. *See Wolff v. City of Monticello*, 803 F. Supp. 1568, 1572-73 (D. Minn. 1992) (holding an ordinance based on studies of adult uses as principal use is not narrowly drawn if applied to uses where adult aspects were an accessory use); *World Wide Video v. City of Tukwila*, 816 P.2d 18, 21 (Wash. 1991), *cert. denied*, 503 U.S. 986 (1992) (city can not rely on studies of impact of peep show businesses to justify regulation location of adult video store with "take out" only fare).

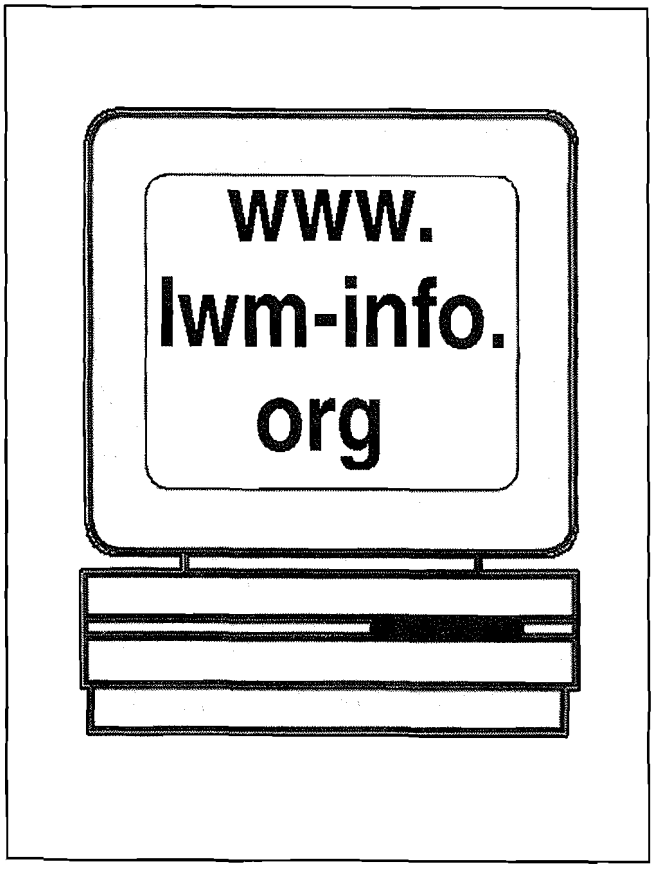
Adult Entertainment
From page 443

556 (7th Cir. 2009), decision of a three-judge Seventh Circuit panel.

The case involved an adult store that sold books, magazines and videos for off-premises reading or viewing. The store did not provide any "live or recorded entertainment on site," which undermined the local regulation. The court explained that the local regulation rested on studies that "principally reflect the effects of adult businesses that offer live entertainment or peep shows." Apparently considering this "evidence implying that take-home adult stores do not have adverse secondary effects," the court remanded the case to the trial court for an evidentiary hearing. Thus, *New Albany* appears to add Wisconsin, Illinois and Indiana to the places where a specific connection between the secondary effects study evidence supporting the regulation and the type of business regulated is constitutionally required.

Narrowly Tailored.
In *Reno v. American Civil Liberties Union,* 521 U.S. 844 (1997), the Supreme Court intimated that the internet is the principal medium for sexually explicit communication in America. The Court identified the widespread availability of sexually explicit material online, including hard core pornography.[31] However, the internet represents an entirely different means of communicating such speech that presents some new challenges for local regulation of adult entertainment businesses.

30. *Id.* at 2336.



One issue is drafting language to bring such operations within the scope of the adult entertainment regulation. The *Voyeur Dorm, L.C. v. City of Tampa,* 265 F.3d 1232 (11th Cir. 2001), decision is an interesting example.

Voyeur Dorm, L.C. operated a website that allowed paid subscribers to observe, through the use of webcams and the internet, women living in a dorm residence in Tampa, Florida. This included seeing the women disrobed and potentially involved in intimate acts. City of Tampa officials concluded that the activities at the Voyeur Dorm residence constituted an adult business use and sought to enforce applicable regulations. On appeal, the Eleventh Circuit rejected the City's arguments. It noted that the entertainment occurred in the "virtual space" of the internet and, as such, there was no offering of adult entertainment at the dorm residence as required by the court's interpretation of the City ordinance language.

However, even assuming an ordinance is written or rewritten with sufficient precision to bring internet adult entertainment speech delivery within its regulatory framework, this leaves a potentially more difficult issue for regulation that *Voyeur Dorm* did not answer. The issue is whether such operations generate any recognized secondary effects that would justify a content-based regulation given that such operations do not involve on-site patrons — customers are at home or otherwise off-site. If a sufficient secondary effects nexus cannot be established, like other regulations with this problem in cases noted above, the regulation would presumably be invalidated as not narrowly tailored since it would not further the government's interest in curbing secondary effects.

Reasonable Alternative Avenues. The widespread availability of internet sources may someday yield a judicial decision accepting the argument that such availability should be considered when evaluating whether a local regulation unduly denies reasonable alternative avenues of communication for adult entertainment speech. The argument however must confront the general "alternative avenues" concept that the alternatives be located within the jurisdictional boundary of the regulating municipality. However, this aspect of "alternative avenues" analysis is being questioned, particularly in cases involving small communities.

For example, in *Boss Capital, Inc. v. City of Casselberry,* 187 F.3d 1251, n. 2 (11th Cir. 1999), the court determined that the relevant real estate market contained available sites for adult entertainment, including those as far as one and a quarter miles outside city limits. More recently, Judge Easterbrook, writing for a three-judge panel of the Seventh Circuit, commented on this issue in *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (2007).

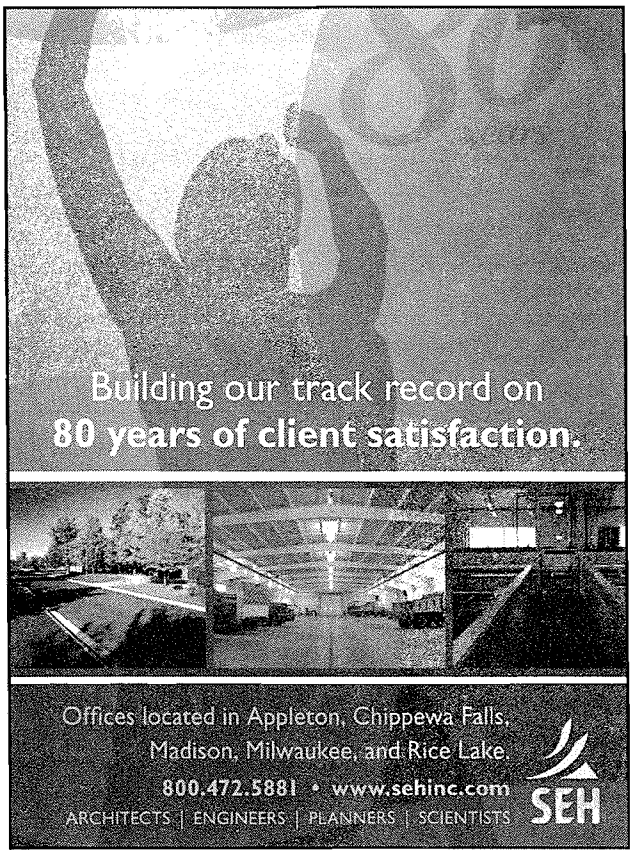
The case involved a claim that the adult entertainment business regulation of the City of Marshall, Illinois, a small community of 3.2 square miles located in Clark County, which left only four percent of its area for adult business operations failed the "alternative avenues" requirement. The court disagreed and found that four percent was adequate.

The more interesting aspect of the case is Judge Easterbrook's commentary on the relationship between the constitutionally mandated "alternative avenues" duty and the arbitrariness of municipal boundaries. In it, he asked, "But, if land to the north of the City's border would supply a constitutionally adequate venue for the speech if the City extended its border by a half mile or so, why is the same parcel a constitutionally inadequate venue when it is outside the City's border?" He answered this rhetorical question by stating that the "Constitutional rule is that a person have adequate opportunity to speak, not that the land be in one polity (the City of Marshall) rather than another (Clark County)." Thus, there is some support in the Seventh Circuit for the proposition that arbitrary municipal boundaries should not be the touchstone for "alternative avenues" analysis. A future case will show whether that support is converted to legal authority or remains mere dicta.

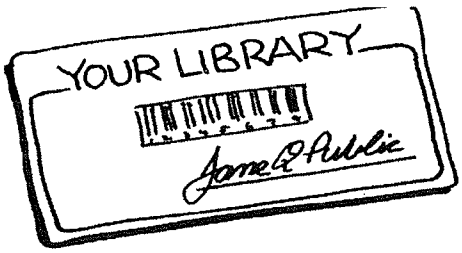
CONCLUSION

Municipalities that fail to adopt proactive adult entertainment business regulations may find themselves in an unsatisfactory and unnecessary situation. Many municipalities have successfully adopted zoning and licensing systems which seek to address the negative secondary effects of such businesses. That success follows from a faithful adherence to relevant constitutional principles, careful drafting and attention to ongoing issues.

Licensing & Reg. 391
Powers of Municipality 910
Zoning 503



It's the card that pays us all back.



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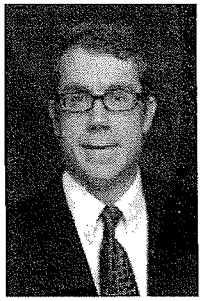

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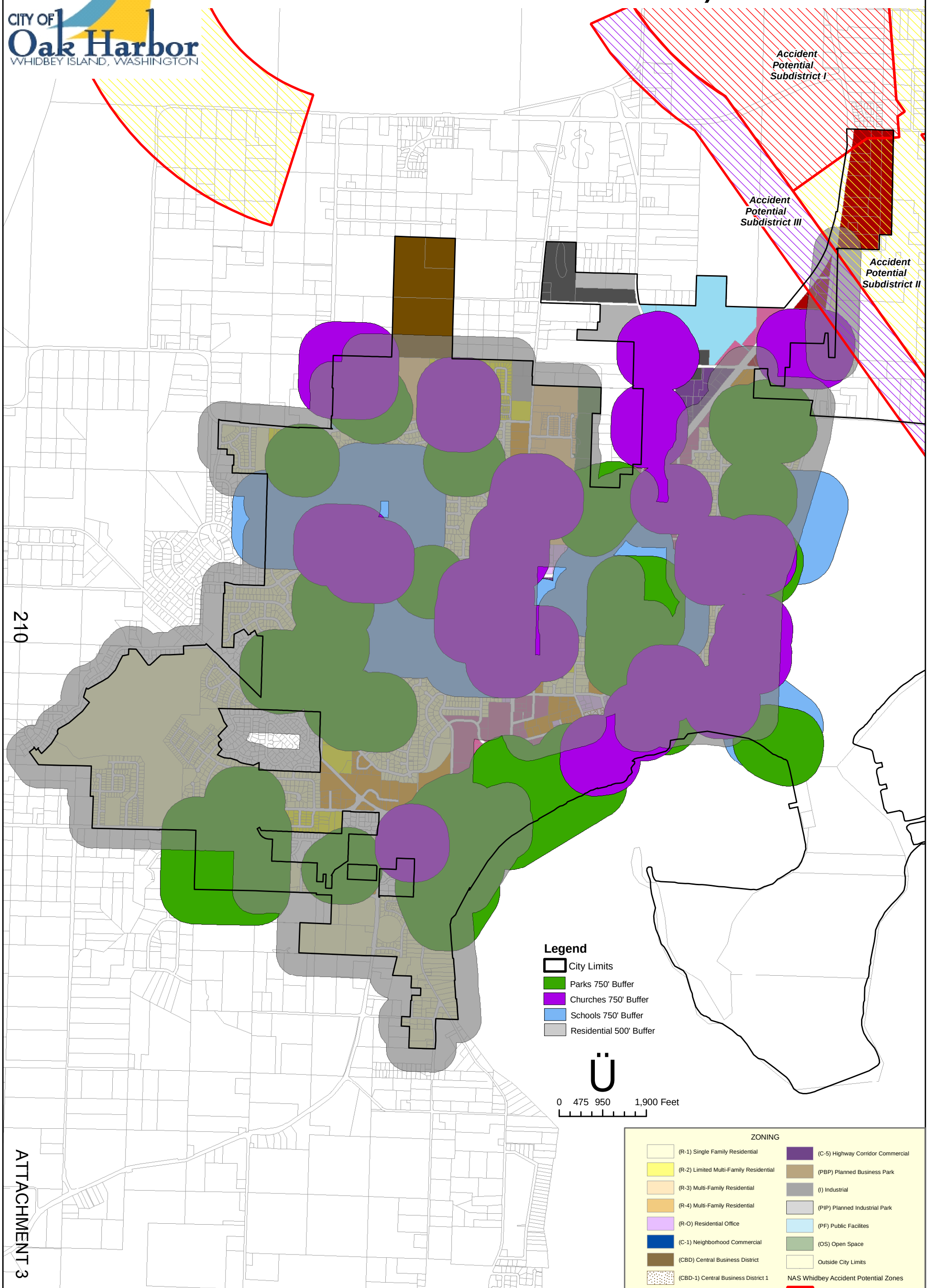
CITY OF Oak Harbor
WHIDBEY ISLAND, WASHINGTON



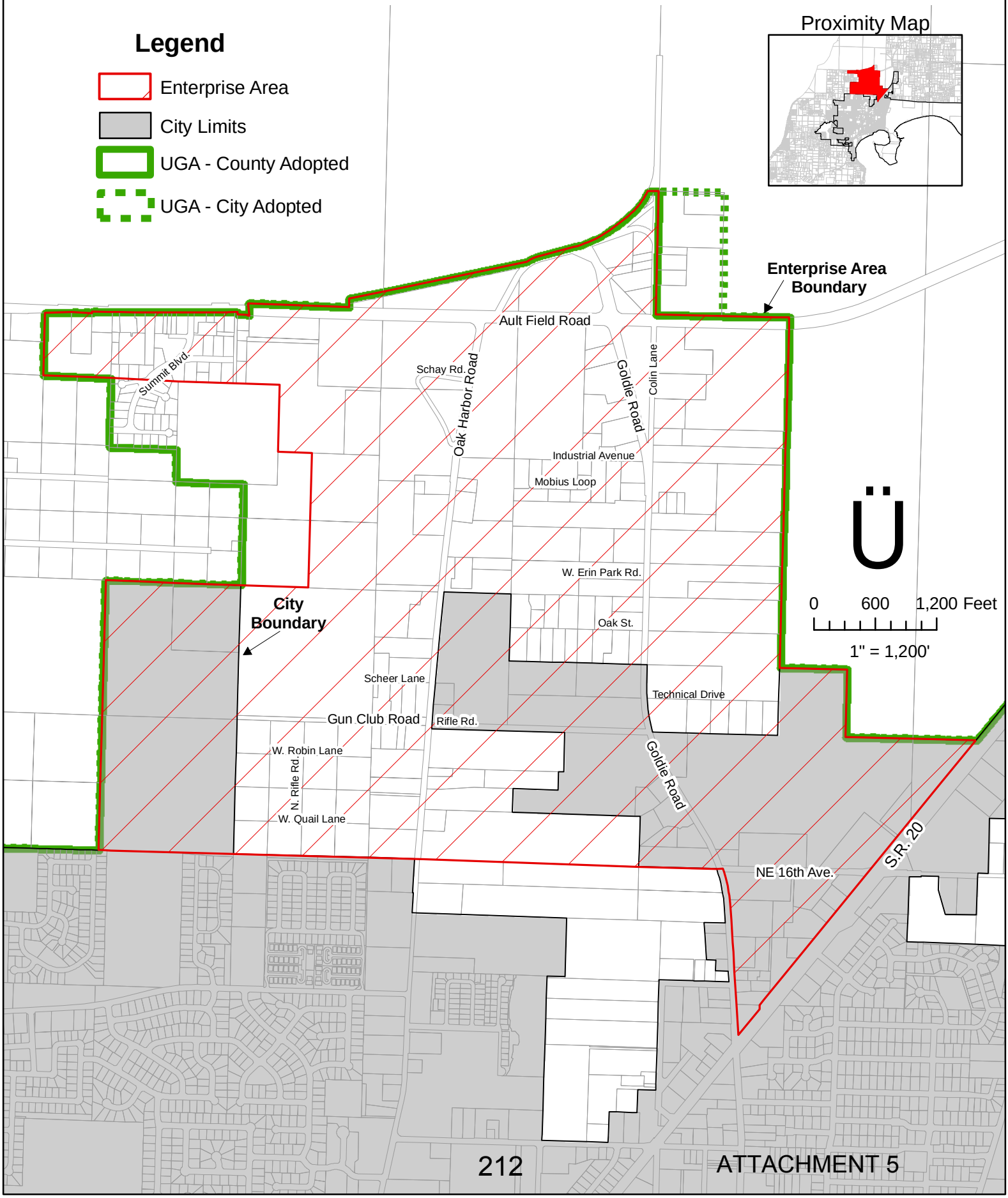
ATTACHMENT 3

Disclaimer:
Neither the City of Oak Harbor nor any agency, officer, or employee of the City of Oak Harbor warrants the accuracy, reliability or timeliness of any information contained on mapping products originating fiom the City of Oak Harbor and shall not be held liable for any losses caused by such reliance on the accuracy, reliability or timeliness of such information. Any person or entity who relies on any information

	City Limits			
Zoning Category	**# of Parcels**	**Acreage**	**% of Total Parcels**	**% of Total Acreage**
R1, Single Family Residential	4084	1292	70	41
R2, Limited Multifamily Residential	752	192	13	6
R3, Multifamily Residential	89	101	2	3
R4, Multifamily Residential	180	181	3	6
RO, Residential Office	187	77	3	2
C1, Neighborhood Commercial	12	6	0	0
CBD, Central Business District	144	41	2	1
C3, Community Commercial	203	164	3	5
C4, Highway Service Commercial	25	98	0	3
C5, Highway Corridor Commercial	45	69	1	2
PIP, Planned Industrial Park	11	37	0	1
PBP, Planned Business Park	3	80	0	3
I, Industrial	10	50	0	2
PF, Public Facilities	61	360	1	11
OS, Open Space	12	94	0	3
TOTALS	**5818**	**2841**	**100**	**90**

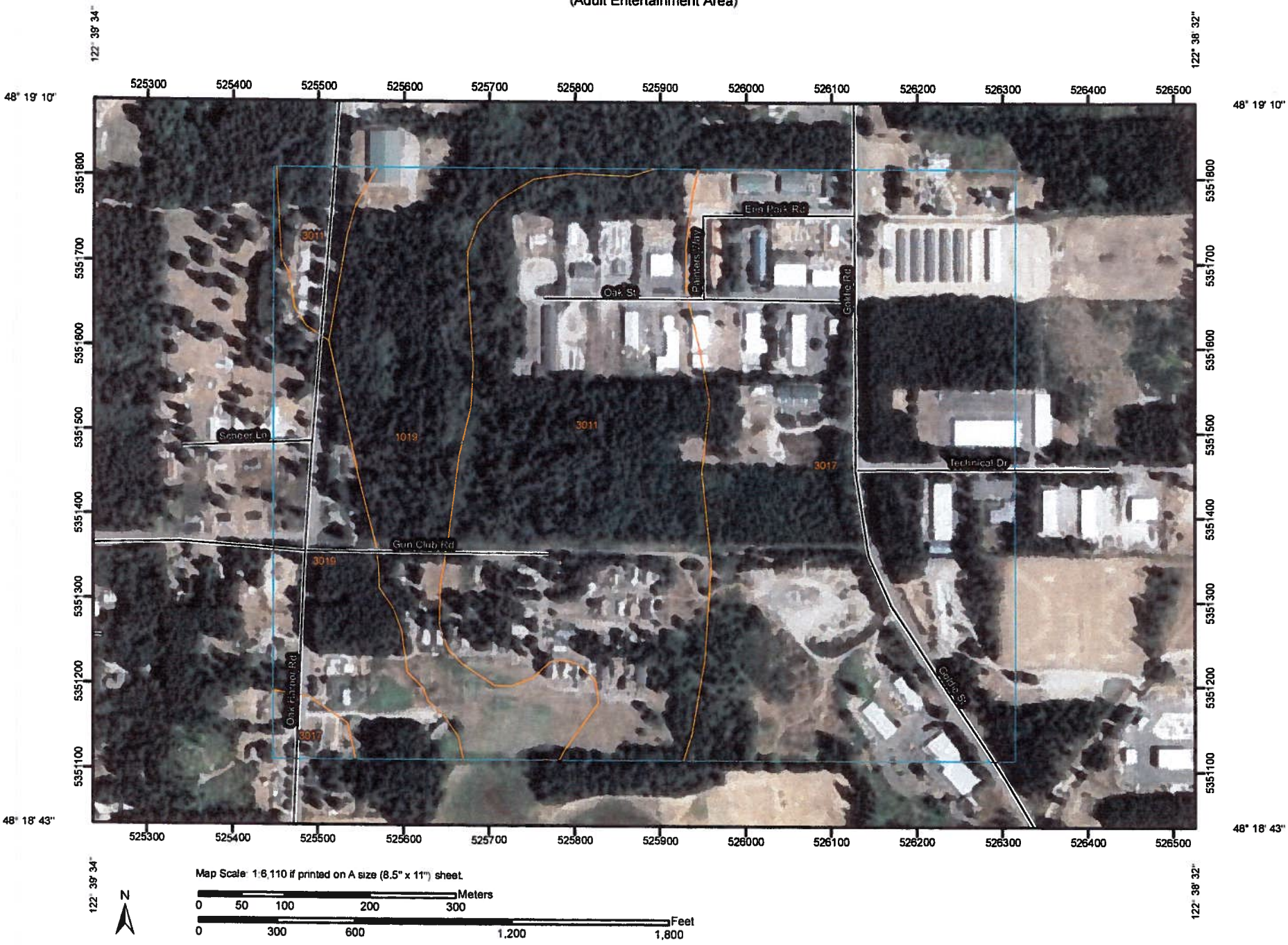
Total Land Area	3170.4	
ROW	329.5	10%

EXHIBIT A
NORTH WHIDBEY ENTERPRISE AREA



ATTACHMENT 5

Soil Map—Island County, Washington
(Adult Entertainment Area)



USDA Natural Resources Conservation Service

Web Soil Survey
National Cooperative Soil Survey

10/12/2010
Page 1 of 3

ATTACHMENT 6

Tables — Hydrologic Soil Group — Summary By Map Unit

Summary by Map Unit — Island County, Washington

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
1019	Morancreek, cool-Limepoint complex, 0 to 5 percent slopes	C	22.6	15.1%
3011	Everett-Alderwood complex, 0 to 5 percent slopes	A	47.2	31.5%
3017	Everett-Alderwood complex, 3 to 15 percent slopes	A	65.1	43.5%
3019	Everett-Alderwood complex, 15 to 40 percent slopes	A	14.9	9.9%
Totals for Area of Interest			**149.8**	**100.0%**

Description — Hydrologic Soil Group

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Tables — Depth to Water Table — Summary By Map Unit

Summary by Map Unit — Island County, Washington

Map unit symbol	Map unit name	Rating (centimeters)	Acres in AOI	Percent of AOI
1019	Morancreek, cool-Limepoint complex, 0 to 5 percent slopes	51	22.6	15.1%
3011	Everett-Alderwood complex, 0 to 5 percent slopes	>200	47.2	31.5%
3017	Everett-Alderwood complex, 3 to 15 percent slopes	>200	65.1	43.5%
3019	Everett-Alderwood complex, 15 to 40 percent slopes	41	14.9	9.9%
Totals for Area of Interest			**149.8**	**100.0%**

Description — Depth to Water Table

"Water table" refers to a saturated zone in the soil. It occurs during specified months. Estimates of the upper limit are based mainly on observations of the water table at selected sites and on evidence of a saturated zone, namely grayish colors (redoximorphic features) in the soil. A saturated zone that lasts for less than a month is not considered a water table.

This attribute is actually recorded as three separate values in the database. A low value and a high value indicate the range of this attribute for the soil component. A "representative" value indicates the expected value of this attribute for the component. For this soil property, only the representative value is used.

2010

Comprehensive Plan

Amendments

Public Hearing

City of Oak Harbor
Report to the Planning Commission

Date: October 22, 2010

Subject: 2010 Comprehensive Plan Amendments

FROM: Cac Kamak, AICP
Senior Planner

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1. SUMMARY STATEMENT

This report presents the 2010 Comprehensive Plan Amendments. The amendments include three land use changes to the City's Future Land Use Map and updates to the Capital Improvements Plan (CIP).

Amendments to the Comprehensive Plan are a Type V process as per OHMC 18.20.270. The code requires that the Planning Commission hold a public hearing regarding the proposed amendments and make a recommendation to the City Council.

2. BACKGROUND

The 2010 Comprehensive Plan amendment process began in October of 2009 with a call for applications. The call for projects was advertised in the local newspaper and was also on Channel 10 on cable television. However, no sponsored applications were received. The deadline for all applications was December 1, 2009. .

Although no private sponsored applications were received, there were city-owned properties that needs land use changes. Therefore, a preliminary docket that included three city-owned properties, an update to the Capital Improvement Plan and an analysis on the City's UGA capacity was reviewed by the Planning Commission and the City Council for the 2010 Comprehensive Plan Amendments. The docket was recommended by the Planning Commission and approved by City Council on March 2, 2010.

After the docket was approved the work on the amendments were discussed with the Planning Commission at their regularly advertised meetings. Some of the discussions, especially the work on the UGA capacity analysis drew public attention. The dates of the Planning Commission meeting that included discussions on the 2010 Comprehensive Plan Amendments are listed below.

- April 28, 2010 – UGA Capacity Analysis – Initial data collection
- May 25, 2010 – UGA Capacity Analysis – Continued discussion of data collection and methodologies
- June 22, 2010 – Discussion on the three proposed land use changes
- July 27, 2010 – Review and recommendation of the Transportation Improvement Plan that will be included in the Capital Improvement Plan
- August 24, 2010 – UGA Capacity Analysis – Preliminary findings

As part of a broader out reach approach, the City also used a blog site (http://cohcomrehensiveplan2010.blogspot.com) to inform people about the amendments.

3. UGA Capacity Analysis

The work done on the UGA capacity analysis will not result in any amendments this year. This is the first phase of the project. The scope of this year's work was to determine if there is capacity within the current UGA. Results from the analysis will require further discussion to determine how the 20 year growth should be accommodated. This may or may not result in expansion of the UGA. Therefore the work on the UGA capacity analysis will continue into the next Comprehensive Plan Amendment cycle.

4. Capital Improvements Plan 2010-2015

The Capital Improvements Plan is being updated to reflect changes in projects, revenues and expenditures. This year's update includes:

- Updates to the current and projected revenues
- Removal of projects that have been complete (eg. Oak Harbor Street improvements)
- Updating the list of street projects to reflect the adopted Transportation Improvement Plan
- Updated project list for the water, sewer and the wastewater system
- Updates to project schedules

A brief description of the various sections contained within the Capital Improvements Plan is provided below.

Section 1 provides an introduction to the CIP, its link to the Growth Management Act and the Revised Code of Washington (RCW).

Section 2 provides the planning context for the CIP and lists the goals and policies that provide the framework for the CIP.

Section 3 documents the existing capital facilities within the City. It provides the basic foundation for the CIP.

Section 4 of the CIP contains the list of projects for the non-enterprise funded systems such as Streets, Parks and Recreation, Windjammer etc., as well as the enterprise funded systems such as Sewer, Water, Wastewater and Marina. The section has been amended as part of this year's update to include some of the changes mentioned above. The updated projects can be found on pages 23 and 26 of the CIP. The expenditures related to these projects are provided in Table 4.3 (page 24) and Table 4.5 (page 26). The non-growth related capital facility projects are listed in Table 4.4.

Section 5 on page 28 includes the prioritization process for the non growth related capital facilities listed in Table 4.4. The prioritization process was done in 2006. Prioritizations of these projects were not done this year and there are some discussions at the Council to determine if they should be done next year. Therefore, no changes have been made to any of the priorities as part of this year's update.

Section 6 provides information on revenues sources for the various funds and includes projections for these revenues over the next six years. This section was updated to reflect the Finance Departments most recent projections.

Section 7 is the implementation plan for the non-growth related projects that are listed in Table 4.4 and prioritized in Section 5. This section was updated to reflect changes in schedules and fine tune project descriptions were applicable.

Information was updated in the Appendix of the Plan to reflect some of the changes in the Sections mentioned above. Appendix B was updated with the most recent information available on existing inventory. Appendix C was also updated to reflect changes in schedule and project costs.

5. Land Use Changes

The three properties included in the 2010 Comprehensive Plan Docket are listed below:

- Scenic Heights Trailhead site - Low Density Residential to Public Facilities
- Water Reservoir Site near Gun Club Road –Planned Business Park to Public Facilities
- SE corner of SR 20 and Fakemma Road –Auto/Industrial Commercial to Open Space

Scenic Heights Trailhead site: This property is located on SW Scenic Heights Road adjacent to SW 20th Court(See Exhibit 2a). The property was purchased by the City using Conservation Futures Funding with the intent to develop it into a trailhead site for the Waterfront Trail. The existing zoning for the property is R-1, Single Family Residential and the existing land use designation is Low Density Residential.

The property is being developed as a trailhead site for the Waterfront Trail that extends to Maylor Point. The site design includes an area with informational displays, a viewing area and some parking. Construction of this project is expected to commence this fall. Upon completion the trailhead site would become part of Oak Harbor's park system.

The Public Facilities classification is intended to accommodate public facilities such as parks, utilities, government offices etc and therefore would be the best suited land use category for the use. All parks in Oak Harbor are designated as Public Facilities and since the trailhead site would be part of the park system it would be logical to amend the land uses designation.

Oak Harbor Reservoir Site: This property is located near Gun Club Road in northwest Oak Harbor. The City currently owns a 10 acre tract but will retain only 5 acres to develop it for two water reservoirs. The five acre tract is approximately 1000 feet north of unimproved Gun Club Road (see Exhibit 2b) between Oak Harbor Road and Heller Road. The existing zoning for the property is Planned Business Park and the existing land use designation is Planned Business Park.

The City has identified this site as an appropriate location for possibly two water reservoirs to serve Oak Harbor. The location for this project was determined following a technical analysis on the water system. Since the Public Facilities classification is intended to accommodate public

facilities such as parks, utilities, government offices etc it would be the best suited land use category for the use.

Construction for this project is not expected to commence this year. If the requested change in land use is approved the project will be permitted by right and will be required to go through a Type II review process.

SE corner of SR 20 and Fakemma Road: The property was formerly referred to as the Boyer Tract. The property was purchased by a joint collaboration of the City, County and the Navy. The property is located in Accident Potential Sub-district One and is currently zoned C-4, Highway Service Commercial with a land use designation of Auto/Industrial Commercial. The property was purchased by the City, County and Navy with the intention to restrict development activity due to its location within the flight path. The Parks and Recreation Plan adopted in 2009 identified this property as a potential location for an Oak Grove. The change in designation to Open Space will further the goal of the Park Plan and will also remove this property from the commercial land use inventory.

In determining the suitability of this property for Oak Trees, staff contacted soil experts to determine the characteristics of the soil and its suitability for vegetation. Initial findings seem to indicate that the soil is not suitable for farming but is suitable for forests similar to the type of vegetation surrounding this property. The information provided from the soil analysis indicates that it varies from rocky, thin soils to deep loams and clays of valley bottom. Since Garry oaks have a broad tolerance of substrates, there is a potential for them to grow on this property. They may require some attention when initially planted but will be maintenance free once they establish themselves. The initial care that the Garry Oak need is primarily water. This can be easily provided to this site without installation of extensive infrastructure. An existing water line dead-ends on the southern edge of the property. This water line will need to be periodically flushed. The routine flushing can provided the needed water for the Garry Oaks.

6. Notices

a. SEPA

As per GMA, Comprehensive Plan Amendments are required to go through the SEPA process. It is a non-project review since it is related to the adoption of a document. The SEPA checklist and the determination have been attached to the report for your reference (Exhibit 3). The SEPA determination was advertised and opened to the public for comments and input. No comments were received.

b. CTED

Cities, under the GMA, that are adopting Comprehensive Plan Amendments are also required to provide a 60 day notice to CTED on the amendments that are up for adoption. The 60 day notice was provided on August 31, 2010. The 60 day period ends on October 31, 2010. The adoption of the amendments must be done after the 60 day review period ends.

7. Review Criteria

In accordance with OHMC 18.15.080 the Planning Commission shall review and make a recommendation to the City Council based on the criteria listed below.

(1) The amendment will not adversely affect the public health, safety and welfare in any significant way.
The proposed amendments will not adversely affect the public health, safety and welfare. The land use changes will reflect the intended use of the properties. These properties are city-owned properties and are being developed based on approved plans to further the goals and policies of the community. Projects in the CIP are also scheduled based on need identified in approved plans and are intended to serve the public needs, improve health, safety and welfare.

(2) The proposed amendment is consistent with the overall goals and intent of the comprehensive plan.
The land use changes and the updates to the CIP are consistent with the overall goals and intent of the comprehensive plan. The land use changes are compatible with surrounding land uses. Two of the land use changes will reduce the area available in the Planned Business Park and Auto/Industrial Commercial land use designations. However, there are no signs evident that these land use categories are in high demand since most of the properties designated in this land use are undeveloped or underdeveloped.
The Capital Improvement Plan includes projects for implementation of adopted plans over the next six years.

(3) The amendment is in compliance with the Growth Management Act and the Countywide Planning Policies.
The amendments are in compliance with the Growth Management Act and the Countywide Planning Polices. The land use changes are requested to reflect the intended use of the properties and therefore conform to the Future Land Use Map for the City.
The Capital Improvements Plan includes projects from adopted plans.

(4) The amendment addresses the needs or changing circumstances of the community as a whole or resolves inconsistencies in the city's comprehensive plan.
The land use changes are proposed to reflect the intended use of the property due to changing circumstances in the community based on adopted plans. The trailhead project and the oak grove project reflect the adoption of the Parks and Recreation Plan and the water tower site reflects the goals and vision of the water system plan.
The amendments to the Capital Improvements Plan reflects the ongoing changes to projects and schedules that change based on budget, permits or other related issues.

(5) Environmental impact from the amendments have been addressed through the SEPA review and /or measures have been included that reduce possible impacts.
A SEPA checklist has been prepared for the amendments and is included as an attachment to this report. No significant environmental impacts have been identified.

(6) The amendment is consistent with the land uses and growth projections which were the basis of the comprehensive plan or to subsequent updates to growth allocations.
As mentioned earlier, two of the land use changes will reduce the area available in the Planned Business Park and Auto/Industrial Commercial land use designations. However, there are no signs evident that these land use categories are in high demand since most of the properties designated in these land use categories are undeveloped or underdeveloped.

(7) The amendment is generally compatible with neighboring land uses and surrounding neighborhoods.
The proposed land uses are compatible with surrounding land uses. The proposed land uses are either Public Facilities or Open Space which are typically scattered throughout the community and are compatible with almost all land uses.

(8) The proposed amendment accommodates new policy direction from the city council.
The criteria does not apply to this year's amendments since the changes are not based on a new policy direction.

(9) Other specific criteria that may have been identified as the beginning of the process.
No special criteria were identified as the beginning of the process to consider this year's amendments.

8. Recommendations

In Staff's opinion, the 2010 Amendments meet the evaluation criteria for Comprehensive Plan Amendments. The update to the Capital Improvements Plan was done with input from the various departments within the City of Oak Harbor. Project updates and changes have their basis on already adopted Plans by the City Council. The financial information is based on the most recent information available and the adopted budget. Therefore, staff recommends that the Planning Commission hold the public hearing and forward a recommendation to the City Council to approve the

- 2010-2015 Capital Improvements Plan.
- Amend the Future Land Use Map to reflect the following changes:
  - Scenic Heights Trailhead site - Low Density Residential to Public Facilities
  - Water Reservoir Site near Gun Club Road –Planned Business Park to Public Facilities
  - SE corner of SR 20 and Fakemma Road –Auto/Industrial Commercial to Open Space

9. Exhibits:

1. 2010-2015 Capital Improvements Plan
2. Land Use Exhibits
   a. Scenic Heights Trailhead site - Low Density Residential to Public Facilities
   b. Water Reservoir Site near Gun Club Road –Planned Business Park to Public Facilities
   c. SE corner of SR 20 and Fakemma Road –Auto/Industrial Commercial to Open Space
3. SEPA Determination and checklist

City of Oak Harbor

Capital Improvement Plan 2010–2015

December 1, 2010

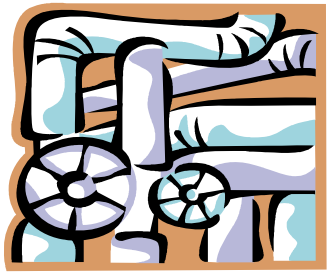

Exhibit 1

Capital Improvement Plan 2010—2015

Approved December 1, 2010

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Section One • Introduction

The Capital Improvement Plan

The Capital Improvement Plan (CIP) is a document covering a multi-year period that identifies each existing capital facility as well as new capital facility or capital maintenance project being proposed by the City during the planning term.[1] The CIP identifies the priority given each project by the City; the year each facility/project will start or be acquired; the amount of funding to be expended on the facility/project each year; and the proposed method of financing for each facility/project.

For the purposes of the CIP, a **capital facility** shall mean *any facility owned or maintained by the City costing $50,000 or more, requiring the expenditure of public funds over and above annual maintenance and operational expenses, and having a life expectancy of 20 years or more*.

In addition to planning for the acquisition of new capital facilities, the CIP assists the City in identifying what capital maintenance projects are to be funded. For the purposes of the CIP, **capital maintenance** shall mean *any maintenance or upkeep expense to an existing capital facility requiring the expense of public funds in excess of $50,000 and extending the useful life of the facility for 10 years or more.*

The City of Oak Harbor has identified the period 2010 to 2015 as the planning term for this CIP. The CIP should not be confused with the capital budget. The capital budget represents the first year of the CIP and in the case of this document, is the 2010/2011 biennium City budget. The projects identified in subsequent years of the CIP are not authorized until the biennium budget for those years is adopted.

The Requirement to Plan

The State Growth Management Act (GMA) of 1990 requires that communities adopt CIPs as part of their comprehensive plans. The intent of this CIP is to comply with the Growth Management Act (RCW 36.70A.070 (3) and WAC 365-195-315). It is also intended to meet the concurrency requirements of RCW 36.70A.020 (12) and (13), WAC 365-195-210.

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[1] ***Planning term***—The planning horizon for the CIP is 6 years with the first year of the planning term being the capital budget for that year.

Benefits of Capital Improvement Planning

The Capital Improvements Plan serves a number of important functions. The Government Finance Officers' Association identifies four major purposes[2]. They are to:

1. ***Create a formal mechanism for decision making.*** A basic function of the CIP is to provide a framework for decision makers. Decisions about what to buy, when to buy it and how to pay for it can all be answered by a comprehensive CIP.
2. ***Provide a link to long range plans.*** The CIP can guide the implementation of the community's comprehensive plan, sub area plans and strategies.
3. ***Serve as an important management tool.*** A major organizational purpose is served by the CIP. It provides a mechanism to help prioritize capital projects and match projects with existing funding options.
4. ***Function as a reporting document.*** A CIP communicates to citizens, businesses, and other interested parties the government's capital priorities and plans for implementing capital projects.

There are numerous benefits of a CIP. Benefits include:

- *Focused attention on community goals, needs, and financial capability.* It encourages decision makers and the public to connect future plans and the actions needed to achieve them.
- *Building public consensus for projects and improves community awareness*. The process elevates public awareness of the needs and financial resources of the community.
- *Improved inter-/intra governmental cooperation.* A CIP enhances coordination between departments and agencies thereby reducing conflicts and overlapping projects.
- *Assistance in ensuring financial stability.* Capital projects are prioritized and scheduled to fit within expected funding levels, thereby limiting the need for dramatic tax increases or unanticipated bond issues in any one year.

Determining What is Included in the CIP

The process to determine need for new capital facilities is rather straightforward. Most facility needs are easy to determine as they are based on the principle of maintaining or meeting technically derived service standards. Levels of Service (LOS) standards are established by a technical based measure, e.g. water flow levels to serve a certain population or park space needed per one thousand citizens. Capital needs are also derived from special plans and strategies developed for a special purpose. For example, the Parks and Recreation Plan, the Windjammer Plan and Fire Service Master Plan have identified capital needs that are necessary to meet specific goals identified and discussed by the public and adopted by the City Council in that specific planning process. The needs identified by the processes mentioned above are divided into two basic categories for further review, comparison and consideration. These categories, based on revenue source, are:

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[2] Major elements of the introduction material for this plan have been taken from *Capital Improvement Programming, A Guide for Smaller Governments*, Patricia Tigue, Government Finance Officers' Association, 1995.

- *Enterprise Fund Capital Facility Needs*. Enterprise funds are identified as those functions (departments) that derive their revenues from user fees or charges. Capital needs for these functions are identified in this document but are not prioritized, as their funding requirements are mostly met by user fees.
- *Non-Enterprise Fund Capital Facility Needs*. Non-enterprise funded activities are, for the most part, dependent on General Fund revenues, special assessments; grants and other inter-governmental transfers. Streets, parks, public safety, general administration and special projects all must compete for these revenues.

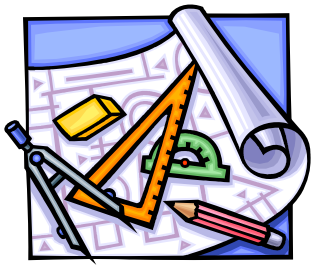
Capital Facilities Not Provided by the City

The GMA also requires jurisdictions to plan or coordinate with the responsible authorities for schools and solid waste collection and disposal. This plan, in addition to these requirements, will report the capital needs of the Oak Harbor School District 201, Sno-Isle Library District, North Whidbey Parks District and Island Transit.

Summary

This document is designed to answer several questions for the community, professional managers, and elected decision makers. They are, quite simply:

- What do we have?
- What do we need?
- When do we need it?
- What is most important?
- How do we pay for it?



Section Two • The Planning Context

Capital facilities planning does not take place in a vacuum. Plans and strategies that are developed with extensive community involvement set the framework for the decisions necessary to guide the City's economic, social and cultural evolution. The result of this community effort in Oak Harbor is contained in three basic areas of work:

- The Comprehensive Plan
- Subarea and functional area plans
- The Comprehensive Financial Management Policy

These documents have provided the framework for the CIP detailed in this document. These three critical guides are discussed below.

The Comprehensive Plan

Everyone plans. Everyone plans all of the time. Families make financial plans, plan for vacations or plan for their children's' college education. Planning allows a look into the future, a decision on what the future should look like, and then an identification of the actions that will make that future come to pass.

A Comprehensive Plan is a community's vision for its future. The plan details what citizens want the community to look like, where streets and roads should go, how much park and open space should be provided and where growth should occur. Without a living, active and well used plan, community health and well being would be in serious jeopardy. The Comprehensive Plan should also be a tool for helping government officials to think strategically about all aspects of the community and the way these elements interact. Without a clear picture of community wants and needs, decision-makers may not make choices that are in the best interests of its citizens. Comprehensive planning should also be a community development process that initiates action rather than simply reacting to events. A comprehensive plan without an implementation strategy is limited in its effectiveness.

The Washington State Growth Management Act (GMA) of 1990 requires that the City of Oak Harbor prepare and maintain a comprehensive plan capital facility element. This element is required "in order to assure that public facilities will be reasonably available to accommodate planned growth over the next twenty years." This requirement is referred to as concurrency and specifically means:

- Public facilities that are needed to serve new development and population within a jurisdiction or service area must be in place at the time of development.
- Such facilities must be sized to adequately serve the area without decreasing the services levels established by the jurisdiction.

The GMA identified the following goals to be obtained by local comprehensive planning efforts:

- Focus urban growth in urban areas
- Reduce sprawl
- Provide efficient transportation
- Encourage affordable housing
- Encourage sustainable economic development
- Protect property rights
- Process permits in a timely manner
- Maintain and enhance natural resource based industries
- Retain open space and habitat areas and develop recreation opportunities
- Protect the environment
- Encourage citizen participation and regional coordination
- Preserve important historic resources
- Manage shorelines wisely

The GMA also requires that the comprehensive plan be of at least a twenty year planning horizon and be based on population projections supplied by the state Office of Financial Management (OFM). Comprehensive plans must contain, at a minimum, these elements:

- A capital facilities element, with a six-year plan for financing identified capital needs.
- A land use element.
- A housing element.
- A utilities element.
- A transportation element.
- An economic development element.
- A parks and recreation element.

WAC 365.195.315 requires that the capital facilities plan address the following:

- An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities;
- At least a six year plan that will finance such capital facilities, within project funding capacities and clearly identifies sources of public money for such purposes;
- If a jurisdiction is unable to provide or finance capital facilities in a manner that meets concurrency and level-of-service requirements, it must either: (a) adopt and enforce ordinances which prohibit approval of proposed development if such development would cause levels-of-service to decline below locally established standards, or (b) lower established standards for levels-of-service.

In addition, GMA requires that comprehensive plans be put into action through zoning and development regulations.

The City last conducted a major update to its comprehensive plan in November of 2005 in response to a state mandate. The update consisted of a complete review of the land use, economic development, urban growth transportation, environmental elements and capital facilities elements. The comprehensive plan identifies the following goals and policies[3] for the development and location of capital facilities in Oak Harbor and serves as a general guide for the creation of this document.

Goal 1—

Provide adequate capital facilities and services necessary to serve Oak Harbor's existing and future population without causing decreased service levels below adopted LOS[4] standards.

Policy—

a. Predict facility needs for the next 20 years based on projections of anticipated population and business growth.
b. Prepare phased plans to identify needed public facilities to support existing and future growth projected in policy 1.a.
c. Coordinate with other jurisdictions to establish priorities of county-wide facility improvements, identify services needed to achieve adopted service levels, and protect public health, safety and the environment.
d. Review growth projections and capital facilities plans annually congruent with the City budget process to ensure that the City's ability to provide and maintain adequate public facilities and services is consistent with growth.
e. Phase the development of capital facilities to ensure sufficient lead-time financing, planning, and construction to provide the facilities when needed.
f. Coordinate land use and public works planning activities with an ongoing program of long-range financial planning to conserve fiscal resources.
g. Support and encourage joint development and use of cultural and community facilities among governmental and/or community organizations.
h. Approve development only when the LOS for a capital facility is assured to meet the standards set forth in the Comprehensive Plan. Limited short term reduction in LOS is acceptable when a capital improvement or strategy to accommodate the impacts is made concurrent with development.
i. The City will cooperate with private developers to address Capital Improvements financing programs when necessary.

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[3] For a complete understanding of the goals and policies see the *City of Oak Harbor Comprehensive Plan, December 2008,* Capital Facilities Element, page 150.

[4] For a complete discussion of Level of Service (LOS), see Section Five.

Goal 2—

Implement capital facilities projects in accordance with the funding policy priorities of Oak Harbor.

Policy—

a. Program and prioritize City capital improvements for consistency with the Comprehensive Plan. The City's capital improvement funding priorities should be:
   - Urgent projects which cannot reasonably be postponed including, but not limited to, those reconstructions, upgrading or new construction projects which are needed to protect public health, safety and welfare.
   - Reconstruction, major maintenance or expansion of the City's existing infrastructure in order to provide for service to the existing community.
   - New projects where the need or demand for service already exists.
   - Expansion projects in partially developed or developing areas where demand is anticipated as a result of, or in preparation for, future growth.

b. Evaluate capital projects that are included in the Six-Year Capital Facilities Plan for consistency with the Comprehensive Plan.

c. Coordinate with the Navy, Island County, and other applicable agencies during planning stage for timely siting and development of facilities of regional significance to ensure the consistency of each jurisdiction's plans.

d. Locate only compatible public facilities in designated resource lands or critical areas.

e. Promote high quality design and site planning in the construction of capital facilities.

f. Encourage citizen involvement in the planning and locating of capital facilities.

g. Ensure that all City departments review changes to the Capital Facilities Plan and participate in an annual review.

Goal 3—

Finance Oak Harbor's needed capital facilities in the most economic, efficient, and equitable manner possible.

Policy—

a. Ensure that the burden of financing capital improvements is equitably borne by the primary beneficiaries of the facility.
b. Use general revenue only to fund projects that provide a general benefit to the entire community.
c. Determine which services or facilities are delivered most cost-effectively by the City and which services should be contracted to private entities.
d. Where appropriate, use special assessment, revenue and other self-supporting bonds instead of tax-supported general obligation bonds.
e. Consider adopting impact fees when appropriate to mitigate the short-term fiscal impacts of increased development.

Goal 4—

Provide a full range of cost-effective urban governmental services to residents within the Oak Harbor City boundaries and the Urban Growth Area as annexed.

Policy—

a. Monitor annually school, fire, police, waste disposal, utilities and other capital facilities to ensure existing and future needs are met.
b. Require development proposals to be reviewed for available capacity to accommodate development and needed system improvements by the various providers of services, such as school districts, utilities, police and fire departments.
c. Encourage joint-use of corridors for major utilities, trails, and transportation rights-of-way. (See Utilities Element).

Related Plans

Each chapter of the Comprehensive Plan contains goals and policy statements. These goals and policy statements serve as the guiding principles of all City actions. Actions taken by the City should always have a comprehensive plan implementation rationale. Water Department plans would be based on the implementation of comprehensive plan goals and policies, for example, as would the other department and division actions.

Often though, these administrative sub-units of the City develop additional plans that complement the comprehensive plan by providing much more detail and specificity. The following subarea plans and strategies were also used to guide the selection of new capital facilities in this plan;

- The City of Oak Harbor Comprehensive Water System Plan, 2003
- The City of Oak Harbor Comprehensive Sewer System Plan, 2006
- The City of Oak Harbor Comprehensive Stormwater Drainage Plan 2006
- The City of Oak Harbor Park, Recreation and Open Space Plan, 2009
- The City of Oak Harbor Downtown Circulation Study, 2001
- The Windjammer Project Plan, 2005
- Shoreline Master Program, 1999
- The City of Oak Harbor Comprehensive Transportation Plan, 2007
- The Six Year Traffic Improvement Plan, 2010-2015

The Comprehensive Financial Management Policy

The Comprehensive Financial Management Policy[5] was adopted by the Oak Harbor City Council in December 2004. The purpose of the policy was to recognize that the "financial strategy of the City of Oak Harbor is to develop a sound financial resource base for the purpose of ensuring public safety, maintaining the physical infrastructure and surroundings of the City, and promoting the social well-being of the citizens of Oak Harbor." This policy provided helpful direction in preparing this CIP. The key elements from that policy are.

General Revenue Policies

a. A well-diversified and stable revenue system will be maintained to shelter public services from short-run fluctuations in any particular revenue source. Revenue estimates will be as realistic as possible based on the best available information.

b. Revenue forecasts will encompass all resources that can be utilized for public services.

c. Revenues of a one-time, limited or indefinite term will be used for capital projects or one-time operating expenditures to ensure that no ongoing service program is lost when such revenues are reduced or discontinued.

d. The City will project revenues for the next three years and will update this projection annually.

e. The City will not utilize deficit financing or short-term borrowing as a revenue source to finance current operating needs without full financial analysis and prior approval of the City Council. Interfund loans are permissible to cover temporary gaps in cash flow.

[5] The complete text of the Oak Harbor Comprehensive Financial Management Policy can be found in Appendix E

Grant Revenues

a. All potential grants shall be carefully examined for matching requirements. If local matching funds are not available, some grants may not be accepted. Grants may also be rejected if programs must be entirely funded with local resources after the grant program is completed.

b. When considering grants for the purposes of capital construction or other projects of an acquisition nature, an analysis will be made of the City's ongoing ability to maintain, repair, or commit the facilities to a specific economic purpose.

Enterprise Revenues

a. To ensure that the enterprise funds remain self-supporting, user fees and rate structures will be incorporated to support the total direct and indirect costs of operations, capital facilities maintenance, debt service, depreciation, and pass-through rate increases from source of supply vendors.

b. Revenues received for enterprise purposes will be restricted to the respective funds.

User Fee Revenues

a. The City will establish all user fees and charges at a level related to the cost of providing the service.

b. As much as is reasonably possible, authorized City services that provide direct benefit to a specific group, organization, or citizen should be supported by fees and charges to recover the costs of providing such benefit.

General Expenditure Policies

a. A high level of priority will be given to expenditures that will reduce future operating costs, such as increased utilization of technology, equipment, personnel, and prudent business methods.

b. Before the City undertakes any agreements that would create fixed ongoing expenses, the cost implications of such agreements will be fully determined for current and future years through the use of strategic financial planning models.

Short-Term Debt Policies

a. Short-term debt covers a period of one year or less.
b. The City may use short-term debt to cover temporary cash flow shortages that may be caused by a delay in receipting tax revenues or issuing long-term debt.
c. The City may issue interfund loans rather than outside debt instruments to meet short-term cash flow needs. Interfund loans will be permitted.

Long-Term Debt Policies

a. The City will confine long-term borrowing to capital improvements that cannot be financed from current revenues.
b. Acceptable uses of bond proceeds can be viewed as items that can be capitalized and depreciated.
c. Where possible, the City will use special assessment revenue, or other self-supporting bonds instead of general obligation bonds.
d. The City will not use long-term debt for current operations.

General Obligation Bond Policy

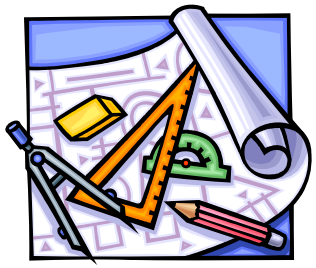
a. Every project proposed for financing through general obligation debt should be accompanied by a full analysis of the future operating and maintenance costs associated with the project.
b. Bonds cannot be issued for a longer maturity schedule than a conservative estimate of the useful life of the asset to be financed.

Limited Tax General Obligation Bond Policies

a. As a precondition to the issuance of limited tax general obligation bonds, all alternative methods of financing should have been exhausted.
b. Limited tax general obligation bonds should only be issued under the following conditions:
   - A project in progress requires monies not available from alternative sources,
   - Matching fund monies are available which may be lost if not applied for in a timely manner, or
   - Catastrophic conditions.

Summary

The Comprehensive Plan and related sub-area and sub-unit plans detail the general and specific direction for community development in Oak Harbor. The CIP identifies what physical developments need to take place, where they are needed and how they will be paid for by the community. None of these actions can be undertaken separately without significant negative impact. The Capital Improvement Plan that follows represent the City of Oak Harbor's first for planning and coordinating the needed public capital investment.



Section Three • Existing Capital Facilities

The City of Oak Harbor owns and operates a wide array of capital facilities and performs a variety of services. Capital facilities are required to provide adequate service to the citizens of the community.

In addition to the City, a number of other governmental agencies build and manage capital facilities as well. The school district for example, owns and operates a large capital plant as does the library district and transit system. The City does not manage any of these capital facilities. The City does have responsibility under the Growth Management Act however, to ensure that the planning for these facilities takes place and that provision for the facilities necessary for the orderly growth of the community is considered by the responsible agency.

City services are divided into two general categories based on the origin of their operation and maintenance revenue, as explained in Section Two. In order to maintain consistency, City assets are grouped below into these two categories. The following is a summary of each City service. Detailed information on existing capital facilities will be found in Appendix A.

Non-Enterprise Funded Activities-Capital Facilities

Streets and Roads

A detailed description of Oak Harbor's existing street and road system is discussed within the GMA Transportation Element of the City of Oak Harbor Comprehensive Plan. As of year end 2008 there were 68.42 miles of public streets in Oak Harbor. Within the City of Oak Harbor, SR 20 is the only principal arterial. Minor arterials include:

- Bayshore Drive; City Beach Street to Midway Blvd
- Ft. Nugent Road; Swantown Avenue to City Limits
- Whidbey Ave.; Heller Rd to SE Regatta Drive
- NE 16th Avenue; Goldie Street to SE Regatta Drive
- Heller Street; Swantown Road to north City limits
- Midway Boulevard; Pioneer Way to SR 20
- Goldie Street; SR 20 to north City limits
- SE Regatta Drive; E Pioneer Way to north City limits.

Collector arterials include:

- NW Crosby Road
- Oak Harbor Street
- 7th Avenue
- Loreland Lane
- SE 8th Street
- Barrington Drive
- Erie Street
- Scenic Heights Road

Most other streets in Oak Harbor are classed as local access roads. For a graphic representation of the street system, see Appendix G.

Parks and Recreation

A detailed description of the City's parks and recreation system is contained in the 2009 City of Oak Harbor Comprehensive Parks, Recreation and Open Space Plan and is only summarized here. North Whidbey Island has a system of parks and open areas that include approximately 2,000 acres. The City of Oak Harbor has 25 parks on 111 acres of developed land and owns over 164 acres providing recreational opportunities such as walking trails, picnic areas, athletic fields, playgrounds, shorelines and a marina. For a graphic representation of the Parks system assets, see Appendix G.

The Oak Harbor School District No. 201 owns approximately 85 acres of playgrounds and athletic fields, and Naval Air Station Whidbey Island manages 207 acres of park and athletic fields for use by Navy personnel, dependents and retirees. Island County and Washington State Parks also have extensive park systems on North Whidbey Island, which are available to serve Oak Harbor residents.

Fire Protection and Suppression

The Oak Harbor Fire Department provides fire suppression, fire and life safety inspection, fire investigation, and other public education programs for the City of Oak Harbor. There are 13 full time employees, 42 paid on-call personnel, and 1 volunteer. The department responded to 1,339 incidents in 2009; approximately 6% were fires, 50% medical, and 7% service related. The department is currently housed in a 21,000-sq. ft. building located at the intersection of East Whidbey Avenue and Northeast Izett Street. The facility houses apparatus, administrative offices, training facilities, meeting rooms, an emergency operations center and personnel quarters. The department enjoys a Class 4 rating from the Washington Survey and Rating Bureau. Ratings range from one to ten, with one representing the best score. These ratings evaluate available water supply, fire department staffing and equipment, fire alarm system, fire protection program, building department enforcement of building laws and structural conditions of buildings.

Law Enforcement

Law enforcement services within the City of Oak Harbor are provided by the Oak Harbor Police Department. While never signed, the Police Department and Navy Security have operated under a memorandum of understanding drafted in 1993, which determines the range of service available to the NAS Whidbey Seaplane Base. The Oak Harbor Police Station is located at 860 S.E. Barrington Dr. across from City Hall and consists of approximately 12,000 gross sq. ft., of which 1,250 sq. ft. is a 30-day jail holding facility.

In 2006, the Police Department maintained a staffing level of approximately 1.41 commissioned law enforcement officers for every 1,000 persons living in the City. The national average is 2.30 officers per 1,000 citizens, with the State average of 1.65 officers per 1000 citizens.

General Governmental Services

General governmental services in the City of Oak Harbor are provided by the Mayor and City Council, City Administrator, Finance Department, City Attorney, Development Service Department and Public Works Department. These functions provide policy, legislative, regulatory and administrative services to the residents of Oak Harbor. Together, these departments have 132 regular fulltime employees.

For a graphic representation of the general physical assets of the City, see Appendix G.

Enterprise Funded Activities—Services/Capital Facilities

Water

The City of Oak Harbor Comprehensive Water System Plan contains a detailed description of the City's water system. The Oak Harbor water system currently serves about 23,360 people. As of 2010, the City had 99.44 miles of water lines. The City's water system obtains water supply from the City of Anacortes, supplemented by three Oak Harbor owned wells. The City currently purchases approximately 99% of its water from Anacortes. A 20-year agreement with the City of Anacortes provides a basis for the City of Oak Harbor to provide water. Water flows from Anacortes through two City-owned transmission pipelines to the City of Oak Harbor. The transmission mains are 10 and 24 inches in diameter and are about 12 miles long.

Three City-owned wells have the capacity to produce 160 gallons per minute (gpm), 130 gpm and 160 gpm respectively. The City also operates one major pump station at Ault Field and a booster station at Heller Street. Three reservoirs store water for the system; one is a 2 million gallon (mg) tank and the two others are approximately .5 mg each. About 78% of the City's current water demand is residential with the remaining 22% of demand being commercial/industrial. Average daily demand in Oak Harbor's water system is about 2.264 million gallons per day (mgd). In addition to the City's demand, the Whidbey Island Naval Air Station's (NAS) average daily demand averages about 0.93 mgd. The water inter-ties with the NAS Whidbey Island were completed in 1999. Both the Navy and Oak Harbor view these connections as mutually beneficial. This solution extended the threshold need for future standby storage expansion. The Capital Facilities Plan of 1999 shows the City starting a sinking fund in the year 2000 for the construction of an additional reservoir in the 2006 to 2013 time frame. A new 30 million gallon reservoir is scheduled for construction in 2011.

Sewers

The City of Oak Harbor's Comprehensive Sewerage Plan contains a detailed description of the City's sewer system. The City of Oak Harbor sewer collection system is municipally owned, operated and maintained. The existing system consists of more than 54 miles of gravity sewers ranging in size from 8 to 21 inches in diameter. The system also has 9 lift stations and approximately 2.5 miles of force mains and a total of 68.64 miles of sewer lines.

The City currently operates two wastewater treatment facilities. Together, the two facilities have the capacity to treat an average daily flow of approximately 3.2 million gallons per day (mgd). The 2005 yearly average daily flow was 1.87 mgd. The first of these two facilities is the Oak Harbor Wastewater Treatment Plant, a secondary treatment plant which uses the rotating biological contactors (RBC) process, and currently has a capacity to treat approximately 0.7 mgd (average daily flow). This plant is located adjacent to Oak Harbor Windjammer Park at approximately City Beach Street and Bayshore Drive. Plant effluent is discharged through an 18-inch outfall to Oak Harbor in accordance with the City of Oak Harbor's National Pollution Discharge Elimination System (NPDES) permit.

Another secondary treatment facility was established in October of 1987 when the City signed a 50-year agreement to operate and maintain the sewage lagoons at the NAS. The City owns the facility and leases the land for the facility from the Navy. The lagoons are located on Navy property, northwest of the intersection of Pioneer Way and Torpedo Road, adjacent to Crescent Harbor. These lagoons currently have the capacity to treat approximately 2.5 mgd (average daily flow).

Stormwater Detention and Treatment

A detailed analysis of storm drainage requirements in Oak Harbor are discussed in the Comprehensive Stormwater Drainage Plan dated 2006. This plan describes the existing conditions of the stormwater detention and treatment systems within the City and the requirements for improvements over the next 20 years. The City currently has approximately 46.94 miles of storm sewers in the City. It maintains 1700 catch basins and manholes and inspects 111 private stormwater detention facilities.

Solid Waste

Municipal waste is generated in Oak Harbor at a rate of approximately 6,935 tons per year. This amounts to an average generation rate of 19 tons per day or about 2.5 pounds per person per day. The City of Oak Harbor uses the County's transfer station site in Coupeville for disposal of its municipal solid waste. Within the City limits, 68% of Oak Harbor's present population is serviced by the City's solid waste collection and disposal system. The remainder of the City's population is resident naval personnel and their families on the Seaplane Base, who utilize solid waste disposal services provided by the Navy in a service agreement with Island Disposal. For the non-Navy portion of the population, all operating revenues are obtained through collection and container fees.

Areas outside of the Oak Harbor City limits are currently served by Island Disposal through a franchise agreement with Island County. Island Disposal has an agreement with the City to continue serving homes within any area being annexed for an additional seven years to twelve years. New homes within the annexed area would be served by the City.

Corrections and Detention

Oak Harbor currently has a 12-bed jail with an average daily population of 11 inmates. Prisoners are held for up to 30 days. At times, the capacity of the jail is exceeded when new inmates are awaiting preliminary court appearances. Currently, longer-term prisoners and overflow are sent to the Island County jail facility at Coupeville. As the existing jail is approximately 35 years old, it is recommended that funding sources be studied which could provide for a new facility which could meet growing community needs.

Marina

The Marina was constructed in 1974 and was intended to provide the best and most affordable boat moorage in the northern Puget Sound. It was also intended to promote and encourage recreational boating in the Puget Sound and the San Juan Islands.

The marina was expanded in 1987 and again in 1998-99 to incorporate a unique breakwater design which provides superb protection to the marina while at the same time affording outstanding accommodations for visiting yacht clubs and individual boaters transiting the Sound. The breakwater dock provides 52, 40-foot slips with patios and picnic tables plus water and power. The facility is within walking distance of most retail services including motels and restaurants in the City of Oak Harbor.

Today's Oak Harbor Marina accommodates permanent moorage tenants in 217 open and 135 covered slips, ranging in size from 24 to 50 feet. Up to 100 additional vessels (depending on size) can be accommodated in guest moorage. The Marina also operates 96 dry storage garage-type sheds which are 25 feet in depth and can accommodate smaller boats on trailers.

Non City Provided Capital Facilities

Oak Harbor School District

The City of Oak Harbor is served by Oak Harbor School District No. 201. Currently the district operates one high school, two middle schools and six elementary schools. It serves students who live both within and outside the Oak Harbor Urban Growth Area Boundary. The high school is at an enrollment of 1800 students. Thanks to voter support, a new high school has been constructed at its current location. A new sports stadium that serves the high school was also built as a result of voter support and private community donations. The stadium has bleachers seating up to 3,000 spectators and parking for 750 vehicles.

The North Whidbey Middle School along with the Oak Harbor Middle School, has an enrollment of 1250 students.

Libraries

The Oak Harbor Library is a branch of Sno-Isle Libraries, a two-county library system serving Island and Snohomish counties. The City of Oak Harbor annexed to the Sno-Isle library district through voter approval in 1981, allowing residents to pay for library services directly through their property taxes. The library facility, including all major furnishing and shelving, remains the responsibility of the City, in agreement with the library district. The Oak Harbor Library is currently located in the east end of Hayes Hall on the Whidbey Island Campus of Skagit Valley College (SVC). Completed in 1993, Hayes Hall is jointly owned and maintained by SVC and the City of Oak Harbor, although the City is responsible for all elements related to the public library. The City's share of the building is estimated at approximately 12,000 sq. ft., or 43%. The boundaries of the Oak Harbor Library service area correspond with those of the Oak Harbor School District and include the City of Oak Harbor and the unincorporated North Whidbey area. According to the U.S census, the 2005 population of the area was 37,341. Island County Planning and Community Development projections show the population of the Sno-Isle area increasing to 46,569 by the year 2025.

The current library meets the informational and recreational needs of community members. It serves as a resource for teachers and students in public and private schools from preschool through college. It also supports economic development and local business needs through information services and access to online data. The library also serves as the consumer health information reference center for the Sno-Isle libraries, providing services throughout the two-county area.

The library offers many services to children, teens, adults and seniors including reference and information, programming, access to online and physical collections (1.4 million volumes) and interlibrary loan. Library services include, but are not limited to:

- Story times for babies, toddlers and preschoolers to promote reading readiness
- Programs and outreach for school aged children to promote academic success
- Homework assistance to complement K-12 and college level education
- Access to online electronic databases via the library website
- 114,000 books, DVD's, CD's, magazines and other materials for checkout
- Library Online Catalog access to 1.4 million volumes plus electronic sources
- Interlibrary loan for materials that are not in the library catalog
- Internet and Microsoft Office computer stations in the children, teen and adult areas
- Wi-Fi access throughout library and lobby areas
- Professional, friendly, well-trained local staff
- Express check out and holds pick up
- Reference and information services during all open hours
- Online reference services available 24/7
- Outreach services to homebound, care facilities and local daycares
- Open seven days per week during school year

In 2005, the library circulated 437,593 items, which was an increase of 24.8% over 2000 circulation figures. The library currently holds approximately 114,000 items, a 44% increase over the library's collection of 80,000 items in 1993 when the current facility opened. Collections are at maximum capacity: As new materials are added, older items must be removed. More than 240,000 people are projected to visit the Oak Harbor Library in 2006, which is an average of nearly 800 per day. The library program kicking off Summer Reading for 2006 was attended by more than 1000 children and their families.

North Whidbey Parks and Recreation District

The District operates two primary facilities:

- Clover Valley Park which consists of a Babe Ruth level baseball field, practice field and a leash free dog park.
- The Vanderzight Pool, on Jerome Street, which consists of a 25 meter pool and training pool.

It is considering plans to expand the Vanderzight Pool by adding additional swimming area, waterslide and warm water therapy pool sometime in the next few years.

Island Transit

The transit needs of the City are served by the Island County Public Transportation Benefit Area (PTBA), which operates as Island Transit. The agency's services include: fixed route service, para-transit service, a vanpool program and a ride matching program. All of Island Transit's services are fare-free to its users. The system is fully funded by a 0.3% sales tax, which is matched by funds from the Motor Vehicle Excise Tax revenues generated within the PTBA. The Levels of Service for Transit Routes in Oak Harbor will conform to that identified in Island Transit Comprehensive Plan as approved by the Public Transportation Benefit Area (PTBA).

Island Transit operates seven (7) routes within the City of Oak Harbor utilizing seven buses and two para-transit vehicles. Ridership for the entire Island County system topped one million in 2005 with a quarter of that ridership occurring in the City. In addition to numerous bus stops the system maintains Harbor Station on Bayshore Drive. The center contains three passenger shelters and kiosks as well as an operator lounge and administrative offices.

Section Four • Future Capital Facility Needs

How Are Future Needs Determined?

Capital facility needs for the community are identified in a number of ways. First, traditional planning, involving much citizen involvement, determines the community's wishes for open space, economic development options and land use compatibility, for example. Traditional planning produces documents like the Comprehensive Plan, the Windjammer Plan and the Parks and Recreation Plan. In addition, specialized or technical planning addresses infrastructure development, generally, through the Comprehensive Sewer Plan, the Comprehensive Storm Water Plan and the Six Year Traffic Improvement Plan, to mention just three. Specialized planning relies more on traditional technical specifications or industry standards and less on general community input. Generally speaking, the non-enterprise funded[6] projects are based more on traditional planning products[7] while enterprise funded projects are derived from specialized planning exercises. The provision of both types of capital facilities is, of course, guided by the Comprehensive Plan and appropriate sub-area plans.

Determining Basic Public Service Levels

The term Level of Service Standards (LOS) refers to the minimum capacity for public facilities or service that is planned to be provided per unit of demand or other appropriate measure of need. LOS can range from a precise measurement such as the time needed for a fire engine to reach the typical call-out to as imprecise a measure as public perception of how much open space should be provided. Establishing the LOS for an area of service area then directs the decision makers and managers to make the necessary plans to ensure that LOS is met.

LOS need to be consistent with the growth projections of the Land Use Element of the Comprehensive Plan. Under the concurrency requirements of GMA, if LOS are set too high, they may result in the community not achieving its growth objectives. On the other hand, if LOS are set too low, they may adversely impact the quality of life in the community. Even if concurrency is not required, the LOS tool is valuable in planning and budgeting. LOS also provide excellent measures of system performance.

Table 4.1, below, presents the LOS for a broad array of public facilities and services in Oak Harbor. The LOS were initially proposed by City staff based on technical and industry sources. These proposed standards were then reviewed and approved by the Citizens Comprehensive Plan Task Force.

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[6]For a clear definition of non enterprise and enterprise funds, see Section Three.

[7] Street projects are the most obvious exception.

Table 4-1. Level of Service Standards

Facility	Adopted LOS
Streets and Roads	
Major and Minor Arterials	LOS D
Highway—SR20	LOS E
Transit	Comprehensive Plan
Domestic Water	
Domestic Supply	73 gpcd
Commercial/Industrial	37 gpcd
Fire Flow	Per UFC
Sewer	60 gpcd
Stormwater Detention	25 year storm
Schools	
Grades K through 6	5 acres+1 acre/per 100 students
Grades 7+	10 acres+1 acre/per 100 students
Grades K through 6	80 square feet/student
Grades 7 through 8	110 square feet/student
Grades 9 through 12	120 square feet/student
Handicapped	140 square feet/student
Fire Protection	
Fire Response	5 minutes
Medical Response	4 minutes
Law Enforcement	
Emergency	2 minute response
Non-emergency	7 minutes
Parks and Recreation	
Spatial LOS	
Neighborhood Parks	90% within ½ mile
Community Parks	90% within ½ mile
Trails	75% within ½ mile
Ratio based LOS	
Neighborhood Parks	2 acre per 1,000 population
Community Parks	7 acres per 1,000 population
Multiuse Field	1 field per 10,000 population
Basketball Courts	1 court per 5,000 population
Tennis Courts	1 court per 2,000 population
Baseball Diamond	1 field per 7,000 population
Football Field	1 field per 7,500 population
Volleyball Courts	1 court per 5,000 population

Facility	Adopted LOS
Softball Fields	1 field per 5,000 population
Little League Fields	1 field per 4,000 population
Soccer Fields	1 field per 7,5000 population
Libraries	
Building	0.25 square feet per capita
Solid Waste	2.5 pounds per capita per day
Other Government Services	450 s.f. per 1,000 population
Corrections and Detention	0.5 beds per 1,000 population

The LOS must, of course, be compared to population projections to assure that the proper ratios can be met. The following table (Table 4.2) provides that population comparison.

Table 4.2. City of Oak Harbor Population Projections

City of Oak Harbor Population Projection						
1990	2000	2005	2010	2015	2020	2025
17,176	19,795	21,720	23,420	26,878	29,390	31,389

Source: U.S. Census and Medium-High projections using information from Washington State Office of Financial Management

Non-Enterprise Fund Activities—Capital Facilities

The following is a listing of capital facility projects that are needed within the six year planning timeframe to enable the City to meet Comprehensive Plan goals, LOS or to further a sub-area plan or strategy. For detailed information on needed non-enterprise funded projects, see Appendix C.

New Non-Enterprise Fund Capital Facilities, 2010-2015

Streets

- Pioneer Way – City Beach St – Midway Blvd
- NE 7th Avenue reconstruction
- Oak Harbor Multimodal Facility
- SE Fourth – Ely Street to Midway Blvd
- SR–20 Widening – Beeksma Dr to Swantown Ave
- SR20/Pioneer Way/S. Beeksma Dr
- Whidbey Avenue reconstruction
- Midway Blvd/NE 7th Avenue intersection
- SW Heller St improvements
- SW Eagle Vista Ave extension west of SR-20
- Arterial sidewalks phase II
- Local Street Overlays

General Administration

- New City Animal Shelter
- New Senior Center

Parks and Recreation

- Land acquisition for future Community and Neighborhood Park development
  - Open Space adjacent to Ft.Nugent Park
  - Neighborhood Park – Scenic Heights, SW of Whidbey and SR 20
  - Community Park – North of Crosby Ave and West of Heller Road
- Splash Park in Windjammer Park
- Neighborhood Parks – playground equipment replacements
- Staysail Park Upgrades
- Ft. Nugent Park – kitchen shelters and trail lights
- Trail extensions at Freund Marsh
- Scenic Heights Trail Head
- Windjammer Park – Lagoon Bridge, Restrooms, Kitchen Shelters

Windjammer

- Freund Marsh
- Pioneer Way Reconstruction and Streetscape
- RV Park Development
- Special Events Center
- Windjammer Park Redevelopment
- Oak Harbor Municipal Pier Project

Fire

- New West Side Fire Station

Exhibit 1

Table 4.3. Non-Enterprise Activities; New Capital Facilities Needs, 2010–2015

	2010	2011	2012	2013	2014	2015
Streets/Roads	$774,000	$10,056,000	$10,894,000	$1,651,600	$9,954,400	$2,524,000
Parks/Recreation	$334,000	$755,000	$2,000,000	$450,000	$270,000	$320,000
Fire	$0	$0	$0	$0	$0	$0
Total	**$1,108,000.00**	**$10,811,000.00**	**$12,894,000.00**	**$2,101,600.00**	**$10,224,400.00**	**$2,844,000.00**

Unfunded Non-Enterprise Capital Facility Needs

New non-enterprise capital facility needs in Oak Harbor are considerable, as indicated in Table 4.4. It is apparent that funds do not exist for all of the needs listed. Therefore, projects will be implemented as funding becomes available in the next six year period. The projects represented in Table 4.4 are those deemed a priority if LOS standards and Comprehensive Plan goals are to be met.

Table 4.4. Non-Enterprise Activities; Priority Capital Facilities Needs, 2010–2015

Responsible Dept./Div.	Facility/Project	Estimated Total Cost
Marina	Oak Harbor Marina Redevelopment	$19,439,925
Marina	Oak Harbor Municipal Pier Project	$8,709,624
Police	New City Animal Shelter	$540,000
Senior Services	New Senior Center	$5,200,000
Fire	New West Side Fire Station	$3,200,000
Parks	Land Acquisition for Future Park Development	$4,000,000
Parks	Windjammer Park Redevelopment	$9,950,000
Development Services	Trail Extensions at Freund Marsh	$162,000
Development Services	Special Events Center	$10,030,000
Development Services	RV Park Development	$3,720,000
Development Services	Pioneer Way Reconstruction and Streetscape:	$8,350,000
Development Services	Freund Marsh	$1,700,000
Streets	Local Street Overlays	$2,350,000
Streets	Pedestrian Access Improvements	$713,000
Streets	SR20 Widening Note: Total project cost is the State's responsibility. Project is shown on this list as a reflection of the importance of the improvements to the City.	$13,154,800
	Total	**$91,219,349**

Enterprise-Funds Activities—Capital Facilities

Managers responsible for enterprise funded departments identified capital projects that are needed within the next six year timeframe. Following is the list of needed facilities. For detailed information on needed enterprise funded projects, see Appendix C.

New Enterprise Funds Capital Facilities Needs: 2010–2015

Water	Wastewater
North Reservoir Connection Mains	Balda/Waterloo gravity extension
North Reservoir	Wastewater Treatment plant Facilities Plan
Ault Field Pump Station Alterations	Wastewater Treatment Plant – Design and Construction
North Booster Pump Stations	Biosolids removal (Lagoon Treatment Facility)
N.E. Pressure Transmission Main	Goldie Road sewer expansion phase II
N.E. O'Leary Pressure Zone Main and Connections	Sewer rehab on Pioneer Way
West Side Reservoir Connections to Mainland Zone	RBC Diversion Pump Station force main corrosion study
Main Replacement	Sewer line replacements
West Pressure Transmission Main	**Stormwater**
	Liszak Outfall
Marina	Pioneer Way storm drainage rehabilitation
Oak Harbor Marina Redevelopment	42" storm drain (Windjammer Park)
- Dredging	Freund Marsh stormwater improvements

Table 4.5. Enterprise Activities; New Capital Facilities Needs, 2010–2015

	2010	2011	2012	2013	2014	2015
Water	$3,328,000	$5,168,750	$2,944,250	$967,500	$200,000	$1,626,000
Wastewater	$1,783,000	$1,639,570	$310,000	$2,667,000	$170,000	$4,180,000
Stormwater	$1,650,000	$704,000	$198,000	$100,000	$813,000	$0
Marina	$875,000	$2,745,000	TBD	TBD	TBD	TBD
Total	**$7,638,010**	**$10,257,320**	**$3,452,252**	**$3,734,501**	**$1,183,001**	**$5,806,001**

Source: City of Oak Harbor; see Appendix C.

Non-City Funded Capital Facilities

Oak Harbor School District

District enrollment projection for the next six years shows a further decline of about 250 students. For the immediate future, the district is planning for fewer students and as many as 20 empty elementary classrooms.

Library

Statistics indicate that currently 52% of library customers are residents of the City of Oak Harbor, and the remaining 48% live outside the City limits. Legislation signed into law in 1995 and codified in RCW 27.15 allows the formation of library capital facility areas in the state of Washington. A library capital facility area (LCFA) is an independent taxing unit formed within the boundaries of an existing rural county library district and is limited to financing construction of a new library. Two ballot issues would need to be approved by voters in the proposed LCFA. The first would ask voters to approve the formation of the LCFA; the second would ask voters to authorize financing for the new library.

In 2005, the Oak Harbor Library Board and Library Building Committee developed a building program for a new library to serve the North Whidbey community, including the City of Oak Harbor, for the next twenty years. Based on nation-wide standards, a library designed to adequately serve the current and projected population of the district would be approximately 25,000 sq. ft. In addition, circulation areas, including book drop and interior book returns areas, need to be upgraded to accommodate increasing demands of Oak Harbor citizens.

Island Transit

Island Transit foresees no new capital improvements within the City of Oak Harbor during the CIP planning period.

Section Five • New Capital Facility Priorities

By definition, enterprise funded activities are designed to be self sufficient for capital and operating purposes, as they depend on users fees to maintain adequate cash flow. Non–enterprise funds, on the other hand, are not user fee dependent but rather rely on taxes, special fees and extraordinary funding. Enterprise funds should, by definition, be able to plan for new capital facilities, based on LOS, and provide funding adequate for their implementation. It is because of this basic assumption that new enterprise funded capital facility requests are listed here but not prioritized[8]. New non-enterprise funded capital facility requests, on the other hand, are in competition with each other for limited resources. Priorities must be established, as there is not funding available for every request.

The CIP process adopted by the City called for the following work to be conducted as:

Task VI—Prioritize Capital Facilities And Match Appropriate Existing Community Resources.[9]

The Working Group met on October 27, 2006, and, using ten evaluation criteria that were developed at an earlier meeting, prioritized the non-enterprise new capital facility requests.

The Prioritization Process

Evaluation

In order to fairly evaluate a request in relation to other requests, similar information in similar formats must be available. New capital facilities request forms were developed for this purpose. The form asked applicants for the facility name, location, anticipated cost of land acquisition, design and construction and implementation timeframe. They were also asked to estimate future operating costs and revenues. A significant portion of each form was devoted to responding to the ten evaluation criteria developed for the prioritization process.

To rank and prioritize requests, each must be rated and scored. Each request must be subjected to the same evaluation and criteria. The rating criteria that follow were developed for the purposes of ranking the requests and identifying the City's priorities.

[8] For a complete listing of needed enterprise funded capital requests, see Appendix C.

[9] For a description of the six tasks in the Capital Improvement Planning process, see Appendix A.

Tier One Criteria

An additional weighting factor of three (x3) is given to the rating score of each Tier One criterion.

- **Required by law—**projects that are required due to federal, state or local legal mandate.
- **Public health and safety—**projects that resolve potentially threatening situations to the health, safety, or physical welfare of citizens. (e.g. construction of a new fire station)
- **Preserves existing assets—**projects that save or repair structural integrity of existing buildings, extend the life of or reduces operating costs of existing public infrastructure and facilities. (e.g. seismic upgrades, insulate and re-roofing a public building)

Tier Two Criteria

An additional weighting factor of two (x2) is given to the rating score of each Tier Two criterion.

- **Impact on future operating budgets—**forecasts the extent to which the project will impact future operating budgets; will result in decreased operating costs or produce net new revenue. (e.g. new tax revenue)
- **Community wide benefit—**the scope and extent to which the community as a whole benefits from the project; projects that have the broadest community benefit or contribute to balance in the overall program would be rated highest.
- **Advances community/council goals and objectives—**projects that enhance the goals and objectives of the community or City council as identified in adopted plans and policy. (e.g. development of the Windjammer Project) will score higher

Tier Three Criteria

No additional weight (x1) is given to the rating score of each Tier Three criterion.

- **Enhances or protects the natural environment—**projects that enhance the natural environment or resolve and reduce the risk of damage to the natural environment (e.g. construction of an adequate storm water retention facility).
- **Enhances or protects the cultural, educational and social environment—**projects that enhance or protect those cultural, educational or social assets that contribute to the community's quality of life (e.g. sidewalk improvements to enhance pedestrian environment, community meeting facility).
- **Provides community economic benefit—**projects that produce additional family wage jobs, retain family wage jobs or expand the tax base of the community. The more direct the positive impact the higher a project would rate (e.g. public amenities that encourage private sector investment).
- **Advances other City capital projects—**projects that assist the development of another project or a project that must occur in a sequential manner with other capital projects will rate higher.

PLACEHOLDER – **Responds to a favorable opportunity—**projects that may be advanced by responding to an initiative from the private sector, a grant funding program or other favorable circumstance that could advance that project (e.g. a federal grant opportunity arises that could fund 80% of a project's cost).

Rating and then ranking occurred as follows:

- Scoring and hence ranking occurred by assigning a value to each criterion. A scale is from 1 to 5, one (1) being lowest and five (5) being highest.

Applying the criteria above resulted in the non enterprise funded capital facilities being prioritized as shown in Table 5.1.

Table 5.1. Non Enterprise Activities; Prioritized New Capital Facility Requests 2010–2015

Priority	Rating Score	Facility/Project	Estimated Total Cost
1	309	Oak Harbor Marina Redevelopment	$19,439,925
2	302	Pioneer Way Reconstruction and Streetscape:	$8,350,000
3	281	SR 20 Widening Note: Total project cost is the State's responsibility. Project is shown on this list as a reflection of the importance of the improvements to the City.	$13,154,800
4	259	Windjammer Park Redevelopment	$9,950,000
5	250	Pedestrian Access Improvements	$713,000
6	222	Local Street Overlays	$2,350,000
7	211	New West Side Fire Station	$3,200,000
8	184	Oak Harbor Municipal Pier Project	$8,709,624
9	182	RV Park Development	$3,720,000
10	181	Freund Marsh	$1,700,000
11	179	Land Acquisition for Future Park Development	$4,000,000
12	165	New Senior Center	$5,200,000
13	163	Trail Extensions at Freund Marsh	$162,000
14	153	Special Events Center	$10,030,000
15	70	New City Animal Shelter	$540,000
		Total	**$91,219,349**

Section Six • Capital Facility Funding Options and Projections

Capital facilities in Washington State are funded in a variety of ways. This is the case in the City of Oak Harbor. Capital facilities in the enterprise fund category (waste water, water, storm drainage, and the Marina) are generally funded by system user fees, one time impact fees, revenue serviced bonds and grants in aid from the county, state, and federal governments. Non-enterprise fund facilities must rely on revenue from taxes or bonding retired with general tax revenue and grants in aid.

The Growth Management Act requires the City to identify the sources of funding for each type of capital facility. This section provides a general overview of funding sources that have been or are being used, an historical look at revenues from these sources and projections for these revenues to the year 2015. In addition, some typical funding sources that are not currently being used are outlined in Appendix F, with a complete listing of grant and loan programs.

Non Enterprise Activities—Capital Facility Funding Sources

Tax Revenue

Property Tax

RCW 84.52 authorizes this tax on the assessed valuation of real and personal property. Presently the maximum rate is $3.375 per $1,000 assessed valuation, subject to two limitations: RCW 84.55 limits growth of regular property tax to 6% of the highest amount levied in the last 3-years, before adjustments for new construction and annexations; and, the State Constitution limits the total regular property taxes to 1% of assessed valuation or $10.00 per $1,000 of value.

Timber Harvest Excise Tax

RCW 84.33 imposes a 4% tax on the total value of the gross harvest value of timber. 7% of this amount is distributed to local taxing districts in lieu of property tax on timber. The City is not currently receiving funds from this source but has in the past.

Retail Sales and Use Tax

The state levies an 8.0% tax on all retail sales except for off-premises food and drugs in Oak Harbor. Of this amount, 1.0% goes to the City and 0.5% goes to the County. Of the 1.0% the City receives, 0.15% goes to the County and 0.1%± is taken by the State for administration. This leaves the City with a net of .840%. Of the 0.5% the County receives, 0.2% is distributed to the City for criminal justice purposes and the remaining 0.3% is given to the County for the Island County Public Transportation Benefit Area Authority for public transit.

Business Taxes

The City collects fees for a number of licenses and permits including business licenses, and fees for permits, plan review inspections, and utility taxes

CAPRON Funds

CAPRON funds are a reimbursement of motor vehicle license fees and are based on the City's percentage of the assessed valuation in Island County. Island and San Juan Counties and municipalities within these counties are the only recipients of CAPRON funds. Revenues are used for maintenance of the City streets.

Gambling Tax

The City levies a use tax of up to 5% on bingo, raffles, card rooms and amusement games.

Liquor Tax/Profits

RCW 82.08 authorizes a distribution of the taxes to the City from liquor sales (28% for spirituous liquors and 32% for wine) on a per capita basis. It also distributes 40% of the net profit from liquor sales.

Lodging Excise Taxes

RCW 67.28 authorizes a base 2% tax and an additional 2% tax, for a total of 4%, on all charges for lodging furnished for a continuous period of less than one month. This tax is taken as a credit against the 6.5% State sales tax and is intended or the promotion of tourism or for the development and operation of specific stadium, convention, performance or visual arts facilities.

Motor Vehicle Fuel Tax

The State of Washington provides a State-collected gasoline tax that is shared with cities. The base tax in Washington State is 17 cents per gallon. Of this amount, the City receives 6.92%. The City also receives an additional 4.61% which is restricted for the construction, improvement, chip sealing, seal-coating, and repair of arterial highways and City streets as defined in RCW 46.04.030 and 46.04.120.

Real Estate Excise Taxes

The state authorizes a tax of 1.28% on the sale of all real estate. RCW 82.46 authorizes cities, planning under the GMA, to assess an additional tax on real estate sales of ¼%. These funds must be spent for capital facility projects listed in their Capital Facilities Plan. A second ¼% may also be levied to help defray the costs of implementing the GMA. See Table 6.1 below for past performance and future projections

Table 6.1. Real Estate Excise Tax Revenue – Past Performance and Future Projections

	2009	2010	2011	2012	2013	2014	2015	2016
Beginning Fund Balance	$4,981,966	$5,442,140	$4,677,228	$2,922,369	$3,279,589	$3,649,312	$4,031,976	$4,428,033
Revenues								
1st ¼ %	$230,087	$167,544	$172,570	$178,610	$184,862	$191,332	$198,028	$204,959
2nd ¼%	$230,087	$167,544	$172,570	$178,610	$184,862	$191,332	$198,028	$204,959
Total Revenue	$460,174	$335,088	$345,140	$357,220	$369,724	$382,664	$396,056	$409,918
Expenditures								
Parks	$0	$0	$0	$0	$0	$0	$0	$0
Streets	$0	$1,100,000	$2,100,000	$0	$0	$0	$0	$0
Total Expenditures		$1,100,000	$2,100,000	$ 0	$ 0	$ 0	$ 0	$ 0
Ending Fund Balance	**$5,442,140**	**$4,677,228**	**$2,922,368**	**$3,279,589**	**$3,649,313**	**$4,031,976**	**$4,428,032**	**$4,837,951**

Source: City of Oak Harbor Finance Department, 2010

Table 6.2. General Fund Revenues from All Sources, 2009–2016

Description	2009	2010	2011	2012	2013	2014	2015	2016
Property Taxes	$3,907,748	$3,613,989	$3,668,198	$3,723,221	$3,779,070	$3,835,756	$3,893,292	$3,951,691
Sales & Use Taxes	$3,301,193	$2,455,533	$2,492,366	$2,542,213	$2,605,768	$2,670,912	$2,737,685	$2,806,127
Business Taxes	$2,466,780	$2,382,941	$2,430,600	$2,479,212	$2,528,796	$2,579,372	$2,630,960	$2,683,579
Gambling Taxes	$10,424	$16,999	$17,339	$17,686	$18,039	$18,400	$18,768	$19,143
Liquor Excise Taxes	$270,705	$268,022	$274,722	$281,590	$288,630	$295,846	$303,242	$310,823
Lodging Taxes	$198,451	$130,334	$133,592	$136,932	$140,355	$143,864	$147,461	$151,147
Motor Vehicle Fuel Taxes	$497,941	$410,139	$497,941	$410,139	$420,393	$430,903	$441,675	$452,717
Excise Tax - REET 1	$230,087	$167,544	$172,570	$178,610	$184,862	$191,332	$198,028	$204,959
Excise Tax - REET 2	$230,087	$167,544	$172,570	$178,610	$184,862	$191,332	$198,028	$204,959
Total Tax Revenues	**$11,113,416**	**$9,613,044**	**$9,859,899**	**$9,948,214**	**$10,150,775**	**$10,357,717**	**$10,569,140**	**$10,785,147**

Source: City of Oak Harbor Finance Department, 2010

Impact Fees

Transportation Impact Fees

ESHB 2929 authorizes impact fees to pay for roads required to serve new development. Ordinance 1051 of the City of Oak Harbor allows for the collection of traffic mitigation fees at the time of the issuance of a Certificate of Occupancy. Impact fees are based on a flat rate for dwelling units, and per square foot for non-residential uses, based on PM peak hour trips created by the development. Adjustments have been made to the fee calculations to account for road costs that are paid by other sources of revenue. Additional credit is also given to developers who contribute land, improvements, or other assets.

Park Impact Fees

ESHB 2929 authorizes impact fees to pay for park and recreation facilities required due to new development. These fees are usually collected at the issuance of building permits or certificates of occupancy. Park and Recreation fees are usually based on a flat rate for dwelling units by type and per square foot for non-residential uses.

Adjustments must be made to fee calculations to account for park and recreation costs that are paid by other sources of revenue. Additional credit can also be given to developers who contribute land, improvements or other assets. These impact fees are in addition to any mitigation or voluntary payments authorized by SEPA or local improvement districts for example.

Impact fees must be used for capital facilities needed for growth. They can not be used to meet current deficiencies or cannot be used for operating expenses.

Table 6.3. Impact Fee Revenue—Past Performance and Future Projections

Description	2009	2010	2011	2012	2013	2014	2015	2016
Transportation	$67,062	$58,274	$60,022	$62,123	$64,297	$66,547	$68,877	$71,287
Park - Neighborhood	21,500	$25,800	$26,574	$27,504	$28,467	$29,463	$30,494	$31,562
Park - Community	62,150	$74,580	$76,817	$79,506	$82,289	$85,169	$88,150	$91,235
Total Impact Fees	**$152,721**	**$160,664**	**$165,424**	**$171,145**	**$177,065**	**$183,193**	**$189,536**	**$196,100**

Source: City of Oak Harbor Finance Department, 2010

Table 6.4. Non-Enterprise Activities—Revenue Available for Capital Improvements by Source, 2010–2014

Source	2010	2011	2012	2013	2014	2015
Streets/Roads						
Impact Fees	$58,274	$60,022	$62,123	$64,297	$66,547	$68,877
Developer Contributions[10]	TBD	TBD	TBD	TBD	TBD	TBD
General Fund	0	0	0	0	0	0
REET	$1,100,000	2,100,000	0	0	0	0
Other (Grants, bonds, etc.)	Unk	Unk	Unk	Unk	Unk	Unk
Total	$1,158,274	$2,160,022	$62,123	$64,297	$66,547	$68,877
Parks/Recreation						
Impact Fees	$100,380	$103,391	$107,010	$110,755	$114,632	$118,644
Developer Contributions	TBD	TBD	TBD	TBD	TBD	TBD
General Fund	0	0	0	0	0	0
REET	0	0	0	0	0	0
Other (Grants, bonds, etc.)	Unk	Unk	Unk	Unk	Unk	Unk
Total	$100,380	$103,391	$107,010	$110,755	$114,632	$118,644
Other (Windjammer, General Admin.)						
Impact Fees	0	0	0	0	0	0
Developer Contributions	TBD	TBD	TBD	TBD	TBD	TBD
General Fund	0	0	0	0	0	0
REET	0	0	0	0	0	0
Other (Grants, bonds, etc.)	0	0	0	0	0	0
Total						

Source: City of Oak Harbor Finance Department, 2010

[10] Those project expenses that can be levied on the development deemed to benefit most from the capital improvement.

Exhibit 1

Enterprise Activities—Capital Facility/Maintenance Funding Sources

System Development Fees

System development charge is an impact fee imposed on utilities such as water, sewer, natural gas, or drainage that is a proportionate share to the utility system capital costs which the City can demonstrate is attributable to the property being charged.

Table 6.5. System Development Fee Revenue–Past Performance and Projections

Description	2009	2010	2011	2012	2013	2014	2015	2016
Water	$218,753	$213,910	$220,328	$228,039	$236,020	$244,281	$252,831	$261,680
Sewer	$99,959	$116,640	$120,139	$124,344	$128,696	$133,200	$137,862	$142,688
Trunk Line	$6,800	$20,400	$21,012	$21,747	$22,509	$23,296	$24,112	$24,956
Total Sys Dev. Fees	$325,512	$350,950	$361,479	$374,131	$387,225	$400,778	$414,805	$429,323

Source City of Oak Harbor Finance Department, 2010

User Fees/Rates

Water User Fees

These are state authorized rates charged to each residential and commercial customer, based on the volume of water used. Revenue may be used for capital facilities, operations and maintenance.

Wastewater User Fees

The state authorizes sewer charges to wastewater generators. In Oak Harbor, these fees are usually based on the amount of potable water consumed based on the assumption that there is a correlation between water consumption and wastewater generation.

Storm Drainage Utility Fees

These are state authorized fees usually based on a flat rate per month per residential equivalency or on the average impervious surface area. Revenue may be used for capital facilities, operations and maintenance.

Solid Waste User Fees or Tipping Fees

These fees may be charged either at the point of pickup by the container or by using a flat rate. They may also be charged at the point of delivery at the disposal facility. User or tipping fees may be used for capital facilities, as well as maintenance and operating expenses

Table 6.6. Enterprise Fund Activities—Revenues/Expenditures/Available Resources

Water	2007	2008	2010	2011	2012	2013	2014	2015
Revenues[11]	$4,298,360	$4,625,976	$5,076,871	$5,428,364	$5,752,205	$6,124,200	$6,515,937	$4,298,360
Expenditures[12]	$3,909,368	$4,624,829	$5,090,779	$5,436,873	$5,751,969	$6,123,913	$6,515,792	$3,909,368
Available	$388,992	$1,147	($13,908)	($8,509)	$236	$287	$145	$388,992
Waste Water								
Revenues	$4,802,329	$4,627,597	$4,904,290	$5,459,109	$6,049,019	$6,715,784	$7,547,145	$4,802,329
Expenditures	$3,889,293	$4,650,943	$4,904,653	$5,459,198	$6,049,041	$6,715,943	$7,547,351	$3,889,293
Available	$913,036	($23,346)	($363)	($89)	($22)	($159)	($206)	$913,036
Storm Drainage								
Revenues	$1,352,235	$1,374,580	$1,439,880	$1,507,127	$1,572,350	$1,638,971	$1,707,655	$1,352,235
Expenditures	1,278,890	$1,376,748	$1,441,183	$1,508,202	$1,572,465	$1,641,211	$1,708,811	1,278,890
Available	$73,345	($2,168)	($1,303)	($1,075)	($115)	($2,240)	($1,156)	$73,345
Marina								
Revenue	$1,343,779	$1,315,155	$1,534,226	$1,852,417	$1,976,580	$2,077,180	$2,183,116	$2,294,455
Expenditure	$833,992	$1,362,370	$1,315,141	$1,629,863	$1,725,307	$1,817,822	$1,912,349	$2,011,791
Available	$509,787	($47,215)	$219,085	$222,554	$251,273	$259,358	$270,767	$282,664

Source: City of Oak Harbor Finance Department, 2010

[11]For all activities—Includes revenue from all sources.

[12]For all activities—Includes operational expenses and debt service for projects completed or under way.

Bonds

Bonds that are identified below are available for the use of both non-enterprise and enterprise funded capital facilities.

General Obligation Bonds.(GO)

They are backed by the full faith and credit of the City. Bondholders have legal claim on general income of the City if default occurs. There are two types:

Councilmanic Bonds (Limited Tax General Obligation Bonds)

- May be issued by a vote of City council
- Backed by general fund revenues because voters have not been asked to pay increased property taxes
- May be used for any City purpose and does not have to be capital

Unlimited General Obligation Bonds

- Backed by the full faith and credit of the local government
- Raises property tax to pay for projects and must be approved by a 60% majority of the voters, turnout must be 40% of those voting in the last general election
- Only used for capital purposes and there are limits to amount of debt that can be issued

Debt Limits

There are three pots of 2 ½% of assessed valuation each: (1) general government purposes, (2) municipally owned water, sewer and electric utilities, and (3) open space and parks. Pots two and three are voted and must be 60% yes, 40% voter turnout. Pot 1 is a mixture of voted and non-voted.

Revenue Bonds

These bonds are used to finance projects for an enterprise fund or a facility that generates income sufficient to pay debt service. Examples include water and wastewater projects or convention center. Payment of debt service comes from user fees generated by enterprise fund or the capital facility that is being built. Interest rates are higher than in GO bonds since these bonds are not backed by the full faith and credit of the City. They are not subject to statutory debt limits. However, the bond market provides an effective limit to the amount of bonds that can be issued.

Levy Lid Lift

A simple majority of voters can approve a “levy lid lift” allowing the City to levy an amount of property tax approved by its voters up to the applicable statutory rate ($3.375 per $1000 assessed valuation) limitations. The City can lift its levy for the following year or for up to six consecutive years. This technique is particularly helpful in funding maintenance or property acquisition projects.

Table 6.8. Schedule of Limitation of Indebtedness, December 2010

CITY OF OAK HARBOR
Schedule of Limitation of Indebtedness
As Of December 31, 2009

Total Taxable Property Value $ 1,897,999,833

I. General Purpose Indebtedness (Legal Limit 2.5% of Taxable Property Value)			$ 47,449,996
A. General Purpose Indebtedness Without A Vote (Legal Limit 1.5%)		$28,469,997	
Indebtedness (Liabilities):			
GO Bonds	$ 122,897		
Others	-		
Less Assets Available		122,897	
Indebtedness Incurred - Section A		$28,347,100	
Indebtedness Margin - Section A			
B. Capital Lease Without A Vote (Legal Limit 1.5%)		$28,469,997	
Capital Leases Payable	-		
Less Assets Available	-		
Indebtedness Incurred - Section B		-	
Indebtedness Margin - Section B		$28,469,997	
C. General Purpose Indebtedness With A Vote		$47,449,996	

Exhibit 1

(Legal Limit 2.5%)

Indebtedness (Liabilities):		
GO Bonds	$240,000	
Others	-	
Less Assets Available	-	
Indebtedness Incurred - Section C		240,000
Indebtedness Margin - Section C		$47,209,996

Less:	Indebtedness Incurred - General Purposes	$ 362,897
Less:	Indebtedness From Section II In Excess of 2.5% Of Property Value	-
Less:	Indebtedness From Section III In Excess of 2.5% Of Property Value	-
Margin Of Indebtedness Available - General Purposes		$ 47,087,099

CITY OF OAK HARBOR
Schedule of Limitation of Indebtedness
As Of December 31, 2009

II. Indebtedness For Utility Purposes With 3/5 Vote (Legal Limit 2.5%)		$47,449,996
Indebtedness (Liabilities):		
GO Bonds	-	
Others	-	
Less Assets Available	-	
Indebtedness Incurred - Utility		-

Exhibit 1

Indebtedness Margin - Utility Purposes		$47,449,996	
III. Indebtedness For Open Space And Parks Facilities With 3/5 Vote (Legal Limit 2.5%)		$47,449,996	
Indebtedness (Liabilities):			
GO bonds	-		
Others	-		
Less Assets Available	-		
Indebtedness Incurred - Open Space And Parks Facilities		-	
Indebtedness margin - Open Space And Parks Facilities		$47,449,996	
Total Indebtedness Allowable (Legal Limit 7.5%)			$142,349,987
Less: Indebtedness Incurred - General Purposes			362,897
Less: Indebtedness Incurred - Utility Purposes			-
Less: Indebtedness Incurred - Open Space and Parks Facilities			-
MARGIN OF INDEBTEDNESS AVAILABLE			$141,987,090

Source: City of Oak Harbor Finance Department, 2010

Exhibit 1

Special Assessment Districts [13]

The State of Washington provides for several special assessment techniques to assist communities in funding both non-enterprise and enterprise capital projects.

Local Improvement Districts/Road Improvement District/Utility Local Improvement District

When a capital project is going to provide a benefit that primarily or wholly benefits only a subset of citizenry, a LID/RID/ULID can be formed as part of the project. These are commonly used for projects such as street improvements, street lights, sidewalks, water and sewer systems, and underground power lines. Property owners may petition to form an LID/RID/ULID, or council can pass a resolution of intent to form one.

Special Purpose District

RCW 67.38.130 authorizes a specified service often encompassing more than one jurisdiction. Included are districts for fire facilities, hospitals, libraries, metropolitan parks, airports, ferries, parks and recreation facilities, cultural arts/stadiums and convention centers, sewers, water flood controls, irrigation, and cemeteries.

Parks & Recreation Service Area

RCW 36.68.400 authorizes voters to approve the formation of park and recreation service areas as junior taxing districts for the purpose of financing the acquisition, construction, improvement, maintenance, or operation of any park, senior citizen activity center, zoo, aquarium, or recreational facility.

Parking & Business Improvement Areas

The Transportation Improvement Act (ESHB 6358) also authorizes a tax to be collected on commercial businesses based on gross proceeds or property acreage or the number of parking stalls or the customers similar to an admissions and operations tax.

Community Revitalization Financing (TIF)

Designated "community revitalization financing" in RCW 39.89 but commonly called TIF (tax increment financing), this financing allows local government to capture a portion of new tax revenue resulting from the increase of valuation from new development within a designated area. The captured tax, referred to as "tax allocation revenues" in RCW 39.89, can be used to service the debt incurred by the local government when constructing "public improvements" necessary to encourage new development within the designated area.

Grants and Loans

For a complete listing of applicable grants and loans available to the City of Oak Harbor, see Appendix F.

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[13] For a detailed discussion of Special Assessment Districts, see Appendix F.

Conclusions

It has been stated throughout this document that non-enterprise funded capital facilities have limited funding available for implementation. The discussion above points out clearly that the capital facility needs of both non-enterprise and enterprise funded activities will require user fee revenue, general and special tax revenue, bonds and/or grants in aid from outside source funding sources. Funding the capital facility needs of the City of Oak Harbor will require innovative planning, but it is a task that can be accomplished.

Section Seven • Implementation Plan

The 2010–2015 CIP is intended to serve as a framework or guide for future capital improvement planning. The process of prioritization of projects was not done as part of the 2010 update and therefore the priorities remain unchanged. However, some available information such as cost estimates, schedule etc. has been modified to reflect the information known at the time of the update. It is anticipated that, with the passage if time, more relevant and needed data will be available. Until that time this section will proscribe a course of action for each priority project to be considered by the elected community leadership and citizens at large. The table below identifies the priority non-enterprise capital request, the estimated cost and the unknown/funded portion of that cost.

Table 7.1. Non Enterprise Activities; Priority Capital Facilities Needs, 2010–2015

Priority	Rating Score	Facility/Project	Estimated Total Cost	Unknown
1	309	Oak Harbor Marina Redevelopment	$19,439,925	9,594,809
2	302	Pioneer Way Reconstruction and Streetscape:	$8,350,000	$0
3	281	SR-20 Widening[14]	$13,154,800	$13,154,800
4	259	Windjammer Park Redevelopment	$9,950,000	$9,950,000
5	250	Pedestrian Access Improvements	$713,000	$713,000
6	222	Local Street Overlays	$2,350,000	$2,350,000
7	211	New West Side Fire Station	$3,200,000	$3,200,000
8	184	Oak Harbor Municipal Pier Project	$8,709,624	$7,660,624
9	182	RV Park Development	$3,720,000	$3,720,000
10	181	Freund Marsh	$1,700,000	$1,700,000
11	179	Land Acquisition for Future Park Development	$4,000,000	$4,000,000
12	165	New Senior Center	$5,200,000	$5,200,000
13	163	Trail Extensions at Freund Marsh	$162,000	$100,000
14	153	Special Events Center	$10,030,000	$10,030,000
15	70	New City Animal Shelter	$540,000	$525,000
16		New City Hall[15]	$4,600,000	$4,600,000
		Total	**$95,819,349**	**$76,498,233**

[14] Total project cost is the State's responsibility. Project is shown on this list as a reflection of the importance of the improvements to the City.

[15] Not rated with other capital projects.

[17] For more about existing capital facilities, see Section Three and Appendix B.

Table 7.2. Priority Non-Enterprise Capital Facilities Implementation Plan

<table>
<tr><th>Priority</th><th>Facility Description</th><th>Implementation Issues</th><th>Implementation Recommendations</th></tr>
<tr><td>1</td><td>Oak Harbor Marina Redevelopment

Total Cost - $19,500,000
Phase I & II Cost - $3,531,900

Proposed Timeframe for Action—
<table>
<tr><td>2010</td><td>2011</td><td>2012</td><td>2013</td><td>2014</td><td>2015</td></tr>
<tr><td>X</td><td>X</td><td>X</td><td></td><td></td><td></td></tr>
</table>
2011 – Phase II: Dredging
2011 – Phase III: To be determined</td><td>Phase II Dredging is under implementation</td><td></td></tr>
<tr><td>2</td><td>Pioneer Way Reconstruction and Streetscape
SE Pioneer Way from SE Midway Boulevard to SE City Beach Street.

Cost—$8,350,000

Proposed Timeframe for Action—
<table>
<tr><td>2010</td><td>2011</td><td>2012</td><td>2013</td><td>2014</td><td>2015</td></tr>
<tr><td></td><td>X</td><td>X</td><td></td><td></td><td></td></tr>
</table>
2011 – The project is in its design phase.
2012 - Construction</td><td>Project is under design</td><td></td></tr>
</table>

Table 7.2. Priority Non Enterprise Capital Facilities Implementation Plan (continued)

<table>
<tr><th>Priority</th><th>Facility Description</th><th>Implementation Issues</th><th>Implementation Recommendations</th></tr>
<tr><td>3</td><td>SR 20 Widening
SR-20 from SW Beeksma Drive to SW Swantown Avenue.

Cost— $13,150,000
Proposed Timeframe for Action—
<table><tr><td>2010</td><td>2011</td><td>2012</td><td>2013</td><td>2014</td><td>2015</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>Note: Total project cost is the State's responsibility. Project is shown on this list as a reflection of the importance of the improvements to the City.</td><td>Challenges—
State responsibility.
Grants and loans are limited.

Opportunities—</td><td>Work with legislative delegation to increase state funding to fill the gap.</td></tr>
<tr><td>4</td><td>Windjammer Park Redevelopment
Beeksma Drive to City Beach Street, along the waterfront.

Cost—$9,950,000 / Gap—ALL

Proposed Timeframe for Action—
<table><tr><td>2010</td><td>2011</td><td>2012</td><td>2013</td><td>2014</td><td>2015</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table></td><td>Challenges—
Gap is large.
Grants and loans are limited.

Opportunities—
Potential community partners.
Phasing appears possible.</td><td>Determine feasibility of phasing the project.
Investigate reducing the scope of the project.
Investigate public acceptance to a voted bond proposal.
Funding Options—
Investigate alternative funding approach (Metropolitan Parks District).
Investigate public acceptance of a "Water Front Futures" voted bond proposal.
Consider a general Parks levy.</td></tr>
<tr><td>5</td><td>Pedestrian Access Improvements
City wide.

Cost—$105,000/$110,000/$114,000/ $122,000/$128,000/$134,000 / Gap—ALL

Proposed Timeframe for Action—
<table><tr><td>2010</td><td>2011</td><td>2012</td><td>2013</td><td>2014</td><td>2015</td></tr><tr><td></td><td></td><td>X</td><td>X</td><td>X</td><td>X</td></tr></table></td><td>Challenges—
Insurance and ADA requirements.
Grants and loans are limited.

Opportunities—
Is already phased.</td><td>Evaluate using the Capital Reserve Account to fill the gap
Investigate availability of REET
Funding Options—
Look into Levy Lid Lift approach.
Issue non–voted bonds to fill the gap.
Investigate public acceptance to a voted bond proposal.</td></tr>
</table>

Table 7.2. Priority Non Enterprise Capital Facilities Implementation Plan (continued)

<table>
<tr><th>Priority</th><th>Facility Description</th><th>Implementation Issues</th><th>Implementation Recommendations</th></tr>
<tr><td>6</td><td>Local Street Overlays
Locations are established through the Pavement Management Program.

Cost—$400,000/$450,000/$500,000/$550,000 Gap—ALL

Proposed Timeframe for Action—
<table>
<tr><td>2010</td><td>2011</td><td>2012</td><td>2013</td><td>2014</td><td>2015</td></tr>
<tr><td></td><td></td><td>X</td><td>X</td><td>X</td><td>X</td></tr>
</table></td><td>Challenges—
Grants and loans are limited.
New revenue source needed

Opportunities—
Is already phased.</td><td>Evaluate using the Capital Reserve Account.
Evaluate using the Capital Reserve Account to fill the gap.
Investigate availability of REET.
Funding Options—
Look into Levy Lid Lift approach.
Issue non–voted bonds to fill the gap.
Investigate public acceptance to a voted bond/utility tax proposal.</td></tr>
<tr><td>7</td><td>New West Side Fire Station
Southwest section of City.

Cost—$3,200,000 / Gap—ALL

Timeframe Proposed Timeframe for Action—
<table>
<tr><td>2010</td><td>2011</td><td>2012</td><td>2013</td><td>2014</td><td>2015</td></tr>
<tr><td></td><td></td><td></td><td></td><td></td><td></td></tr>
</table></td><td>Challenges—
Location unknown.
Large gap.

Opportunities—
High community support usually for public safety.</td><td>Funding Options—
Issue non-voted bonds to fill the gap.
Investigate public acceptance to a voted bond proposal.</td></tr>
<tr><td>8</td><td>Oak Harbor Municipal Pier Project
The pier itself will overlay the current location of the City dinghy dock on tideland property owned by the City.

Cost—$8,709,624 / Gap—$7,660,624

Proposed Timeframe for Action—
<table>
<tr><td>2010</td><td>2011</td><td>2012</td><td>2013</td><td>2014</td><td>2015</td></tr>
<tr><td></td><td>X</td><td>X</td><td></td><td></td><td></td></tr>
</table>
2010-2011 – Phase 1 Upland Improvements – $1,045,000

Schedule Unknown - Phase II – Transient Moorage</td><td>Challenges—
Large gap.
Grants and loans are limited.

Opportunities—
Significant funds committed.
Significant engineering and permitting work completed.</td><td>Determine feasibility of phasing.
Reduce the scope of the project.
Attempt to reduce scope or Phase I to the level that can be paid for by revenue bonds.
Funding Options—
Investigate public acceptance of a “Waterfront Futures” voted bond proposal.
Investigate alternative funding approach Package Marina, Public Pier and Goldie Road Sewer (Port District).</td></tr>
</table>

Table 7.2. Priority Non Enterprise Capital Facilities Implementation Plan (continued)

Priority	Facility Description	Implementation Issues	Implementation Recommendations
9	**Windjammer RV Park Development** The project will be located on the west side of S. Beeksma Drive, north of Dillard's Addition subdivision. Cost—$3,720,000 / Gap—ALL Proposed Timeframe for Action— 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | | | | | |	**Challenges—** Large gap. Grants and loans are limited. **Opportunities—** Potential revenue generation.	Investigate utilizing revenue stream to service bonds. Evaluate privatizing the operation.
10	**Freund Marsh Improvements** The project is located within the Freund Marsh property, south of SW Bayshore Drive and west of Beeksma Drive. Cost—$1,700,000 / Gap—ALL Proposed Timeframe for Action— 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | | | | | |	**Challenges—** Large gap Grants and loans are limited. **Opportunities—** Community involvement possible.	Combine with # 13 Trail Extensions at Freund Marsh. **Funding Options—** Investigate possible "Environmental Heritage" voted bond proposal. Consider a Parks' Levy.
11	**Land Acquisition for Future Park Development** Developable land within close proximity to the City. Cost—$4,000,000 / Gap—all Proposed Timeframe for Action— 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | | | | | X	**Challenges—** Grants and loans are limited. **Opportunities—**	**Funding Options—** Consider a Levy Lid Lift.

Exhibit 1

Table 7.2. Priority Non Enterprise Capital Facilities Implementation Plan (continued)

<table>
<tr><th>Priority</th><th>Facility Description</th><th>Implementation Issues</th><th>Implementation Recommendations</th></tr>
<tr><td>12</td><td>New Senior Center
Unknown.

Cost— $5,200,000/ Gap— $5,200,000

Proposed Timeframe for Action—
<table>
<tr><td>2010</td><td>2011</td><td>2012</td><td>2013</td><td>2014</td><td>2015</td></tr>
<tr><td></td><td></td><td></td><td></td><td></td><td></td></tr>
</table></td><td>Challenges—
The gap is large.
Grants and loans are limited.

Opportunities—</td><td>Funding Options—
Investigate the possibility of a voted bond issue.</td></tr>
<tr><td>13</td><td>Trail Extensions at Freund Marsh
Freund Marsh, off of Beeksma Drive.

Cost—$162,000 / Gap—$100,000

Proposed Timeframe for Action—
<table>
<tr><td>2010</td><td>2011</td><td>2012</td><td>2013</td><td>2014</td><td>2015</td></tr>
<tr><td></td><td>X</td><td></td><td>X</td><td>X</td><td></td></tr>
</table></td><td>Challenges—
Grants and loans are limited.

Opportunities—</td><td>Combine with # 10 Freund Marsh Improvements.
Funding Options—
Investigate possible “Environmental Heritage” voted bond proposal.
Consider a Levy Lid Lift.</td></tr>
</table>

Table 7.2. Priority Non Enterprise Capital Facilities Implementation Plan (continued)

<table>
<tr><th>Priority</th><th>Facility Description</th><th>Implementation Issues</th><th>Implementation Recommendations</th></tr>
<tr><td>14</td><td>Special Events Center
The project is conceptually located at the intersection of SE Bayshore Drive and SE City Beach Street.

Cost—$10,030,000 / Gap—ALL

Proposed Timeframe for Action—
<table><tr><td>2010</td><td>2011</td><td>2012</td><td>2013</td><td>2014</td><td>2015</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table></td><td>Challenges—
The gap is large.
Grants and loans are limited.

Opportunities—
Private participation is likely.</td><td>Investigate privatizing project.
Investigate a public/private partnership.</td></tr>
<tr><td>15</td><td>New City Animal Shelter
City owned property on Technical Drive.

Cost—$540,000 / Gap—ALL

Proposed Timeframe for Action—
<table><tr><td>2010</td><td>2011</td><td>2012</td><td>2013</td><td>2014</td><td>2015</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table></td><td>Challenges—
The gap is large.
Grants and loans are limited.

Opportunities—</td><td>Funding Options—
Consider a Levy Lid Lift.</td></tr>
</table>

Appendix A • The Capital Improvements Planning Process

Capital Improvements Planning Process Goal

The City of Oak Harbor Capital Improvements Planning Process shall result in a six year Capital Improvements Plan. The process will involve the staff, public, affected community agencies, and elected officials. It identifies the community's public capital facility needs, prioritizes those needs and identifies an appropriate funding strategy for each.

The planning goal above was adopted by the Capital Improvements Plan Working Group (WG) at their first meeting, July 18, 2006. This group was convened by the Mayor as part of the capital facilities planning process budgeted for and approved by City Council for completion in FY 2006. It was comprised of all City of Oak Harbor Department Heads and their designated staff. The Working Group (WG) met a total of six times. The work program approved by the WG was aggressive, ambitious, and tightly scheduled.

The Planning Process

These major work elements were pursued to complete this document:

Task I. Inventory Existing Capital Facilities.

City departments and functional areas inventoried all capital facilities with a value of more than $50,000 and a useful life of at least 20 years. Location of the facility, original cost, replacement cost and condition were identified where possible.[17]

Task II. Establish Appropriate Level of Service Standards (LOS) and Identify the Community Demand for New Capital Facilities.

Departments reviewed the current LOS[18] and determined their continued utility. Plans and strategies were consulted for facility needs. The Comprehensive Plan Citizen Advisory Committee, acting as a community sounding board, discussed, review and commented on LOS. In addition, staff met with key community stakeholders to ascertain their views and opinions on capital facilities needs.

Task III. Identify Capital Facilities Shortfall Between Level of Service Standards (Demand) and Existing Facilities.

WG members compared the current capital facilities list with the needs identified when reviewing LOS and adopted plans and strategies. A shortfall of needed capital projects was identified.[19]

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[18] For more about Level of Service Standards (LOS), see Section Four.

[19] For more about capital projects needed, see Section Five.

Task IV. Estimate Financial Resources Needed to Meet Capital Facilities Shortfall.

WG members were asked to submit New Capital Facilities Request Forms[20] for projects they felt should be funded over the next six years. On that form, WG members were asked to estimate total construction cost, operational expenses and revenue, timeframe for construction and anticipated funding sources for each project.

Task V. Identify, Analyze and Prioritize Financial Resources Available to the Community for Capital Facilities.

The City's Finance Director and Funding Strategist identified all possible funding sources for the proposed new capital facilities. Sources were reviewed for appropriateness, utility, and timeliness.

Task VI. Prioritize Capital Facilities and Match Appropriate Existing Community Resources.

The WG met on October 27, 2006 and, using ten evaluation criteria[21] that were developed at an earlier meeting, prioritized the non enterprise new capital facility requests. The financial analysis performed in Task V served as a guide for the Finance Director and Funding Strategist to match community resources to the prioritized new non–enterprise funded capital facilities.

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[20] For a complete listing of requested capital facilities, see Appendix C.

[21] For a list of the evaluation criteria and the ranking matrix used to prioritize the non enterprise capital facilities requests, see Section Five and Appendix D.

Appendix B • Inventory of Existing Facilities

Traffic

Level of service standards (LOS) analysis serves as an indicator of the quality of operation at an intersection. The LOS grading ranges from A to F where A is assigned when there are no delays and low volumes. E, on the other hand, represents the "at capacity" condition—more vehicles could not be added to the intersection without a breakdown in traffic flow. F is an unacceptable level of service and indicates long delays and/or strained traffic flows.

Manual p.m. peak-hour traffic volume surveys were conducted by the City of Oak Harbor at 37 intersections in 2007. Daily traffic volume counts were also conducted at 23 locations. The table below summarizes the existing LOS calculated for each of the intersections and roadway section surveyed.

Table B.1. 2007 Level of Service Standards for Traffic

Peak Hour Signalized Intersections	2007 LOS
SR 20/Ault Field Road	C
SR 20/Goldie Rd/Midway Boulevard	C
SR 20/NE 7th Avenue	B
SR 20/Whidbey Avenue	C
SR 20/SW 3rd Avenue	B
SR 20/SW 8th Avenue	B
SR 20/SE Barrington Drive	C
SR 20/W Pioneer Way/Beeksma	D
SR 20/SW Erie Street	C
SR 20/Swantown Road	D
Ault Field Rd/Goldie Road	C
Ault Field Rd/Langley Road	B
Whidbey Ave/Heller Road	B
Whidbey Ave/Oak Harbor Street	C
Whidbey Ave/Midway Boulevard	C
SE 8th Ave/Midway Boulevard	A
W Pioneer Way/City Beach Dr	A
W Pioneer Way/Midway Boulevard	C
Ft Nugent Rd/Swantown Road	B

Peak Hour Signalized Intersections	2007 LOS
State Route 20	
Ault Field to Regatta Dr	A
Regatta Dr and Goldie St	C
Goldie St to 3rd Ave	A
3rd Ave to Barrington Dr	B
Barrington Dr to Pioneer Way	A
Erie St to Beeksma	D
Swantown Ave and Erie St	D
Swantown Road	
Ft Nugent Ave to SR 20	B
Heller Road to Ft Nugent Ave	A
Heller Road/Ault Field Road	
Ault Field Rd to Crosby Rd	A
Whidbey Ave and 6th	A
6th Ave and Barrington Ave	A
Pioneer Way	
City Beach and Dock Street	A
Dock Street to Midway	A
Midway to Regatta	A
Barrington Drive	
SR 20 to SE 8th	A
Midway Blvd	
Whidbey Ave and 6th Street	A
SE 8th Ave and Pioneer Way	A
Whidbey Avenue	
Heller to Oak Harbor Road	A
Oak Harbor Rd to SR 20	B
SR 20 to Midway	A
Midway to Regatta Drive	A
Crosby Avenue, Heller to Oak Harbor	A
Oak Harbor Road	
Ault Field to Crosby	A
Crosby to Whidbey	C
Goldie Road	
Ault Field to SR 20	A

Wastewater Inventory and Conditions Survey 2006

Table B.2. Distribution System

Age (yrs.)→ Size (in.) ↓	0–20	21–30	31–40	41–50	51–60	61–70
4	570	2544	1400	0	0	0
6	482	500	0	607	521	0
8	126801.47	29704	50679	26273	47194	19603
10	6110	820	820	1962	2866	511
12	3109	2106	0	0	0	4190
15	7355	0	0	2963	802	0
16	8047	0	0	0	0	0
18	4493	0	0	0	0	0
20	0	0	0	0	0	0
21	3730	0	0	0	0	807
24	85	0	0	0	0	0

Note: Numbers above are linear feet.

Table B.3. Pump List

Pump Station	Location	Size	Age
No. 1	Taftson	2 – 7.5 hp	1982
No. 2	N.E. 9th	2 – 3 hp	1984
No. 3	N.E 7th	2 – 15 hp	1993
No. 4	Crosby Road	2 – 10 hp	1994
No. 5	Cabot Street	2 – 5 hp	1986
No. 6	E. Pioneer Way	2 – 15 hp	2001
No. 7	Golf Course	2 – 30 hp	1997
No. 8	Capital Street	2 – 7.5 hp	1994
No. 9	East Park	2 – 3 hp	2001
No. 10	Harbor Terrace	2 – 3 hp	2003
No. 11	Scenic heights	2 – 25 hp	2008

Note: Assumed life of sewer lines, manholes, appurtenances, etc. is 70 years.

Water System Inventory And Conditions Survey—2006

Table B.4. Distribution System

Age (yrs.)→ Size (in.) ↓	0–20	21–30	31–40	41–50	51–60
4	28	400	2659	2371	12325
6	788	21851	33889	17766	9433
8	142832	42070	25470	7055	3555
10	15817	4183	7435	6136	2720
12	30262	10605	8212	150	0
16	10720	454	0	0	0
24	0	61852	0	0	0

Note: Numbers above are linear feet.

Table B.5. Source and Pump Station List

Name	Location	Year built	Description	Initial Cost
East side Reservoir	Regatta Dr.	1959	0.5MG reservoir	$ 400,000
Westside Reservoir	Heller St.	1963	.5MG reservoir	$ 400,000
Westside Reservoir 2mg	Heller St.	1976	2.0MG reservoir	$1,500,000
Ault Field Pump station	Ault Field	1974	pumping station	$ 253,710
Westside pump station	Heller St.	1989	booster station	$ 113,451
Redwing pump station	Redwing subdivision	2004	booster station	$ 550,000
Well # 11	Lueck Park	1977	emergency well	$ 39,004
Well # 9	Heller St.	1961	emergency well	$ 17,204

Note The assumed life of water system lines and appurtenances is 50 years.

Street Inventory And Conditions Survey 2006

Table B.6. Street Conditions

Classification	100-90	89-80	79-70	69-60	59-50	<49
Major Arterial	State owned/maintained					
Minor Arterials	7.4	30.3	11.3	3.3	0.3	0.0
Collectors	5.5	8.8	2.0	0.4	0.2	0.6
Residential	49.3	31.2	15.8	7.5	1.5	0.2

Storm Water Drainage Inventory And Conditions Survey 2006

Table B.7. Distribution System

Age (yrs.)→ Size (in.) ↓	0–20	21–30	31–70
4	24	325	0
6	2619	1413	158
8	9585	20171	5946
10	3007	12408	866
12	77926	25839	8577
15	2382	3298	842
18	0	798	2343
21	24	798	0
24	343	492	1394
36	555	65672	0
42	0	2705	0
60	80	0	0

Note: Numbers above are linear feet.

Note: The assumed design life for storm drain lines, manholes, etc. is 70-years.

City Capital Assets Inventory and Conditions Survey, 2006

Table B.8. Capital Assets Inventory and Conditions

Managing Department	Description	Address	Original Cost	Replacement Cost	Size Sq. Ft.	Year Built	Condition 1-10/10 best	Replacement Year
ADMINISTRATION								
	BIG BROTHER HOUSE	913 E. WHIDBEY AVE.	$98,252	$ 284,761	900	1970	5	NA
	CADA RENTAL HOUSE	845 SE IRELAND DRIVE	$52,559	$ 370,028	800	1940	NA	NA
	SWIMMING POOL	85 SE JEROME ST.	$412,500	NA	0	NA	NA	NA
	YACHT CLUB	1301 SE CATALINA	$250,000	NA	1,000	NA	NA	NA
	CITY HALL	865 SE BARRINGTON DR.	$1,219,943	$ 6,577,507	14,000	1949	NA	1999
	LIBRARY	100 E. REGATTA DRIVE	$1,273,080	$ 1,869,560	12,100	1993	NA	NA
	RENTAL HOUSE	945 E. WHIDBEY AVE.	$70,943	$ 320,338	900	1955	NA	NA
	RENTAL HOUSE	935 E. WHIDBEY AVE.	$79,567	$ 171,593	900	1980	NA	NA
	RENTAL HOUSE A & B	1045 IRELAND DRIVE	$117,155	$ 824,172	400	1940	NA	NA
FIRE								
	FIRE DEPARTMENT	855 E WHIDBEY AVE.	$2,527,800	$ 3,823,524	21,000	1992	NA	2042
	FIRE DEPT. TRAINING TOWER	855 E. WHIDBEY AVE.	$250,000	$ 378,147	2,100	1992	NA	NA
MARINA								
	MARINA - DRY SHEDS	1401 SE CATALINA DR.	$94,900	$ 210,000	NA	NA	6	TBD
	MARINA - FUEL TANK	1401 SE CATALINA DR.	$360,309	$ 500,000	NA	NA	8	2020
	MARINA - HARBORMASTER BUILDING	1401 SE CATALINA DR.	$119,009	$ 350,000	NA	NA	4	TBD
	MARINA - MACHINERY & EQUIPMENT	1401 SE CATALINA DR.	$1,330,100	$ 3,500,000	NA	NA	6	2010
	MARINA - WET STORAGE	1401 SE CATALINA DR.	$916,451	Incl. in next line item	NA	NA	4	2008
	MARINA DOCKS & BREAKWATER	1401 SE CATALINA DR.	$3,179,718	$ 19,294,809	166,000	1974	4	2008
PARKS								
	BEEKSMA GATEWAY PARK	1501 BEEKSMA DR.	NA	NA	.5 ACRES	NA	NA	NA
	BEEKSMA GATEWAY	1501 S. BEEKSMA DR. (.25 ACRE)	$160,581	NA	NA	NA	7	NA
	CITY BEACH PARK	BAYSHORE DRIVE	NA	NA	28.5 ACRES	NA	NA	NA
	CITY BEACH PARK - BALLFIELDS	BAYSHORE DRIVE	$75,000	NA	NA	NA	6	NA
	CITY BEACH PARK BATHHOUSE & SHOWER	BAYSHORE DRIVE	$100,000	NA	NA	1980	6	NA
	CITY BEACH PARK COMFORT STATION	BAYSHORE DRIVE	$117,823	NA	NA	NA	6	NA
	CITY BEACH PARK WINDMILL	BAYSHORE DRIVE	$77,668	NA	NA	1980	6	NA
	CITY BEACH PARK KITCHEN A & B	BAYSHORE DRIVE	$75,000	NA	NA	NA	6	NA
	CITY BEACH PARK RESTROOMS	BAYSHORE DRIVE	$100,000	NA	NA	1980	6	NA
	CITY BEACH PARK KITCHEN C	BAYSHORE DRIVE	$75,000	NA	NA	1980	6	NA
	CITY BEACH PARK POOLS & LIGHTING	BAYSHORE DRIVE	$977,684	NA	NA	NA	6	NA
	FIRESIDE PARK	NA	NA	NA	1.2 ACRES	NA	NA	NA
	FLINTSTONE /MINI HARBOR PARK	NA	NA	NA	1.5 ACRES	NA	NA	NA
	FLINTSTONE PARK RESTROOMS	FLINTSTONE PARK	$90,000	NA	NA	NA	NA	NA
	FREUND MARSH	ERIE STREET/BEEKSMA DRIVE	NA	NA	35.0 ACRES	NA	NA	NA
	FT NUGENT PARK PLAYGROUND	NA	NA	NA	40 ACRES	NA	NA	NA
	FT. NUGENT PARK - BALLFIELDS	2075 SE FT. NUGENT AVE.	$121,687	NA	0	NA	9	NA
	FT. NUGENT PARKING LOT	2075 SE FT. NUGENT AVE.	$307,300	NA	0	NA	9	NA
	FT NUGENT PARK PLAYGROUND	FT. NUGENT	$ 170,000	$ 170,000		2006	9	NA
	LUECK PARK	NA	NA	NA	1.5 ACRES	NA	NA	NA
	LUECK PARK EQUIPMENT	1270 SW BARRINGTON	$89,013	NA	0	NA	6	NA
	KIMBALL MEMORIAL PARK	NA	NA	NA	.8 ACRES	NA	NA	NA
	KOETJE PARK	500 NE ELLIS	NA	NA	3.5 ACRES	NA	NA	NA
	HAL RAMALY DISPLAY PARK	526 SE BAYSHORE DRIVE (.5 ACRES)	$78,800	NA	.5 ACRES	NA	9	NA

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Exhibit 1

Managing Department	Description	Address	Original Cost	Replacement Cost	Size Sq. Ft.	Year Built	Condition 1-10/10 best	Replacement Year
PARKS								
	HOLLAND GARDENS & GIRL SCOUT HUT	759 SE 4TH AVE.	$63,654	$ 184,487	600	1970	NA	NA
	MARINA PARK	NA	NA	NA	2.9 ACRES	NA	NA	NA
	MEADOW RIDGE PARK	1577 NW 8TH AVE.	NA	NA	.5 ACRES	NA	NA	NA
	NEIL PARK EQUIPMENT	NEIL PARK (3.5 ACRES)	$120,000	NA	0	NA	NA	NA
	NEIL WATER TOWER	NE BARRON	$100,000	$ 1,096,012	400	1925	9	NA
	RED WING PARK	NA	NA	NA	1.0 ACRES	NA	NA	NA
	RIDGEHAVEN PARK	NA	NA	NA	.8 ACRES	NA	NA	NA
	HAWTHORNE PARK	NA	NA	NA	.35 ACRES	NA	NA	NA
	HOLLAND GARDEN/NEIL PARK	NA	NA	NA	3.5 ACRES	NA	NA	NA
	RIDGEWOOD PARK	NA	NA	NA	5.8 ACRES	NA	NA	NA
	RUTH COHEN MEMORIAL PARK	NA	NA	NA	5.0 ACRES	NA	NA	NA
	RUTH COHEN PARK EQUIPMENT	1678 SW 8TH AVE. (5 ACRES)	$56,250	NA	0	NA	6	NA
	SHADOW GLEN PARK	385 NW DORY DRIVE	NA	NA	.8 ACRES	NA	NA	NA
	SHADOW GLEN PARK EQUIPMENT	385 NW DORY DRIVE	$50,000	NA	0	NA	6	NA
	SKATEBOARD PARK - NORTH WHIDBEY	175 SE JEROME ST.	$67,330	$ 75,780	0	2002	6	NA
	SMITH PARK	NA	NA	NA	5.0 ACRES	NA	NA	NA
	SMITH PARK EQUIPMENT	SMITH PARK (9 ACRES)	$152,000	NA	0	NA	7	NA
	SPRING TREE PARK	NA	NA	NA	1.5 ACRES	NA	NA	NA
	SR-20 POCKET PARKS	NA	NA	NA	.25 ACRES	NA	NA	NA
	SUMMER PARK	NA	NA	NA	4.0 ACRES	NA	NA	NA
	TYHUIS PARK	NA	NA	NA	.8 ACRES	NA	NA	NA
	VFW PARK	NA	NA	NA	.8 ACRES	NA	NA	NA
	VOLUNTEER SKATE PARK	175 SE JEROME	NA	NA	6.0 ACRES	NA	NA	NA
	VOLUNTEER PARK EQUIP - BALLFIELDS	175 SE JEROME ST. (6 ACRES)	$93,562	NA	NA	NA	7	NA
	WELL SITE #10	NA	NA	NA	.5 ACRES	NA	NA	NA
PUBLIC WORKS								
	NEW CITY SHOP	1400 NW 16TH AVE.	$4,562,427	$ 5,779,546	48,000	1998	NA	NA
	OLD CITY SHOP	1000 SE CITY BEACH ST.	$62,205	$ 209,002	4,000	1965	NA	Replaced
POLICE								
	ANIMAL SHELTER	NAS WHIDBEY BLDG 297	$100,000	$ 165,285	4812	1989	4	NA
	POLICE DEPARTMENT/I-COM	860 SE BARRINGTON	$1,764,714	$ 2,669,288	12,000	1992	NA	NA
SENIOR CENTER								
	SENIOR CENTER	51 SE JEROME	715,181	$ 4,100,000	6,800	1986	7	2011 - 2012
	SENIOR CENTER GARAGE	51 SE JEROME	UNKNOWN	NA	900	1940/60	2	NA
	SKYLINE GREENBRIAR MANUFACTURED HOME	917 E. WHIDBEY AVE	$138,572	$ 155,964	2,100	2002	NA	NA

Exhibit 1

Managing Department	Description	Address	Original Cost	Replacement Cost	Size Sq. Ft.	Year Built	Condition 1-10/10 best	Replacement Year
SOLID WASTE								
	RECYCLE TRANSFER STATION	GOLDIE ROAD	$207,990	$ 248,350	NA	2000	9	NA
STREETS								
	INTERSECTION LIGHTING	ALL OTHERS	$2,800,000	NA	NA	NA	7	NA
	INTERSECTION LIGHTING	HELLER/CROSBY	$391,272	NA	NA	NA	9	NA
	LIGHT POLES	VARIOUS LOCATIONS	$411,680	NA	NA	NA	6	NA
	PARKING LOT	IRELAND	$60,000	NA	NA	NA	5	NA
	PARKING LOT	DOCK STREET & PIONEER	$60,000	NA	NA	NA	6	NA
	STREET SIGNS	VARIOUS LOCATIONS	$115,519	NA	NA	NA	7	NA
	CABOT DRIVE HANDRAILS, LIGHTING	CABOT DRIVE	$270,000	NA	NA	NA	NA	NA
WASTEWATER								
	TAFTSON LIFT STATION	1289 NE TAFTSON	$40,000	$ 81,312	100	1982	6	2012
	TREATMENT PLANT	1501 CITY BEACH	$2,121,800	$ 6,149,567	5,800	1970	2	NA
	CABOT STREET LIFT STATION	281 S.E. CABOT DR.	$40,000	$ 72,244	100	1986	5	2016
	CAPITAL STREET LIFT STATION	2831 SW CAPITAL ST.	$40,000	$ 57,030	100	1994	8	2024
	NE 7TH LIFT STATION	638 NE 7TH AVE.	$89,000	$ 230,699	100	1993	8	2023
	NE 9TH LIFT STATION	2085 NE 9TH AVE.	$40,000	$ 76,644	100	1984	3	2014
	PIONEER WAY LIFT STATION	1561 SE PIONEER WAY	$940,208	$ 2,890,936	100	1968	5	1998
	CROSBY ROAD LIFT STATION	1765 NW CROSBY RD.	$62,000	$ 88,397	100	1994	7	2024
	DIVERSION PUMP STATION	1501 CITY BEACH ST.	$250,000	$ 378,147	0	1991	6	NA
	EAST PARK LIFT STATION	2330 SW ROSARIO DR.	$61,000	NA	100	2001	2	2031
	GOLF COURSE LIFT STATION	980 S.W. UPLAND CT.	$152,494	$ 198,970	100	1997	8	2027
	LAGOON NAS	TREATMENT PLANT	$2,121,800	$ 3,115,935	8,845	1993	4	NA
WATER								
	REDWING PUMP STATION	REDWING	$550,000	$ 583,495	748	2004	9	NA
	STORAGE TANK #2	HELLER (.5 MILLION GAL)	$400,000	$ 1,425,806	1256	1963	6	NA
	STORAGE TANK #3	REGATTA (.5 MILLION GAL.)	$400,000	$ 1,604,758	1256	1959	4	NA
	STORAGE TANK #4	HELLER (2 MILLION GAL.)	$1,500,000	$ 3,640,894	5024	1976	7	NA
	AULT FIELD PUMP STATION	AULT FIELD	$253,710	$ 653,324	1539	1974	7	2024
	WELL #11	LUECK PARK (5.8 ACRES)	$39,004	$ 139,030	240	1977	7	NA
	WELL #9, KIMBALL	580 SW HELLER ST. (.8 ACRES)	$17,204	$ 65,059	144	1961	7	NA
	WESTSIDE BOOSTER PUMP STATION	WESTSIDE	$113,451	$ 187,517	256	1989	8	NA

Note: Replacement cost was calculated with an annual 3% inflation factor for the number of years from date built or acquired added to the cost of acquisition.

Appendix C • List of Needed Capital Facilities

Non-Enterprise Funded—Future Capital Facility Needs

Table C.1. Streets/Roads Needed (Non-Enterprise Funded)

Project Name	Location	Project Timeframe	Estimated Cost (000)
Pioneer Way Includes sidewalks, curb & gutter, utilities, street, lighting and circulation	City Beach Street to Midway Blvd	2010/2011	$8,350
Arterial Sidewalk Phase II. Includes installation and repair of safety ramps and crosswalk approaches, repair and replacement of sidewalks and related facilities that restrict safe use and access to the user.	City wide	2010 - 2015	$825
Heller Road. ROW acquisition, pavement, curb, gutter, sidewalks, utilities, transit facilities etc.	Crosby Avenue to Swantown Road	2013 - 2015	$7,630
Local street overlays. Overlay projects will maintain street surfaces at adopted standards on selected streets, in accordance with the Pavement Management Program.	Citywide	2011 - 2015	$2,350
Whidbey Avenue. pavement, curb, gutter, sidewalks, utilities, transit facilities etc	Heller Road to Regatta Drive	2011-2012	$8,300
SE Fourth Street. pavement, curb, gutter, sidewalks, utilities, drainage.	Ely Street to Midway Blvd	2014/2015	$2,300
Installation of signalized street lights.	Swantown Avenue/Heller Road NE Midway Boulevard/NE 7th Avenue	2013 – 2014 2011-2012	$ 1,000 $825

Project Name	Location	Project Timeframe	Estimated Cost (000)
Eagle Vista Street – west extention	Eagle Vista & SR 20	2013- 2014	$2,800
NE 7th Avenue reconstruction	NE 7th Avenue	2011-2012	$2,800
Oak Harbor Multimodal Facility	End of Dock Street	2010-2011	$1,049
SR 20 improvements SR 20/Pioneer Way/S.Beeksma/SR 20		2010-2015	$13,000 $1,175

Table C.2. Parks and Recreation Projects Needed (Non-Enterprise Funded)

Projects	Estimated Total Costs	Schedule						
		2010	2011	2012	2013	2014	2015	2016
Neighborhood Park playground replacements and irrigation installation	$300,000		$50,000	$50,000	$50,000	$50,000	$50,000	$50,000
Windjammer Park								
• Lagoon bridge	$150,000		$150,000					
• RV park Upgrades	$1,240,000		$40,000	$1,200,000				
• Splash Park	$250,000			$250,000				
• Existing Building replacements	$815,000		$100,000	$200,000	$200,000	$120,000	$120,000	$75,000
Scenic Heights Trailhead	$370,000	$334,000	$36,000					
Trail extensions at Freund Marsh.	$162,000		$62,000		$50,000	$50,000		
Land Acquisition								
• Open space land acquisition next to Ft. Nugent Park	$250,000			$250,000				
• Neighborhood Park - Scenic Heights, other property acq	$450,000		$250,000		$100,000		$100,000	
• Open Space/Community Park - North of Crosby and west of Oak Harbor	$4,000,000							$4,000,000
Ft Nugent Park kitchen shelters and trail lighting	$67,000		$67,000					
Trail developments/links opportunities - Park Plan	$250,000			$50,000	$50,000	$50,000	$50,000	$50,000
Total	**$8,304,000**	**$334,000**	**$755,000**	**$2,000,000**	**$450,000**	**$270,000**	**$320,000**	**$4,175,000**

Table C.3. Windjammer Project (Non-Enterprise Funded)

Project Name	Location	Project Timeframe	Estimated Cost (000)
Freund Marsh	The project is located within the Freund Marsh property, south of SW Bayshore Drive and west of Beeksma Drive.	2013	$162/$1,700
Pioneer Way Reconstruction and Streetscape	The project is located along SE Pioneer Way from SE Midway Boulevard to SE City Beach Street.	2010/2011	$8,350
RV Park Development	The project will be located on the west side of S. Beeksma Drive, north of Dillard's Addition subdivision.	2013	$620/$2,800
Special Events Center	The project is conceptually located at the intersection of SE Bayshore Drive and SE City Beach Street.	2015 -	$1,203/$8,826
Windjammer Park Redevelopment	The project site is located within the existing Windjammer Park boundaries (from Beeksma Drive to City Beach Street, along the waterfront).	2015 -	$600/$4,372/$4,372
Oak Harbor Municipal Pier	The pier itself will overlay the current location of the City dinghy dock, on tideland property owned by the City.	2010/2014	$$8,709

Table C.4. Marina (Non-Enterprise Funded)

Project Name	Location	Project Timeframe	Estimated Cost (000)
Oak Harbor Marina Redevelopment	City of Oak Harbor Marina, 1401 SE Catalina Drive.	2009/2013	$19,500

Table C.5. General Administration (Non-Enterprise Funded)

Project Name	Location	Project Timeframe	Estimated Cost (000)
New City Animal Shelter	The City owns land on Technical Drive that is currently being utilized as an off-leash park	2015 -	$507
New Senior Center	Unknown at this time	2015 -	$5,2000

Table C.6. Fire (Non-Enterprise Funded)

Project Name	Location	Project Timeframe	Estimated Cost (000)
New West Side Fire Station	It is projected that the station would be located in the SW section of the City as we would continue to work closely with North Whidbey Fire & Rescue to provide services.	Unknown	$3,200

Enterprise Funded—Future Capital Facility Needs

Table C.7. Wastewater System Needs (Enterprise Funded)

Projects	Estimated Total Costs	Schedule						
		2010	2011	2012	2013	2014	2015	2016
Balda/waterloo gravity ext	$633,000	$633,000						
Treatment plant Facilities Plan	$1,089,570		$1,089,570					
Wastewater Treatment Plant – Design and construction	$70,000,000						$4,000,000	$25,000,000
Biosolids removal (lagoon Treatment facility)	$587,000		$290,000		$297,000			
Goldie Road sewer expansion phase 2	$2,350,000			$150,000	$2,200,000			
Sewer Rehab on Pioneer way	$1,000,000	$1,000,000						
RBC force main corrosion study	$100,000		$100,000					
Sewer line replacements	$1,170,000	$150,000	$160,000	$160,000	$170,000	$170,000	$180,000	$180,000
Total	**$76,929,570**	**$1,783,000**	**$1,639,570**	**$310,000**	**$2,667,000**	**$170,000**	**$4,180,000**	**$25,180,000**

Table C.8. Water System Needs (Enterprise Funded)

Projects	Estimated Total Costs	Schedule					
		2010	2011	2012	2013	2014	2015
North Reservoir Connection Mains	$2,306,000	$1,153,000	$1,153,000				
North Reservoir	$3,400,000	$1,700,000	$1,700,000				
Ault Field Pump Station Alterations	$300,000	$300,000					
North Booster Pump Station	$1,900,000		$855,000	$1,045,000			
N.E. Pressure Transmission Main	$2,145,500		$1,072,750	$1,072,750			
N.E. O'Leary Pressure Zone Main and Connections	$852,000		$213,000	$639,000			
West Side Reservoir Connection to Mainland Zone	$780,000				$780,000		
Main Replacement	$1,125,000	$175,000	$175,000	$187,500	$187,500	$200,000	$200,000
West Pressure Transmission Main	$1,426,000						$1,426,000
Total	**$14,234,500**	**$3,328,000**	**$5,168,750**	**$2,944,250**	**$967,500**	**$200,000**	**$1,626,000**

Table C.9. Stormwater System Needs (Enterprise Funded)

Projects	Estimated Total Costs	Schedule					
		2010	2011	2012	2013	2014	2015
Liszak outfall.	$155,000					$155,000	
Pioneer Way storm drainage rehabilitation.	$650,000	$650,000					
42-in. storm drain (Windjammer Park).	$2,264,000	$1,000,000	$506,000		$100,000	$658,000	
Freund Marsh stormwater improvements.	$396,000		$198,000	$198,000			
Total	**$3,465,000**	**$1,650,000**	**$704,000**	**$198,000**	**$100,000**	**$813,000**	**$0**

Table C.10. General Administration (Enterprise Funded)

Project Name	Location	Project Timeframe	Estimated Cost (000)
Fuel Island upgrade.	Public Works Shop-1400 NE 16th Avenue	2010	$80

Appendix D • Capital Facility Prioritization Process

This appendix contains:

- The New Capital Request Forms (for 16 projects) submitted by the departments in response to the CIP process of 2006.
- The evaluation criteria applied to each new request submitted by the departments.
- The rating score sheet used by the Working Group.

CITY OF OAK HARBOR
CAPITAL IMPROVEMENTS PLAN

NEW CAPITAL FACILITIES REQUEST FORM

Please complete the following as carefully as possible. It is not important to replicate this form but do use the information headings given. Remember the criteria by which the project will be evaluated as you complete this form. The project staff will recast this information for distribution if necessary.

Narrative Section—Oak Harbor Marina Redevelopment

Description—

The Oak Harbor Marina Redevelopment program is as follows. Oak Harbor's City-operated marina was originally constructed in 1974 and has been self sustaining since that time. This valuable asset has contributed to business, growth, tourism, and the community's identity for over 30 years, and is a key/critical component in future redevelopment of the Oak Harbor waterfront. Its redevelopment constitutes one of the "bookends" of the Windjammer Program. Due to its age and significant shifts in the marina market since construction, the marina has a number of critical issues which must be addressed to preserve its value as part of the Cities infrastructure and economic engine. An extensive master planning process was undertaken in 2005 – 2006. The resulting Redevelopment Program which best met the needs of multiple stakeholders, and the goals set forth by the City, was adopted as an official plan of the City on July 5, 2006. Since that time it has become evident that the complete package of projects as outlined in the redevelopment program may not be fundable. A level of downscoping and phasing will be necessary to develop the final project to be carried forward. Project permitting is anticipated to take 18 months - two years from the present. Construction of major project components would begin two years from present following completion of permitting. Refer to the "Oak Harbor Marina Redevelopment Program" for additional project information.

Location—

City of Oak Harbor Marina, 1401 SE Catalina Drive.

Justification—

Due to its age and significant shifts in the marina market since construction, the marina has a number of critical issues which must be addressed which include:

Slips are not sized to meet current market demands, resulting in ever increasing vacancy rates.

Docks A–E and the main approach docks are approaching the end of their useful life and have deteriorated significantly, requiring increasing maintenance and repair to remain safe and functional. Condition of facility makes it difficult for the City to optimize revenue generated by moorage rates which are currently below market.

The marina's electrical system is functionally obsolete, aging, and poses potential safety risks.

The marina's fire system does not meet current code requirements.

The facility does not meet current ADA guidelines and cannot be considered handicap accessible.

Siltation has affected most of the marina basin, and has resulted in the grounding of floats and vessels in areas at low tide.

Exhibit 1

Tier One

Required by law—The redevelopment of the marina is not mandated by any law. It should be noted however that there are elements of the existing facility which do not meet a number of current codes and standards.

Public health and safety—Redevelopment of the marina will provide a safer facility that complies with current code(s) and standards, in particular electrical, fire, ADA, and dredge depths.

Preserves existing assets—The Marina is an incredible community asset (currently fully paid for and debt free without the use of taxpayer dollars) in desperate need of redevelopment / preservation. Redevelopment is necessary because the marina market has shifted over the past 30+ years so the marina can no longer meet current and future demand and thus optimize revenue. Redevelopment is also necessary because of the physical condition of the 32 year old facility is degraded as outlined above. Preservation and improvement of the marina is not just saving a facility; it is preserving a part of the City's identity that is integral to the community's connection to the water and long term plans for the future. Reinvestment in the facility is essential to preventing this historically outstanding City asset from becoming a liability.

Tier Two

Impact on future operating budgets—A redeveloped marina will increase its net revenue by better meeting market needs at market competitive rates. The new marina will support its own operations and maintenance (as always) and repay any revenue bonds utilized in its construction. Revenue bonding will pay for a large portion of, but not the entire redevelopment costs. Operations and maintenance costs of the existing facility will continue to increase with time due the facilities age and necessary repairs. The redeveloped marina will provide a strong catalyst for future revenue generating upland development projects. The new marina would bring additional business/spending into the community estimated at $5.2 million per year (with the associated tax revenue) not including moorage fees. Currently the marina brings an estimated $3.2 million per year of additional business/spending in, but this will decrease over time if the marina is not redeveloped.

The Marina is capable of generating significant revenue, and has proven its ability to discharge debt service and cover annual operating costs.

Community wide benefit—The marina is currently Oak Harbor's primary – and only - significant connection to the water. The marina has provided a door through which thousands of people have visited Oak Harbor. The marina has enabled, and continues to foster, a vibrant boating community. The marina has brought new residents to the community.

Advances community/council goals and objectives—As a minimum the marina clearly supports the following key Council goals for the City:

- Promote a healthy and growing business community.
- Improve the appearance and livability of the community.
- Protect and enhance capital investment in the City.

Tier Three

Enhances or protects the natural environment—A healthy marina, with floats, pilings and utilities that are sound, fully functioning and compliant with code, does a better job of protecting the marine environment and ecosystems that exist in Oak Harbor Bay.

Enhances or protects the cultural, educational and social environment—The Oak Harbor Marina has served as an important center for community social activities for over 32 years. The Oak Harbor Yacht Club exists on City property because of the availability of the marina. Additionally, the marina has traditionally supported a State-sponsored salmon net pen rearing project that annually releases 30,000 young Coho into the waters of Puget Sound. This project is possible because of the existence of the marina float system. The marina has been a destination for field trips by classes from elementary and high school, as well as Skagit Valley College. It is a marine laboratory for Skagit Valley College's marine technology program as well. A thriving youth sailing association is teaching many people of all ages the skills and fun of sailing.

Provides community economic benefit—Oak Harbor Marina is one of the City's primary economic engines. The marketing professional on our master planning team estimates the marina's current contribution in direct revenue to the greater Oak Harbor retail and business community at $3.2 million per year, not counting money spent on moorage. The redeveloped facility, with its more market-friendly slip mix, is predicted to increase this annual contribution to $5.2 million.

Advances other City capital projects—The City's "Windjammer" waterfront redevelopment and marketing program charts the course for a complete overhaul of the waterfront, from Freund Marsh to the west, to the Oak Harbor Marina to the east. "Windjammer" is one of the City's most significant capital projects in decades. This program identifies the Marina as a key element of "Windjammer", and as the eastern "bookend" of Oak Harbor's waterfront. "The marina could be an incredible economic development tool for Oak Harbor and its connection to downtown is of critical importance. The marina needs much larger slips so it can compete with other area marinas, redevelopment of the upland property, and better transportation connections to downtown lodging, dining, shopping, and entertainment."

Level of Service—

Not applicable.

Comprehensive and Other Adopted Plan References—

City of Oak Harbor Parks Plan (March 2001)

Goal #8: Provide a full range of services at the Oak Harbor City Marina for the recreational boating public.
Objectives:

- 8.1 Provide a mix of uses that fulfills recognized needs, is economically feasible and which maximizes use of the marina property.
- 8.2 Continue to improve the appearance, safety and utility of the marina through needed improvements, regular maintenance and appropriate repairs.
- 8.3 Provide sufficient funding for the Marina, including operation, maintenance, and development of needed capital facilities.
  8.3.2 It is necessary at this point to investigate sources of funding in addition to marina revenues and reserves to support the Marina Master Plan.
- 8.4 Coordinate marina planning and investment decisions with City plans for transportation, parks and economic development, and related activities at Naval Air Station Whidbey Island and with Island County.

City of Oak Harbor Waterfront Redevelopment and Marketing ("Windjammer") Program

"The marina could be an incredible economic development tool for Oak Harbor and its connection to downtown is of critical importance. The marina needs much larger slips so it can compete with other area marinas, redevelopment of upland property, and better transportation connections to downtown lodging, dining, shopping and entertainment."

Estimated Budget Impact Section

Estimated Project Costs—

Project phase	Total cost	Prior years	2007	2008	2009	2010	2011	2012
Planning/design	1,251,668	145,116	276,638 829,914	0	0	0	0	0
Land acquisition	NA	NA	NA	NA	NA	NA	NA	NA
Construction	18,188,254	0	0	18,188,254 (2006 $)	0	0	0	0

Operations and Management—

Estimates	2007	2008	2009	2010	2011	2012
Estimated costs	763,779	840,157				
Estimated revenues	1,257,838	1,580,326				
Anticipated savings						
Net Annual Operations/ Maintenance expense						

Source: Marina Master Plan p. A-22.

Exhibit 1

Potential Funding Sources—

Funding program	2007	2008	2009	2010	2011	2012
General Fund						
REET						
Revenue bonds	1,106,552	8,593,448				
G.O. bonds						
Special levy						
LID						
Inter-local revenue						
Grants						
Other		9,594,809				
Total	**1,106,552**	**18,188,257**				

Notes: 1. Source of "other" funding is not identified.

2. Ability to generate $9.6 million in revenue bonds is predicated on the slip mix / configuration identified in the master plan.

CITY OF OAK HARBOR
CAPITAL IMPROVEMENTS PLAN

CAPITAL FACILITIES REQUEST FORM

Narrative Section—Pioneer Way Reconstruction and Streetscape

Description—

Pioneer Way Reconstruction and Streetscape: The project includes water, sewer and storm drain line replacement, street reconfiguration, new curbs, gutters and sidewalks, undergrounds overhead utility lines and installs new street furniture, street lights and landscaping.

Location—

The project is located along SE Pioneer Way from SE Midway Boulevard to SE City Beach Street.

Justification—

Tier One Criteria

Required by law—The project is not specifically required by law.

Public health and safety—There is no immediate threat to public health however the project will assist in protecting public health by replacing utility lines necessary for the provision of basic services.

Preservation of existing assets—Preservation of existing assets will occur only so far as any portions of the existing utility lines prove to be serviceable.

Tier Two Criteria

Impact on future operating budgets—In addition to replacing critical utility lines, the project's purpose is to create a better pedestrian environment along the street. This is viewed as an important step for downtown revitalization, which in turn is focused on increasing tax revenue for the City.

Community wide benefit—The project has community-wide benefit by improving the downtown for all residents to use and enjoy. Increased retail sales and increased property values benefit the community as a whole.

Advances community/council goals and objective—The project is included in the adopted Windjammer Plan. Implementation of this Plan is supported by the Comprehensive Plan's Economic Development Element, Goal 2. This project is also supported by City Council Goals 1, 2, 3, 4, 5 and 6.

Tier Three Criteria

Enhances or protects the natural environment—It is not expected that this project will enhance or protect the natural environment in any measurable way.

Enhances or protects the cultural, educational and social environment—The improvement in the Pioneer Way streetscape will enhance the social environment by providing a place for community gatherings and functions, on a large and small scale, whether formal or informal.

Provides community economic benefit—One of the main goals of the project is to enhance the physical environment of the downtown in order to encourage and support business development and activity. This project will provide community economic benefit in this fashion.

Advances other City capital projects—The project is actually two projects: the utility work and the streetscape improvements. In this sense each of them advances the other. Improvements to Pioneer Way are linked to other Windjammer projects taking place.

Level of Service—

The utility replacement portion of this project will help the City continue to meet adopted LOS for water, sewer and storm drain functions in the downtown. Street improvements will seek to maintain an appropriate level of service for a pedestrian-oriented, collector street.

Comprehensive and Other Adopted Plan References—

The project is included in the adopted Windjammer Plan. Implementation of this Plan is supported by the Comprehensive Plan's Economic Development Element, Goal 2. This project is also supported by City Council Goals 1, 2, 3, 4, 5 and 6.

Estimated Budget Impact Section

Estimated Project Costs—

Project phase	Total project cost	Prior years	2007	2008	2009	2010	2011	2012
Planning/design	$1,016,510		$1,016,510					
Land acquisition	n/a	n/a	n/a	n/a				
Construction	$9,633,490			$9,633,490				

Operations and Maintenance—

Estimates	2007	2008	2009	2010	2011	2012
Estimated costs						
Estimated revenues						
Anticipated savings						
Net Annual Operations/ Maintenance expense						

Potential Funding Sources—

Funding program	2007	2008	2009	2010	2011	2012
General Fund						
REET						
Revenue bonds		$4,000,000				
G.O. bonds		$2,550,000				
Special levy						
LID		$1,300,000				
Inter-local revenue						
Grants		$800,000				
Other	$1,000,000 PWTF	$1,000,000 TIF				
Total	**$1,000,000**	**$9,650,000**				

CITY OF OAK HARBOR
CAPITAL IMPROVEMENTS PLAN

NEW CAPITAL FACILITIES REQUEST FORM

Please complete the following as carefully as possible. It is not important to replicate this form but do use the information headings given. Remember the criteria by which the project will be evaluated as you complete this form. The project staff will recast this information for distribution if necessary.

Narrative Section—SR 20 Widening

Description—

The SR-20 Widening project extends from Swantown Avenue, MP 30.85, to Beeksma drive, MP 31.39. Major features of the project include roundabouts at the intersections of SR-20 and Swantown Avenue, Erie Street and Beeksma Drive. The Project would construct a two-lane roundabout at major intersections and two lanes in each direction. The conceptual urban corridor roadside treatment includes raised center landscape medians, bike lanes, landscaped planter strips, and street lighting. Landscaping and medians will be of varying width to minimize ROW impacts. Left turns would be eliminated. Roundabout couplets allow for U-turn movements thus eliminating the need for left turn lanes.

Location—

SR-20 from SW Beeksma Drive, MP 0.85, to SW Swantown Avenue, MP 31.39.

Justification—

State Route 20 serves as the major transportation corridor supporting the City and region's arterial and collector roads. Growth in the City, County and NASWI will likely remain strong in the near future. A highway system that meets the needs for movement of freight, goods and people is critical to supporting growth and economic development in the City. State Route 20 is the main north/south corridor for Whidbey Island and arguably the single most important road on the island. SR-20 is also a Highway of Statewide Significance (HSS), a priority highway for the State and a roadway where congestion needs to be kept at a reasonable level. The SR-20 Widening project will provide significant regional benefit by reducing existing and future congestion difficulties.

Project is required by law to maintain transportation concurrency at the currently adopted Level of Service E for City intersections with the State Highway

Project protects the public health and safety by reducing the accident potential and increase pedestrian safety. The section of SR-20 is listed as high accident corridor by the State.

Project has a community wide benefit, serving residents and business of the City.

Project advances Council goals #1 by promoting health and growing business community, #2 by improving the appearance and livability of the community, #3 encouraging a safe community #6 protecting and enhancing capital investment in the City.

Level of Service—

Traffic counts show that SR-20 services an average of 24,000 vehicles per day between Swantown Road and Beeksma Drive, the highest traffic volume anywhere in Island County. Within the limits of the SR-20 Widening project, the intersections of Swantown Road, Erie Street and Beeksma Drive currently operate at Level of Service D, C, & D respectively. Barring an improvement to the SR 20 corridor, all three intersections

will erode to Level of Service F by 2010. The project proposes to improve the capacity at these locations by constructing modern two lane roundabouts at each intersection. The addition of roundabouts improves the intersections to Level of Service C or better for 2010 in each case and maintains an acceptable LOS through 2030.

Comprehensive and Other Adopted Plan References—

Project has been included in the City of Oak Harbor Comprehensive Plan Transportation Element as a necessary project since 2000. Project meets the goals and objectives of the Comprehensive Plan as follows:

Goal 1- Policy 1.c The City should strive to maintain relatively free-flowing traffic along SR-20
Goal 4- Policy 4.a Bicycle paths, lanes, and routes should be provided.
Goal 5- Policy 5.c Design intersections which provide adequate safety for pedestrians and bicyclists (By reducing crossing distance roundabouts are safer for pedestrians)
Goal 6- Policy 6.b the City should encourage beautification projects along all major street in an attempt to protect corridor viewsheds
Goal 7- Policies 7.a, b. c The City shall implement a landscape median program as appropriate on major and minor arterials, collectors and local streets.

Estimated Budget Impact Section

Estimated Project Costs—

Project phase	Total project cost	Prior years	2007	2008	2009	2010	2011	2012
Planning/design	$1,371,000	$300,000		1,000,000				
Land acquisition	$2,668,000				2,668,000			
Construction	$9,115,800					9,115,800		

Note: SR20 project cost is the State's responsibility. Project is shown on this list as a reflection of the importance of the improvements to the City.

Operations and Management—

Estimates	2007	2008	2009	2010	2011	2012
Estimated costs						
Estimated revenues						
Anticipated savings						
Net Annual Operations/ Maintenance expense						

Exhibit 1

Potential Funding Sources—

Funding program	2007	2008	2009	2010	2011	2012
General Fund				$1,000,000		
REET				$500,000		
Revenue bonds						
G.O. bonds						
Special levy						
LID						
Inter-local revenue						
Grants		$1,000,000				
Other (WSDOT-impact fees-arterial funds)			$2,668,000	$7,615,800		
Total		**$1,000,000**	**$2,668,000**	**$9,115,800**		

CITY OF OAK HARBOR
CAPITAL IMPROVEMENTS PLAN

CAPITAL FACILITIES REQUEST FORM

Narrative Section—Windjammer Park Redevelopment

Description—

Windjammer Park Redevelopment: The project will redevelop the existing Windjammer Park. While referenced as a single project it is in fact comprised of a series of independent projects located within the park boundaries. These projects include new park entrances, development of specialty areas (event areas, family play areas, etc), trail redevelopment, construction of an amphitheater, and reconfiguration of the lagoon and relocation of the baseball fields.

Location—

The project site is located within the existing Windjammer Park boundaries (from Beeksma Drive to City Beach Street, along the waterfront).

Justification—

Tier One Criteria

Required by law—The project is not required by law.

Public health and safety—There are no known public health and safety issues within the existing Windjammer Park.

Preservation of existing assets—The project will extend the life of the existing park assets through redevelopment and new construction.

Tier Two Criteria

Impact on future operating budgets—Some increase in general fund revenue (as realized through sales tax receipts from additional park users) might be expected as a result of this project. It is expected that maintenance costs will increase consistent with a higher level of amenities to maintain.

Community wide benefit—The community will greatly benefit from having an enhanced public park to use. Given the regional nature of the park it is reasonable to expect that this benefit will extend outside of the corporate limits of Oak Harbor.

Advances community/council goals and objectives—The project is included in the adopted Windjammer Plan. Implementation of this Plan is supported by the Comprehensive Plan's Economic Development Element, Goal 2. This project is also supported by City Council Goals 1, 2, 5 and 6.

Tier Three Criteria

Enhances or protects the natural environment—With its location adjacent to the waterfront the proposed project will enhance with public's enjoyment of the natural environment.

Enhances or protects the cultural, educational and social environment—This project will contribute to the cultural and social environment of the community by providing an enhanced public park for community use and enjoyment.

Provides community economic benefit—Some increase in general fund revenue (as realized through sales tax receipts from additional park users) might be expected as a result of this project.

Advances other City capital projects—Completion of this project will assist in the overall implementation of the Windjammer Plan. It will have a direct impact on planned projects to the west of the project site (RV Park redevelopment and Freund Marsh). The project will support the goals of the Transportation Element through the extension of SE Bayshore Drive through this area.

Level of Service—

The proposed improvements to the park will assist the City in continuing to meet our LOS for community park space and amenities.

Comprehensive and Other Adopted Plan References—

The project is included in the adopted Windjammer Plan. Implementation of this Plan is supported by the Comprehensive Plan's Economic Development Element, Goal 2. This project is also supported by City Council Goals 1, 2, 5 and 6.

Estimated Budget Impact Section

Estimated Project Costs—

Project phase	Total project cost	Prior years	2007	2008	2009	2010	2011	2012
Planning/design	$1,200,000		$600,000	$600,000				
Land acquisition	$0							
Construction	$8,745,000			$4,372,700	$4,372,700			

Note: The above estimate arbitrarily divides the total project costs (both design and construction) into two year periods. As the project is actually comprised of a series of smaller projects it is reasonable to assume that the projects will be implemented over a longer time period than is shown above. At this time no information regarding project phasing has been generated.

Operations and Maintenance—

Estimates	2007	2008	2009	2010	2011	2012
Estimated costs	See below					
Estimated revenues	See below					
Anticipated savings	See below					
Net Annual Operations/ Maintenance expense	See below					

Note: Some increase in general fund revenue (as realized through sales tax receipts from additional park users) might be expected as a result of this project. It is expected that maintenance costs will increase consistent with a higher level of amenities to maintain.

Potential Funding Sources—

Funding program	2007	2008	2009	2010	2011	2012
General Fund						
REET						
Revenue bonds						
G.O. bonds						
Special levy						
LID						
Inter-local revenue						
Grants						
Other						
Total						

Insufficient information exists at this time to determine specific funding options. A public park redevelopment project of this size will most likely need to be funded through bond sales. Portions of the work, however, may lend themselves to community involvement. Funding will be phased to match the overall project phasing schedule.

CITY OF OAK HARBOR
CAPITAL IMPROVEMENTS PLAN

NEW CAPITAL FACILITIES REQUEST FORM

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Narrative Section—Pedestrian Access Improvement

Description—

Pedestrian access improvements. ADA (Americans with Disabilities Act) required improvements to existing sidewalk and pedestrian access in the City right of way. This includes installation and repair of safety ramps and crosswalk approaches, repair and replacement of sidewalks and related facilities that restricts safe use and access to the user, installation of missing links of sidewalks and approaches for continued access of the pedestrians, and installation of sections of sidewalk for focused accessibility to schools and recreation areas.

Location—

Locations of improvements for ADA requirements are evaluated by citizen complaints, evaluation of existing facilities by the Engineering Department and Public Works. Evaluation of improvements to fill missing links and larger access concerns are evaluated by the Engineering Department from discussions and recommendations by a Public Access Committee.

Justification—

Required by law—The City of Oak Harbor has to prove that ADA related deficiencies are identified and being addressed. The City's Insurance Pool (Washington Cities Insurance Authority) also strongly recommends that we identify and reduce the potential of pedestrian access deficiencies and/or hazards.

Public health and safety—Safe public pedestrian access reduces the threat of injury to pedestrians using public sidewalks, pedestrian approaches and pathways.

Advances community goals and objectives—Provide to our citizens a safe walking environment.

Enhances or protects the natural environment—

Preserves existing assets—Maintain the existing pedestrian access infrastructure to established industry and ADA standards.

Impact on future operating budgets—The continued repair of existing sidewalks and approaches affect the operation and maintenance budget of the Street Division.

Provides community economic benefit—Safe pedestrian access improves the economic benefit by providing public access to our local commercial businesses.

Advances other city capital projects—

Community wide benefit—Safe and available pedestrian access improves the walk-ability of our community, access to local businesses and the trust of our citizens, that they feel safe on our pedestrian accesses.

Level of Service—

There is no level of service standards included in the non motorized travel section of the transportation element of the City's Comprehensive Plan.

Comprehensive and Other Adopted Plan References—

The City of Oak Harbor has identified non motorized travel in the Transportation Element of the May 2000 Comprehensive Plan. It identifies areas of disconnect of pedestrian accesses. A table of recommended improvements is listed in the plan.

Estimated Budget Impact Section

Estimated Project Costs—

Project phase	Total project cost	Prior years	2007	2008	2009	2010	2011	2012
Planning/design								
Land acquisition								
Construction			$105,000	$110,000	$114,000	$122,000	$128,000	$134,000

Operations and Management—

Estimates	2007	2008	2009	2010	2011	2012
Estimated costs						
Estimated revenues						
Anticipated savings						
Net Annual Operations/ Maintenance expense						

Potential Funding Sources—

Funding program	**2007**	**2008**	**2009**	**2010**	**2011**	**2012**
General Fund	XXX	XXX	XXX	XXX	XXX	XXX
REET						
Revenue bonds						
G.O. bonds						
Special levy						
LID						
Inter-local Revenue						
Grants						
Other						
Total						

CITY OF OAK HARBOR
CAPITAL IMPROVEMENTS PLAN

CAPITAL FACILITIES REQUEST FORM

Please complete the following as carefully as possible. It is not important to replicate this form but do use the information headings given. Remember the criteria by which the project will be evaluated as you complete this form. The project staff will recast this information for distribution if necessary.

Narrative Section—Local Street Overlays

Description—

Local Street Overlays. These overlay projects will maintain street surfaces at adopted standards on selected streets, in accordance with the Pavement Management Program. It is critical that City streets be maintained at a level of service that is acceptable to the motoring public.

Location—

Locations are established through the Pavement Management Program, evaluation by the Engineering Department and Public Works.

Justification—

Required by law—NA

Public health and safety—Safe and well maintained roads are essential for the movement of fire, rescue and police vehicles to respond to incidents.

Advances community goals and objectives—

Enhances or protects the natural environment—

Preserves existing assets—It is proven that preventive maintenance is more economical than no maintenance, and premature failure of the street will lead to costly reconstruction.

Impact on future operating budgets—

Provides community economic benefit—Safe reliable streets are important assets to the City's businesses and industry.

Advances other city capital projects—

Community wide benefit—Well maintained streets are an asset to the motoring public.

Level of Service—

There are no set level of service standards set aside for residential streets. Our Pavement Management Program rates the street in the terms of a Pavement Condition Index which evaluates the current condition and calculates the depreciated condition of a street. Breakpoint Standards have to be adopted to set the preventive maintenance conditions based on the street condition.

Comprehensive and Other Adopted Plan References—

To maintain adequate traffic flow on all streets, the condition of the street will assure that the street can accommodate the proposed traffic flow of selected streets.

Exhibit 1

Estimated Budget Impact Section

Estimated Project Costs—

Project phase	Total project cost	Prior years	2007	2008	2009	2010	2011	2012
Planning/design								
Land acquisition								
Construction			$210,000	$220,500	$231,525	$243,101	$255,256	$268,019

Operations and Management—

Estimates	2007	2008	2009	2010	2011	2012
Estimated costs						
Estimated revenues						
Anticipated savings						
Net Annual Operations/ Maintenance expense						

Potential Funding Sources—

Funding program	2007	2008	2009	2010	2011	2012
General Fund	XXX	XXX	XXX	XXX	XXX	XXX
REET						
Revenue bonds						
G.O. bonds						
Special levy						
LID						
Inter-local Revenue						
Grants						
Other						
Total						

CITY OF OAK HARBOR
CAPITAL IMPROVEMENTS PLAN

NEW CAPITAL FACILITIES REQUEST FORM

Please complete the following as carefully as possible. It is not important to replicate this form but do use the information headings given. Remember the criteria by which the project will be evaluated as you complete this form. The project staff will recast this information for distribution if necessary.

Narrative Section—New West Side Fire Station

Description—

Presently, the Oak Harbor Fire Department operates from one station located at 855 East Whidbey Ave. The station was constructed in 1992 and was funded by voter approved bonds. Those bonds retire in 2010.

Over the years, the majority of new construction has occurred to the west and southwest portions of the City. There are several projects planned in the same geographic area and it is anticipated that this trend will continue.

This project would construct a second fire station.

Location—

It is projected that the station would be located in the SW section of the City as we would continue to work closely with North Whidbey Fire & Rescue to provide services.

Justification—

Response times to the SW section of the City have increased due to the expansion of the City's boundaries and increased traffic. It is anticipated that this trend will continue as we have experienced a sizable increase in residential and multi-family occupancies in the SE and West sections of the City.

The following evaluation criteria are referenced as justification using the Tier 1, 2, & 3 criteria.

Tier One Criteria

Required by law—Not to my knowledge other than City Policy on response times are referenced in the Comprehensive Plan of 4 minutes for medical and 5 minutes for fire suppression responses.

Public health and safety—Not specifically. The City is required by law to provide for the public health and safety. This project would be considered a piece to obtain that goal and that as outlined in the Comprehensive Plan.

Preserves existing assets—Currently the City operates from one station. This project will not have a preservation impact on existing assets.

Tier Two Criteria

Impact on future operating budgets—No.

Community wide benefit—Yes. Capital and personnel resources would be more strategically located City wide balancing its resources and providing improved response times throughout the City.

Advances community/council goals and objectives—Yes. This project assists in reaching council goals and those outlined in the Comprehensive Plan.

Tier Three Criteria

Enhances or protects the natural environment—No.

Enhances or protects the cultural, educational and social environmental—Yes. This project would contribute to the community's quality of life due to the improved level of services and the could provide a community meeting place.

Provides community economic benefit—No.

Advances other City capital projects—No.

Level of Service—

This project would construct a second fire station with the intention of achieving the following goals.

- Maintain/improve level of services
- Reduce response times as traffic to that area and calls for service City wide continue to increase.

Comprehensive and Other Adopted Plan References—

Estimated Budget Impact Section

Estimated Project Costs—

Project phase	Total project cost	Prior years	2007	2008	2009	2010	2011	2012
Planning/design	$50,000 to $75,000							
Land acquisition	Existing City property or $100,000 to $125,000 per acre							
Construction	$2 - $3 million							

Exhibit 1

Operations and Management—

Estimates	2007	2008	2009	2010	2011	2012
Estimated costs						$200,000 to $300,000
Estimated revenues						0
Anticipated savings						Unknown
Net annual operations/maintenance expense						

Potential Funding Sources—

Funding program	2007	2008	2009	2010	2011	2012
General Fund	X					
REET						
Revenue bonds						
G.O. bonds	X					
Councilmanic bonds	X					
LID						
Inter-local Revenue	X					
Grants	X					
Other	Retail Sales Tax					
Total						

Exhibit 1

CITY OF OAK HARBOR
CAPITAL IMPROVEMENTS PLAN

NEW CAPITAL FACILITIES REQUEST FORM

Please complete the following as carefully as possible. It is not important to replicate this form but do use the information headings given. Remember the criteria by which the project will be evaluated as you complete this form. The project staff will recast this information for distribution if necessary.

Narrative Section—Oak Harbor Municipal Pier Project

Description—

The Oak Harbor Municipal Pier Project will construct a municipal pier and associated support / waiting facilities to serve as a multi-modal terminus for foot-passenger commuter ferries, tour boats and float planes. Additionally, the project includes a transient moorage float to provide direct access for pleasure boaters to the harborside restaurants, shops and services, as well as significant shore side park improvements with restrooms, and direct access to the City's waterfront trail.

Location—

The park area (Flintstone Park) is located at the intersection of Bayshore Drive and Dock Street, on the City's waterfront. The pier itself will overlay the current location of the City dinghy dock, on tideland property owned by the City.

Justification—

Tier One

Required by law—Project is not required by law.

Public health and safety—Project enhances safety by providing alternative means of transportation in anticipation of worsening future congestion on the one highway connecting Whidbey Island to the mainland, and on the I-5 corridor.

Project provides alternate means of access for supplies and equipment in the event of natural disaster or terrorist event.

Preserves existing assets—Project is not an existing asset.

Tier Two

Impact on future operating budgets—Sources of potential revenue resulting from this project are to be determined. Possible sources are:

- Landing fees for passenger ferries and tour boats, and for float planes.
- Day use fees for pleasure boats using the recreational float.
- Rental fees for use of the multi-purpose building for meetings and functions.
- Rental fees for use of park for special / organized events.

Project will impact the General Fund to the extent that annual O&M costs are not met from sources of revenue. Projected O&M costs were estimated by consultant as part of Final Design & Engineering, and are given below.

Community wide benefit—Project is recognized by the community and in all City planning studies as a key element in the revitalization of downtown Oak Harbor and the ongoing "Windjammer" waterfront redevelopment program.

Project site is located across the street from the Island Transit transfer station, and half a block from a park and ride lot. Facility is also located on a regional bicycle route, and on the City's waterfront trail. The combination of transit, pedestrian facilities, bicycle route and ferry terminal establishes this downtown waterfront location as a multi-modal transportation hub. Construction of the proposed municipal pier will complete this hub by enabling foot passenger ferry service as well as tour boat and pleasure boat connectivity, and it will provide connectivity with other like facilities throughout the region.

A recently completed North Sound Connecting Communities passenger ferry study proposes Oak Harbor as the only terminal serving both Whidbey and Fidalgo Islands, and establishes the Oak Harbor Terminal as key to the primary north-south route envisioned from Bellingham to Mukilteo.

Advances community/council goals and objectives—Project directly supports the following City Council goals:

- Goal 1: Promote a healthy and growing business community.
- Goal 2: Improve the appearance and livability of the community.
- Goal 4: Build and enhance community partnerships.
- Goal 5: Deliver superior quality service to our customers.
- Goal 6: Protect and enhance capital investment in the City.

Pier Project is prominent in numerous adopted City and State plans, per Item 5, below.

Tier Three

Enhances or protects the natural environment—Mitigation plan enhances the shoreline in the project area, and the environment in the critical near-shore habitat area, through regarding, reinforcing, riparian planting, construction of a "rain garden" to control runoff, transplanting of eel grass.

Enhances or protects the cultural, education and social environment—Park improvements, including a ?? sq. ft. combination waiting room / restroom / multi-purpose facility, will enhance the value and versatility of the park as a community and social asset.

Viewing / ceremonial plaza areas will enhance the waterfront experience for residents and visitors alike.

Travel / transportation / tour boat availability from the City waterfront will contribute to educational opportunities.

Provides community economic benefit—Facility promotes tourism and provides economic stimulus to harbor side restaurants, shops and services for passenger ferry customers, tour boat patrons, pleasure boaters and float plane passengers alike.

Advances other City capital projects—The City's "Windjammer" waterfront redevelopment and marketing program charts the course for a complete overhaul of the waterfront, from Freund Marsh to the west, to the Oak Harbor Marina to the east. "Windjammer" is one of the City's most significant capital projects in decades. This program identifies the pier project as a key element of "Windjammer" on the City's central waterfront.

Level of Service—
Not applicable.

Comprehensive and Other Adopted Plan References—

City of Oak Harbor Comprehensive Plan
Goal 3: Ensure viable transportation alternatives.
Goal 3.g: The City should explore all potential funding sources to finance the construction and operation of a downtown municipal pier.

City of Oak Harbor "Harbor Watch" Downtown Redevelopment Plan
"Work with marine industry associations, tour boats, etc., to enhance water links to other Puget Sound communities."

Harbor Pride: A Blueprint for Change – 2000
Identifies four "anchors" for development of the downtown, one of which is a City pier.

City of Oak Harbor Six-Year Transportation Plan
City of Oak Harbor Downtown Public Realm Plan
Identifies as a community vision the construction of a municipal pier.

City of Oak Harbor "Windjammer" Waterfront Redevelopment Program
Cites pier as "centerpiece" of waterfront, and identifies it as a project under the Windjammer umbrella.

Skagit / Island RTPO Regional Transportation Plan
Skagit / Island County RTPO, in their recently updated Regional Transportation Plan, cited the pressing need for alternative means of transportation in the region, with foot passenger ferry service as the most viable of these means. The RTP specifically identifies the City of Oak Harbor pier project as critical to this plan.

State of Washington State Transportation Improvement Program (STIP)
Project is part of the State's long-range plan, as reflected in the current STIP.

North Whidbey Diversification Action Plan
Waterfront should be reclaimed and connected to downtown. Tourism is underdeveloped.

Estimated Budget Impact Section

Estimated Project Costs•

Project phase	Total project cost	Prior years	2007	2008	2009	2010	2011	2012
Planning/design	717,043	687,043	30,000	0	0	0	0	0
Land acquisition	0	0	0	0	0	0	0	0
Construction	7,962,581	0	7,962,581	0	0	0	0	0

Note: The $30,000 in 2007 is for consultant assistance in meeting requirements of Federal Highways and Federal Transit for receipt of federal funds for the project.

Operations and Management—

Estimates	2007	2008	2009	2010	2011	2012
Estimated costs	0	128,314	130,344	132,427	134,564	136,759
Estimated revenues	Unk.	Unk.	Unk.	Unk.	Unk.	Unk.
Anticipated savings	-	-	-	-	-	-
Net annual operations/maintenance expense	0	128,314	130,344	132,427	134,564	136,759

Notes: 1. Costs are in 2006 dollars.

2. Major maintenance costs (e.g., dredge, float replacement) have been annualized.

3. Source: PND Engineers, Inc., “Maintenance and Operations Preliminary Estimate” for Oak Harbor Municipal Pier.

4. Does not include capital replacement schedule.

Exhibit 1

Potential Funding Sources—

Funding program	2007	2008	2009	2010	2011	2012
General Fund	30,000					
REET	846,898					
Revenue bonds						
G.O. bonds						
Special levy						
LID						
Inter-local Revenue						
Grants	2,702,115					
Other	4,413,569					
Total	**7,992,581**					

Notes: 1. REET total represents known matching fund requirements. Although Budget specifies REET as source for matching funds, all REET funding is committed for 10 years. Match is not available.

2. "Grants" includes and presumes success as follows:

SAFETEA-LU Fed Transit (Grant - $836,000. Match - $209,000) (Awarded, but no match.)
Boating Infrastructure (BIG) (Grant - $625,219. Match - $625,219) (Pending)
TTHUD Earmark (Grant - $1,000,000. Match – Unknown) (Pending – Promised)
WSDOT Seaplane Float (Grant - $240,896. Match – 12,679) (Not yet applied for.)

CITY OF OAK HARBOR
CAPITAL IMPROVEMENTS PLAN

CAPITAL FACILITIES REQUEST FORM

Narrative Section—RV Park Development

Description—

RV Park Development: The project will relocate and redevelopment the City's existing recreational vehicle (RV) park to provide a more modern facility and increase the number of amenities.

Location—

The project will be located on the west side of S. Beeksma Drive, north of Dillard's Addition subdivision.

Justification—

Tier One Criteria

Required by law—The project is not required by law.

Public health and safety—There are no known public health and safety issues with the existing RV park.

Preservation of existing assets—As the project is the complete redevelopment of an existing facility it does not strictly preserve an existing asset. It does however extend the life of this activity for an additional 30 years (approximately).

Tier Two Criteria

Impact on future operating budgets—The project is expected to increase net revenues once construction debt has been retired.

Community wide benefit—The general fund revenues generated by the RV park assist in funding park improvements or maintenance City-wide.

Advances community/council goals and objectives—The project is included in the adopted Windjammer Plan. Implementation of this Plan is supported by the Comprehensive Plan's Economic Development Element, Goal 2. This project is also supported by City Council Goals 1, 2, 5 and 6.

Tier Three Criteria

Enhances or protects the natural environment—With its location adjacent to City-owned Freund Marsh and other wetland properties, the construction of this project in a sensitive fashion will both enhance and protect the natural environment.

Enhances or protects the cultural, educational and social environment—It is not likely that this project will enhance or protect the cultural, educational or social environment of the community on any measurable level.

Provides community economic benefit—Some additional general fund revenue, in the form of user fees, will be generated by the redeveloped RV park.

Advances other City capital projects—Completion of this project will assist in the overall implementation of the Windjammer Plan. It will have must direct impacts on planned projects to the west (Freund Marsh) and east (Windjammer Park) of the project site.

Level of Service—

There is no established level of service for the existing RV Park. It is possible that the new project will increase the number of RV spaces; this increase will equate to a higher level of service for the RV park user.

Comprehensive and Other Adopted Plan References—

The project is included in the adopted Windjammer Plan. Implementation of this Plan is supported by the Comprehensive Plan's Economic Development Element, Goal 2. This project is also supported by City Council Goals 1, 2, 5 and 6.

Estimated Budget Impact Section

Estimated Project Costs—

Project phase	Total project cost	Prior years	2007	2008	2009	2010	2011	2012
Planning/design	$420,000		$420,000					
Land acquisition	$500,000		$500,000					
Construction	$2,800,000			$2,800,000				

Operations and Maintenance—

Estimates	2007	2008	2009	2010	2011	2012
Estimated costs	See below					
Estimated revenues	See below					
Anticipated savings	See below					
Net annual operations/ maintenance expense	See below					

Note: An eventual net gain in revenue is anticipated based on the assumption of a greater number of spaces and the ability to charge a higher rental fee (due to improved site amenities). In order for this to occur, construction debt must be satisfied.

Potential Funding Sources—

Funding program	2007	2008	2009	2010	2011	2012
General Fund						
REET						
Revenue bonds						
G.O. bonds						
Special levy						
LID						
Inter-local Revenue						
Grants						
Other						
Total						

Insufficient information exists at this time to determine specific funding options. It is anticipated that funding will occur in one of three major ways:

1. Privately funded, in which case the City will likely not realize any significant revenue stream increase.
2. Public/private funding, in which case City funding will most likely be a combination of general fund and REET monies.
3. Publicly funded via general obligation bond sales.

CITY OF OAK HARBOR
CAPITAL IMPROVEMENTS PLAN

CAPITAL FACILITIES REQUEST FORM

Narrative Section—Freund Marsh

Description—

Freund Marsh: The project will complete the Freund Marsh improvements including a trails network and interpretive center. The project also looks to incorporate regional stormwater facilities as both functional and environmental site features.

Location—

The project is located within the Freund Marsh property, south of SW Bayshore Drive and west of Beeksma Drive.

Justification—

Tier One Criteria

Required by law—The project is not required by law.

Public health and safety—The stormwater component of the project will help prevent localized flooding thereby protecting property and possibly public health and safety.

Preserves existing assets— Completion of the stormwater component has the potential to reduce some of the stormwater maintenance costs for facilities located within the project vicinity.

Tier Two Criteria

Impact on future operating budgets—Completion of the trail improvements will marginally increase the Parks Division maintenance budget. Maintenance costs for the interpretive center (assuming City-ownership) will be new costs to the City.

Community wide benefit—The project will enhance passive recreational and environmental educational opportunities for the community.

Advances community/council goals and objectives—The project is included in the adopted Windjammer Plan. Implementation of this Plan is supported by the Comprehensive Plan's Economic Development Element, Goal 2. This project is also supported by City Council Goals 2, 3, 4, and 6.

Tier Three Criteria

Enhances or protects the natural environment—Construction of this project in a sensitive fashion will both enhance and protect the natural environment.

Enhances or protects the cultural, educational and social environment—The project will enhance the educational environment for the community. This enhancement will take the form of increased opportunities to study the natural environment.

Provides community economic benefit—No direct economic benefit is anticipated.

Advances other City capital projects—Completion of this project will assist in the overall implementation of the Windjammer Plan.

Level of Service—

There is no adopted level of service for this project. Completion of the project will assist the City in meeting its overall park level of service.

Comprehensive and Other Adopted Plan References—

The project is included in the adopted Windjammer Plan. Implementation of this Plan is supported by the Comprehensive Plan's Economic Development Element, Goal 2. This project is also supported by City Council Goals 2, 3, 4 and 6.

Estimated Budget Impact Section

Estimated Project Costs—

Project phase	Total project cost	Prior years	2007	2008	2009	2010	2011	2012
Planning/design	$204,000		$204,000					
Land acquisition	$0		$0					
Construction	$1,496,000			$1,496,000				

Note: The project cost shown above assumes City construction of the entire project. If the project is developed with partnerships (see 'Potential Funding Sources' below) the project cost will be reduced accordingly.

Operations and Maintenance—

Estimates	2007	2008	2009	2010	2011	2012
Estimated costs	See below					
Estimated revenues	See below					
Anticipated savings	See below					
Net annual operations/ maintenance expense	See below					

Note: Completion of the trail improvements will marginally increase the Parks Division maintenance budget. Maintenance costs for the interpretative center (assuming City-ownership) will be new costs to the City.

Potential Funding Sources—

Funding program	2007	2008	2009	2010	2011	2012
General Fund						
REET						
Revenue bonds						
G.O. bonds						
Special levy						
LID						
Inter-local revenue						
Grants						
Other						
Total						

Insufficient information exists at this time to determine specific funding options. It is anticipated that funding will occur in one of three major ways:

1. Trail construction can occur with volunteer labor. Material costs could be funded through general fund monies.
2. The stormwater improvements can be constructed through developer contributions.
3. The interpretative center could be funded through either a foundation or public/private partnership.

CITY OF OAK HARBOR
CAPITAL IMPROVEMENTS PLAN

CAPITAL FACILITIES REQUEST FORM

Please complete the following as carefully as possible. It is not important to replicate this form but do use the information headings given. Remember the criteria by which the project will be evaluated as you complete this form. The project staff will recast this information for distribution if necessary.

Narrative Section—Land Acquisition for Future Park Development

Description—

Land acquisition for future park development. To meet the goals and objectives outlined in the Oak Harbor Comprehensive Parks and Recreation Plan, it will be necessary to purchase 20 acres of land. An additional 10 acres are also needed to replace the Little League fields at Windjammer Park.

Location—

Developable land within close proximity to the City.

Justification—

Required by law—The adopted Oak Harbor Parks and Recreation Comprehensive Plan has established levels of service that require the City to increase the amount of park land available to the public.

Public health and safety—Parks and open spaces provide recreational opportunities that promote physical exercise.

Advances community goals and objectives—The acquisition of land will make it possible to relocate the ball fields from Windjammer Park. The Windjammer Master Plan proposes to use this site for a convention center, destination hotel or other recreational uses. Additional land also helps us meet the goals of the Comprehensive Parks and Recreation Plan.

Enhances or protects the natural environment—As the community continues to grow, the need to preserve our open spaces becomes increasingly more important.

Enhances or protects the cultural, educational and social environment—Parks offer the public facilities to interact socially through organized sports, community events, and to showcase our community.

Preserves existing assets—NA

Impact on future operating budgets—Additional funding will be required to maintain and operate additional park land.

Provides community economic benefit—Additional sports fields allow the community to host sports tournaments that boost tourism. Relocating the Windjammer Park ball fields also opens up the possibility of bringing in a convention center and a hotel on the waterfront.

Advances other City capital projects—Land to relocate the ball fields is a vital link towards the redevelopment of the Windjammer Park, as identified in the Roger Brooks Study.

Community wide benefit—Additional park land benefits all members of our community, offering active and passive recreational opportunities, as well a preserving open space.

Level of Service—

The adopted Parks and Recreation Comprehensive Plan has set a standard of 4 acres of developed park land per 1,000 population. An additional 20 acres are needed by 2016 to meet that need.

Comprehensive and Other Adopted Plan References—

Goals and objectives outlined within the City of Oak Harbor Comprehensive Park and Recreation Plan are incorporated into the Six Year Capital Facilities Plan, as identified in the GMA.

Estimated Budget Impact Section

Estimated Project Costs—

Project phase	Total project cost	Prior years	2007	2008	2009	2010	2011	2012
Planning/design								
Land acquisition			$200,000			$450,000		
Construction								

Operations and Management—

Estimates	2007	2008	2009	2010	2011	2012
Estimated costs						
Estimated revenues						
Anticipated savings						
Net annual operations/ maintenance expense						

Potential Funding Sources—

Funding program	2007	2008	2009	2010	2011	2012
General Fund	$50,000			$50,000		
REET	$150,000			$200,000		
Revenue bonds						
G.O. bonds						
Special levy						
LID						
Inter-local revenue						
Grants						
Other- park Impact fees				$200,000		
Total	**$200,000**			**$450,000**		

CITY OF OAK HARBOR
CAPITAL IMPROVEMENTS PLAN

CAPITAL FACILITIES REQUEST FORM

Please complete the following as carefully as possible. It is not important to replicate this form but do use the information headings given. Remember the criteria by which the project will be evaluated as you complete this form. The project staff will recast this information for distribution if necessary.

Narrative Section—New Senior Center

Description—

New Senior Center (probably using an alternate name such as "Adult Community Center" or similar)

Purpose—Facility able to handle estimated 2025 levels of demand for Senior support goods/services as well as facilitate optimizing of Senior population community involvement/volunteer work.

History—The City's current Senior Center facility was built in 1986. Building expansion feasibility studies completed in 1995 and 2004 both point out need to create additional space to meet needs of rising Senior population.

Senior population (Island County growth study estimates):

1986 (when current facility built)—12,841 (25% of population)
2025 (growth study estimate)—47,171 (47% of population/59.8% of eligible voters)

Location—

Unknown (likely within the City limits, possibly on City property/possibly outside City limits in North Whidbey geographical area)

Justification—

Action required by law—No

Addresses health & safety issues—Would act as local base of operations for nutrition (meal site/meals on wheels), Case Management, Information & Assistance, Statewide Health Insurance Advisors, exercise facilities and several other health support programs/services supporting senior health and welfare. Protects existing assets: No (although we consider seniors as assets…)

Positive impact on operating budgets—City facility/social service organizations operate within it (minimizes City having to provide/pay costs of providing social services). Example, currently free rent provided to Case Management/Information & Assistance group – result is over $1.3 million in care authorizations provided annually to North Whidbey residents from that office.

Provides community wide benefits—An important purpose of the facility will be to enlist the volunteer efforts of what will soon be the largest segment of the population (seniors) into the many community support groups operating in the local area.

Advances community/council goals—Goals 4 (community partnerships) and 5 (service) primarily getting the resources of social service groups distributed within the City (from the City's facility) and enlist the work of seniors to provide City citizens/organizations with volunteer services/support.

Enhances/protects natural environment—Not really, but we'll make it as "green" as we are able.

Enhances/protects social environment—Not sure what this means, but if protecting seniors fits, then yes.

Economic impact—Should have an "indirect" but "significant" economic benefit for the City. The plan is to make use of this large segment of the population to provide assistance in numerous citizen support programs so as to reduce taxpayers' burden to provide the same. Additionally, increasing the number of seniors who are active/fit/involved, will also reduce the amount of government assistance dollars needed to support them by reducing in length periods of diminishing health.

Advances other projects—In terms of other City physical facilities, no. Meant to assist numerous local support agencies with lowering their physical facility costs and thus enhance their ability to support citizen needs in our area.

Level of Service—

Programs – Sponsor facilities for:	2005	2025 projection
Nutrition programs - # of meals OH	18,000	33,000
Case Management - funding authorizations	$1.3M	$2.36M (no inflation)
SHIBA assistance sessions – clients assisted	32	580
OH Ctr members	1600	2900 (low estimate)
Adult Day Care clients	14	26
Community support program volunteers	0	Hundreds

Comprehensive and Other Adopted Plan References—

Government Service Element Goal 7—Continue to provide our senior residents with recreational, social, educational, and health maintenance services specifically designed to meet their current and emerging needs.

Policy 7.b The City should expand the senior center as use increases and unmet needs are identified.

Expansion of current facility not economically feasible. New center/alternate location needed to permit construction of facility(ies) adequate to house larger scale programs and services.

Estimated Budget Impact Section

Estimated Project Costs (City)—

Project phase	Total project cost	Prior years	2007	2008	2009	2010	2011	2012
Planning/design	BLDG RESERVES to be used		$50K	$100K				
Land acquisition	City land or purchase with fund- raising $			City(?) Otherwise Fundraise $1.5mil				
Construction	$5.2 Mil ($100-150K)				$1.3mil ($100-150K Match)	$1.3mil	$1.3mil	$1.3mil

Operations and Maintenance—

Estimates	2007	2008	2009	2010	2011	2012
Estimated costs						
Estimated revenues						
Anticipated savings						
Net annual operations/ maintenance expense						$11,000

338

Exhibit 1

Potential Funding Sources—

Funding program	2007	2008	2009	2010	2011	2012
General Fund			($100-150K Match)			
REET						
Revenue bonds						
G.O. bonds						
Councilmanic bonds						
LID						
Inter-local Revenue						
Grants			State $1M			
Other	$50K Bldg reserve	$150K Bldg reserve	Fundraising $1mil	Fundraising $1 mil	Fundraising $1 mil	Bldg sale/FR $500K/$500K
Total	**$50K**	**$150K**	**$2.1-2.15mil**	**$1 mil**	**$1 mil**	**$ 1 mil**

CITY OF OAK HARBOR
CAPITAL IMPROVEMENTS PLAN

CAPITAL FACILITIES REQUEST FORM

Please complete the following as carefully as possible. It is not important to replicate this form but do use the information headings given. Remember the criteria by which the project will be evaluated as you complete this form. The project staff will recast this information for distribution if necessary.

Narrative Section—Trail extensions at Freund Marsh

Description—

Additional trail extensions at Freund Marsh. This next phase of the trail will run north to south connecting the existing trail to the beach access west of Dillard's Addition. The trail will also connect with SW Beeksma Drive. This will add an additional 2,750 feet of trail, 8-10 feet in width. Work includes excavation and backfill of base material, covered with a gravel walking surface. Additional plantings of native plant materials will also be included in this project. Work to be performed by the Public Works crew.

Location—

Freund Marsh, off of Beeksma Drive.

Justification—

Required by law—NA

Public health and safety—Promotes a safe environment for walking, jogging and cycling.

Advances community goals and objectives—The development of Freund Marsh is identified as one of the key elements of the Roger Brooks Master Plan for the waterfront. Wetland restoration and the preservation of open space are also listed as one of the goals identified in the Oak Harbors Parks and Recreation Comprehensive Plan. Supplying the public with more pedestrian trails and bicycle pathways is also listed as one of the goals and objectives for the park system.

Enhances or protects the natural environment—This project enhances the existing wetland by planting native vegetation, which is also a natural attractor of wildlife.

Enhances or protects the cultural, educational and social environment—Walking and jogging creates social opportunities for our citizens. These trails also give the public access to a wetland area where they can learn about their environment. Interpretive signage is being used throughout the marsh site to help the public identify birds, animals and plants.

Preserves existing assets—The Freund Marsh property preserves over 40 acres of land along the City's waterfront. This project enhances the property and makes it available to the public to enjoy.

Impact on future operating budgets—There will be some operations and maintenance costs to the Parks Division, but they should be minimal.

Provides community economic benefit—NA

Advances other City capital projects—Freund Marsh is one of the identified projects of the Roger Brooks Study.

Exhibit 1

Community wide benefit—The trails are available to all the citizens of Oak Harbor and visitors to our community for biking, walking and jogging. The trails are also used for marathon running events.

Level of Service—

There are no level of service requirements within the Parks and Recreation Comprehensive Plan.

Comprehensive and Other Adopted Plan References—

The Oak harbor Parks and Recreation Comprehensive Plan lists the development of off street bicycle and pedestrian trails to connect City parks, residential areas and major activity centers as one of our goals and objectives.

Estimated Budget Impact Section

Estimated Project Cost—

Project phase	Total project cost	Prior years	2007	2008	2009	2010	2011	2012
Planning/design								
Land acquisition								
Construction	$132,000			$108,000	$24,000			

Operations and Management—

Estimates	2007	2008	2009	2010	2011	2012
Estimated costs		$3,000	$3,000	$3,500	$3,500	$3,602
Estimated revenues						
Anticipated savings						
Net annual operations/ maintenance expense						

Potential Funding Sources—

Funding program	2007	2008	2009	2010	2011	2012
General Fund		$30,000				
REET		$48,000	$24,000			
Revenue bonds						
G.O. bonds						
Special levy						
LID						
Inter-local Revenue						
Grants						
Other paths and trails 106acct		$30,000				
Total		**$108,000**	**$24,000**			

CITY OF OAK HARBOR
CAPITAL IMPROVEMENTS PLAN

CAPITAL FACILITIES REQUEST FORM

Please complete the following as carefully as possible. It is not important to replicate this form but do use the information headings given. Remember the criteria by which the project will be evaluated as you complete this form. The project staff will recast this information for distribution if necessary.

Narrative Section—Windjammer Trail Connection

Description—

Complete the trail link along the waterfront, connecting Windjammer Park and Flintstone Park. The 350 foot long trail will be 8-10 feet wide. The pathway will be a raised boardwalk bridge over the shoreline vegetation with minimal impact to the natural surroundings. It will be constructed of wood support beams on concrete anchors. The pathway/boardwalk will be constructed of recycled material such as trex decking. Low impact lighting will also be included in this project.

Location—

Along the Oak Harbor Bay shoreline, between Windjammer and Flintstone Parks.

Justification—

Required by law—NA

Public health and safety—This trailway gives the public an additional option for walking, jogging and cycling.

Advances community goals and objectives—Completing the waterfront trail by connecting the two parks with the “missing link” has been a community goal for many years. Trailways along the waterfront are identified in the Roger Brooks Plan for the renovation of the waterfront parks. The Plan also recommends that Flintstone Park become a part of Windjammer Park. Linking the two parks together along the waterfront is the optimal way of meeting that goal.

Enhances or protects the natural environment—Having the pathway suspended over the shoreline will protect the natural environment of this area.

Enhances or protects the cultural, educational and social environment—This section of the waterfront is rich with shoreline plants and wildlife. Public access to the area will give the community an appreciation and respect for the outdoor environment

Preserves existing assets—NA

Impact on future operating budgets—There will be a minimal cost to the Parks Division’s operations budget for litter control and pathway maintenance.

Provides community economic benefit—The trailway will enhance the waterfront and the downtown area, which helps to draw tourists to our community.

Advances other City capital projects—This is a part of the Windjammer Park Revitalization Plan.

Exhibit 1

Community wide benefit—Each day, numerous members of our community walk, jog or cycle along the waterfront trail. Completing this link of the trail will make it possible for individuals to stay along the waterfront and not have to detour up to Bayshore Drive to get around the private property between the two park sites.

Level of Service—

NA

Comprehensive and Other Adopted Plan References—

The Roger Brooks Plan focuses much of the plan on utilizing our assets along the waterfront to promote tourism. The Plan recommends that Flintstone Park be made a part of Windjammer Park.

Estimated Budget Impact Section

Estimated Project Costs—

Project phase	Total project cost	Prior years	2007	2008	2009	2010	2011	2012
Planning/design	$13,840 in House		$13,840					
Land acquisition								
Construction	$134,717			$134,717				

Operations and Management—

Estimates	2007	2008	2009	2010	2011	2012
Estimated costs			$750	$750	$800	$800
Estimated revenues						
Anticipated savings						
Net annual operations/ maintenance expense			$750	$750	$800	$800

Potential Funding Sources—

Funding program	2007	2008	2009	2010	2011	2012
General Fund	$13,840					
REET		$134,717				
Revenue bonds						
G.O. bonds						
Special levy						
LID						
Inter-local Revenue						
Grants						
Other						
Total						

CITY OF OAK HARBOR
CAPITAL IMPROVEMENTS PLAN

CAPITAL FACILITIES REQUEST FORM

Narrative Section—Special Events Center

Description—

The special events center will provide public assembly space for a variety of events and functions. The project is intended to meet community needs but to also attract a variety of groups to Oak Harbor. The center was originally envisioned as being 20,000-30,000 square feet in size. Staff now believes the center would be more appropriately sized at no more than 6,000 square feet.

Location—

The project is conceptually located at the intersection of SE Bayshore Drive and SE City Beach Street.

Justification—

Tier One Criteria

Required by law—The project is not required by law.

Public health and safety—The project is not necessary to protect the public health and safety.

Preserves existing assets—The project will not preserve any existing assets.

Tier Two Criteria

Impact on future operating budgets—The project is intended to help increase both hotel/motel tax receipts and sales tax receipts for the City. Net revenues could decrease, however, if the City ends up operating the facility.

Community wide benefit—The community will benefit from having this type of space available for its use and will benefit from the increased tax revenues. Increased tax revenues also benefit the community as a whole.

Advances community/council goals and objectives—The project is included in the adopted Windjammer Plan. Implementation of this Plan is supported by the Comprehensive Plan's Economic Development Element, Goal 2. This project is also supported by City Council Goals 1, 2, and 6.

Tier Three Criteria

Enhances or protects the natural environment—It is not expected that this project will enhance or protect the natural environment in any measurable way.

Enhances or protects the cultural, educational and social environment—The construction of the special events center will most certainly enhance the cultural, education and social environment of the community by providing for a space that can support a variety of events.

Provides community economic benefit—The project is intended to help increase both hotel/motel tax receipts and sales tax receipts for the City. Operation of the center will create an unknown number of jobs.

Advances other City capital projects—This project will not specifically advance any of the other Windjammer capital projects.

Level of Service—

There is no adopted level of service for a community facility such as is envisioned.

Comprehensive and Other Adopted Plan References—

The project is included in the adopted Windjammer Plan. Implementation of this Plan is supported by the Comprehensive Plan's Economic Development Element, Goal 2. This project is also supported by City Council Goals 1, 2, and 6.

Estimated Budget Impact Section

Estimated Project Costs—

Project phase	Total project cost	Prior years	2007	2008	2009	2010	2011	2012
Planning/design				$1,203,600				
Land acquisition								
Construction					$8,826,400			

Operations and Maintenance—

Estimates	2007	2008	2009	2010	2011	2012
Estimated costs						
Estimated revenues						
Anticipated savings						
Net annual operations/ maintenance expense						

Note: Operation and maintenance costs cannot be estimated at this time as these costs are highly dependent on who owns and operates the facility.

Potential Funding Sources—

Funding program	2007	2008	2009	2010	2011	2012
General Fund						
REET						
Revenue bonds						
G.O. bonds						
Special levy						
LID						
Inter-local Revenue						
Grants						
Other						
Total						

Note: A funding strategy is yet to be developed for this project.

CITY OF OAK HARBOR
CAPITAL IMPROVEMENTS PLAN

NEW CAPITAL FACILITIES REQUEST FORM

Please complete the following as carefully as possible. It is not important to replicate this form but do use the information headings given. Remember the criteria by which the project will be evaluated as you complete this form. The project staff will recast this information for distribution if necessary.

Narrative Section—New City Animal Shelter

Description—

The City operates the City Animal Shelter through a cooperative agreement with the Navy, utilizing a Navy facility for the services. Since 9/11, access to the facility has become more restrictive with the installation of a gate to the base. The facility has been utilized since the early 1970's, at a time where the City population was under 10,000. Although there have been some improvements over the years, the facility itself is not conducive towards the level of care the City has elected to provide for animals.

The current facility that we don't own is approximately 2,000 square feet. It would seem reasonable that since the City's population has more than doubled since the City has utilized this facility, an animal shelter of approximately 4,000 square feet would alleviate many of the issues currently faced by our shelter operator. To allow for future growth, a shelter of approximately 4500 square feet would be the desired outcome.

The City has an obligation to provide in some fashion for the sheltering of animals that have been impounded. In order to reduce the number of animal and stray animals, communities across the country provide a location for the surrendering and adoption of domestic animals, usually cats and dogs. This service is usually provided either by contract or in-house.

Oak Harbor has had a rather unusual arrangement, in that we do not own our own facility but rather have an agreement with the Navy to provide the service and utilize their facility. In addition, the City has contracted with a vendor to operate the facility which is owned by the Navy. This agreement has worked for a number of years, since the early 1970's. As the City has not owned the facility, maintenance and improvements over the years have been minimal. Correspondence from the Base Commander in 1989 authorized the City to build a metal covering over previously uncovered runs. This was done to increase the space needs as they had clearly outgrown the building capacity. In that correspondence, it was clear that this was considered a temporary solution as it indicated the City could not use the facility in "perpetuity" and that the base commander understood that the City's long range plans were compatible with that eventuality.

In 2004, the City Council adopted a new philosophy regarding the level of care provided to animals, that of the most humane possible with a reduction in euthanasia of animals, referring to the concept of "minimal kill" facility. With the goal being increased adoptions and fewer animals destroyed due to space restrictions, the capacity at the facility, already stressed due to the increase in population in our community, is becoming a non-viable option.

Location—

The City owns land on Technical Drive that is currently being utilized as an off-leash park. The location would be an ideal site for an animal shelter as it is located in an industrial area, next to Public Works, and at the end of the roadway. In addition, if future needs required any expansion, the City owns the land south of the off-leash park as well.

Justification—

As agreed at the Department Head Meeting on September 6th, the following prioritization questions, taken from the Capital Facilities Plan form, will be answered:

Tier 1

Required by law—No, to my knowledge there is no legal requirement for the City to operate a shelter. It would be reasonable to assume that the City would be required to maintain the ability to enforce State Law and Municipal Code regarding impounding of animals, which could be done by contract as well as operation of its own facility.

Public health and safety—No, assuming that the question was framed to address health and safety of people.

Preserves existing assets—No, currently the City does not own an animal shelter.

Tier 2

Impact on operating budgets—No.

Community wide benefit—This would simply be a guess, but I would imagine that a large percentage of residents own either a cat or dog or both, which means that the proposal would provide a benefit to that percentage of the community.

Advances community/council goals and objectives—Yes, the Council redirected Staff to initiate a process that increased the level of care provided to animals. This was done by awarding of the contract to WAIF, which promotes more humane treatment of animals. Overcrowding, which has increased due to the philosophical shift, would be alleviated by this project for the foreseeable future.

Tier 3

Enhances or protects natural environment—No.

Enhances or protects the cultural, educational and social environment—Unknown.

Provides community economic benefit—Yes, for construction. As we are now paying for utilities at the Naval Facilities, I would anticipate that utility costs would decrease on a newer facility, as the current facility is highly energy inefficient.

Advances other City projects—No, except it does align itself well with the philosophical shift adopted by Council regarding the care of animals.

Level of Service—

Our current shelter size is approximately 2,000 square feet. The building of a facility of 4,000-4,500 feet would allow ample space for our current and short term future animal shelter needs. WAIF is currently in the fund-raising stage of a large facility they envision building south of Coupeville. While the 4,000-4,500 square footage facility would be operating at close to capacity within a reasonably short time, the long term plan of WAIF's facility should prevent the City from needing expanded space in the future.

Comprehensive and Other Adopted Plan References—

Unknown.

Estimated Budget Impact Section

Estimated Project Costs—

Project phase	Total project cost	Prior years	2007	2008	2009	2010	2011	2012
Planning/design								
Land acquisition	-0-							
Construction	480,000 to 540,000 (turn-key)							

Operations and Management—

Estimates	2007	2008	2009	2010	2011	2012
Estimated costs (See Notes Below)	82,500 (contract) 13,500 operating	84,000 14,000 operating	85,000 15,000 operating	86,000 15,500 operating	87,000 16,000 operating	88,000 16,500 Operating
Estimated revenues	15,000 (licenses)	15,000	15,000	15,000	15,000	15,000
Anticipated savings						
Net annual operations/ maintenance expense	81,000	83,000	84,000	86,500	88,000	88,500

Notes: 1. It would be doubtful that an Animal Shelter would ever be self-sufficient, resulting in a net loss of revenues.

2. Estimated Costs are Broken Down to Include Current Contract Cost for Contractor, and do not include costs for animal control/code assistance officer as that position is irrelevant to this capital facilities request.

Potential Funding Sources—

Funding program	2007	2008	2009	2010	2011	2012
General Fund						
REET						
Revenue bonds						
G.O. bonds						
Special levy						
LID						
Inter-local Revenue						
Grants						
Other (License Fees)	15,000					
Total	**$15,000**					

City of Oak Harbor Capital Improvements Plan—Project Evaluation Criteria

Definition of a Capital Facility—any new public facility or public improvement of the City costing $50,000 or more, (including financing, design, permitting, environmental analysis, land acquisition and construction costs) requiring the expenditure of public funds over and above annual operational expenses and having a life expectancy of more than twenty (20) years.

A methodology is needed to pare down the lists of projects to an affordable level as well as to balance diverse and competing community values and needs. Capital project evaluation criteria are developed for this purpose.

The following are criterion to be used for this capital project evaluation and prioritization process.

Tier One Criteria

An additional weighting factor of three (x3) is given to the rating score of each Tier One criterion.

- **Required by law—**projects that are required due to federal, state or local legal mandate.
- **Public health and safety—**projects that resolve potentially threatening situations to the health, safety, or physical welfare of citizens (e.g. construction of a new fire station)
- **Preserves existing assets—**projects that save or repair structural integrity of existing buildings, extend the life of or reduces operating costs of existing public infrastructure and facilities (e.g. seismic upgrades, insulate and re-roofing a public building)

Tier Two Criteria

An additional weighting factor of two (x2) is given to the rating score of each Tier Two criterion.

- **Impact on future operating budgets—**forecasts the extent to which the project will impact future operating budgets; will result in decreased operating costs or produce net new revenue (e.g. new tax revenue) a 5 vs. significant requirement additions to personnel or other operating costs a 1.
- **Community wide benefit—**the scope and extent to which the community as a whole benefits from the project; projects that have the broadest community benefit or contribute to balance in the overall program would be rated highest.
- **Advances community/council goals and objectives—**projects that enhance the goals and objectives of the community or City council as identified in adopted plans and policy (e.g. development of the Windjammer Project) will score higher.

Tier Three Criteria

No additional weight (x1) is given the rating score of each Tier Three criterion.

- **Enhances or protects the natural environment—**projects that enhance the natural environment or resolve and reduce the risk of damage to the natural environment (e.g. construction of an adequate storm water retention facility).
- **Enhances or protects the cultural, educational and social environment—**projects that enhance or protects those cultural, educational or social assets that contribute to the community's quality of life (e.g. sidewalk improvements to enhance pedestrian environment, community meeting facility, etc.).

- **Provides community economic benefit—**projects that produce additional family wage jobs, retain family wage jobs or expand the tax base of the community. The more direct the positive impact the higher a project would rate. (E.g. public amities that encourage private sector investment).
- **Advances other City capital projects—**projects that assist the development of another project or a project that must occur in a sequential manner with other capital projects will rate higher.

PLACEHOLDER—Responds to a favorable opportunity—projects that may be advanced by responding to an initiative from the private sector, a grant funding program or other favorable circumstance that could advance that project (e.g. a federal grant opportunity arises that could fund 80% of a project's cost) (to be included in the plan text at this point.)

Prioritizing

Scoring and hence ranking can be accomplished by assigning a value to each criterion. A scale is from 1 to 5, one (1) being lowest and five (5) highest is to be used. The sum of all criterion scores can give Council and community a general idea of project importance relative to other projects. Some criterion is viewed as having more importance than other criterion. For example, the Tier One criterion Public Health/Safety is seen as having a weighted factor of three in importance in project selection while Tier Two criterion has a weight of two and Tier Three criterion has no additional weight.

CAPITAL PROJECT PRIORITIZATION FORM

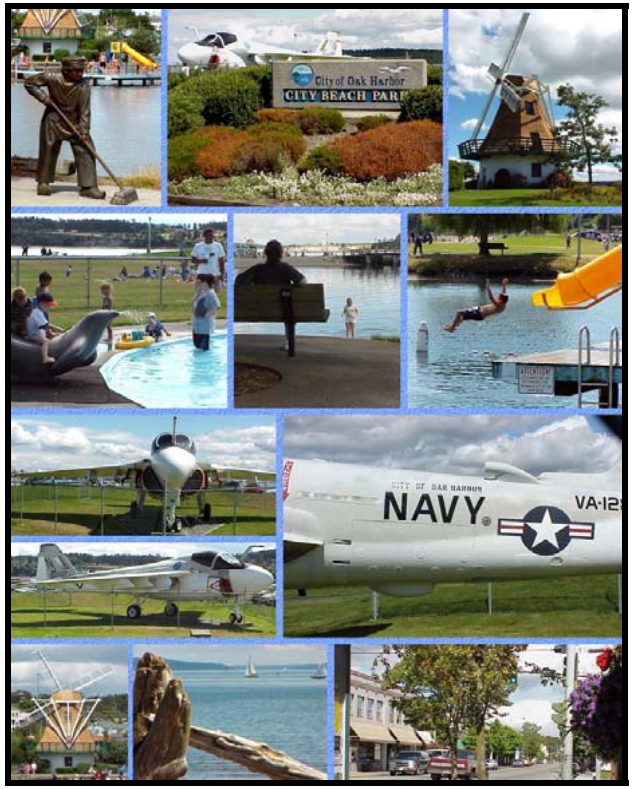
Score each criterion 1 (lowest) through 5 (highest) for each project

Multiply each criterion score by the tier weighting factor

Action required by law
Addresses health & safety issue
Protects existing assets
Positive impact on operating budgets
Provides community wide benefits
Advances community/council goals
Enhances/protects natural environment
Enhances/protects social environment
Economic Impact
Advances other projects

Project Title		Tier One x3			Tier Two x2			Tier Three				Total
EXAMPLE PROJECT	Maximum score	15	15	15	10	10	10	5	5	5	5	

Appendix E • City of Oak Harbor Comprehensive Financial Management Policy



Sound financial stewardship and the prudent use of public funds are two of the primary responsibilities given to the officials and managers of the City of Oak Harbor. Having been entrusted with this responsibility by our citizens, the establishment and maintenance of wise fiscal policy enables City officials to protect public interests and ensure public trust. The overall financial strategy of the City of Oak Harbor is to develop a sound financial resource base for the purpose of ensuring public safety, maintaining the physical infrastructure and surroundings of the City, and promoting the social well-being of the citizens of Oak Harbor.

Introduction

This Comprehensive Financial Management Policy document incorporates past financial practices in defining the current policies to be used by the City to meet its obligations and operate in a financially prudent manner. These policies have been established to provide general fiscal guidelines and are intended to provide sound direction in the management of the City's financial affairs.

Purpose

The Comprehensive Financial Management Policy assembles all of the City's financial policies in one document. These policies are a tool to ensure that the City maintains a high level of financial solvency in order to meet the City's immediate and long-term service objectives. The purpose of the individual policies contained herein is to serve as guidelines for both the strategic long-term-financial planning and internal financial management processes of the City.

The City of Oak Harbor is accountable to its citizens for the use of public funds. The City's resources must be wisely used to ensure adequate funding for the services, public facilities, and infrastructure necessary to meet the community's present and future needs. The importance of sound financial management makes it desirable for a City to establish goals and targets for its financial operations, so that policies will be consistent and complete, and performance can be monitored on an ongoing basis. Because a fiscally sound City government is in the best interests of the citizens of the City of Oak Harbor, this Comprehensive Financial Management Policy has been adopted as the guiding management principle to be applied in the management of the City's finances.

The City's policies are categorized in the following sections:

- General Revenue Policies
- Expenditure Policies
- Reserve Policies
- Accounting and Financial Reporting Policies
- Performance Measurement Policies

General Revenue Policies

Current revenues will be sufficient to support current expenditures.

A well-diversified and stable revenue system will be maintained to shelter public services from short-run fluctuations in any particular revenue source. Because revenues, especially those of the General Fund, are sensitive to both local and regional economic activities and legislation, revenue estimates should be calculated using an objective, analytical process, and will be neither overly optimistic nor overly conservative. Revenue estimates will be as realistic as possible based on the best available information.

Revenue forecasts will encompass all resources that can be utilized for public services. Should economic downturns develop which could result in revenue shortfalls or fewer available resources, the City will immediately compensate by making adjustments in anticipated expenditures.

Revenues of a one-time, limited or indefinite term will be used for capital projects or one-time operating expenditures to ensure that no ongoing service program is lost when such revenues are reduced or discontinued.

The City will project revenues for the next three years and will update this projection annually. The Finance Department will annually review and make available to the Finance Committee an analysis of each revenue source.

The City will not utilize deficit financing or short-term borrowing as a revenue source to finance current operating needs without full financial analysis and prior approval of the City Council. Interfund loans are permissible to cover temporary gaps in cash flow, but only when supported by a well-documented repayment schedule of short duration.

In order to assist decision makers in prioritizing support for various City program alternatives, and tier system consisting of three levels shall be utilized. Tier 1 programs will consist of programs critical to core business functions of the City. Tier 2 programs shall consist of programs not necessarily belonging to a core business function, but shall consist of those programs assigned a high priority in meeting specific City objectives. Tier 3 programs shall consist of those programs receiving consideration as funds are available, and after all business core functions and high priority programs have been considered. As part of Council's mission statement objectives, and specific dollar amount or percentage of the annual operating budget shall be established as a not to exceed threshold for the aggregate cost of Tier programs.

Grant Revenues

All potential grants shall be carefully examined for matching requirements. If local matching funds are not available, some grants may not be accepted. Grants may also be rejected if programs must be entirely funded with local resources after the grant program is completed.

When considering grants for the purposes of capital construction or other projects of an acquisition nature, an analysis will be made of the City's ongoing ability to maintain, repair, or commit the facilities to a specific economic purpose. In all cases, an analysis will be performed regarding the City's ability to comply with any restrictions or long-term commitments included as a stipulation of receiving the grant award.

Enterprise Revenues

To ensure that the enterprise funds remain self-supporting, user fees and rate structures will be incorporated to support the total direct and indirect costs of operations, capital facilities maintenance, debt service, depreciation,

and pass-through rate increases from source of supply vendors.

Revenues received for enterprise purposes will be restricted to the respective funds.

User Fee Revenues

The City will establish all user fees and charges at a level related to the cost of providing the service. Every year, the City will regularly revise user fees with a review by the Mayor to adjust for the effects of inflation and increases in operating costs.

As much as is reasonably possible, authorized City services that provide direct benefit to a specific group, organization, or citizen should be supported by fees and charges to recover the costs of providing such benefit. The goal of this is to provide maximum flexibility in the use of general City taxes to meet the cost of services of broader public benefit. Charges for services that benefit specific users should recover full costs, including all direct costs, capital costs, department overhead, indirect cost allocation, and City-wide overhead. Departments that impose fees or service charges should prepare and periodically update cost-of-service studies for such services.

A high level of priority will given to expenditures that will reduce future operating costs, such as increased utilization of technology, equipment, personnel, and prudent business methods.

The City of Oak Harbor strives to ensure its service programs are of high quality. If expenditure reductions are necessary, complete elimination of a specific service is preferable to lowering the quality of programs provided.

All City personnel share in the responsibility of looking at and understanding the City's long-term financial viability, its general spending trends, its projected incomes, and educating themselves, division heads, and employees on the necessary short and long-term balance between revenues and expenditures. Department heads are responsible for ensuring departmental expenditures under their control are in accordance with City Council's authorized expenditure authorization.

Before the City undertakes any agreements that would create fixed ongoing expenses, the cost implications of such agreements will be fully determined for current and

future years through the use of strategic financial planning models.

Organizations that are not part of the City, but which receive funding from the City, shall not have their appropriation carried forward from year to year unless expressly authorized and directed by City Council. Performance measures will be established for each program receiving to ensure support is in conformance with City objectives. Annual review to include a report from the program sponsor and reauthorization of funding is required.

All externally mandated services provided by one fund for another, for an outside source, or for which full or partial funding is available will be fully costed out to allow for reimbursement of expenses. The estimated direct costs of providing the service will be budgeted and actual costs charged to the fund performing the service. Interfund service fees charged to recover these direct costs will be recognized as revenue to the providing fund.

Expenditure Policies

The City will maintain expenditure categories according to state statute and administrative regulation.

Personnel

Emphasis is placed on improving individual and workgroup productivity rather than adding to the work force. The City will hire additional personnel only after the need for a new employee is substantiated and documented.

All compensation negotiations will focus on total compensation including direct salary, health care premiums, pension contributions, and other benefits of a non-salary nature. Cost analysis of salary increases will include the effect of such increases on the employer-share of related fringe benefits.

Maintenance and Replacement

The budget process will include a multi-year projection of vehicle replacement requirements. The budget will provide sufficient funding for adequate maintenance and orderly replacement of capital plant, equipment, and vehicles. Future maintenance needs for all new capital facilities will be costed out and included as decision criteria.

Short-Term Debt Policies

Short-term debt covers a period of one year or less.

The City may use short-term debt to cover temporary cash flow shortages that may be caused by a delay in receipting tax revenues or issuing long-term debt.

The City may issue interfund loans rather than outside debt instruments to meet short-term cash flow needs. Interfund loans will be permitted only if an analysis of the affected fund indicates

excess funds are available and the use of these funds will not impact the fund's current operations. All short-term borrowing will be subject to Council approval by ordinance or resolution, and will bear interest based upon prevailing rates.

Long-Term Debt Policies

The City will confine long-term borrowing to capital improvements that cannot be financed from current revenues.

Acceptable uses of bond proceeds can be viewed as items that can be capitalized and depreciated. Refunding bond issues designed to restructure currently outstanding debt is also an acceptable use of bond proceeds.

Where possible, the City will use special assessment revenue, or other self-supporting bonds instead of general obligation bonds.

The City will not use long-term debt for current operations.

The City will maintain good communications with bond rating agencies about its financial condition. The City will follow a policy of full disclosure on every financial report and bond prospectus.

General Obligation Bond Policy

1. Every project proposed for financing through general obligation debt should be accompanied by a full analysis of the future operating and maintenance costs associated with the project.
2. Bonds cannot be issued for a longer maturity schedule than a conservative estimate of the useful life of the asset to be financed.

Limited Tax General Obligation Bond Policies

1. As a precondition to the issuance of limited tax general obligation bonds, all alternative methods of financing should have been exhausted.
2. Limited tax general obligation bonds should only be issued under certain conditions:

A project in progress requires monies not available from alternative sources;

Matching fund monies are available which may be lost if not applied for in a timely manner; or

Catastrophic conditions.

Reserve Policies

Fund Balance Policy

One of the most significant policies envisioned for the City's budget is to begin each year with a targeted fund balance. The long-term goal is to obtain a rolling beginning fund balance in each operating fund equal to ten percent of the fund's operating budget, excluding the beginning fund balance, building permit revenue and any significant one-time revenue. . As a short-term objective, the 2001-2002 Biennial Budget begins with an estimated beginning fund balance of 5%, with a planned increase in the targeted fund balance of 1% per year until the long-term goal of 10% is reached.

Technology Reserve Fund

The Technology Reserve Fund is to be utilized as a sinking fund in which to set aside the necessary resources to finance the purchase or replacement of new technology or highly specialized equipment for the operational needs of the City. Each fund or operation of the City will prepare an inventory of computers, network servers, and other technological equipment. This list will include a schedule of planned retirement of such assets, and a schedule of periodic payments to be made to the Technology Reserve Fund for the purpose of replacing outdated equipment as they are retired from the City inventory.

Equipment Replacement Reserve Fund

The Equipment Replacement Reserve Fund is to be utilized as a sinking fund to set aside the necessary resources to finance the purchase or replacement of vehicles and equipment for the operational needs of the City. For each listed piece of equipment, a schedule will be made outlining

the project future cost of replacement, a listing of the current contributions made towards replacement, and the estimated service charges for maintenance. Funds or departments that participate will make regularly scheduled payments to ensure that adequate funds are available. Should a department require equipment that has not previously been scheduled, the initial acquisition of the equipment will be budgeted for and purchased from the department's own budgetary schedule. The equipment will then be donated to the equipment replacement fund. Under no circumstances will funds be withdrawn from the reserve for other operating purposes unless a corresponding reduction in the equipment listing is made be the department requesting the withdrawal.

Current Expense Reserve Fund

The Rainy Day Reserve's primary purposes are to protect the City's essential service programs during periods of economic downturn that may temporarily reduce actual resources or cut the growth rate of City resources below that necessary to maintain pre-existing service levels. Disbursement of funds will only be made upon approval of Council. The long-term goal is to reserve an amount equal to five percent of the annual General Government expense budget in this fund.

LEOFF I Post-retirement Benefit Fund

The LEOFF I Post-retirement Benefit Fund is to provide actuarial-sound fund balances to match the post-retirement liabilities accrued for covered fire and police personnel. An actuarial study is commissioned every five years to assess the status of the pension plan and to set new reserve targets as required. The pension plan is expected to service retirees until approximately the year 2040.

Cumulative Reserve 1st Quarter Percent REET Fund

The City created the Cumulative Reserve 1st Quarter Percent REET Fund to finance the repair, maintenance, and acquisition of park, library, recreational, cultural, and civic improvements; and land. The proceeds from the 1st Quarter Percent REET are authorized by RCW 82.46.010.

Cumulative Reserve 2nd Quarter Percent REET Fund

The City created the Cumulative Reserve 2nd Quarter Percent REET Fund to finance a package of improvements that will be funded from a second ¼% real estate excise tax. This tax was specifically enacted as a part of the state's growth management statutes, which call for the provision of resources for capital facilities that relate directly to growth. The long-term goal of this fund is to accumulate sufficient cash for capital needs deemed appropriate within the scope of the Growth Management Act.

Cumulative Reserve Utilities Fund

A cumulative reserve shall be established by the Water, Wastewater, Solid Waste, and Storm Drain Funds to replace utility capital, plant and equipment. This reserve will be adjusted biennially by the current year's depreciation expense less bond reserves, principal paid on outstanding debt, and purchases of replacement capital. The long-term goal of this fund is to accumulate sufficient cash for capital needs deemed appropriate within the scope operations and the Growth Management Act.

Bond reserves shall be created and maintained by the Water, Wastewater, Solid Waste, and Stormwater Utilities in accordance with the provisions set forth in the bond covenants.

Paths and Trails Reserve

The purpose of this reserve is to establish and maintain paths and trails for bicyclists, equestrians and pedestrians. The basis for revenue is a ½% of Motor Vehicle Fuel Taxes received by the Street Fund. Funds must be expended for the purpose required within ten years of receipt.

Accounting, Financial Reporting and Auditing Policies

The City of Oak Harbor will establish and maintain a high standard of accounting practices. Accounting and budgetary systems will, at all times, conform to Generally Accepted Accounting Principles, the State of Washington Budgeting Accounting Reporting System (B.A.R.S.) and local regulations.

A comprehensive accounting system will be maintained to provide all financial information necessary to effectively operate the City.

The City will meet the financial reporting standards set by the Governmental Accounting Standards Board.

Full disclosure will be provided in all City financial reports and bond representations.

An annual audit will be performed by the State Auditor's Office and will include the issuance of a financial opinion as to the financial position and the results of operations of the City.

Productivity and Performance Measurement

As the demands for new services and improvements to existing programs have strained the City's capacity to provide these in an era of fiscal restraint, new techniques for stretching resources have been developed and tested by municipalities throughout the country.

To this end, it is the policy of the City of Oak Harbor to develop a comprehensive productivity/work measurement program throughout City government to improve the efficiency and effectiveness of service delivery. The primary objectives of this City initiative should be:

- Developing accurate and fair measures of quality and effectiveness of service delivery in each City department and agency;
- Training City managers and employees to conduct performance measurement studies, to help design and implement an overall performance evaluation program, and to utilize this program on an ongoing basis;
- Integrating the work standards and measures produced by the performance evaluation effort into the City's existing budgetary and accounting systems; and
- Saving City dollars and resources in providing existing and new municipal services.

In implementing each of the phases of this performance measurement program, the City will seek to maximize the reporting and analysis of data that demonstrates progress and area for further refinement. The City believes the development of accurate and realistic productivity measures, and the integration of these measures into its budgetary and accounting systems, will enable future City Councils, City Administrations, and management personnel to make resource allocation decisions which reflect the financial requirements of all activities as well as hard information on the quality and quantity of services being delivered.

Appendix F • Financial Resources for Capital Facility Planning and Implementation[22]

1—General Planning

1.0. State grants—WA Office Trade & Economic Development (OTED)

- 1.0.0: Community Development Block Grants (CDBG) Planning-only – grants provide support to eligible small communities and rural counties carrying out planning activities leading to the implementation of priority projects that principally benefit low- and moderate-income persons including:

  Small area and neighborhood plans,

  Strategies and action programs to implement plans including development of codes, ordinances, and regulations, and

  Infrastructure planning.

2—Business Development

2.0. State grants—WA Office of Community Development (OCD)

OCD focuses on programs that develop communities, urban areas, and economic activities directly related to urban development. Funding programs include:

- 2.0.0: Regional Micro-enterprise Development Grant Funds—a component of the Community Development Block Grant (CDBG) Program. Funds may be used to provide assistance to public and private organizations, agencies, and other entities (including nonprofits) to enable such entities to facilitate economic development. Projects must benefit low and moderate income persons.

- 2.0.1: CDBG Float Loan: Community Development Block Grant Float Loans—available to businesses from CTED through cities and counties that are eligible to receive Small Cities CDBG program assistance. Principal and interest on the loans will be due at maturity or on demand for a normal term of 24-30 months. Interest rates are negotiated based on the contribution the project will make to job creation or retention. A City or county is eligible to apply for a grant under this program in order to extend a short-term loan to a private business entity under the following conditions:

  demonstrates that public financing of the project is necessary and appropriate to create or retain jobs,

  provides an unconditional, irrevocable Letter of Credit in the full amount of the principal and interest of the due as collateral for the loan,

  agrees to create jobs and make the majority of them available to qualified lower-income candidates (job retention may also be considered as a qualifying factor),

[22] Not an exclusive list. Funding programs change over time, and staff will respond as necessary.

agrees to enter into an agreement with CTED and the local job service center to obtain referrals of qualified lower income job candidates for new non-managerial jobs to be created.

- 2.0.2: Rural Washington Loan Fund—provides gap financing for businesses that will create new jobs or retain existing jobs, particularly for lower-income persons. Only businesses in non-entitlement areas of the state are eligible for these loans. Gap is that portion of a project that cannot be financed through other sources, but which is the last portion needed before the investment can occur. The "gap" and competitive factors determine the loan amount, which cannot exceed 33% of total project costs up to $700,000. Funds can be lent for acquisition, engineering, improvement, rehabilitation, construction, operation, or maintenance of any property, real or personal that is used or is suitable for use by an economic enterprise. Priority is give to timber-dependent and distressed areas. RWLF priority projects include:

  Manufacturing and other industrial production,

  Agricultural development or food processing,

  Aquaculture development or seafood processing

  Development or improved utilization of natural resources,

  Tourism facilities,

  Transportation or freight facilities,

  Other activities that represent new technology or a type of economic enterprise needed to diversify the economic base of an area,

  Retail or service enterprises that will expand the community's economic base rather than primarily redistribute the existing customer base.

2.1. Federal grants—Economic Development Administration (EDA)

- 2.1.0: Economic Adjustment Program—supports strategic planning, project implementation, and revolving loan funds. Strategy grants help organize and carry out a planning process resulting in a Comprehensive Economic Development Strategy (CEDS) tailored to a community's specific economic problems and opportunities. Implementation grants support activities identified in an approved CEDS which may include, but are not limited to, the creation or expansion of strategically targeted business development and financing programs such as, construction of infrastructure improvements, organizational development, and market or industry research and analysis. Revolving Loan Fund (RLF) grants may also be used to implement a CEDS.

2.2. Federal grants—Small Business Administration and HUD)

- 2.2.1: Small Business Administration Loan 7(a)—the most common SBA loan or guaranty loan. The lender lends its own funds and the SBA guarantees up to 90% of the loan against default, which the lender may sell on the secondary market. The 7(a) program may be used to obtain long-term financing for business needs including working capital, machinery, equipment, furniture, fixtures, leasehold improvements, building acquisition or construction, and in some cases, debt consolidation. Maximum size limits for SBA eligibility are under $3,500,000 in retail or service business sales, less than 100 wholesale employees, and less than 500 manufacturing employees.

- 2.2.2: Small Business Administration Loan 504—may lend loans for economic growth on a ratio of $35,000 for each job created. Loan funds can be used for fixed asset acquisition including land, building, and equipment for more than $200,000 in project size on a below market fixed rate. The SBA loan is subordinated to the first private loan or lien.

- 2.2.3: HUD Section 108 Guaranteed Loans—available to businesses from CTED through cities and counties that are eligible to receive CDBG Small Cities program assistance. A City or county eligible to apply may obtain a 108 Loan Guarantee for a private business that meets the following criteria:

Need for assistance is appropriate given the type of project,

Project will create jobs, and if qualified lower-income candidates are available, the majority of jobs will be made available to them (job retention may be considered),

Proposed repayment is 20 years or less,

Other reasonable financing alternatives have been exhausted,

Request is not less than $700,000 nor more than $7,000,000,

The sponsoring jurisdiction has less than $7,000,000 in outstanding Section 108 Loan Guarantees.

2.3. State grants—OTED Economic Development Division Business Assistance Center

- 2.3.1: Business Finance—helps businesses obtain capital for start-up and expansion projects that create or retain jobs, stimulate private investment, increase local tax base, and strengthen community economic vitality.
- 2.3.2: Community Development Finance—ombines private financial resources with federal and state lending assistance and local leadership to focus on business expansion through community development activities.
- 2.3.3: Business Loan Portfolio—provides capital necessary to fund loans to small businesses statewide. Federal dollars are combined with local revolving loan fund programs and private funds from banks and other sources. Local community leadership is relied upon to access the priority of proposed projects. Projects may be funded through 1 or more of the program's 8 federally funded loan programs.
- 2.3.4: Minority and Women Business Development—assists minority and women-owned businesses to access resources and technical assistance to start or expand a business. MWBD provides entrepreneurial training, contract opportunities, bonding information, export assistance, and access to capital for start-ups or expanding businesses.

3—Infrastructure Planning and Implementation

3.0. Local multi-purposes levies

- 3.1.0: Real Estate Excise Tax—RCW 82.46 authorizes local governments to enact up to 0.25% of the annual sales for real estate for capital facilities. The Growth Management Act authorizes another 0.25% for capital facilities. Revenues must be used solely for financing new capital facilities, or maintenance and operations at existing facilities, as specified in the capital facilities plan. An additional option is available under RCW 82.46.070 for the acquisition and maintenance of conservation areas if approved by a majority of the voters of the county.

  The first and second REET may be used for the planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, bridges, domestic water systems, and storm and sanitary sewer systems, or the planning, construction, repair, rehabilitation, or improvement of parks and recreational facilities.

  In addition, the second REET may be used for:

  The acquisition of parks and recreational facilities, or

  The planning, acquisition, construction, repair, replacement, rehabilitation, or improvement of law enforcement facilities, protection of facilities, trails, libraries, administrative and judicial facilities, and river and/or floodway/flood control projects and housing projects subject to certain limitations.

3.1. Local single purpose levies

- 3.1.0: Hotel/Motel Tax—a sales tax levy collected on certain hotel and motel business categories for the purpose of promoting tourism. Revenues may be used for planning, promotional programs, or capital facilities that directly enhance tourism and benefit the hotel and motel industry.

- 3.1.1: Transportation Improvement Board—the Washington State Transportation Improvement Board (TIB) disburses revenues generated from motor vehicle taxes to cities, urban counties, and transportation benefit districts for the purpose of alleviating and preventing traffic congestion caused by economic development or growth. Projects must be multi-agency, multi-modal, congestion related, related to economic development activities, and partially funded locally.

- 3.1.2: Local Option Vehicle License Fee—the Transportation Improvement Act (ESSB 6358 – RCW 82.80) authorizes countywide (no county levy) local option fees up to $15.00 maximum per vehicle registered in the county. Revenues are distributed back to the county and cities within the county levying the tax on a prorated per capita basis (1.0 for population in incorporated areas). Revenues must be spent for "general transportation purposes" including the construction, maintenance, and operation of county streets, country roads and state highways, policing of local roads, public transportation, high capacity transportation, transportation planning and design and other transportation related activities. The local option fee does not require voter approval.

- 3.1.3: Street Utility Charge—RCW 35.95.040 authorizes cities to charge for City street utilities to maintain, operate, and preserve City streets. Facilities that may be included in a street utility include street lighting, traffic control devices, sidewalks, curbs, gutters, parking facilities, and drainage facilities. Businesses and households may be charged a fee up to 50% of the actual cost of construction, maintenance, and operations, while the City provides the remainder. The fee charged to businesses is based on the number of employees and may not exceed $2.00 per full-time employee per month. Owners or occupants of residential properties are charged a fee per household that may not exceed $2.00 per month.

- 3.1.4: Local Option Fuel Tax—RCW 82.80 authorizes a countywide voter approved tax equivalent to 10% of the statewide Motor Vehicle Fuel Tax and a special fuel tax of $0.023 cents per gallon. LOFT revenue is to be distributed to the City on a weighed per capita basis. Revenues must be spent for highway (City streets, county roads, and state highways) construction, maintenance, or operation; the policing of local roads; or highway related activities.

- 3.1.5: Transportation Benefit District—RCW 35.21.225 authorizes cities to create transportation districts with independent taxing authority for the purposes of acquiring, constructing, improving, providing, and funding any City street, county road, or state highway improvement within the district. The special district's tax base in used to finance capital facilities.

  The district may generate revenues through property tax excess levies, general obligation bonds (including Councilmanic bonds), local improvement districts, and development fees. Voter approval is required for bonds and excess property tax levies. Council approval is required for Councilmanic bonds, special assessments, and development fees.

  Transportation improvements funded with district revenues must be consistent with state, regional and local transportation plans; necessitated by existing or reasonable foreseeable congestion levels attributable to economic growth; and partially funded by local government or private developer contributions, or a combination of such contributions.

- 3.1.6: Storm Drain Utility Fee—a City or county authorized fee to support storm drainage capital improvements. The fee is usually a flat rate per residential equivalency based on an average amount of impervious surface. Commercial property is commonly assessed a rate based on a fixed number of residential equivalencies.

- 3.1.7: Storm Drainage Payment in Lieu of Assessment—cities may authorize storm drainage charges in lieu of assessments that can be used for construction, maintenance, and/or repair of storm drainage facilities, acquisition of property or related debt service.

3.2. Local non-levy financing mechanisms

- 3.2.0: GMA Growth Impact Fees—the Washington State Growth Management Act (GMA - Chapter 36.70A of the Revised Code of Washington and RCW 82.02.050-090) authorizes cities and counties to collect growth impact fees from developers to offset the impact caused by new developments within each jurisdiction's boundaries. The growth impact fees may be collected from developers in an amount less than 100% of the cost of sustaining the jurisdiction's schools, transportation, and park facility existing level-of-service (ELOS) as a result of the developer's project impact. The growth impact fees are usually collected at the issuance of building permits or certificates of occupancy.

  Impact fees authorized by ESHB 2929 do not include any other form of developer contributions or exaction. Other forms of exaction that are excluded consist of mitigation or voluntary payments authorized by the Washington State Environmental Policy Act (SEPA - RCW 43.21C), local improvement districts or other special assessment districts, linkage fees, or land donations or fees in lieu of land.

  In accordance with the Washington State Growth Management Act (GMA), a City must have an adopted comprehensive plan in place that satisfies GMA requirements before the jurisdiction can implement a growth impact fee.

- 3.2.1: Storm water User Fees—under state law, cities may collect rate charges from each generator of storm water runoff. Impact or user fees are based on the amount of storm water generated per developed property that is not held on-site, on the assumption there is a correlation between off-site discharge and storm water improvements elsewhere in the City. Storm water utility user fees may be charged on a flat fee per account and are usually collected at the time of development, and thereafter on an assessed charge per volume of storm water generated per account. Fee revenues may be used for capital facilities as well as operating and maintenance fees.

- 3.2.2: Local Improvement District—property owners may petition (or vote in response to a request from a local government) to adopt an annual tax assessment for the purpose of improving the public right-of-way abutting their property.

  A majority approval (the percentage to be decided by the local government) can establish an amortized payment schedule to finance sidewalk, landscaping, parking, streetscape, or other improvements to the public or private abutting properties.

- 3.2.3: Special Assessment District—service entities completely or partially outside of the jurisdiction. Special assessments are levied against those who directly benefit from the new service or facility. Special assessment districts include local improvement districts (LIDs), road improvement districts (RIDs), utility improvement districts (UIDs), and the collection of development fees. Funds must be used solely to finance the purpose for which the special assessment district was created.

- 3.2.4: Special Purpose District—RCW 67.38.130 authorizes a specified service often encompassing more than one jurisdiction. Included are districts for fire facilities, hospitals, libraries, metropolitan parks, airports, ferries, parks and recreation facilities, cultural arts/stadiums and convention centers, sewers, water flood controls, irrigation, and cemeteries.

  Voter approval is required for airport, parks and recreation, and cultural arts/stadium and convention districts. Special assessment districts have the authority to impose levies or charges up to a funding limit of $0.25 per $1,000 assessed valuation. Special assessment district funds must be used solely to finance the purpose for which the special purpose district was created.

- 3.2.5: Parks & Recreation Service Area—RCW 36.68.400 authorizes voters to approve formation of park and recreation service areas as junior taxing districts for the purpose of financing the acquisition, construction, improvement, maintenance, or operation of any park, senior citizen activity center, zoo, aquarium, or recreational facility. PRSAs may assess up to $0.15 per $1,000 assessed valuation subject to voter approval. A PRSA can generate revenue from either the regular or excess property tax levies and through general obligation bonds, subject to voter approval. Revenue must be used for capital facilities maintenance and operation.

- 3.2.6: Parking & Business Improvement Areas—the Transportation Improvement Act (ESHB 6358) also authorizes a tax to be collected on commercial businesses based on gross proceeds or property acreage or the number of parking stalls or the customers similar to an admissions

and operations tax. Like the PIA, the revenues must be spent for "general transportation or business improvement purposes" including those outlined under the PIA but also allowing for the management, operation, and accomplishment of business promotional efforts including marketing studies, tenant recruitment, advertising and promotions of special events, and other promotion related activities.

A majority approval of the participating property owners (the percentage to be decided by the local government) can establish an amortized payment schedule to finance off-street parking or other business improvements of benefit to the participating properties. The assessments may be amortized over generous time periods at low interest charges, based on each property's proportionate share of the improvement cost - usually assessed on a per linear foot, acre, parking stall or other formula.

- 3.2.7: State Environmental Protection Act—Washington State Environmental Policy Act (SEPA - RCW 43.21C) allows local governments to impose mitigated on-site improvements or fee assessments with which to finance off-site improvements that are caused by a property's development. SEPA mitigation may cover a variety of physical improvements that are affected by the property's proposed land use including sidewalks, trails, roads and parking areas, utilities, and other supporting infrastructure systems. SEPA mitigation must be proportionately related to the property's impact on infrastructure requirements.
- 3.2.8: Lease Agreements—allow the procurement of a capital facility through lease payments to the owner of a facility. Several lease package methods can be used. Under the lease-purchase method, the capital facility is built by the private sector and leased back to the local government. At the end of the lease, the facility may be turned over to the municipality without any future payment. At that point, the lease payments will have paid the construction cost plus interest.

3.3. State grants and loans

- 3.3.0: Community Economic Revitalization Board—low interest loans (rate fluctuates with state bond rate) and occasional grants to finance infrastructure projects for a specific private sector development. CERB funding is available only for projects that will result in specific private developments or expansions in manufacturing and businesses that support the trading of goods and services outside of the state's borders. CERB projects must create or retain jobs. The Department of Trade and Economic Development distributes CERF funds primarily to applicants who indicate prior commitment to project. CERB revenue is restricted in the type of project and may not be used for maintenance and operations.

  CERB supports the following business sectors: manufacturing, production, food processing, assembly, warehousing, industrial distribution, advanced technology and research and development, recycling facilities or businesses that substantially support the trading of goods and services outside of Washington State borders.

  In rural counties, CERB can support tourism development projects that meet the program’s primary goal of supporting business growth and job creation.

- 3.3.1: Historic Preservation Grants—available on an annual basis from the Office of Archaeology and Historic Preservation (OAHP) to local historic preservation programs. Historic preservation grants may be used for:

  historic preservation planning;

  cultural resource survey and inventory;

  nomination of properties to the National Register of Historic Places; and

  public education and awareness efforts.

  To be eligible for grants, communities must be a Certified Local Government (CLG) as approved by OAHP. In addition, when funds are available, OAHP awards grants for the acquisition or rehabilitation of National Register listed for eligible properties. Grant awards are predicated on the availability of funds and require a match.

- 3.3.2: Historic Preservation Tax Certification Program—a federal investment tax credit available for buildings in Washington that are listed on the National Register of Historic Places. National Register properties must be income producing, which includes commercial, retail, office, residential, rental or industrial uses, to be eligible.

- 3.3.3: Certified Local Government—can be awarded to a local government that establishes a historic preservation program meeting federal and state standards. CLG status requires a local government to encourage, develop, and maintain its local preservation efforts with development plans. CLGs may also apply for special grants from the State Historic Preservation Office (SHPO), obtain technical assistance and training from the SHPO, participate in the National Register nomination process, and assist with statewide preservation programs and planning. CLGs may also quality for a Special Tax Valuation available for both commercial and residential properties that have rehabilitation costs equaling 25% of more of the buildings assessed value. The rehabilitation costs may be subtracted from the assessed value of the property for a period of 10 years.

- 3.3.4: Public Works Trust Fund—low interest loans for financing capital facility construction, public works emergency planning, and capital improvement planning. To apply for the loans, the City must have a capital facilities plan in place and must be levying the original 0.25% real estate excise tax (REET). The Washington State Department of Community Development distributes Public Works Trust Funds. Public works trust fund loans for construction projects require matching funds generated only from local revenues or state shared entitlement revenues. Public works emergency planning loans are at a 5% interest rate, and capital improvement planning loans are no interest loans with a 25% match. Public works trust fund revenue may be used to finance new capital facilities, or maintenance and operations at existing facilities. PWTF funds may be used for domestic water, storm sewer, solid waste recycling, and sanitary sewer, road, and bridge projects.

- 3.3.5: Washington State Interagency Committee for Outdoor Recreation—federal monies available for the construction of outdoor park and trail facilities from the National Park Service's Land and Water Conservation Fund (LWCF). The Washington State Interagency Committee for Outdoor Recreation (IAC) administers NPS grants.

  NPS grants usually do not exceed $150,000 per project and must be matched on an equal basis by the local jurisdiction. The IAC assigns each project application a priority on a competitive statewide basis according to each jurisdiction's need, population benefit, natural resource enhancements, and a number of other factors.

- 3.3.6: Aquatic Lands Enhancement Act—the 1985 Aquatic Lands Enhancement Act (ALEA) initiated on a trial basis, and since renewed and expanded, uses revenues obtained by the Washington Department of Natural Resources from the lease of state owned tidal lands. The ALEA program is administered by the IAC for the development of shoreline related trail improvements and may be applied for the full cost of the proposal.

- 3.3.7: Motor Vehicle Excise Tax—Paths and Trails Reserve Washington State (RCW 82.44) collects an annual excise tax that is paid by motor vehicle owners and administered by the Washington State Department of Licensing. Cities receive 17% of the base allocation. Cities are required to spend these funds for police and fire protection and the preservation of public health. The revenues may also be spent on capital facilities including roadway improvements.

  RCW 47.30.050 requires that local governments collect and dedicate not less than 0.005 of the total amount of MVET funds received during the fiscal year for the purpose of developing paths and trails (the Paths and Trails Reserve). The Paths and Trails Reserve was established under State of Washington RCW 47.30 to provide for the establishment and maintenance of paths and trails within the right-of-way of public roads.

- 3.3.8: TEA-21–SAFETEA-W— Safe, Accountable, Flexible, Efficient Transportation Equity Act. The grants, which may total up to 86.5% of a project’s cost, are decided on a competitive basis on a regional level for the purpose of expanding the inter-modal use of and transportation enhancement of roadways for other than vehicular activities, including bicycle, pedestrian, and transit. Transportation enhancement activities may include improvements to any of the following surface transportation facilities:

Facilities for pedestrians and bicycles,

Safety and educational activities for pedestrians and bicycles,

Acquisition of scenic easements and scenic or historic sites,

Scenic or historic highway programs including the provision of tourist and welcome center facilities,

Landscaping and other scenic beautification,

Historic preservation,

Rehabilitation and operation of historic transportation buildings, structures or facilities including historic railroad facilities and canals,

Preservation of abandoned railway corridors including the conversion and use thereof for pedestrian or bicycle trails,

Control and removal of outdoor advertising,

Archaeological planning and research,

Environmental mitigation to address water pollution due to highway runoff,

Reduce vehicle-caused wildlife mortality while maintaining habitat connectivity, and

Establishment of transportation museums.

- 3.3.9: Surface Transportation Program (STP) provides flexible funding that may be used by states and localities for projects on any Federal-aid highway, including the NHS, bridge projects on any public road, transit capital projects, and public bus terminals and facilities. An average of $700k is available annually for the Island County sub-regional transportation planning organization (RTPO)
- 3.3.10: Transportation Improvement Board invests state gas tax funds in local community through grant programs serving cities, urban counties, and transportation benefit districts in Washington State. The TIB identifies and funds the highest-ranking transportation projects based on criteria established by the Board. TIB programs include:

  Urban Arterial Program—best suited for roadway projects that improve safety and mobility

  Urban Corridor Program— best suited for roadway projects with multiple funding partners that expand capacity.

  Sidewalk Program—suited for sidewalk projects that improve safety and connectivity.

  Road Transfer Program—provides state funding to offset extraordinary costs associated with the transfer of state highways to cities.

  Pedestrian Safety & Mobility Program (SCPSMP—funds pedestrian improvements for safety, pedestrian generators, convenience, public acceptance, and project cost.

  New Streets for Small Cities—
- 3.3.11 Centennial Clean Water Fund—grants and loans administered by the Department of Ecology under the Centennial Clean Water Program (Referendum 39), a water quality program that provides grants for up to 75% of the cost of water quality/fish enhancement studies. CCWF monies can be applied to public and park developments that propose to restore, construct or otherwise enhance fish producing streams, ponds

or other water bodies. CCWF funds are limited to the planning, design and construction of water pollution control facilities, storm water management, ground water protection, and related projects.

- 3.3.12: Water Pollution Control State Revolving Fund—low interest loans and loan guarantees for water pollution control projects. The Washington State Department of Ecology distributes WPCSRF loans. The applicant must show water quality need, have a facility plan for treatment works, and show a dedicated source of funding for repayment.
- 3.3.13: Building for the Arts—provides state grants through CTED to performing arts, art museums, and cultural organizations to defray up to 20% of the cost of new facilities or major renovation projects to match monies raised locally from non-state sources. The program intent is to fund temporary construction jobs as well as permanent arts-related jobs and employment opportunities in businesses that support new arts facilities.
- 3.3.14: Local Capital Projects—provides state appropriates for capital construction projects that benefit local governments and nonprofit organizations. Each appropriate, sponsored by the Governor or the Legislature, is tailored to the needs of the recipient organization.
- 3.3.15: Job Creation & Infrastructure—provides targeted capital facilities funding for local governments and community nonprofits to stabilize and stimulate the state's long-term economic through infrastructure development. Previous JCIP projects have funded a wide range of capital facilities including small business incubators, ball fields, wastewater treatment plants, parks, and museums.
- 3.3.16: Department of Health Water Systems Support—grants for upgrading existing water systems, ensuring effective management, and achieving maximum conservation of safe drinking water. The Washington State Department of Health (DOH) distributes DOHWSS grants through intergovernmental review and with a 60% local match requirement.

3.4. Direct Federal grants and loans

- 3.4.0: Federal Aid Urban System are revenues available for the construction and reconstruction improvements to arterial and collector roads that are planned for by an MPO and the Federal Highway Administration. FAUS funds may also be used for non-highway related public mass transit projects. The Washington State Department of Transportation distributes FAUS funds with a 16.87% local match requirement.
- 3.4.1: Federal Aid Safety Programs are revenues available for improvements at specific locations that constitute a danger to vehicles or pedestrians as shown by frequency of accidents. The Washington State Department of Transportation distributes FASP funds from a statewide priority formula with a 10% local match requirement.
- 3.4.2: CDBG: Community Development Block Grants (CDBG)—the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) program dispense discretionary funds to local governments for the development of local public facilities or services assisting low income or disadvantaged neighborhoods.
- CDBG grants are available through CTED for non-entitlement cities and towns of less than 50,000 population and counties with less than 200,000 population. Projects must principally benefit low- and moderate-income persons (less than 80% of county median income) under 8 different programs dealing with:

  General Purpose Grants,

  Planning-Only Grants,

  Housing Enhancement Grants,

  Float-Funded Activity Grants,

  Community Investment Fund,

Public Service Grant,

Imminent Threat Grant

Section 108 Loan Guarantees

CDBG funds are primarily intended for facility construction and may not be used to finance operation and maintenance costs. The program is authorized and funded by annual federal appropriations that have fluctuated widely in recent years due to other federal budgetary needs and philosophies. Eligible activities include:

New housing construction and rehabilitation projects,

Economic development revolving loan funds, infrastructure, and incubators,

Community facilities including community centers, health care facilities, and ECEAP/Headstart facilities,

Public facilities including water, wastewater, storm sewer, and streets,

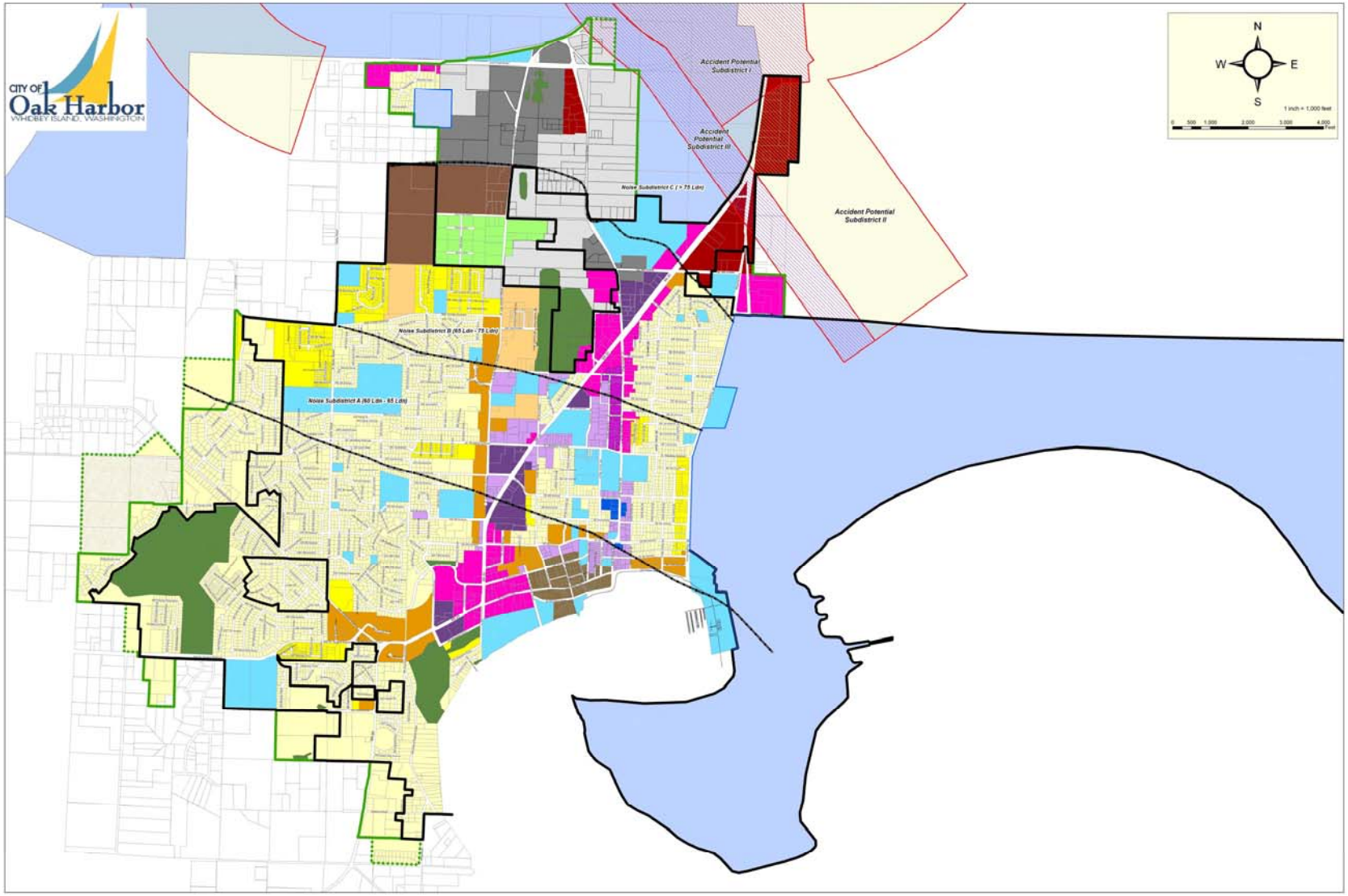
Comprehensive projects requiring a combination of activities such as housing rehabilitation and infrastructure improvements,

Public services providing counseling, job training, or other benefits,

Barrier removal for handicap accessibility.

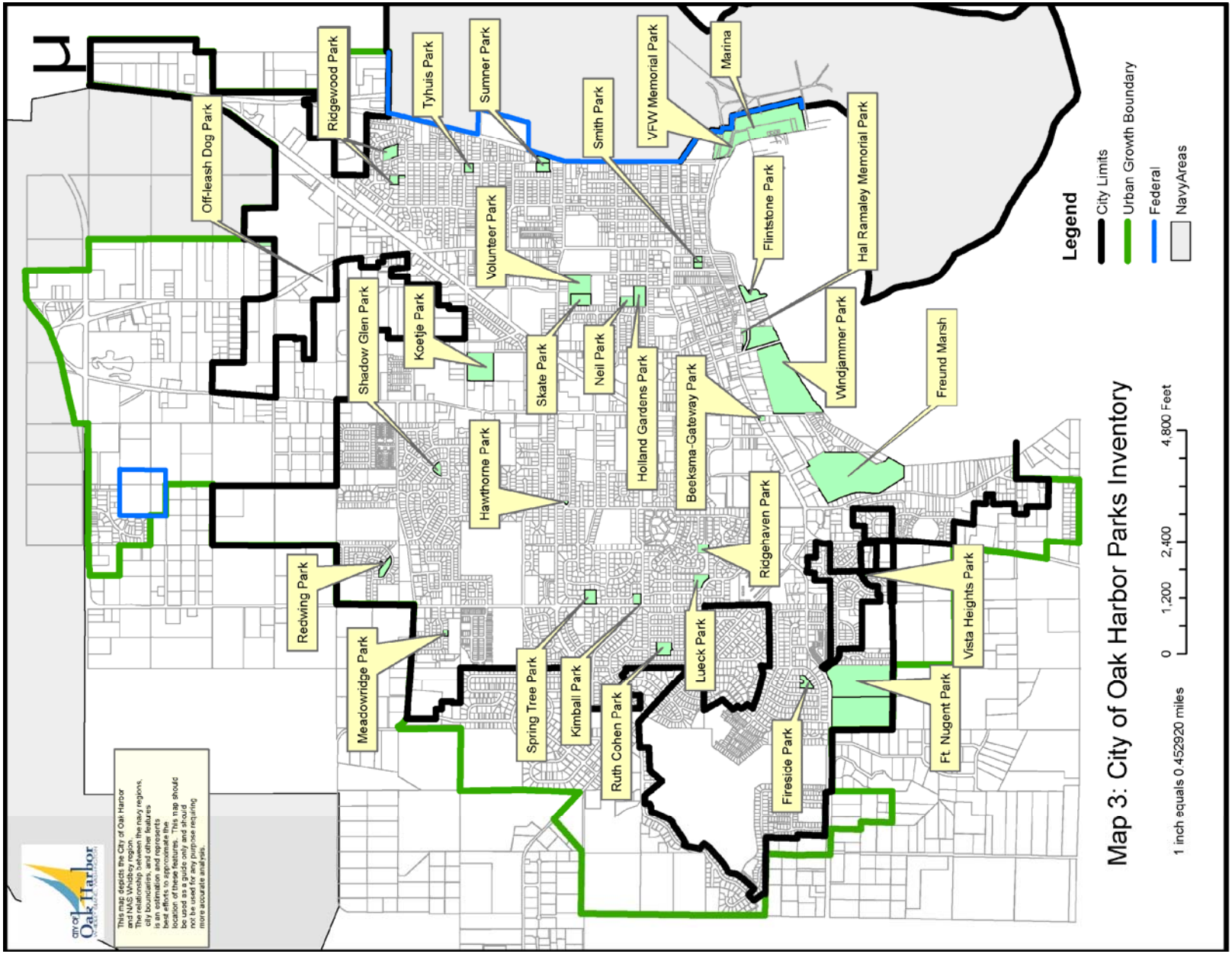
Section Eight • Appendix G • Maps

Map 1. City of Oak Harbor Boundaries



Map 2. City of Oak Harbor Street Classification

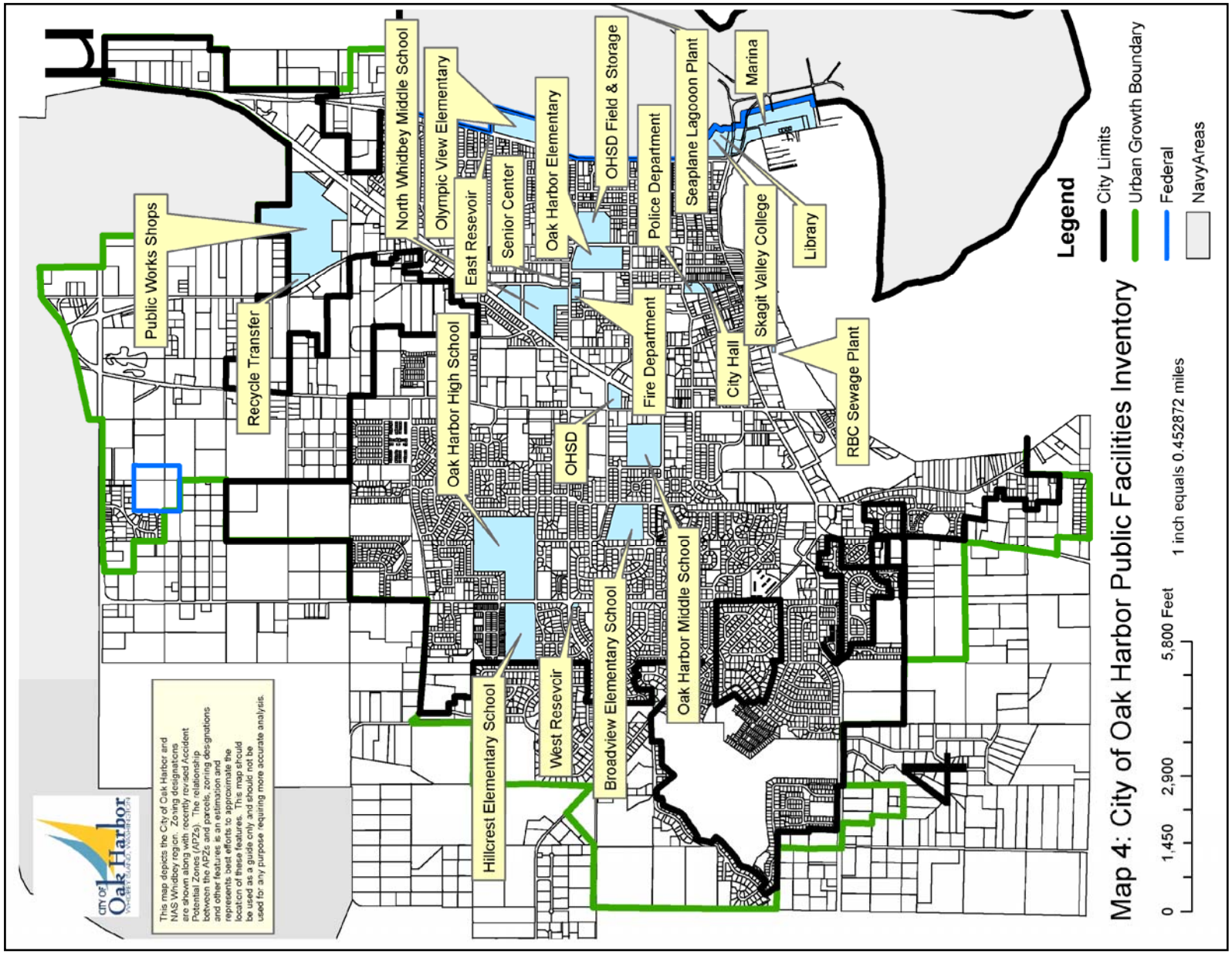
Map 3. City of Oak Harbor Parks Inventory



375

Exhibit 1

Map 4. City of Oak Harbor Public Facilities Inventory



Map 5. Existing Wastewater Collection System, City of Oak Harbor Comprehensive Sewer Plan

Map 5: Existing Wastewater Collection System
City of Oak Harbor Comprehensive Sewer Plan

377

Exhibit 1

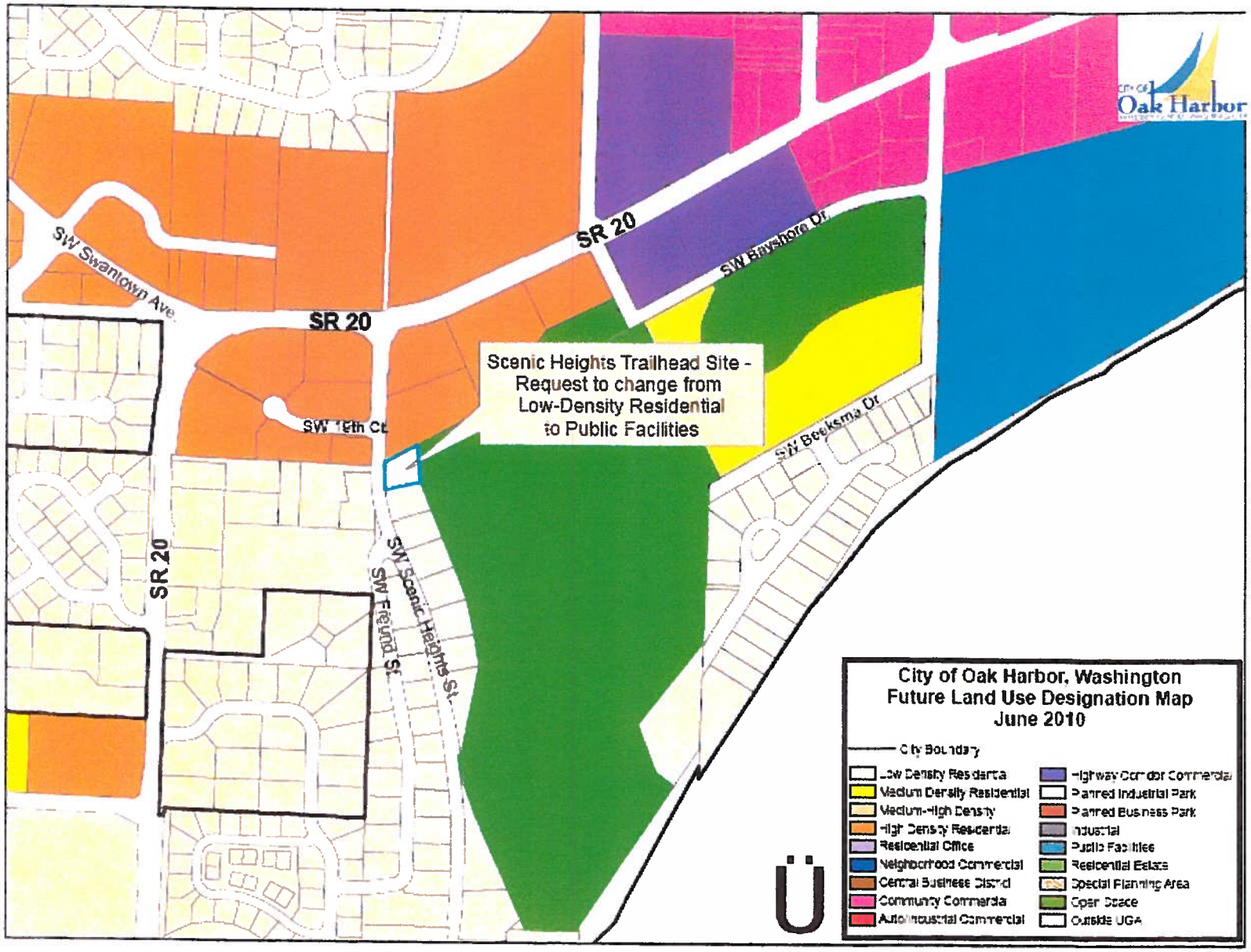
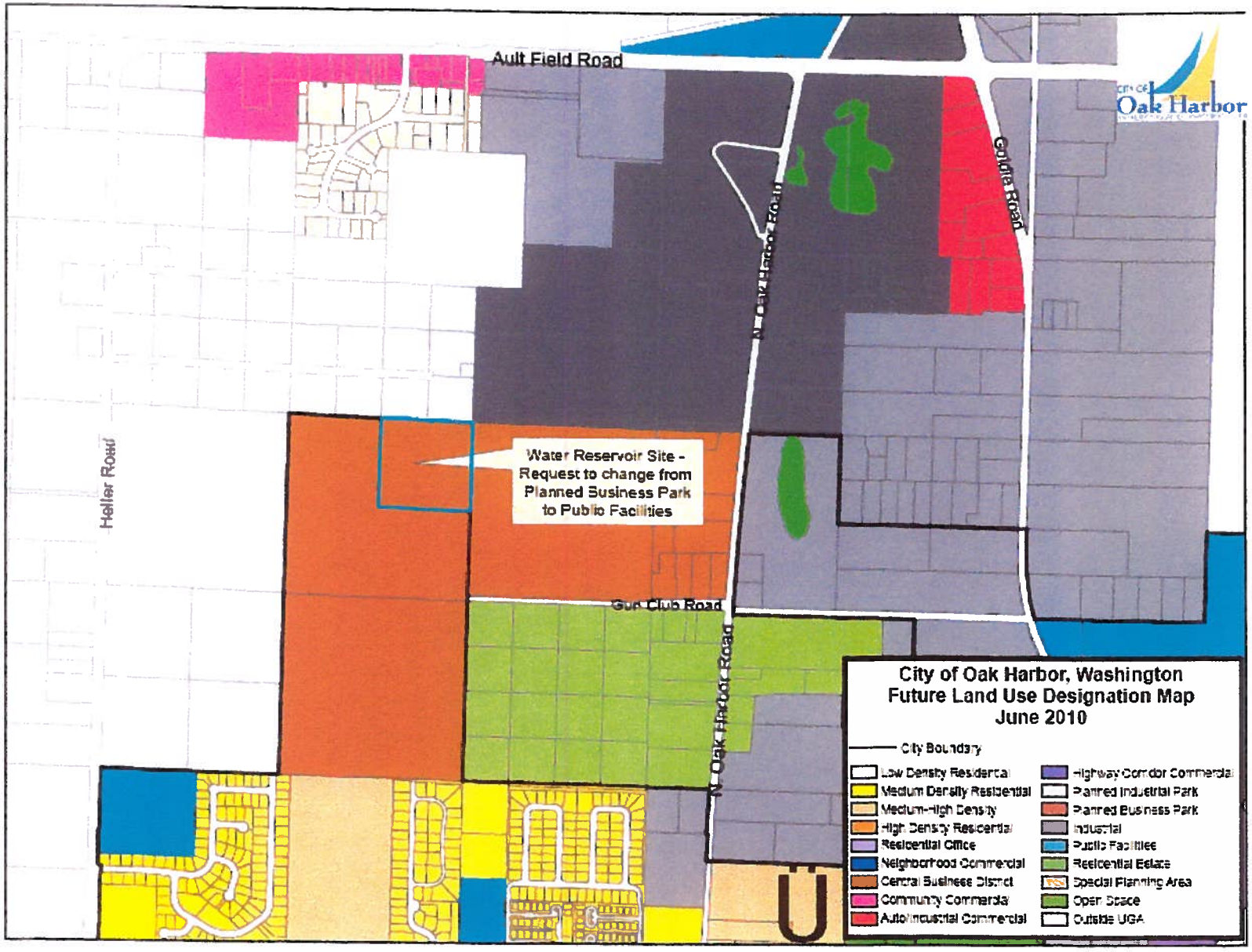

City of Oak Harbor
SR 20
SW Swantown Ave
SR 20
SW 19th Ct
SR 20
SW Scenic Heights St
SW Freund St
SW Beeksma Dr
Scenic Heights Trailhead Site - Request to change from Low-Density Residential to Public Facilities
City of Oak Harbor, Washington
Future Land Use Designation Map
June 2010
City Boundary
Low Density Residential
Medium Density Residential
Medium-High Density
High Density Residential
Residential Office
Neighborhood Commercial
Central Business District
Community Commercial
Auto/Industrial Commercial
Highway Corridor Commercial
Planned Industrial Park
Planned Business Park
Industrial
Public Facilities
Residential Estate
Special Planning Area
Open Space
Outside UGA

EXHIBIT 2a


Ault Field Road
Goldie Road
Heller Road
Gun Club Road
N. Oak Harbor Road
Water Reservoir Site - Request to change from Planned Business Park to Public Facilities
City of Oak Harbor
City of Oak Harbor, Washington
Future Land Use Designation Map
June 2010
City Boundary
Low Density Residential
Medium Density Residential
Medium-High Density
High Density Residential
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Neighborhood Commercial
Central Business District
Community Commercial
Auto/Industrial Commercial
Highway Corridor Commercial
Planned Industrial Park
Planned Business Park
Industrial
Public Facilities
Residential Estate
Special Planning Area
Open Space
Outside UGA

EXHIBIT 2b

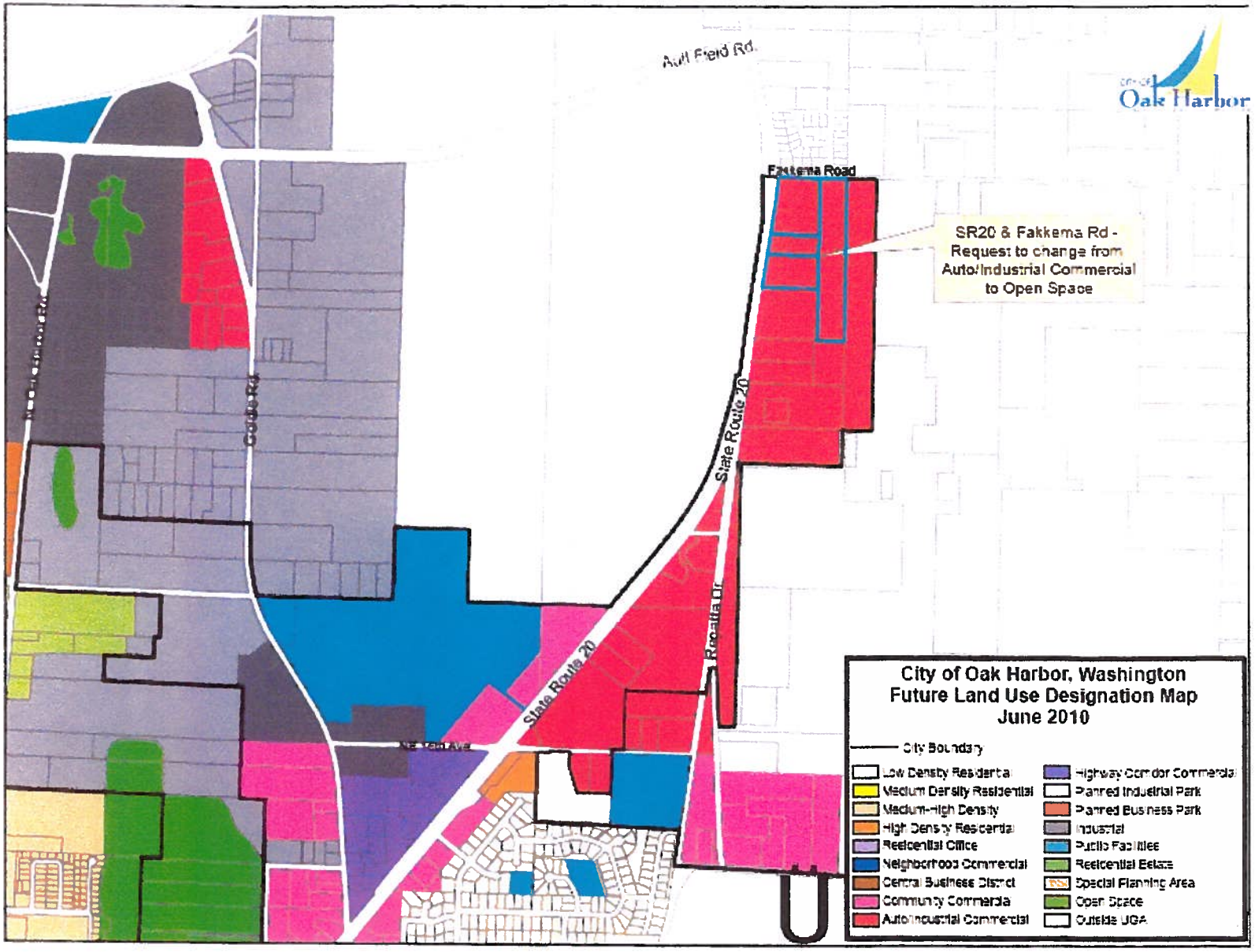
City of Oak Harbor, Washington
Future Land Use Designation Map
June 2010
City Boundary
Low Density Residential
Medium Density Residential
Medium-High Density
High Density Residential
Residential Office
Neighborhood Commercial
Central Business District
Community Commercial
Auto/Industrial Commercial
Highway Corridor Commercial
Planned Industrial Park
Planned Business Park
Industrial
Public Facilities
Residential Estate
Special Planning Area
Open Space
Outside UGA
SR20 & Fakkema Rd - Request to change from Auto/Industrial Commercial to Open Space
Fakkema Road
State Route 20
State Route 20
Regattador
Bull Field Rd.
Oak Harbor

EXHIBIT 2c

DETERMINATION OF NON-SIGNIFICANCE

Description of proposal *City of Oak Harbor Comprehensive Plan Amendments 2010. The amendments include three land use changes and updates to the Capital Improvements Plan.. This is non-project action and no adverse impacts are expected with the adoption of the amendments. However, projects will be implemented as a result of the adoption of the 2010 Comprehensive Plan Amendments and these individual project will be reviewed in more detail prior to implementation.*

Proponent *City of Oak Harbor*

Location of proposal *City of Oak Harbor*

Lead Agency *City of Oak Harbor*

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

X This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by October 25, 2010.

Responsible Official: Steve Powers, AICP Position/Title: Development Services Director
Phone: 279-4511

Address 865 SE Barrington Drive Date October 8, 2009

Signature

This determination of non-significance shall be final unless otherwise modified after the comment period, and/or appeal is made and perfected withinfourteen days of the date of action set out above.

P:\SEPA\Determinations\2010\DNS 2010 COmprehensive Plan Amendments.doc

EXHIBIT 3

WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

RECEIVED

SEP 2 0 2010

CITY OF OAK HARBOR
Development Services Department

1. Name of proposed project, if applicable: *2010 Comprehensive Plan Amendments*

2. Name of applicant: *City of Oak Harbor, Development Services Department*

3. Address and phone number of applicant and contact person:
865 SE Barrington Drive, Oak Harbor, WA 98277.
Phone: (360) 279-4514
Contact Person: Rajesh Kamak, AICP

4. Date checklist prepared: *September 17, 2010*

5. Agency requesting checklist: *City of Oak Harbor*

6. Proposed timing or schedule (including phasing, if applicable):

The amendments to the Plan will go into effect five days after the adopted ordinance is published.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No specific changes have been identified at this time. Revisions to the Capital Improvements Plan will result in projects and some may trigger changes to the budget.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

The scope of the amendment is within the EIS adopted with the initial adoption of the Comprehensive Plan. The 2010 amendment includes an update to the Capital Improvements Plan. The projects in the Capital Improvements Plan will undergo the necessary evaluations and analysis at the time of implementation.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None

10. List any government approvals or permits that will be needed for your proposal, if known.

No other governmental approvals are required for the Comprehensive Plan Amendments.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The 2010 amendments include three properties for land use designation changes. The changes are requested to reflect the intended use of the properties. The three properties are owned by the city and are listed below.

- *Scenic Heights Trailhead site - Land use change from Low Density Residential to Public Facilities*
- *Water Reservoir Site near Gun Club Road – Land use change from Planned Business Park to Public Facilities*
- *SE corner of SR 20 and Fakemma Road – Land use change from Auto/Industrial Commercial to Open Space*

The update to the Capital Improvements Plan include updates to the project list to reflect adopted plans such as the Transportation Plan, Stormwater Plan, Sewer Plan etc. It also includes updates to the revenues and expenditures based on currently available financial information. The impacts of the amended Capital Improvements Plan are no different from the current plan and all projects listed within the Plan will need a SEPA review before implementation.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Proposed Land Use Changes

- *Scenic Heights Trailhead site - Land use change from Low Density Residential to Public Facilities – located on SW Scenic Heights Road adjacent to SW 20th Court*
- *Water Reservoir Site near Gun Club Road – Land use change from Planned Business Park to Public Facilities – located west and north of Gun Club Road*
- *SE corner of SR 20 and Fakemma Road – Land use change from Auto/Industrial Commercial to Open Space – located on the southwest corner of SR 20 and Fakemma Road.*

The location of projects within the Capital Improvements Plan are distributed throughout the city..

As per WAC 197-11-235 (3)(b) Part B of the checklist is not required for non-project related actions.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

B. ENVIRONMENTAL ELEMENTS

1. **Earth**

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other . . . . . .

b. What is the steepest slope on the site (approximate percent slope)?

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

a. **Air**

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

3. **Water**

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

2) Could waste materials enter ground or surface waters? If so, generally describe.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

4. **Plants**

a. Check or circle types of vegetation found on the site:

——— deciduous tree: alder, maple, aspen, other

——— evergreen tree: fir, cedar, pine, other

——— shrubs

——— grass

——— pasture

——— crop or grain

——— wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

——— water plants: water lily, eelgrass, milfoil, other

——— other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened or endangered species known to be on or near the site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

5. **Animals**

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

c. Is the site part of a migration route? If so, explain.

d. Proposed measures to preserve or enhance wildlife, if any:

6. **Energy and natural resources**

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

7. **Environmental health**

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

1) Describe special emergency services that might be required.

2) Proposed measures to reduce or control environmental health hazards, if any:

b. **Noise**

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

3) Proposed measures to reduce or control noise impacts, if any:

8. **Land and shoreline use**

a. What is the current use of the site and adjacent properties?

b. Has the site been used for agriculture? If so, describe.

c. Describe any structures on the site.

d. Will any structures be demolished? If so, what?

e. What is the current zoning classification of the site?

f. What is the current comprehensive plan designation of the site?

g. If applicable, what is the current shoreline master program designation of the site?

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

i. Approximately how many people would reside or work in the completed project?

j. Approximately how many people would the completed project displace?

k. Proposed measures to avoid or reduce displacement impacts, if any:

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

9. **Housing**

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

c. Proposed measures to reduce or control housing impacts, if any:

10. **Aesthetics**

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

b. What views in the immediate vicinity would be altered or obstructed?

c. Proposed measures to reduce or control aesthetic impacts, if any:

11. **Light and glare**

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

b. Could light or glare from the finished project be a safety hazard or interfere with views?

c. What existing off-site sources of light or glare may affect your proposal?

d. Proposed measures to reduce or control light and glare impacts, if any:

12. **Recreation**

a. What designated and informal recreational opportunities are in the immediate vicinity?

b. Would the proposed project displace any existing recreational uses? If so, describe.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. **Historic and cultural preservation**

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

c. Proposed measures to reduce or control impacts, if any:

14. **Transportation**

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

c. How many parking spaces would the completed project have? How many would the project eliminate?

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

g. Proposed measures to reduce or control transportation impacts, if any:

15. **Public services**

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

b. Proposed measures to reduce or control direct impacts on public services, if any.

16. **Utilities**

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: CAL KANAPE, SENIOR PLANNER

Date Submitted: SEPTEMBER 20, 2010

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposed changes to the Future Land Use Map are unlikely to increase discharge to water, air or lead to the production of noise. Development of these properties will adhere to all the regulations of the Oak Harbor Municipal Codes and will address any discharges to water and air associated with the development.

The update to the Capital Improvements Plan (CIP) will update projects lists for the next six years. The comprehensive project lists include improvements to utilities (water, sewer and stormwater), streets and City owned improvements. Transportation projects are primarily improvements to existing streets that may include some widening. Water, sewer and stormwater projects include improvements to the existing infrastructure as well as expansions. All projects will meet the requirements of the Oak Harbor Municipal Code that implements the policies in adopted plans that seek to address the impacts of discharge to water, emissions to air, and release of toxic or hazardous substances or production of noise. These impacts will be addressed at the time of project implementation.

Proposed measures to avoid or reduce such increases are:

Best management practices and adhering to the Federal, State and City requirements for individual projects within the Plan will help in avoiding or reduce any impacts created by the projects. Implementation will require project specific review and mitigation.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

It is unlikely that the amendments will drastically change the affect to plants, animals, fish or marine life. The land use changes are for city-owned properties and the long term plan of on of the properties is for the development of a native Oak grove. The CIP includes some changes to project lists some of which upon implementation may have some affects on fish and wildlife. Some of the proposed projects may have already performed studies to determine impacts while other will need more detailed studies, research and strategies at the time of individual project implementation and based on the site and surrounding conditions.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Best management practices and adhering to the Federal, State and City requirements for individual projects within the Plan will help in avoiding or reduce any impacts created by the projects. Implementation will require project specific review and mitigation.

3. How would the proposal be likely to deplete energy or natural resources?

The land use amendments will not deplete energy and natural resources. The CIP includes projects that will replace aging infrastructure that will help reduce or eliminate poor infrastructure that can deplete energy and natural resources.

Proposed measures to protect or conserve energy and natural resources are:

The upgrading of infrastructure listed in the Capital Improvements Plan is a measure to protect and conserve energy. For example: replacement of a water line or a sewer line helps prevent breakages of old lines that lead to erosion, contamination etc. A storm system will help reduce and prevent erosion. Building pedestrian and bicycle path help reduce the dependency of automobiles that contribute to air pollution.

Best management practices and adhering to the Federal, State and City requirements for individual projects within the Plan will help in avoiding or reduce any impacts created by the projects. Implementation will require project specific review and mitigation.

4. **How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

The Land Use Amendments and the CIP are unlikely to impact environmentally sensitive areas. Long Term plans for one of the properties(SR 20 & Fakemma Rd) requested for land use change includes the development of an Oak Grove which will consciously create an environmentally sensitive area since the Oak Trees are a protected species in Oak Harbor. The Land Use change requested for the property on Scenic Heights Road is adjacent to a wetlend, however a SEPA has already been done for the project and impacts, if any, are mitigated.

The CIP does include projects in the Capital Improvements Plan for the Marina and Parks. These project will undergo a SEPA evaluation before implementation/construction.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Best management practices and adhering to the Federal, State and City requirements for individual projects within the Plan will help in avoiding or reduce any impacts created by the projects. Implementation will require project specific review and mitigation.

5. **How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

The proposed land use amendments are not adjacent to the shoreline and will therefore not impact uses on shorelines. The proposed amendments to the Comprehensive Plan does not support any changes to policies related to shoreline uses. Projects proposed with the Capital Improvements Plan do include upgrades to utilities along the shoreline such as storm water outlets etc. The CIP also includes dredging and upgrades to the existing Marina which is compatible with existing plans.

Proposed measures to avoid or reduce shoreline and land use impacts are:

Best management practices and adhering to the Federal, State and City requirements for individual projects within the Plan will help in avoiding or reduce any impacts created by the projects. Implementation will require project specific review and mitigation.

6. **How would the proposal be likely to increase demands on transportation or public services and utilities?**

The land use changes will unlikely increase demands on the transportation or public services. The development of the Scenic Heights Trailhead site will generate minimum trips during peak hours. CIP includes transportation and utility system upgrades based on adopted plans to decrease the impacts faced on the current system.

Proposed measures to reduce or respond to such demand(s) are:

Projects includes in the Capital Improvements Plan are intended to reduce the demand and impact on existing transportation and public services by providing a more efficient, durable and affordable infrastructure system. These can range from designing systems and projects to last longer to selecting durable environmentally sensitive material in project construction.

7. **Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

The Comprehensive Plan Amendments do not have any known conflicts with local, state or federal laws. Some projects proposed in the Capital Improvements Plan may require permits from the State and Federal Agencies and will therefore have to meet their requirements.