



PLANNING COMMISSION

AGENDA

June 26, 2012

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

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1. **Approval of Minutes – May 22, 2012**
2. **Public Comment** – Planning Commission will accept public comment for items not otherwise on the agenda for the first 15 minutes of the Planning Commission meeting.

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

The Planning Commission will hold a public hearing to gather public input and community interest on the proposal to add accessory dwelling units to the basements of homes on unbuilt lots within Divisions 1, 3, and 4 of Fairway Point PRD. Adding additional dwelling units to the subdivision changes the density of the PRD thus triggering a modification to the PRD and a public input process.

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4. **NIGHTCLUB ORDINANCE – Public Meeting**

The Planning Commission will hold a public meeting to gather public input and further discuss options on how nightclubs in Oak Harbor should be regulated to reduce impacts on adjacent properties especially residential uses. This is a discussion item and options will be presented to pursue for code amendments.

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5. **OHMC Chapter 17.24 SIDEWALKS, CURBS AND GUTTERS INSTALLATION – Public Meeting**

The Planning Commission will discuss the building code as it relates to the requirement to provide sidewalks under certain development/redevelopment scenarios.

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6. **SHORELINE MASTER PROGRAM (SMP) UPDATE – Public Meeting**

The City of Oak Harbor is required by the State of Washington to update its Shoreline Master Program (SMP). The Planning Commission will continue its discussion of the draft SMP document focusing on Chapter 4 “Shoreline Use Provisions.” Topics covered in this discussion will include, shoreline setbacks, building heights, boating facilities, marinas, commercial development, and residential development.

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7. **2012 COMPREHENSIVE PLAN AMENDMENT DISCUSSION – LAND USE CHANGE – Public Meeting**

The Planning Commission will begin a discussion on the land use changes for the uplands adjacent to the marina. The item was placed on the Comprehensive Plan Amendment docket for 2012 to consider a land use designation that would permit a wider range of uses such as commercial/industrial that can take advantage of the site’s proximity and access to the water. This is a discussion item and no action or recommendation will be made at this time.

MINUTES

May 22, 2012

**PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
May 22, 2012**

ROLL CALL: Present: Bruce Neil, Kristi Jensen, Greg Wasinger, Keith Fakkema, Jeff Wallin and Jill Johnson-Pfeiffer.

Absent: Gerry Oliver.

Staff Present: Development Services Director, Steve Powers; Senior Planners, Ethan Spoo and Cac Kamak; Associate Planner, Melissa Sartorius; Project Engineer, Arnie Peterschmidt.

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

MINUTES: MR. FAKKEMA MOVED, MS. JOHNSON-PFEIFFER SECONDED, MOTION CARRIED TO APPROVE THE APRIL 24, 2012 MINUTES AS PRESENTED.

PUBLIC COMMENT:

No comments.

SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM (TIP) – Public Hearing

Mr. Neil opened the public hearing on this item.

Mr. Peterschmidt reported:

The City is required by State law to submit an approved six-year Transportation Improvement Program. The primary purpose of the TIP is to facilitate use of Federal transportation funds awarded to the City. The submittal process is accomplished in conjunction with the Regional Transportation Planning Organization (RTPO). Once approved by the Council, the City's TIP is submitted to the RTPO. In turn, the RTPO submits a regional TIP to the State by October of each year. The State then prepares a statewide TIP in January of each year. The incorporation of the City's projects into this statewide TIP is what enables the City to spend Federal funds on local transportation projects.

The projects listed on the TIP are coordinated with those listed in the Transportation Element of the Comprehensive Plan. Coordinating projects in the Transportation Comprehensive Plan, the Six-Year TIP and the Capital Facilities Plan improve our communication and coordination with other agencies and help the City remain focused on a manageable list of transportation projects.

The six-year TIP form includes a number of codes and symbols used in the statewide management of the regional TIP documents. A symbol in the status column of "S" means funding is secured while a symbol of "P" indicates the project is not funded.

Mr. Powers added that the recommendation to the Planning Commission is to conduct a public hearing and make a recommendation to the City Council to adopt the 2013-2018 Six-Year Transportation Improvement Program.

Discussion

Ms. Jensen pointed out that SW Heller Street Improvements have the number 12 listed as the improvement type code and there is no improvement type code number 12 in Appendix A. Mr. Peterschmidt said it is a typographical error and the improvement type code should be number 4 which is "Reconstruction, no added capacity".

Ms. Johnson-Pfeiffer asked what the Eagle Vista – West Extension does. Mr. Peterschmidt said the extension would provide access to the highway and would be a development driven project. Mr. Powers added that the extension would facilitate east/west circulation in the southern portion of the City limits and that we need to ensure that we have good east/west circulation as parcels develop. If we don't plan ahead for the project there will only be local street connections to the highway. This project will line up with Eagle Vista on the east side of the highway so that there is alignment that makes sense.

Mr. Neil asked for public comment. Seeing none the public hearing was closed.

ACTION: MR. WALLIN MOVED, MS. JENSEN SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL ADOPT THE 2013-2018 SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM WITH THE CORRECTION OF THE IMPROVEMENT TYPE CODE TO NUMBER 4 FOR THE SW HELLER STREET IMPROVEMENTS PROJECT. MOTION CARRIED.

SIGN CODE – Public Hearing

The Planning Commission continued its discussion of amendments to OHMC 19.36.080 (“Temporary and Special Signs”). Mr. Spoo summarized the changes that were made to the draft sign code resulting from comments made at the March Planning Commission meeting as follows:

Organizational Changes:

- Two main sections: (1) Private property (2) Public property
- Public property section reorganized by forum
 - Public rights-of-way = traditional public forum
 - City parks = traditional public forum
 - City vehicles = non-public forum
 - City buildings = non-public forum

Key Changes:

- Definition of political signs expanded. Mr. Spoo provided a comment letter from the American Civil Liberties Union (ACLU) regarding the definition of “political sign” (the letter is attached as Attachment A to these minutes)
- Permit system – eliminated (also commented on by ACLU)
- Time limits – 6 mos. eliminated. Shorter and more specific timelines remain
- Post election timeframe: 14 days
- Community events signs: can be posted 4-6 weeks prior, removal within a week.
- “Appearance of professionalism” language: Staff is seeking Planning Commission input. There are two choices - either keep the “appearance of professionalism” language in the code or remove it all together. Previously, the Planning Commission had a discussion about hand-drawn or hand-painted images and lettering. Based on public input and previous discussion, the Planning Commission wanted to allow for artistic signs that might have hand-drawn images or lettering. Planning Commission asked staff to draw a distinction between spray paint on plywood and more artistic signs. Mr. Spoo indicated that there is a question about whether these types of quality standards are desirable for temporary signs. Most communities don't have quality standards.

Mr. Spoo continued reviewing the changes to the draft sign code:

Signs within public ROW

- Limits on commercial sign types (portable A-frame, flag pole banners, residential directions “open house” signs, subdivision directional signs designating new development and community events and fund raisers)
- Garage sale deleted - only allowed on private property

Signs within public parks

- Signs cannot be installed (may not be affixed to park equipment, land of facilities in any way, this prohibition includes pounding a temporary sign into the ground)
- Transitory signs allowed (signs such as those used for protest, picket, demonstrate etc.)
- Exceptions - signs for sponsorships in Windjammer and Volunteer Parks. Notifications for youth sports leagues and information banners in Gateway-Beeksma Park.
- City vehicles/buildings: are non-public forums and signs are not allowed

Mr. Spoo reported that there were two meetings with Downtown Merchants Association. On April 18, they discussed:

- Flag banners
- A-frames/sandwich boards: ability to have & location
- Remote placement of temporary signs
- Event signage – clarified
- Sign directory

On May 16 the Association re-emphasized their desire for a sign directory.

Mr. Spoo concluded by noting that substantial work went into this project by the Planning Commission and staff. The draft code is detailed and specific and public input was sought and considered and we have done our best to meet constitutional standards. Mr. Spoo also noted that additional legal review is likely. Mr. Spoo recommended that the Planning Commission conclude their discussion and forward the draft sign code to the City Council for their approval.

Discussion

Mr. Fakkema commented that he noticed “public right-of-way” was not defined in Section 19.36.020 and asked if “public right-of-way” was defined somewhere else in the code. Mr. Powers said that the definition was either in the zoning definitions or the subdivision code but that it should be in the sign code section as well and will be added.

Mr. Fakkema commented that he objected to the change in Section 19.36.080(1)(b)(ii)(C) which deletes Christmas and replaces it with Holiday Season, but he realized that it would not be changed.

Mr. Wallin asked if the banners were only allowed in the CBD zone public right-of-ways. Mr. Spoo said that was correct.

Ms. Johnson-Pfeiffer asked if the flag pole holes in the sidewalks were public or privately owned. Mr. Spoo said they are on public property. Ms. Johnson-Pfeiffer said she was concerned that any type of speech could also go into the flag pole holes.

Mr. Wasinger asked if permission was granted to put the holes for the flags in the sidewalk. Mr. Powers said that since the sidewalk is the City's we didn't need permission. Mr. Powers also noted that there is language in the code that says, before placing a sign in the public right-of-way, you have to get permission from the private property owner adjacent to the sign. This language has been used in other communities and has been upheld.

Ms. Johnson-Pfeiffer commented that the expensive planters downtown should be protected from signs because the planters are intended for a specific purpose (beautification). She was concerned that there could be a "free-for-all" of signs in the planters and all it would take is one sign to start a "free-for-all." Mr. Spoo offered to craft language about what type of sign holder could be used in the planters in an effort to protect the planter but still allow speech. Ms. Johnson said her preference was to keep the signs out of the planters. Mr. Powers offered that there could be a subset within the public forum within the public right-of-way that says that you don't utilize planters that are above ground as opposed to the strips that are more traditionally available for the placement of signs.

Mr. Wallin thought that there was already discussion about the type of sign holder that would be allowed i.e. thin metal stakes as opposed to thick wooden stakes. Mr. Spoo said that language could be crafted but we shouldn't restrict to a certain type of sign holder that is more expensive. That could effectively amount to content restriction because you would not be allowing an underfunded candidate to express their viewpoint. In the interest in maintaining the city's investment in the planters and avoiding underground pipes that might be in the planter, we can craft language to that effect.

Mr. Neil asked if we are still allowing the dancing pizza person in the right-of-way. Mr. Spoo said that the dancing pizza signs have not been called out as prohibited but if you look at the list of types of signs allowed in the public right-of-way the dancing pizza sign is not listed and would not be allowed as the code is drafted.

Mr. Fakkema voiced his support of Ms. Johnson-Pfeiffer's comments about not allowing signs in the raised planters.

Ms. Jensen asked whether the planters were private property in the public right-of-way. Mr. Powers said that the planters were purchased with public dollars so they are public property. Mr. Powers said that as long as there is the ability to have some form of political speech sign within the CBD that he didn't believe it was necessary to allow them on every location within the public right-of-way. Staff can look at language that prohibits all temporary sign from being in those planters so long as we allow political speech signs elsewhere within the right-of-way within the CBD.

Mr. Neil asked for public comment.

Mr. John Voigt (732 La Conner Street, Coupeville WA) asked what the effective date would be if the ordinance was adopted. Mr. Powers said the effective date would be five days after it was published in the newspaper.

Planning Commission discussed whether or not to leave the "Appearance of professionalism" language in the code. Commission members agreed that the language should be left in the code.

ACTION: MS. JOHNSON-PFEIFFER MOVED, MR. WALLIN SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL ADOPT THE SIGN CODE ORDINANCE INCLUDING THE LANGUAGE “APPEARANCE OF PROFESSIONALISM” AND THE ADDITION OF THE DEFINITION OF PUBLIC RIGHT-OF-WAY AND SOME INCLUSION OF RESTRICTIONS FOR RAISED PLANTERS WITHIN THE CENTRAL BUSINESS DISTRICT. MOTION CARRIED.

SHORELINE MASTER PROGRAM (SMP) – Public Meeting

Mr. Spoo briefed the Planning Commission on their role in the SMP project which is to listen, understand, question and make recommendations. Mr. Spoo noted that the SMP is also being reviewed by the Department of Ecology (DOE). It is possible that DOE will have comments that affect the draft and those proposed changes will be reviewed with the Planning Commission.

Mr. Spoo explained the purpose of the Shoreline Management Act (state legislation that guides the creation of SMP's) and the Shoreline Master Program is to promote and enhance public access, prioritize water dependent and water oriented uses over non-water oriented uses, and to preserve and restore the environment.

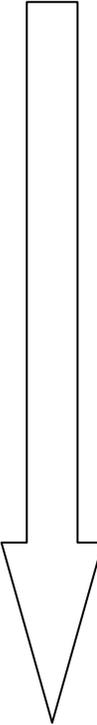
Mr. Spoo noted that the shoreline jurisdiction is 200 feet back from the ordinary high watermark (OHWM) and also includes wetlands that cross that 200 foot mark and goes to the edge of the wetland.

Mr. Spoo explained that the SMP requires DOE approval and if we don't meet their standards DOE will step in and adopt an SMP that suits their needs. This is our chance to exercise our local preferences in the SMP.

Mr. Spoo explained that jurisdictions are required to meet what is called “no net loss” of ecological functions. Ecological functions are hydrology, vegetation and habitat. We have to demonstrate that whatever development occurs in the shoreline jurisdiction meets no net loss.

Mr. Spoo moved on to Chapter 2 of the SMP and explained Shoreline Environment Designations. They are akin to zoning and are a type of overlay zoning that applies within the shoreline jurisdiction and they apply in addition to the underlying zoning.

Mr. Spoo displayed the following table which shows the State designations and the proposed designations for Oak Harbor and describes the types of allowed uses:

State Designation	Types of Uses Allowed	Purposed Designations	Types of Uses Allowed	Intensity
Natural	Low intensity, recreation, restoration	N/A	N/A	Less intense
Aquatic	Applies to area waterward of OHWM. Uses must be water-dependent, public access, or ecological restoration.	Aquatic	Same as for State	
Urban Conservancy	Focus is on maintaining or restoring sensitive lands, wetland, etc.	Residential Bluff Conservancy	Focus on maintenance of bluff, plus permitting single-family residential in appropriate places	
Shoreline Residential	Residential, public access, recreation	Residential	Single-family, recreation, public facilities.	
High intensity	High intensity commercial, industrial, residential. Preference order: water-dependent, water-oriented, non-water-oriented.	Maritime	High intensity, water-dependent, commercial and industrial uses.	
		Urban Mixed Use	High Intensity, water-oriented commercial and residential.	
				More intense

While displaying the map depicting the proposed shoreline environment designations for Oak Harbor, Mr. Spoo reviewed the designations and explained that the map is just a depiction of the approximate location of shoreline jurisdiction and is not accurate enough to do a determination on a parcel-by-parcel basis. Mr. Spoo also noted that Maritime allows for industrial and commercial uses and allows for water-dependent industry (shipping, boat building, aquaculture, etc.). The Residential - Bluff Conservancy allows appropriately sited residential development along the bluff and is generally more precise than the existing designation "Natural".

Planning Commission Discussion

Commissioners had questions about the Residential Bluff Conservancy designation. Mr. Spoo explained that the current SMP's designation of the bluff area as "Natural" which states that any type of residential use within 200 feet of the OHWM is not allowed. The proposed designation (Residential Bluff Conservancy) would allow uses within 200 feet as long as there was a geotechnical survey of the slope.

Commissioners asked about the Navy property which is designated "Conservancy" and whether the designation could be changed if the land were to be used in another way. Mr. Spoo said that the SMP would have to be amended in order to change the designation. Commissioners

asked if labeling something “conservancy” would ever allow a change of use. Mr. Spoo said that it was possible and that there is a legal avenue to do so but it is probably not likely because the areas that are designated conservancy are wetlands and have a high ecological value. DOE would ask how no net loss could be achieved if a wetland was opened up for development. Mr. Spoo also noted that the Navy is not subject to the City SMP, federal actions on federal land are not subject to the SMP only private action on federal land is subject to the SMP. Mr. Powers added that it is not the ownership of the land that is driving the designation but the ecological function of the land that is driving the designation.

Commissioners asked if it was possible for areas that were developable now to change if a wetland was to expand into that developable land. They also asked if no net loss was measured from today’s conditions. Mr. Spoo said that the City is required to do an inventory and characterization report every 7 years to look at where the boundaries of the wetlands are so, we are setting a baseline as to what the conditions of the shoreline is now and no net loss will be measured against that in the future. Mr. Powers noted that the data that was used to develop the map was through the National Wetland Inventories map.

Mr. Spoo moved on to Chapter 3 - General Provisions. Mr. Spoo explained that the general provisions apply to all areas within the shoreline jurisdiction and are not environment specific. The two things that generated the most discussion in the Shoreline Advisory Committee were public access and vegetation conservation. Mr. Spoo reminded the Commission that public access was one of the three main goals of the Shoreline Management Act. The definition of public access includes both physical and visual access to the shoreline. So it is not just paths, trails and walkways along the shoreline, it also includes views of the shoreline from public areas. This is based on the Public Trust Doctrine which says that waters of the State are publicly owned and are available for the public’s enjoyment and use. In order to promote the Public Trust Doctrine the State sometimes requires public access over private properties in specific instances. To put this in perspective there are very few opportunities for the State to require public access with new development along our shoreline because most of the Oak Harbor shoreline is already developed. Mr. Spoo reiterated that the regulations only apply to the shoreline jurisdiction and are only triggered by new development. Mr. Spoo also noted an exclusion to the public access requirement, which states that single-family residential and subdivisions of 4 lots or less are excluded. Mr. Spoo cited several other exclusions and requirements and noted that the key point is to balance private property rights with the public interest.

Mr. Spoo talked about Vegetation Conservation which is a DOE required element. Vegetation Conservation provides human and environmental benefits such as shoreline stabilization, filters sediments and provides food to aquatic life in the form of insects. Ecology prefers a buffer and setback system with buffers of 30 feet in urban settings. Oak Harbor’s draft SMP proposes a two-zone vegetation conservation system composed of a vegetation management zone (VMZ), also known as a buffer, and a setback. Zone 1, nearest the water, is a 30-foot (VMZ) buffer from the OHWM. Zone 2 is a 50-foot structural setback from the OHWM, extending 20 feet beyond the vegetative buffer. Whenever new development is proposed beyond 50% of the assessed value of the property, a shoreline landscaping plan that complies with vegetation conservation requirements must be submitted. Mr. Spoo detailed the regulations that apply to Zone 1 and Zone 2.

Planning Commission Discussion

Commissioners asked about non-conforming uses. Mr. Spoo said there were provisions for expanding non-conforming uses. If you wanted to expand a non-conforming use a conditional

use permit would be required. Mr. Powers added that there is not a specific square foot threshold but the threshold comes as a result of the value of the proposal permit.

Mr. Spoo concluded his presentation and noted that next month the Planning Commission would cover Chapter 4 of the draft SMP.

Mr. Neil asked for public comment.

Carl Freund (2498 SW Freund Street) expressed his concern about the mapping that has been used and would like to see it updated to reflect the portion of his land that has been designated as upland for a long time. He also noted that the seven acres adjacent to the Dillard property was a man-made wetland permitted by DOE and the Army Corp of Engineers and the materials that came out of that wetland was put as fill on the adjacent land that was designated uplands and he didn't want to see it labeled as "Conservancy".

Mr. Spoo said that the map that shows the shoreline environment designation is an approximate map and if there is better information about where the actual edge of the wetland is we will take that into consideration and if the information shows that the wetland is not on Mr. Freund's property then we wouldn't consider that part of the shoreline jurisdiction.

OHMC Chapter 17.24 SIDEWALKS, CURBS AND GUTTERS INSTALLATION – Public Meeting

ACTION: MR. WALLIN MOVED, MS. JENSEN SECONDED A MOTION TO MOVE THIS AGENDA ITEM TO THE NEXT PLANNING COMMISSION REGULAR BUSINESS MEETING. MOTION CARRIED.

ADJOURN: 9:37 p.m.



April 24, 2012

Planning Commission
City of Oak Harbor, WA

VIA ELECTRONIC MAIL

Re: Draft Language for Temporary Sign Code

Dear Planning Commission Members:

AMERICAN CIVIL
LIBERTIES UNION
OF WASHINGTON
901 5TH AVENUE, SUITE 630
SEATTLE, WA 98164
T/206.624.2184
WWW.ACLU-WA.ORG

The American Civil Liberties Union of Washington State (ACLU) welcomes the opportunity to comment on the draft code for temporary signs that the City of Oak Harbor Planning Commission is currently in the process of revising. We are a statewide, non-partisan, non-profit organization with over 20,000 members, dedicated to the preservation and defense of constitutional and civil liberties, including the freedom of speech.

JESSE WING
BOARD PRESIDENT

KATHLEEN TAYLOR
EXECUTIVE DIRECTOR

We thank the City and its staff for engaging positively with us on the sign code issue to meet our common goal of preserving constitutional protections for freedom of speech while meeting the City's interest in reasonable regulation. We understand that the City will continue to work on the draft code, and look forward to offering our input in that process. So for now, we want to express some general concerns based on the memo written by Ethan Spoo, dated March 14 2012, which contained a rough draft of the temporary sign code.

The draft code unduly restricts protected speech on the basis of its content—such content-based classifications should be eliminated. Time limits should be uniform across all temporary signs.

Political speech is the lifeblood of our democracy—the true core of free speech, and deserving of the highest protection under both the state and federal constitutions. Such speech should not be restricted by the government based on its content, but this is what the draft code appears to do.

First, the definition of a “political sign” in the draft code only appears to include those political signs used for electioneering purposes. So some common political signs would be excluded from that definition. For example, under the current language, it would be permissible to post a sign in a planting strip that expresses support for a congressional candidate, but it would not be permissible to post a sign expressing support for a bill that is presently before Congress. The Commission should ensure that the sign code protects all political speech, not just electioneering signs.

Second, the code permits only the display of four relatively narrow categories of signs (political signs, real estate open house signs, portable A-frame signs, and garage sale signs) in public areas, like planting strips, which courts consider a “traditional public forum.” This excludes protected speech that does not fall into those categories from areas that have traditionally been open for such speech—on the basis of the signs' content.

Third, signs should not be banned simply because they contain hand-drawn or hand painted images or lettering. In speech, the medium is sometimes a part of the message, which means this could be viewed as a content-based restriction.

Finally, the seven-day post-election removal period for political signs is too short. In practice, this provision places more onerous restrictions on political signs than other signs. For example, a political sign that is posted on Election Day could only be on display for a total of eight days, while other signs could be on display for six months, or even longer. Oak Harbor's legitimate interest in avoiding unsightly debris and litter caused by old signs could be achieved simply through a uniform time limit on all temporary signs.

Accordingly, we recommend eliminating the content-based classifications in the proposed code, and uniformly applying the proposed six-month time limitation to all temporary signs.

The proposed permitting process should be eliminated.

The draft speech code requires a permit to be issued before most signs can be set out. As a general rule, requiring people to get a permit from the government before engaging in protected expressive activities raises significant constitutional questions, particularly in the context of regulating protected speech on private property. On a more practical level, we share the pragmatic concerns about the permitting process that have been expressed by members of the Commission—not only does creating more red tape hinder free speech, but the educational objective of the permitting program would be better served by other means, such as direct outreach by the City. We therefore recommend eliminating the permitting process.

We look forward to providing further input as the Commission continues its discussions, and appreciate the Commission's consideration of these comments. Please do not hesitate to contact me with questions or concerns.

Sincerely,

Shankar Narayan
Legislative Director

Cc: Steve Powers, Development Services Director
Ethan Spoo, Senior Planner

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

Public Hearing

City of Oak Harbor Planning Commission Report

Date: June 26, 2012
Subject: Fairway Point PRD Modification
– To Consider ADU's within the
Subdivision

FROM: Melissa Sartorius, Associate Planner

PURPOSE

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

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

AUTHORITY

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

SUMMARY STATEMENT

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

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

² 19.31.230 PRD development plan – Council decision.

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

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

Project Information

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

DISCUSSION

Background

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

Accessory Dwelling Units (ADU)

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

Planned Residential Development (PRD)

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

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

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

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

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

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

Process

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

Proposal Description and Review

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

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

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

standards. The following details that review:

Density

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

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

The current density for Division 4 as approved by Ordinance 1583 (Attachment 3) is 4.76 du/ac (see the *Project Info* on Sheet A1.1 of Attachment 1). Using a maximum of 6 ADU's (as shown on the proposed PRD plan- Attachment 2), the proposed density for these divisions would be 5.47 du/ac ($40+6=46/8.4=5.48$). The proposed density is more than the approved density and therefore an amendment to the PRD is required.

PRD Review Criteria

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The Oak Harbor comprehensive plan policies.

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

Land Use Element

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

Housing Element

Island County Goals and Policies

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

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

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

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

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

PUBLIC NOTICE

A Notice of Public Hearing, advertising the Planning Commission public hearing for June 26, 2012 was published in the Whidbey News Times on June 9, 2012. A Notice of Application also stating the public hearing date of June 26th was published in the Whidbey News Times on June 9, 2012. A combined Notice of Application and of Public Hearing was sent to all of the property owners within the subdivision and within 300 feet of the subdivision on June 8, 2012.

CITIZEN COMMENTS

As of the date of this report, no written comments on the proposal by citizens have been received.

CONCLUSION

Staff has reviewed the PRD modification and has determined it to be in conformance with all applicable criteria and standards in the OHMC, the prior approved PRD development plans, and the approved resolutions and ordinances. The approval of a modification to the PRD plans for

Fairway Point Division 4 will allow the applicant to apply for the administrative ADU permits on a house-by-house basis.

Since PRD's are tied specifically to the plans approved for the project and any modifications to these plans if approved must also become part of the official record of the subdivision, staff recommends that only Sheet 1 of 1 titled *ADU Modification to Fairway Point PRD* dated June 5, 2012 (Exhibit A) be approved with the draft ordinance so that the modification to the PRD is clearly shown. The draft ordinance addressing the items noted above and other requirements of the OHMC, and approving the proposed modification for Division 4 is attached for the Planning Commission's consideration.

RECOMMENDATION

Staff recommends that Planning Commission take the following actions:

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

ATTACHMENTS

1. Preliminary and Final PRD Drawing Set for Fairway Point Division 4 – 5 sheets, Submitted May 17, 2007.
2. Proposed PRD Modification as submitted by the applicant dated May 9, 2012 and June 5, 2012.
3. Ordinance No. 1583 - Approval of the PRD Overlay Zone for Fairway Point Division 4 dated August 4, 2010.
4. Draft Ordinance amending Ordinance No. 1583.

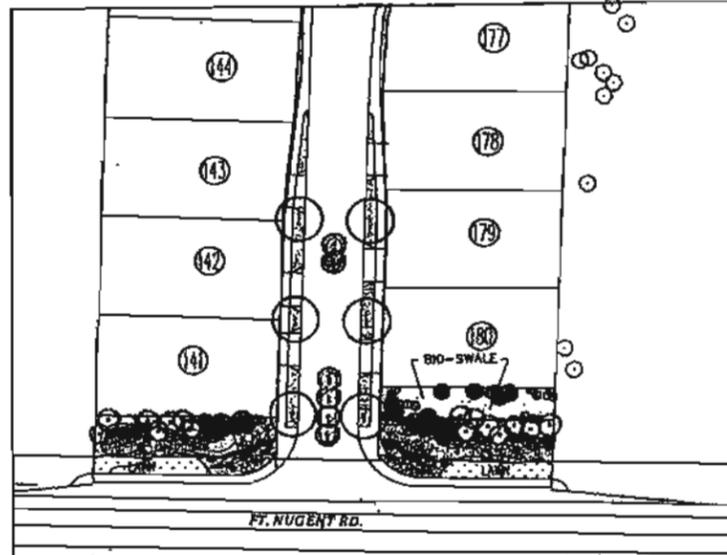
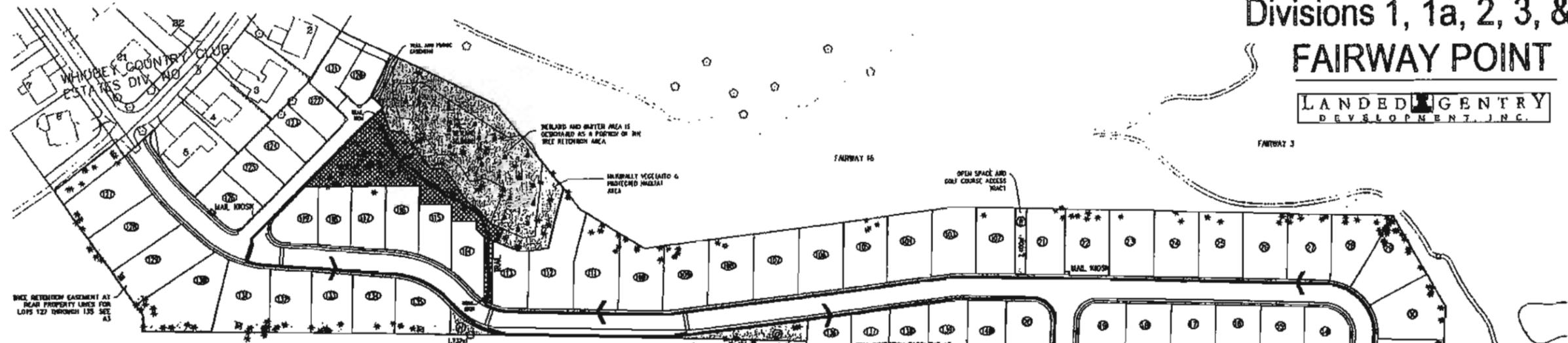
P.R.D. SITE PLAN

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

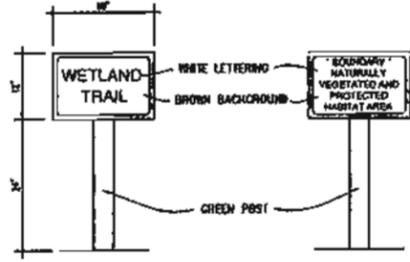
FAIRWAY POINT

LANDED GENTRY
DEVELOPMENT, INC.

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

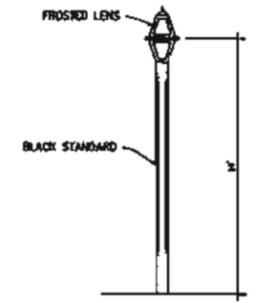


CONCEPTUAL COMMUNITY ENTRANCE
1" = 80'

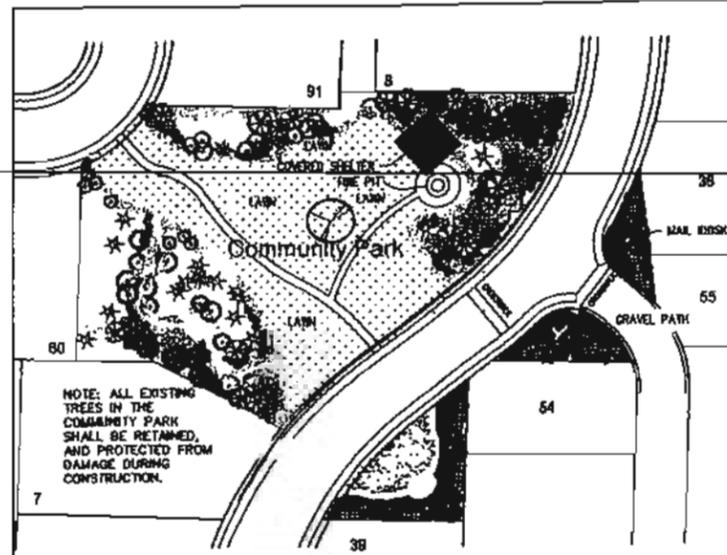


TRAIL SIGN NO SCALE
TO BE PLACED AT EACH END OF THE BUFFER TRAIL

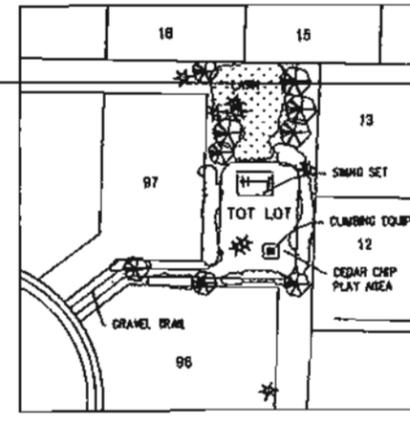
BOUNDARY SIGN NO SCALE
TO BE PLACED ALONG THE EDGE BETWEEN THE BUFFER AND THE NEIGHBORING PROPERTIES



TYPICAL STREETLIGHT
NO SCALE



CONCEPTUAL COMMUNITY PARK PLAN
1" = 80'



CONCEPTUAL TOT LOT PLAN
1" = 80'

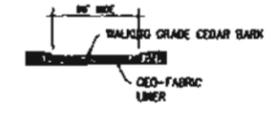
NOTE: ALL EXISTING TREES IN THE TOT LOT AREA AND ADJOINING STRIP BETWEEN LOTS, SHALL BE RETAINED, AND PROTECTED FROM DAMAGE DURING CONSTRUCTION.

15' LANDSCAPE BUFFER ALONG FRONTAGE OF FORT NUGENT ROAD

NOTE: PLACE A COMMUNITY PARK FOR LDR, AND CORRECTED STRIP BETWEEN LOTS AND AN EXISTING AT THE REAR OF LOTS & THROUGH IN ARE PART OF THE TREE RETENTION AREA.

15' LANDSCAPE BUFFER ALONG FRONTAGE OF FORT NUGENT ROAD

15' LANDSCAPE BUFFER ALONG FRONTAGE OF FORT NUGENT ROAD



TRAIL CROSS SECTION
NO SCALE

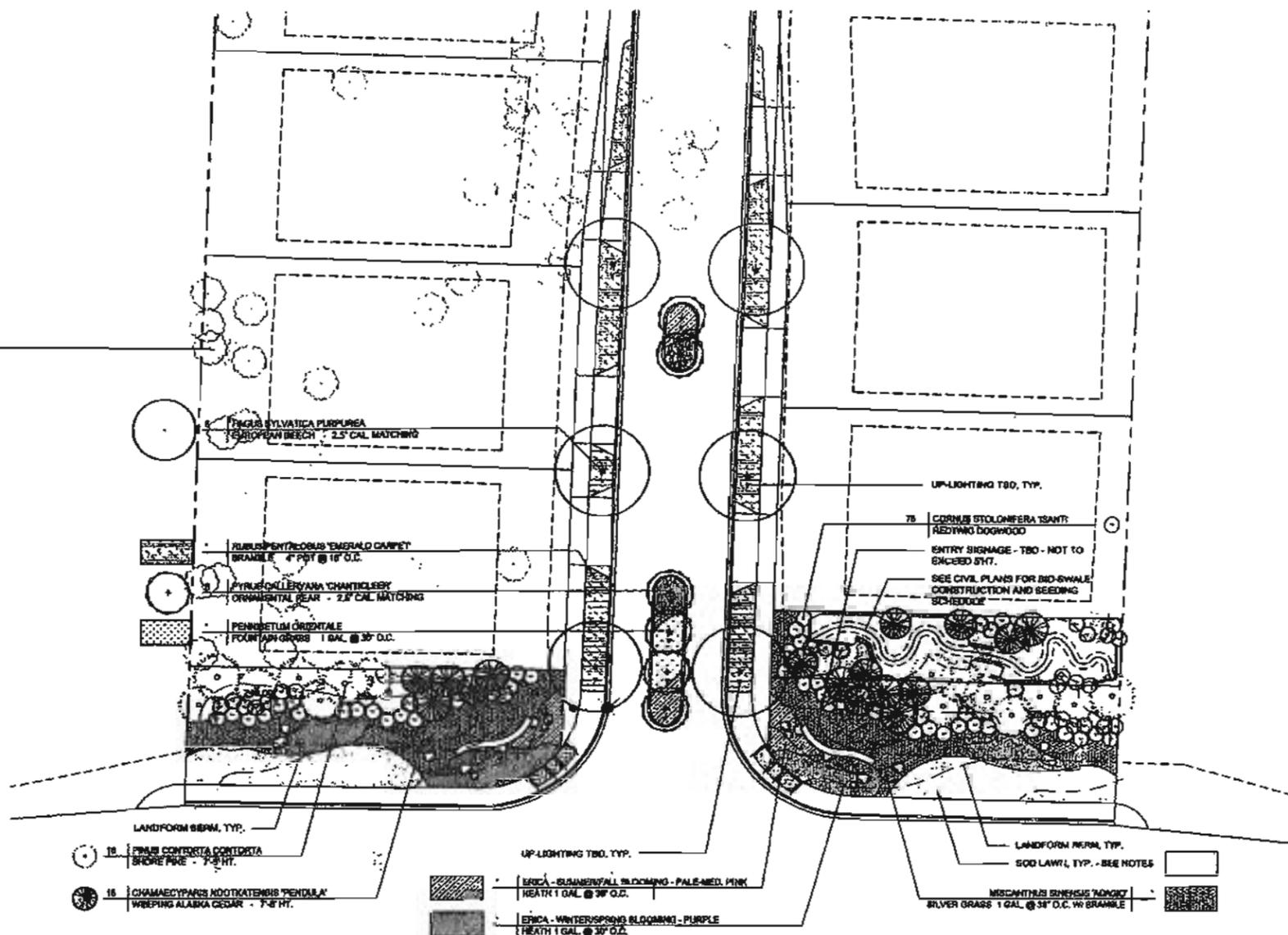
RECEIVED
MAY 11 2007
CITY OF DAN MARSH
Development Services Department

paia
 philip reuter landscape architect
 1032 1st avenue, studio 514
 Seattle, wa 98101
 v. 425.232.7833

FAIRWAY POINT

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

LANDED GENTRY
 HOMES AND COMMUNITIES

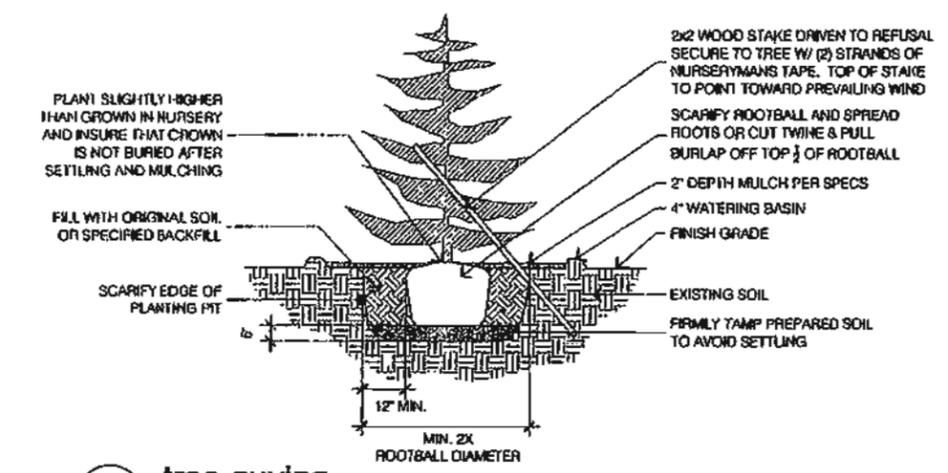


1 LANDSCAPE TRACT SITE PLAN
 SCALE: 1"=20'-0" (1"=40' @ 50% REDUCTION)

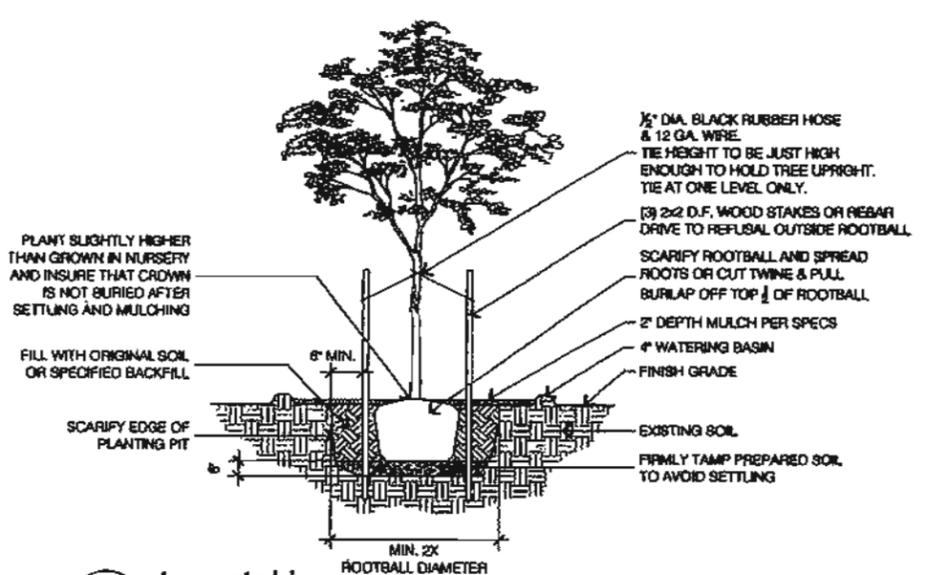


TREE SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	COMMENT	NATIVE
(Symbol)	16	CHAMAECYPARIS NOOTKATENSIS 'PENDULA'	WEEPING ALASKA CEDAR	7'-8' HT.	FULL TO GROUND	Y
(Symbol)	8	FAGUS SYLVATICA PURPUREA	EUROPEAN BEECH	2.5' CAL.	MATCHING	
(Symbol)	16	PINUS CONTORTA CONTORTA	SHORE PINE	7'-8' HT.	FULL TO GROUND	Y
(Symbol)	8	PYRUS CALLERYANA 'CHARITCLEER'	ORNAMENTAL PEAR	2.5' CAL.	MATCHING	
SHRUBS/ ORNAMENTAL GRASSES/ GROUND COVER						
(Symbol)	75	CORNUS STOLONIFERA 'SANTIT'	REDTWO DOGWOOD	5 GAL 24" HT	FULL	Y
(Symbol)		ERICA - SUMMERFALL BLOOMING - PALE-RED, PINK	HEATH	1 GAL @ 30" O.C.	LOW GROWING	
(Symbol)		ERICA - WINTERSPRING BLOOMING - PURPLE	HEATH	1 GAL @ 30" O.C.	LOW GROWING	
(Symbol)		MISCANTHUS SINENSIS 'ADAGIO' W/	SILVER GRASS	1 GAL @ 30" O.C.		
(Symbol)		RUBUS PENTALOBUS 'EMERALD CARPET'	BRAMBLE	4" POT @ 30" O.C.		
(Symbol)		PENNIBETUM ORIENTALE	FOUR TAIN GRASS	1 GAL @ 30" O.C.		
(Symbol)		RUBUS PENTALOBUS 'EMERALD CARPET'	BRAMBLE	4" POT @ 30" O.C.		
SOD						
(Symbol)	ECO-TURF/ MIX DR 80% Ryegrass & 20% Fescue					

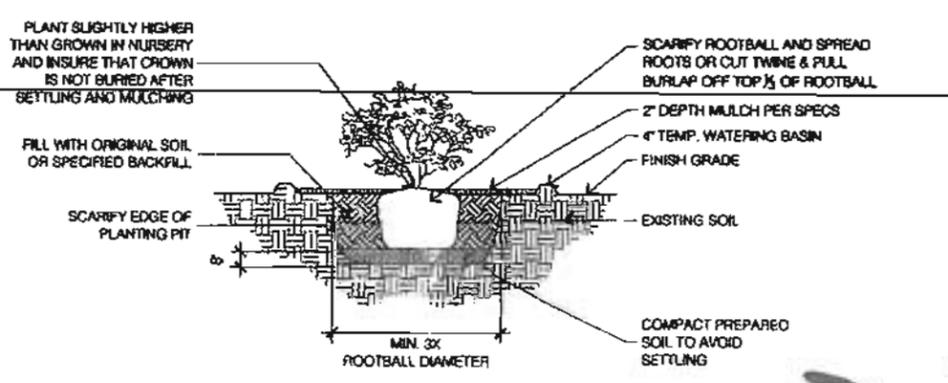
Notes:
 1. All other open areas not specifically landscaped with trees, shrubs, or ground covers shall be hydroseeded w/ the suggested rate: 42% Perennial Ryegrass, 20% Tall Fescue or Creeping Red Fescue, 30% Winter Ryegrass & 8% Clover.
 2. Planting quantities are given for reference only, contractor shall verify exact numbers prior to construction.



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



2 tree guying
 SCALE: nts



1 shrub & ground cover
 SCALE: nts

EXHIBIT D

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

REVISION	DATE
review	03.23.08
revised	04.08.08

NO.	DATE	BY
pd		

RECEIVED
 APR 11 2007
 CITY OF OAK HARBOR
 Development Services Dept. 1000

planting plan & details
 project #: 2007.01
 date: 02.08.07

L1.1

philip decker landscape architecture
1932 1st Avenue, Studio 514
Seattle, WA 98101
v. 425.232.7633



FAIRWAY POINT

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

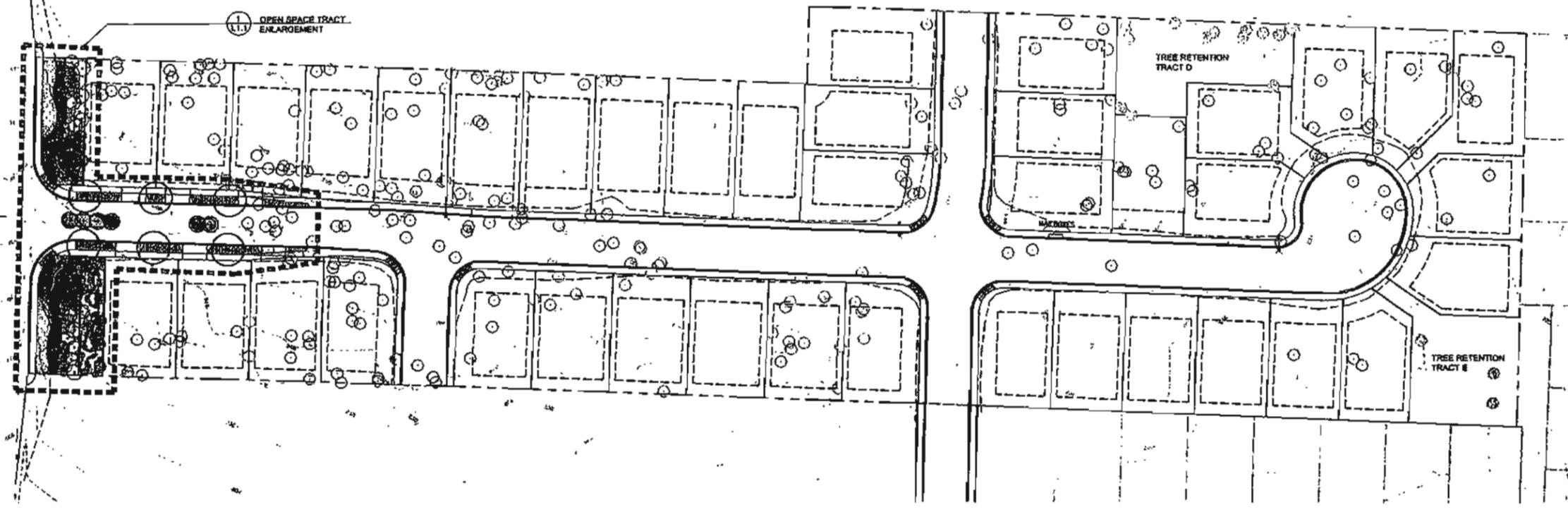
LANDED GENTRY
HOMES AND COMMUNITIES

pd
ARCHITECT
pd
DESIGN
pd
Landscape

RECEIVED
FEB 03 2007
CITY OF OAK HARBOR
Development Services Dept

planting plan
project #: 2007.01
date: 02.08.07

L1.0



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

PLANTING NOTES:

1. Verify all measurements and location of utilities prior to construction. Call before you dig 1.800.424.5555.
2. Submittals: Provide the designer (prior to installation) a 1/2 Gal. sample of imported soil mix, compost and mulch prior to construction for review and approval. Label product and provide documentation of sample i.e. supplier, content, etc.
3. Contractor is to abide by all local, state, and federal guidelines, codes, regulations and industry standards.
4. Storing or stockpiling of materials/ soil is not permitted under existing tree drip line, within the wetland or its buffer.
5. Review specific plant quantities and varieties prior to installation. Plant quantities shall be taken from the plan. Plant material shall be provided by the contractor as specified or greater. Any substitutions must be approved in writing.
6. All plant material shall be healthy, sound, vigorous of growth, free of any defects, diseases and any form of infestations. Plant material shall meet American Standard for Nurserymen Stock (Z90.1) requirements.
7. Plant locations are approximate and may need adjustment according to completed field conditions.
8. Prior to planting the designer must review plant material condition and location. The designer has the right to reject any plant material.
9. Import Soil: only as required to restore grades following site and building construction. Imported topsoil and to restore grades following construction shall be a 3 way sandy loam mix. On site stored topsoil may be used as supply allows. On site soil must be approved by designer prior to installation.
10. Shrub & Tree Prep: Planting areas shall receive a minimum 4" composted material Cedar Grove or equal. Prior to applying compost all planting beds shall be rototilled to a min. 8-10" depth. Remove all debris and stones greater than 1". The composted material shall be rototilled into the soil to a minimum depth of 8-10". Rototill into the soil in conjunction with organic matter; Gypsum "Flour Grade" as available at a rate as suggested by manufacturer.
11. Lawn Prep: Areas shall receive a minimum 6" 2-way mix (80% sand & 20% composted material). Prior to applying 2-way mix all lawn areas shall be rototilled to a min. 8-10" depth. Remove all debris and stones greater than 1". The 2-way mix shall be rototilled into the soil to a minimum depth of 8-10". Rototill into the soil in conjunction with 2-way mix; Gypsum "Flour Grade" as available and Dolomite Lime at a rate as suggested by manufacturer. All lawn areas shall be raked, compacted with weighted roller and all debris and stones greater than 1" shall be removed.
12. Sod Installation: All lawn areas shall be prepped, see lawn prep above. Sod shall be Eco-Mix or 80% Rye grass & 20% Fescue. Sod shall be full, net free, healthy, sound, free of any defects, diseases and any form of infestations. Plant material shall meet American Standard for Nurserymen Stock (Z90.1) requirements. Soil shall be moistened prior to sod placement. After soil is prepped roll out strips so that ends are staggered with edges firmly pressed against each other. Trim sod as needed. Roll sod with roller half filled with water. Water daily (or as needed) until establishment.
13. Hydrosed Installation: All lawn areas shall be prepped, see lawn prep above. Seed mix shall be Eco-mix. OF Merka Co. or equal.
14. All slopes greater than 2:1 shall be protected with jute mesh following installation.
15. Stake all trees and shrubs greater than 5ft. in height immediately following installation.
16. All planted areas shall receive a min. of 2" mulch composted material (Cedar Grove or equal) or fine grade wood-chips. Provide the designer (prior to installation) a 1/2 Gal. sample of material
17. Scarify the roots of all container plants prior to installation.
18. Presoak all container material in container suitable to hold a 5 gal. plant prior to installation

IRRIGATION NOTES:

1. Irrigation system shall be of bidder design in nature.
2. Contractor shall review with designer layout of valves and watering zone landscape beds, lawn, etc.
3. The irrigation system will provide suitable water to all landscape plantings for a minimum of 2 growing seasons following the initial plantings. Definition of growing season shall be April to September.
4. The following components shall constitute the minimum requirements for the irrigation system.
 - a. Install automatic watering system, double check valve and associated plumbing as per applicable local codes.
 - b. All beds with landscape plantings shall receive either spray heads (min. 5" pop-ups) or micro-irrigation. No stationary risers shall be used.
 - c. Mainline piping shall be sched. 40 1 1/4" min. dia. in
 - d. Lateral line shall be class 200 min 3/4" dia.
 - e. Automatic timer shall be outdoor mounted with locking cabinet. Verify location.
 - f. Co-ordinate with general contractor sleeve locations in walkways and driveways. Sleeves shall be sched. 4" PVC min.

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

TREE RETENTION STATISTICS:

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

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

EXHIBIT E

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

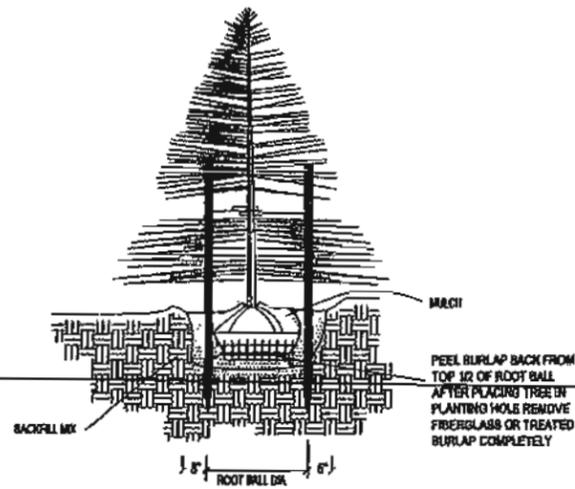
Notes:

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

Homeowner Options A-B

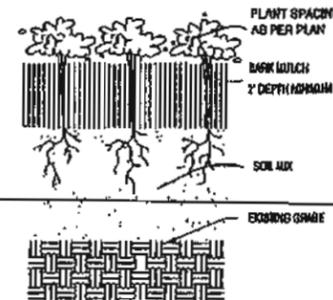
Notes:

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



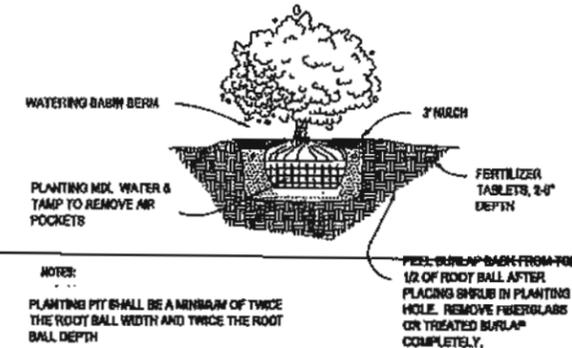
Tree Planting Detail

NOT TO SCALE



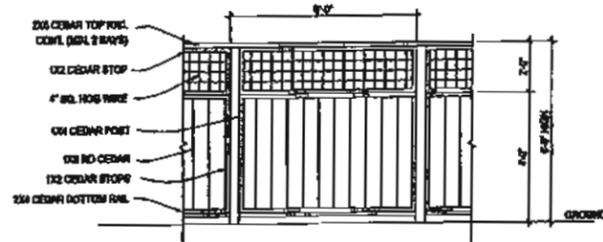
Ground cover installation

NOT TO SCALE



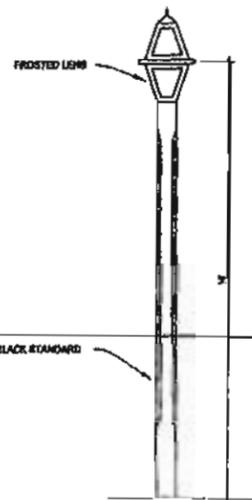
Shrub Planting Detail

NOT TO SCALE



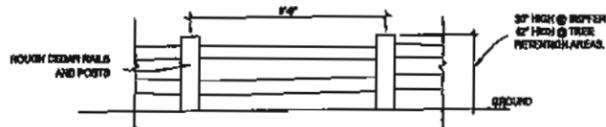
A 6' Cedar Fence Elevation

FENCE: FOR USE AROUND AND BETWEEN RESIDENCES FOR PRIVACY



Typical Streetlight

NO SCALE



B Split Rail Fence

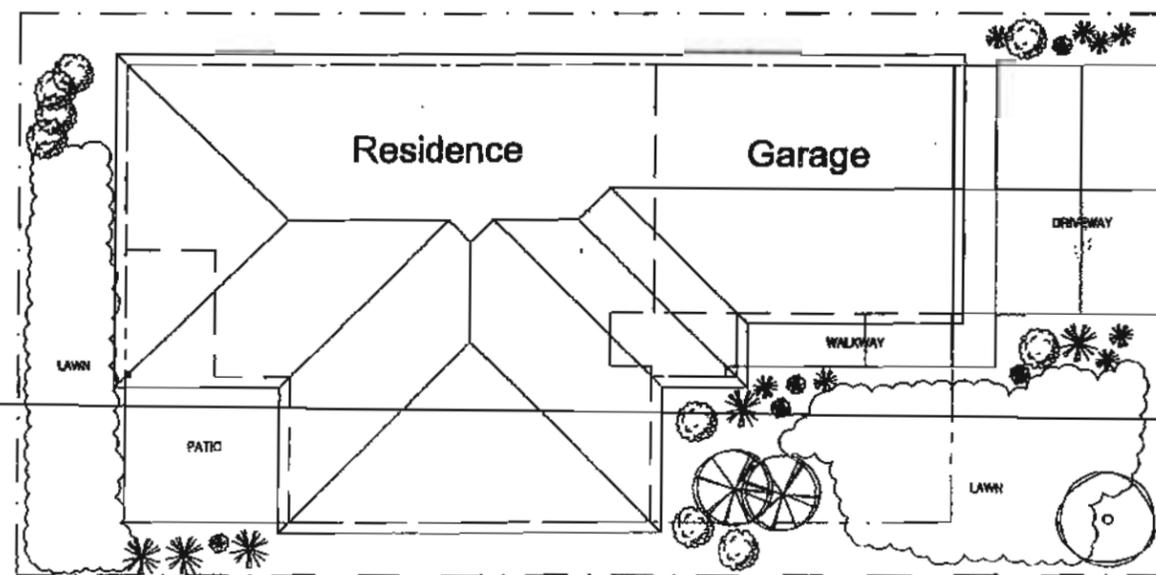
FOR USE ALONG THE REAR OF LOTS ADJACENT TO THE BUFFER AREA, AND ALSO ALONG THE REAR OF LOTS CONTAINING TREE RETENTION AREAS



Boundary Sign

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

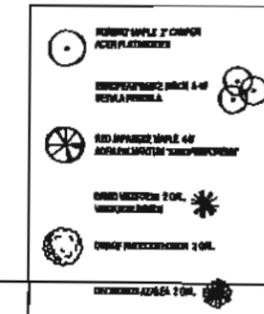
NO SCALE



Typical Residential Landscape Plan

8/1-07

Residential Landscape Legend



REVISION	DATE
RECORD SET	-

Landed Gentry - Communities and Homes

504 E. Fairview
Burlington, WA 98233
360-755-8021

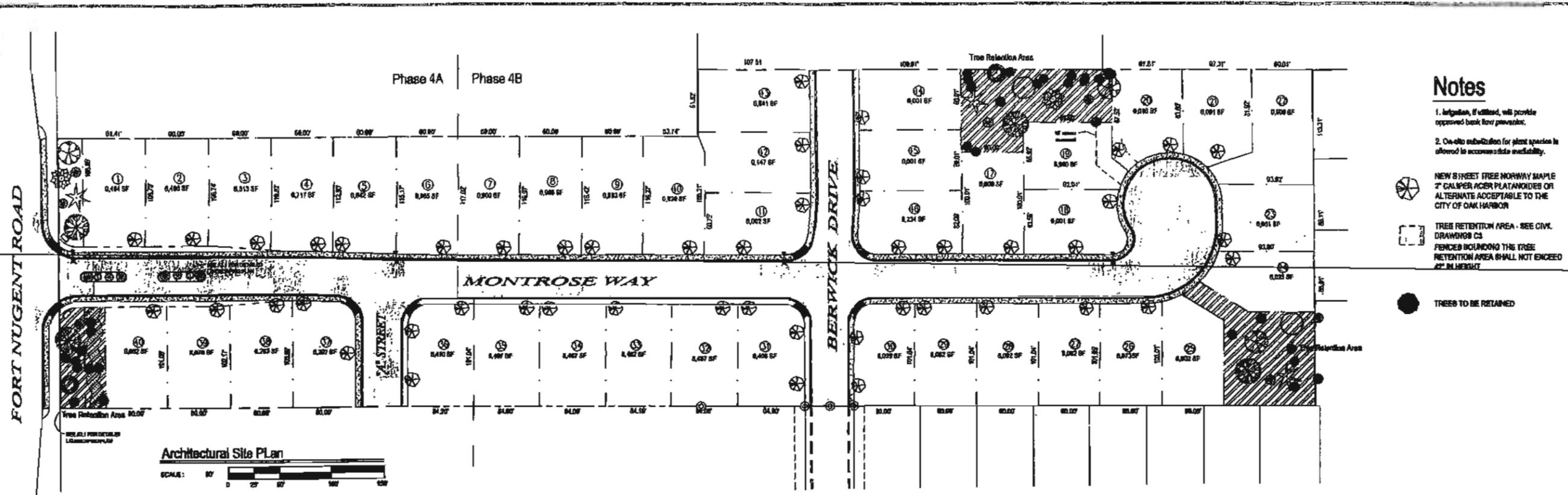
Fairway Point 4

OAK HARBOR, WASHINGTON, 98277

LANDSCAPE DETAILS

RECEIVED
JUN 27 2006
CITY OF OAK HARBOR
Development Services Department

PROJ: 08-205
DWN: _____
DATE: 10-09-06
SHEET: A3.1



Notes

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

NEW 8" STREET TREE NORWAY MAPLE
2" CALIPER ACER PLATANOIDES OR
ALTERNATE ACCEPTABLE TO THE
CITY OF OAK HARBOR

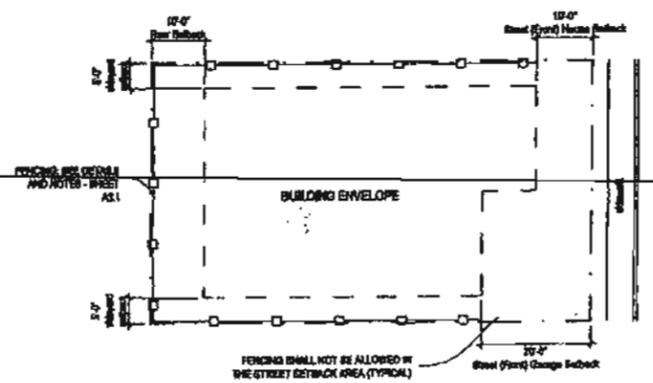
TREE RETENTION AREA - SEE CIVIL
DRAWINGS C3
FENCES BOUNDING THE TREE
RETENTION AREA SHALL NOT EXCEED
4" IN HEIGHT

TREES TO BE RETAINED

Architectural Site Plan
SCALE: 1" = 20'



Typical Streetscape



Typical Building Envelope Plan

Drawing Index

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

Project Info

- TOTAL SITE AREA: 6.4 acres
- PROJECT DENSITY: 4.78 units/acre
NUMBER OF LOTS: 40 LOTS
ZONING: R-1
COMPREHENSIVE PLAN: LOW DENSITY, RESIDENTIAL
- DEVELOPER: LANDED GENTRY DEVELOPMENT, INC.
604 E. FAIRHAVEN AVE. BURLINGTON, WA 98223
(360) 755-9021
- CONSULTANT: SUMMIT ENGINEERS & SURVEYORS, INC.
2218 OLD HIGHWAY 99 SO. RD. MOUNT
VERMILION, WA 98273
(360) 416-6900
- WATER SOURCE: CITY OF OAK HARBOR
SEWAGE DISPOSAL: CITY OF OAK HARBOR
- BUILDING SETBACKS
FRONT STREET: 20' TO BUILDING
SIDE STREET: 10' TO BUILDING; 20' TO GARAGE
INTERIOR SIDE YARD: 5'
REAR YARD: 10'

FAIRWAY POINT FOUR



REVISION	DATE
RECORD SET	

Landed Gentry - Communities and Homes

504 E. Fairhaven
Burlington, WA 98223
360-755-9021

Fairway Point 4

OAK HARBOR, WASHINGTON, 98277

ARCH SITE PLAN

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CITY OF OAK HARBOR
Development Services Department

PROJ: 08-300
DWN: —
DATE: 18-May-05
SHEET
A1.1



CITY OF OAK HARBOR
Development Services Department

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Application Form

7/9/2012

CITY OF OAK HARBOR
Development Services Department

Project Name: FAIRWAY POINT PRD AMENDMENT

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

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

APPLICANT NAME/CONTACT PERSON (or legal representative): <u>KENDALL GENTRY</u>	Address: <u>504 E. FAIRHAVEN AVE. BURLINGTON WA 98233</u>
E-mail Address: <u>Kendall@LandedGentry.com</u>	Phone and Fax: <u>360-661-3812</u>
PROPERTY OWNER NAME (list multiple owners on a separate sheet): <u>FAIRWAY POINT I, INC FP 4, LLC #20 Fakkema/Ryan Kingma</u>	Address: <u>90 504 E Fairhaven Ave - Burlington, Wa 98233</u>
E-mail Address: <u>Same as Applicant</u>	Phone and Fax:
ENGINEER/SURVEYOR: <u>NOT APPLICABLE</u>	Address:
E-mail Address:	Phone and Fax:
PROJECT SITE INFORMATION (address/location): <u>SEE ATTACHED MAP</u>	Comp. Plan Designation: <u>Low Density Residential</u>
Zoning: <u>R-1</u>	Parcel Number(s):
Legal Description (attach separate sheet):	Acreage of Original Parcel(s):
Section/Township/Range: <u>SEC 4 / TWP 32N / Rge 1 EWM</u>	Total Square Footage of Proposed Building or Number of Units: <u>MAXIMUM ADDITIONAL UNITS 40</u>

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

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

Kendall Gentry 5/9/12
Authorized Signature **Date**

LANDED GENTRY

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

May 9, 2012

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

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MAY 10 2012

CITY OF OAK HARBOR
Development Services Department

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

Melissa,

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

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

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

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

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

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

Sincerely,

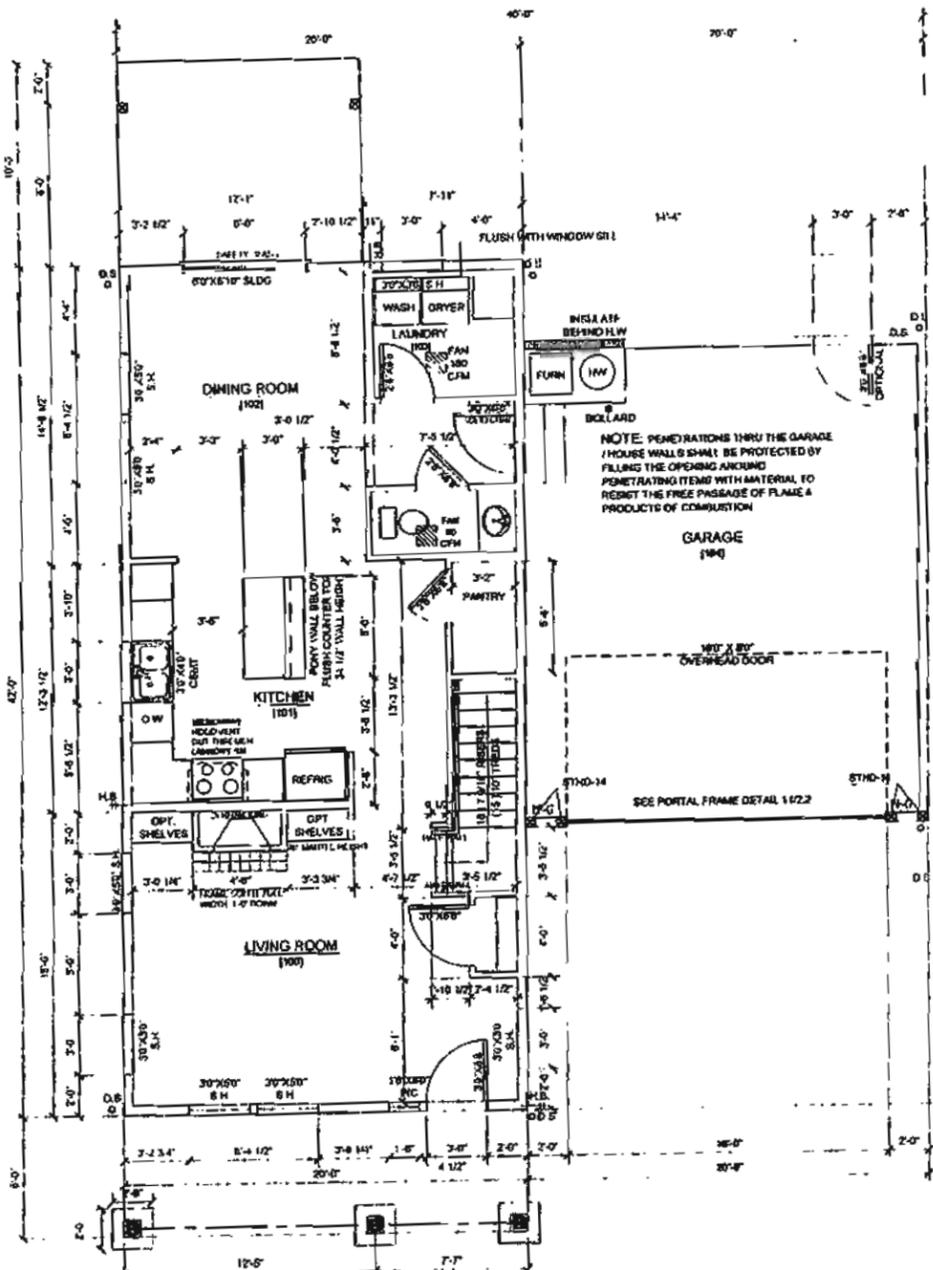
Kendall Gentry

Old City Hall Bldg • 504 E. Fairhaven • Burlington, WA 98233
(360) 755-9021 • Toll Free (877) 769-8070 • Fax (360) 755-9029
www.LandedGentry.com • #LANDG06214



SAFETY
GENERAL REQUIREMENTS

- 100. EMEGENCY EGRESS: EVERY SLEEPING ROOM, BATHROOMS AND HABITABLE ATTIC UNITS HAVE AT LEAST ONE OPERABLE WINDOW OR EXISTING DOOR APPROVED FOR EMERGENCY EGRESS OR RESCUE. WINDOWS MUST HAVE A MINIMUM OPEN AREA OF 5.7 SQUARE FEET AND SQUARE FEET OF THE GROUND LEVEL. MINIMUM NET CLEAR OPENING HEIGHT OF 24 INCHES AND A MINIMUM NET CLEAR OPENING WIDTH OF 20 INCHES. EGRESS WINDOWS MAY BE MORE THAN 44 INCHES ABOVE THE FLOOR. ESCAPE WINDOWS SHALL BE OPERATIONAL FROM THE INSIDE WITHOUT USE OF KEY TOOLS OR SPECIAL KNOWLEDGE. (IRC 310.1.1 & 310.1.2)
- 101. ATTIC ACCESS: MUST HAVE MINIMUM SIZE OF 22.5 SQ FT WITH 20 UNOBSTRUCTED HEADROOM AND BE READILY ACCESSIBLE. (IRC 307.1)
- 102. SMOKE DETECTORS: WHEN WORK IS PERFORMED THAT REQUIRES A PERMIT OR WHEN A SLEEPING ROOM IS CREATED THE ENTIRE BUILDING MUST BE PROVIDED WITH SMOKE ALARMS. A SMOKE ALARM MUST BE INSTALLED IN EACH SLEEPING ROOM AND OUTSIDE THE SLEEPING ROOM IN THE IMMEDIATE VICINITY THERE MUST BE AT LEAST ONE SMOKE ALARM ON EVERY FLOOR LEVEL. ALL SMOKE ALARMS MUST BE BATTERED AND NOT LOCATED IN THE ATTIC. ALL SMOKE ALARMS MUST BE LISTED BY UL 217 A HOUSEHOLD FIRE ALARMS EQUIPMENT PROVIDED BY UL 217A (UL 217A) (IRC 314)
- 103. CARBON MONOXIDE ALARMS: FOR NEW CONSTRUCTION, AN APPROVED CARBON MONOXIDE ALARM SHALL BE INSTALLED OUTSIDE OF EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOMS IN DWELLING UNITS WHICH HAVE FUEL-BURNING APPLIANCES AND IN DWELLING UNITS WHICH HAVE ATTACHED GARAGES. WHERE WORK REQUIRES A PERMIT OCCURS IN EXISTING DWELLINGS THAT HAVE ATTACHED GARAGES OR IN EXISTING DWELLINGS WHICH HAVE FUEL-BURNING APPLIANCES EXIST, CARBON MONOXIDE ALARMS SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 310.1.1 (IRC 314)
- 104. PORCHES, BALCONIES, RAMPS OR RAISED FLOOR SURFACE LOCATED MORE THAN 30" ABOVE THE FLOOR OR GRADE (ELEVATION), HAVE HANDRAILS NOT LESS THAN 36" IN HEIGHT. OPEN SIDES OF STAIRS WITH A TOTAL RISE OF MORE THAN 30" ABOVE THE FLOOR OR GRADE BELOW SHALL HAVE GUARDS NOT LESS THAN 36" IN HEIGHT MEASURED VERTICALLY FROM NOBBING OF TREADS. GUARDS SHALL HAVE INTERMEDIATE RAILS OR ORNAMENTAL CLOSURES THAT DO NOT ALLOW SPACING 4" IN DIAMETER TO PASS. GUARDS MUST BE ABLE TO WITHSTAND LOADS SPECIFIED IN TABLE (IRC 301.5 & IRC 312)
- 105. GARAGE SEPARATION FROM THE RESIDENCE AND ATTIC, NOT LESS THAN 10-INCH GYPSON BOARD OR EQUIVALENT APPLIED TO THE GARAGE SIDE. SEPARATION FROM ALL HABITABLE ROOMS ABOVE THE GARAGE, NOT LESS THAN 5/8-INCH TYPE X GYPSON BOARD OR EQUIVALENT. STRUCTURED SUPPORTED FLOOR CLASD ASSEMBLY USED FOR SEPARATION, NOT LESS THAN 10-INCH GYPSON BOARD OR EQUIVALENT. GARAGES LOCATED LESS THAN 3 FEET FROM A DWELLING UNIT ON THE SAME LOT, NOT LESS THAN 10-INCH GYPSON BOARD OR EQUIVALENT APPLIED TO THE INTERIOR SIDE OF EXTERIOR WALLS THAT ARE WITHIN THE AREA. (IRC 303.2)
- 106. GARAGE DOOR: ANY DOOR BETWEEN A GARAGE AND A RESIDENCE MUST BE EITHER A 1-1/2" WOOD OR METAL DOOR, OR A 20-MINUTE RATED DOOR. (IRC 303.5.1)
- 107. GARAGE FLOOR: THE FLOOR SURFACE IN A GARAGE MUST BE NONCOMBUSTIBLE AND SLOPED TOWARD THE MAIN VEHICLE ENTRY DOORWAY. (IRC 303.7)
- 108. BATHROOM AND SHOWER SPACES MUST HAVE A NONCOMBUSTIBLE WALL COVERING EXTENDED TO NOT LESS THAN 72 INCHES ABOVE DRAIN INLET WITH WATER-RESISTANT BACKING. (IRC 307.2)
- 109. FURNACE SHALL BE INSTALLED TO HAVE A MIN TOTAL CLEARANCE OF 12" @ SIDES WHEN A MIN CLEARANCE OF 2" ABOVE SIDES, TOP, & BACK IF PLACED IN A GARAGE, SET OUT ON A PLATE OR TO PROVIDE A MINIMUM OF 18" HEIGHT ABOVE GARAGE FLOOR. (IRC 308)
- 110. CLOTHES DRYER DUCTS SHALL BE CONSTRUCTED OF METAL AND 1/2" THICK AND METAL HAVING SMOOTH INTERIOR SURFACES WITH JOINTS JOINTED IN DIRECTION OF AIR FLOW. NO JOINTS SHALL BE USED. TRANSMISSION DUCTS SHALL NOT BE CONCEALED WITHIN CABINETS AND MAX OF 12" IN LENGTH. DUCT SIZE AS REQUIRED BY DRYER LISTING & MANUF. INSTALLATION INSTRUCTIONS. DUCT SHALL Y TERMINATE OUTSIDE BUILDING WITH TERMINATION PER DRYER MANUF. INSTRUCTIONS. TERMINATE MIN. 7' FROM ANY OPENINGS INTO BUILDING SHALL HAVE BACK DRAFT DAMPER AND SHALL NOT BE SECURED. DUCT LENGTH 2" & BE REDUCED 3/4" FOR EACH 45 DEGREE (OR RAG) BEND AND 6 FEET FOR EACH 90 DEGREE (OR RAG) BEND (MIN. 12") DRYER EXHAUST SYSTEMS SHALL BE INDEPENDENT OF OTHER SYSTEMS.
- 111. EXHAUST FANS: BATHROOM, LAUNDRY ROOMS, KITCHENS AND GARAGE ROOMS MUST BE VENTED BY AN EXHAUST FAN. DUCT MUST TERMINATE OUTSIDE THE BUILDING AND BE NOT LESS THAN 3 FEET FROM ANY OPENING INTO THE BUILDING. DUCTS OF EXHAUST SPACE MUST BE INSULATED TO R-4 MINIMUM (PER IRC 302.2.10) (IRC 307.2)
- 112. EXHAUST FAN BATHROOM, KITCHEN EXHAUST FANS MUST BE 100 CFM MINIMUM BATHROOM EXHAUST FANS MUST BE 50 CFM MINIMUM. (IRC 307.2)



MAIN FLOOR
SCALE 1/4"

SEE PAGE 3.3/3.4 FOR
BRACEWALLS LOCATIONS
AND CALCULATIONS

SQUARE FOOTAGE	
MAIN FLOOR	840 SQ FT
UPPER FLOOR	1,154 SQ FT
TOTAL LIVING SPACE	1,994 SQ. FT.
GARAGE	
3rd CAR GARAGE DP1	480 SQ FT
FRONT PORCH	48 SQ FT
BACK DECK	100 SQ FT

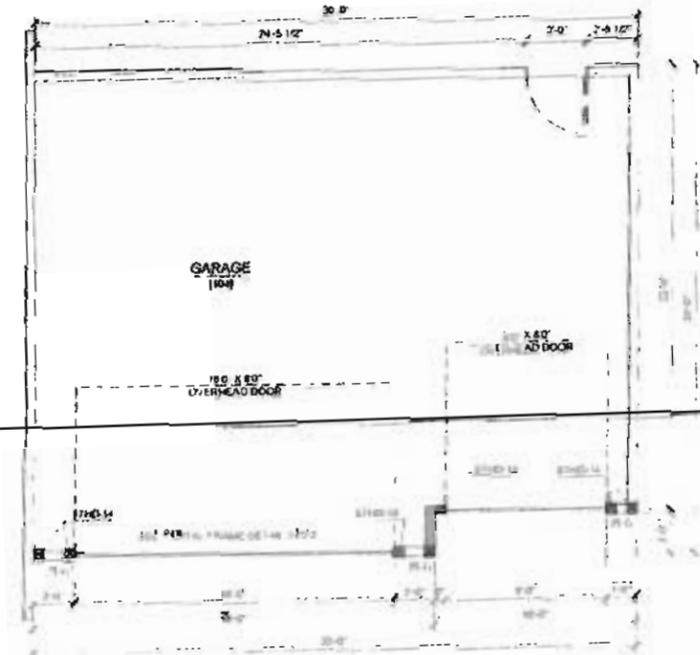
1.50' MIN. CLEARANCE TO TOP OF GARAGE DOOR
2. CENTER DOOR TO BE LOCATED ON EITHER SIDE OF RETURN WALL TO THE MAIN FLOOR

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

PLANNING OPTIONS LIST

- MAN DOOR IN GARAGE
- THIRD CAR GARAGE
- ARCHES
 - KITCHEN / DINING ROOM
 - DINING ROOM / HALL
- BUILT IN SHELVES NEXT TO FIREPLACE

NOTE: PENETRATIONS THRU THE GARAGE / HOUSE WALLS SHALL BE PROTECTED BY FILLING THE OPENING AROUND PENETRATING ITEMS WITH MATERIAL TO RESTRICT THE FREE PASSAGE OF FLAME & PRODUCTS OF COMBUSTION



3RD CAR GARAGE OPTION
SCALE 1/4"

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JUN 15 2012
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Development Services Department

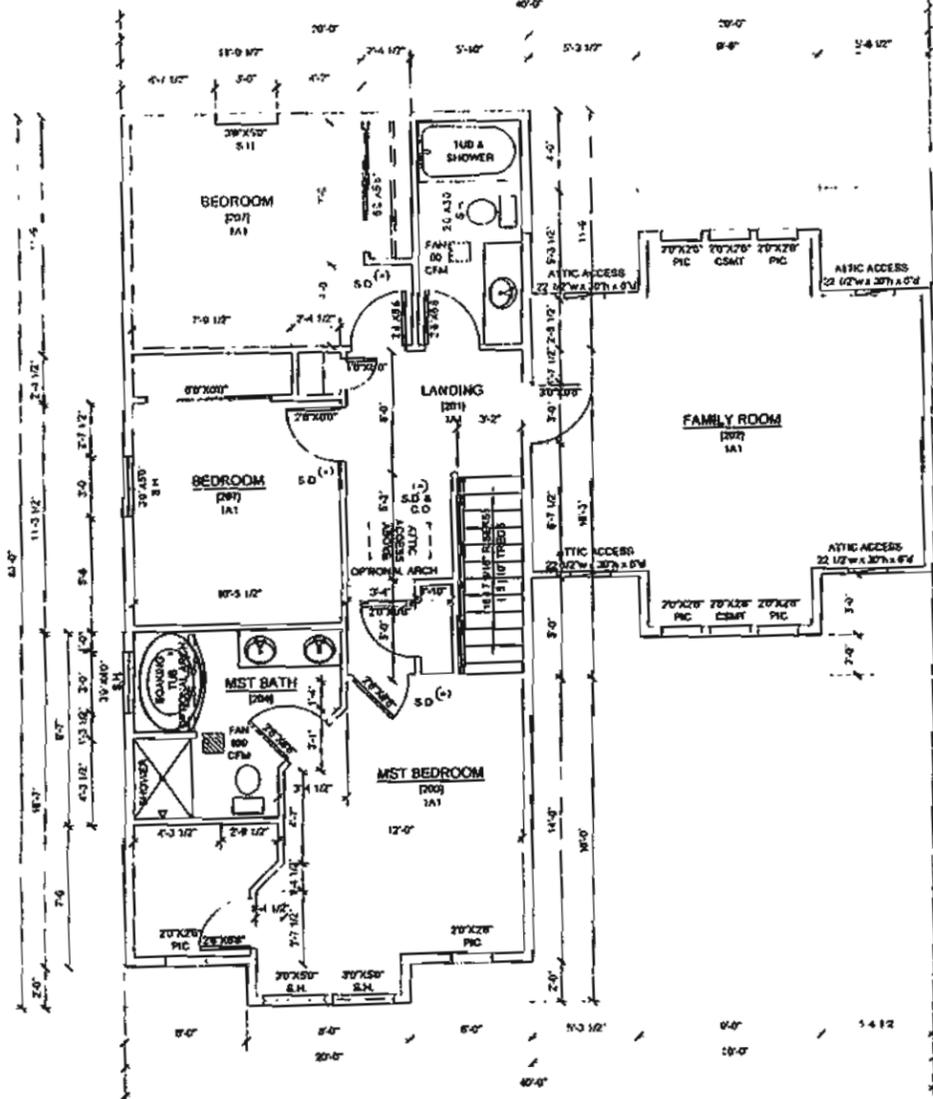
WHIDBEY
MAIN FLOOR PLAN

DATE: 11/2/2011
SHEET: A3.1

SAFETY

GENERAL REQUIREMENTS

- 92. EMERGENCY EGRESS: EVERY SLEEPING ROOM, BASEMENT AND HABITABLE ATTIC MUST HAVE AT LEAST ONE OPERABLE WINDOW OR EXTERIOR DOOR APPROVED FOR EMERGENCY EGRESS OR RESCUE. WINDOWS MUST HAVE A MINIMUM OPEN AREA OF 5.7 SQUARE FEET (5.0 SQUARE FEET ON THE GROUND LEVEL MINIMUM) CLEAR OF OBSTRUCTIONS OF 24 INCHES AND A MINIMUM NET CLEAR OPENING WIDTH OF 20 INCHES. FINISHED SILL HEIGHTS MAY NOT BE MORE THAN 44 INCHES ABOVE THE FLOOR. LOCATIONS SHOULD BE OPERATIONAL FROM THE INSIDE WITHOUT USE OF ANY TOOLS OR SPECIAL KNOWLEDGE. (IRC 310.1.1, 312.1.2)
- 93. ATTIC ACCESS MUST HAVE MINIMUM SIZE OF 22 X 30 WITH 30" UNOBSTRUCTED HEADROOM AND BE READILY ACCESSIBLE. (IRC 307.1)
- 94. SMOKE DETECTORS: WHEN WORK IS PERFORMED THAT REQUIRES A PERMIT OR WHEN A SLEEPING ROOM IS CREATED, THE EXISTING BUILDING MUST BE PROVIDED WITH SMOKE ALARMS. A SMOKE ALARM MUST BE INSTALLED IN EACH SLEEPING ROOM AND OUTSIDE THE SLEEPING ROOM IN THE IMMEDIATE VICINITY THERE MUST BE AT LEAST ONE SMOKE ALARM ON EVERY FLOOR LEVEL. ALL SMOKE ALARMS MUST BE HARDWIRED AND INTERCONNECTED. ALL ALARMS MUST BE TESTED IN ACCORDANCE WITH 911.2.1 & HOUSEHOLD FIRE WARNING EQUIPMENT PROVISIONS OF IFPA 73, IRC 314.
- 95. CARBON MONOXIDE ALARMS: FOR NEW CONSTRUCTION, AN APPROVED CARBON MONOXIDE ALARM SHALL BE INSTALLED OUTSIDE OF EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOMS IN DWELLING UNITS WITHIN WHICH FUEL-BURNING APPLIANCES ARE INSTALLED AND IN DWELLING UNITS THAT HAVE ATTACHED GARAGES, WHERE WORK REQUIRES A PERMIT OCCURRING IN EXISTING DWELLINGS THAT HAVE ATTACHED GARAGES OR IN EXISTING DWELLINGS WITHIN WHICH FUEL-BURNING APPLIANCES EXIST. CARBON MONOXIDE ALARMS SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 915.1 (IRC 315)
- 96. POWDER, BALCONIES, RAMPS, OR RAISED FLOOR SURFACE LOCATED MORE THAN 30" ABOVE THE FLOOR OR GRADE BELOW SHALL HAVE GUARDS NOT LESS THAN 36" IN HEIGHT. OPEN SIDES OF RAMPS WITH A TOTAL RISE OF MORE THAN 30" ABOVE THE FLOOR OR GRADE BELOW SHALL HAVE GUARDS NOT LESS THAN 36" IN HEIGHT MEASURED VERTICALLY FROM TOP EDGE OF TREADS. GUARDS SHALL HAVE INTERMEDIATE RAILS OR OPERATIONAL EQUIVALENTS THAT DO NOT ALLOW A SPHERE OF 18 INCHES TO PASS. GUARDS MUST BE ABLE TO WITHSTAND LOADS SPECIFIED IN TABLE (IRC 304.3 & IRC 312)
- 97. GARAGE SEPARATION FROM THE RESIDENCE AND ATTIC, NOT LESS THAN 1/2-INCH GYPSUM BOARD OR EQUIVALENT APPLIED TO THE GARAGE SIDE. SEPARATION FROM ALL HABITABLE ROOMS ABOVE THE GARAGE, NOT LESS THAN 5/8-INCH TYPE X GYPSUM BOARD OR EQUIVALENT. STRUCTURES SUPPORTING FLOOR CEILING ASSEMBLIES USED FOR SEPARATION, NOT LESS THAN 1/2-INCH GYPSUM BOARD OR EQUIVALENT. GARAGES LOCATED LESS THAN 3 FEET FROM A DWELLING UNIT ON THE SAME LOT, NOT LESS THAN 1/2-INCH GYPSUM BOARD OR EQUIVALENT APPLIED TO THE INTERIOR SIDE OF EXTERIOR WALLS THAT ARE WITHIN THIS AREA. TABLE 2002.8
- 98. GARAGE DOOR: ANY DOOR BETWEEN A GARAGE AND A RESIDENCE MUST BE EITHER A 1-3/4" WOOD OR METAL DOOR OR A FIRE-RATED GATED DOOR. (IRC 304.5)
- 99. GARAGE FLOOR: THE FLOOR SURFACE IN A GARAGE MUST BE NON-COMBUSTIBLE, AND SLOPED TOWARD THE MAIN VEHICLE ENTRY COURSEWAY. (IRC 304.1)
- 100. BATHS AND SHOWER SPACES MUST HAVE A NON-COMBUSTIBLE WALL COVERING EXTENDED TO NOT LESS THAN 72 INCHES ABOVE DRAIN SILEY WITH WATER-RESISTANT BACKING. (IRC 309.2)
- 101. FIREPLACE: SHALL BE INSTALLED TO HAVE A MINIMUM CLEARANCE OF 12" TO SIDES WITH A MINIMUM CLEARANCE OF 36" FROM ROOF, TOP, & BACK, IF PLACED IN A GARAGE, SET BACK ON A PLATFORM TO PROVIDE A MINIMUM OF 18" HEIGHT ABOVE GARAGE FLOOR. (IRC 303)
- 102. CLOTHES DRYER DUCTS: SHALL BE CONSTRUCTED OF 1/2" MINIMUM THICKNESS METAL HOLES. BACKSHEETS FINISHED WITH CORNER BUNDLES IN DIRECTION OF AIR FLOW. NO JOINTS SHALL BE USED. TRANSITION DUCTS SHALL NOT BE CONSTRUCTED WITHIN CONSTRUCTION AND MAX OF 42" IN LENGTH. DUCTS ARE AS REQUIRED BY DRYER LISTING & MANUFACTURER'S INSTALLATION INSTRUCTIONS. DUCT SHALL TERMINATE OUTSIDE BUILDING WITH INFORMATION PER OWNER. MANUFACTURER'S INSTRUCTIONS. TERMINATE 3" FROM ANY OPENING INTO BUILDING. SHALL HAVE BACK DRAFT DAMPER AND SHALL NOT BE SECURED. WALL DUCT LENGTH 20' & BE REDUCED 7-1/2" FOR EACH 45 DEGREE TURN. HEAD AND 5 FEET FOR EACH 90 DEGREE TURN. EXHAUST SYSTEMS SHALL BE INDEPENDENT OF OTHER SYSTEMS.
- 103. EXHAUST FANS: BATHROOM, LAUNDRY ROOMS, KITCHENS AND SIMILAR ROOMS MUST BE VENTED BY AN EXHAUST FAN. DUCT MUST TERMINATE OUTSIDE THE BUILDING AND BE NOT LESS THAN 2 FEET FROM ANY OPENING INTO THE BUILDING. DUCTS IN UNHEATED SPACES MUST BE INSULATED TO R-4 MINIMUM. (MIA 01 VAND 202.2 (2) (IRC 318.1))
- 104. EXHAUST FAN RATING: KITCHEN EXHAUST FANS MUST BE 100 CFM MINIMUM. BATHROOM EXHAUST FANS MUST BE 50 CFM MINIMUM. (IRC 318.2)



UPPER FLOOR PLAN
SCALE 1/4"

SQUARE FOOTAGE	
MAIN FLOOR	640 SQ. FT.
UPPER FLOOR	1,154 SQ. FT.
TOTAL LIVING SPACE	1,994 SQ. FT.
GARAGE	480 SQ. FT.
3rd CAR GARAGE OPT.	220 SQ. FT.
FRONT PORCH	48 SQ. FT.
BACK DECK	100 SQ. FT.

- NOTE:
 1. S.D. (-) SHOWS DELET FOR 11/01/11 (RECONNECTED W/11/11 BATTERY BACKUP)
 2. CENTER DOORS IN POOL OR PORCH ARE FIRE RATED (SEE OTHER DRAWINGS)

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

PLANNING OPTIONS LIST

- ARCHES
- MASTER BEDROOM HALLWAY
- MASTER BATHROOM TUB



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2012

CITY OF OAK HARBOR
 Public Services Department

WHIDBEY

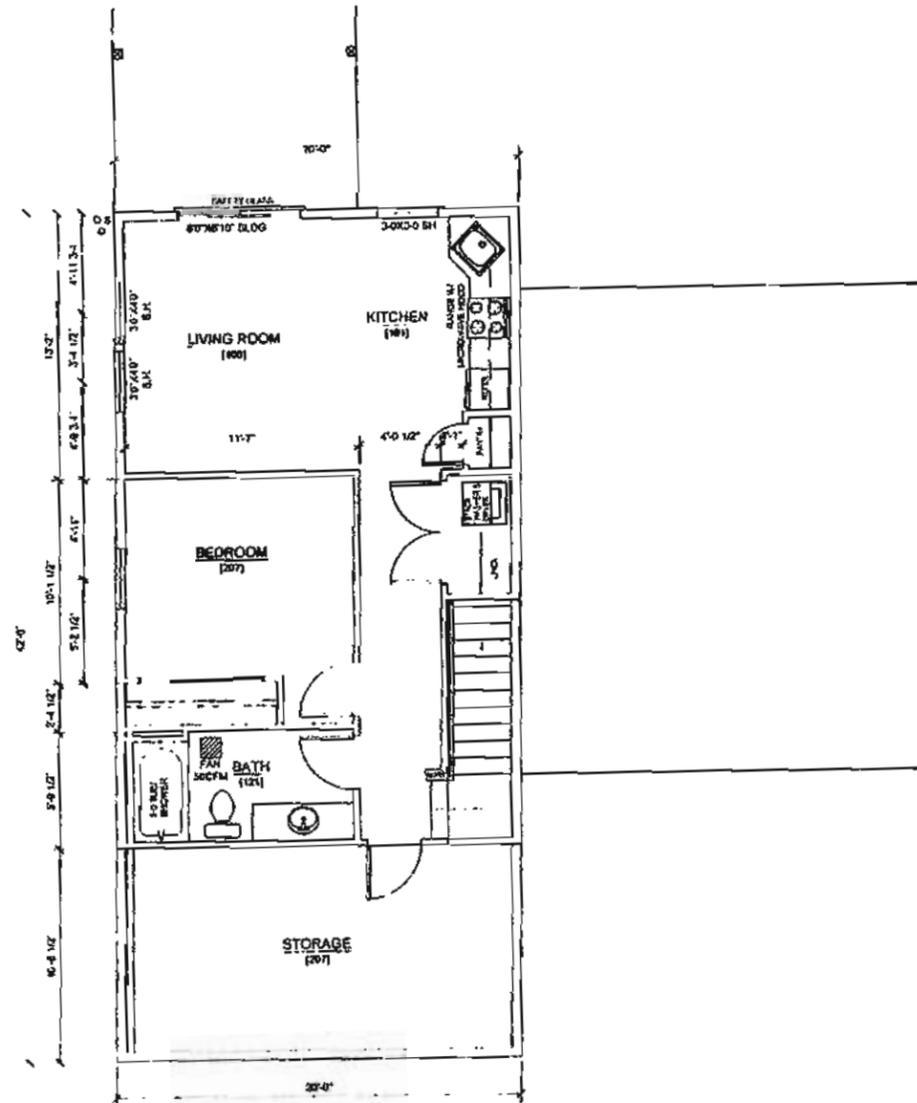
UPPER FLOOR PLAN

DESIGNED: LG
 DRAWN: SD
 DATE: 11/22/2011

A3.2

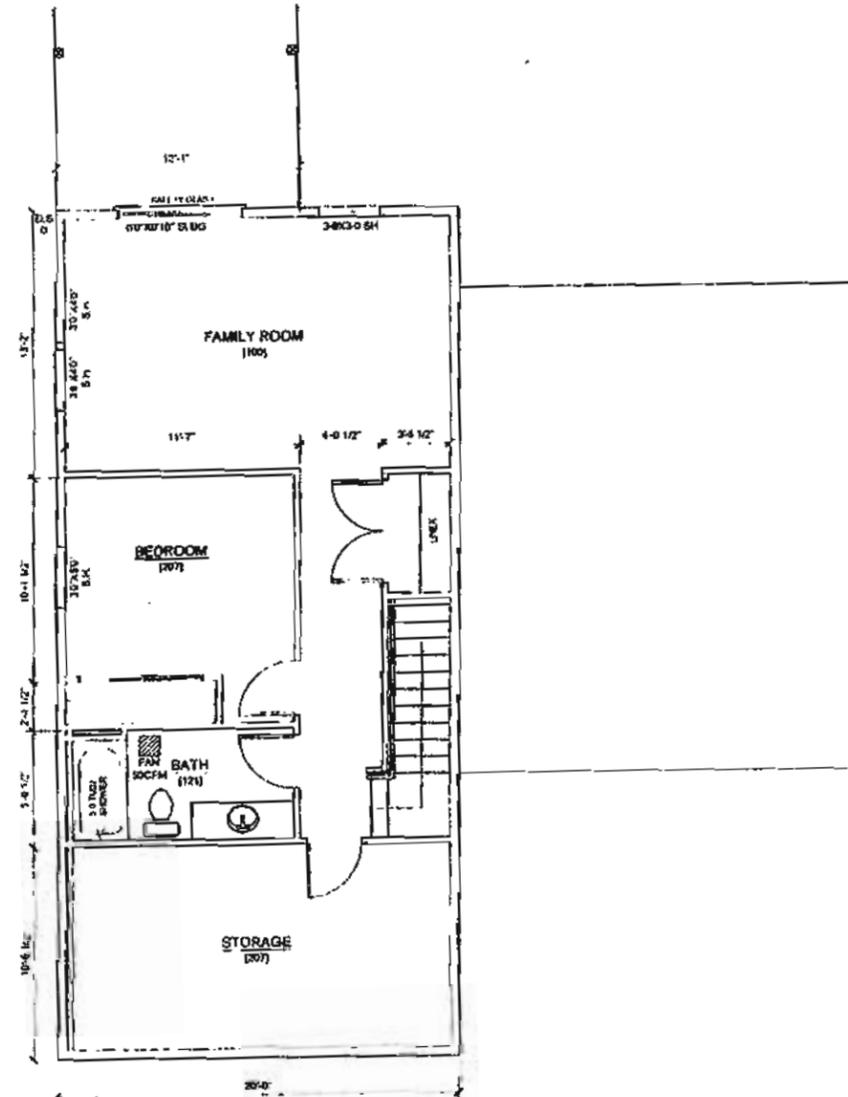


LANDED GENTRY
HOMES AND HOMESITES



ACCESSORY DWELLING OPTION
BASEMENT FLOOR PLAN

SCALE 1/4" 585 SQ FT LIVING SPACE
210 SQ FT STORAGE SPACE



FAMILY ROOM OPTION
BASEMENT FLOOR PLAN

SCALE 1/4" 585 SQ FT LIVING SPACE
210 SQ FT STORAGE SPACE

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JUN 15 2012

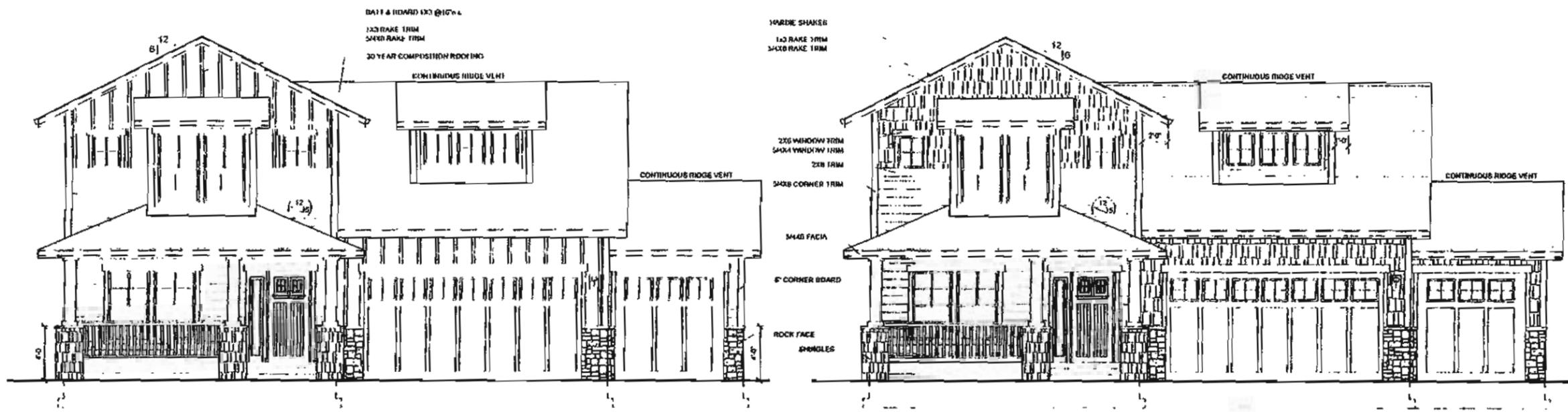
CITY OF OAK HARBOR
Development Services Department

WHIDBEY

BASEMENT FLOOR

DESIGNED BY WHIDBEY
DRAWN BY LG
DATE 11/2/2011

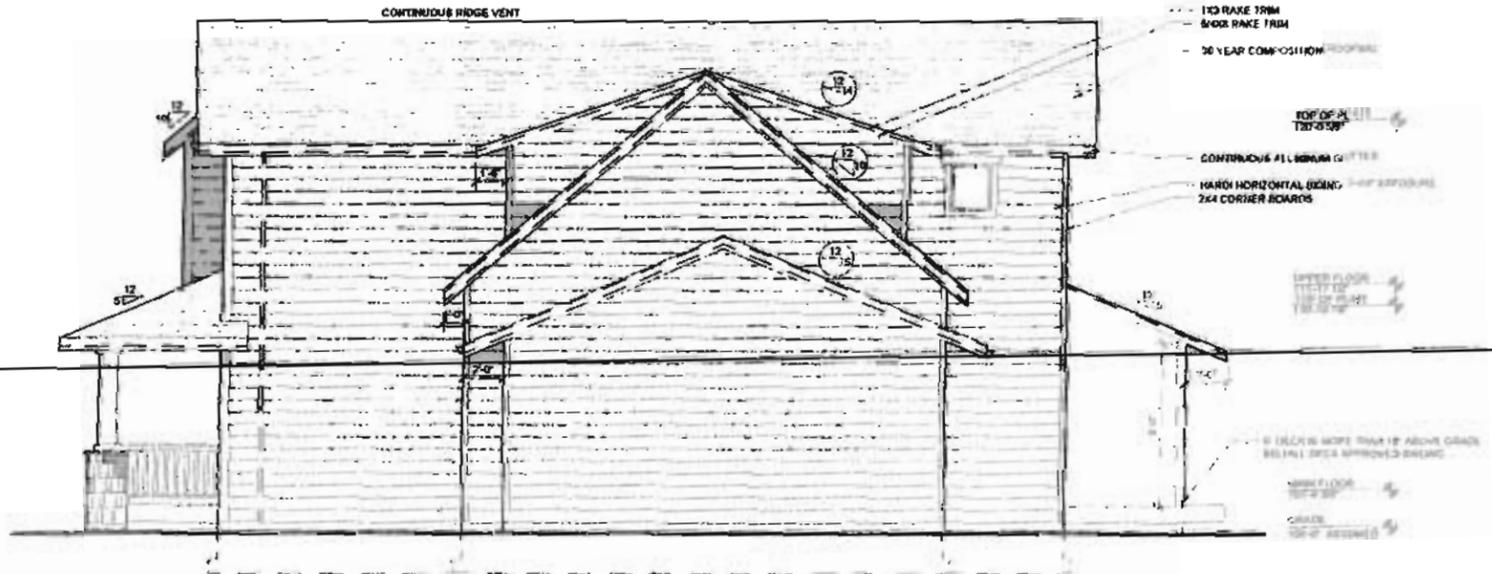
A3.3



CRAFTSMAN ELEVATION
SCALE 1/4"

FRENCH COUNTRY ELEVATION
SCALE 1/4"

- GENERAL**
1. WHERE DRAWINGS ARE IN CONFLICT WITH THESE NOTES OR OTHER REQUIREMENTS, THESE SHALL APPLY.
 2. SET ALL BURIED UTILITIES LOCATED ON THE BELL HILL SECTION ON THESE DRAWINGS SO CALL UTILITIES BEFORE ANY CONSTRUCTION. DO NOT DO ANY DIGGING ANYWHERE ON THE SITE OF ANY DEPTH 1-400-DIGGING.
 3. ADDRESS: EVERY DWELLING MUST HAVE ITS ADDRESS PLAINLY LEGIBLE AND VISIBLE FROM THE STREET. (B/C 310.1)
 4. REQUIREMENTS: CHECK WITH BUILDING DEPARTMENT FOR ANY JURISDICTION PRIOR TO WORKING TO DETERMINE IF THAT BUILDING DEPARTMENT HAS ANY SPECIAL FRAMING OR BACKING REQUIREMENTS TO MEET THE ENERGY CODE OR FOR ANY OTHER REASON.



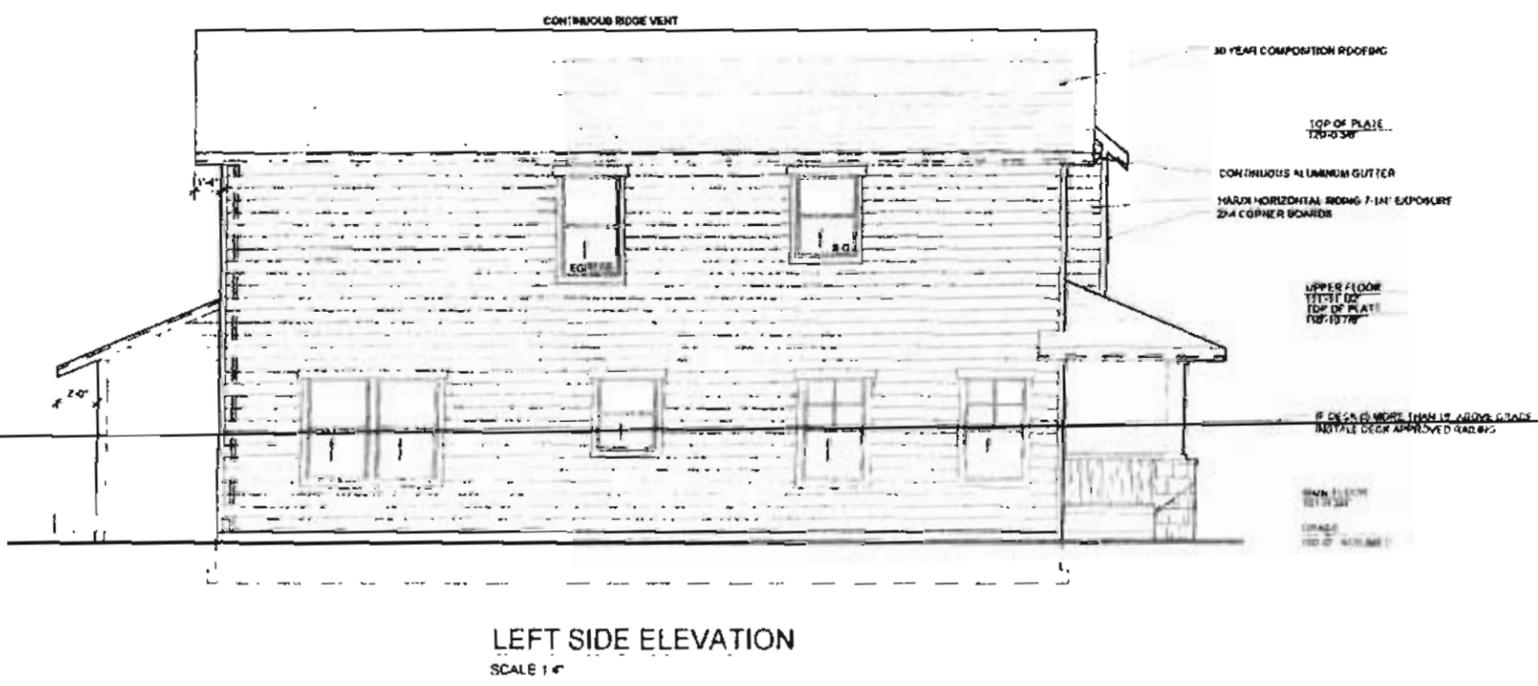
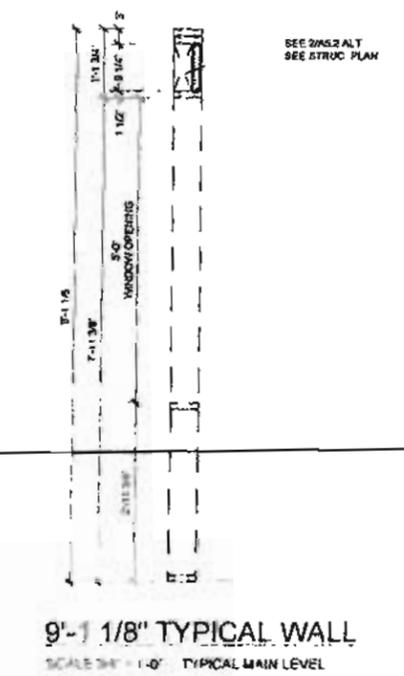
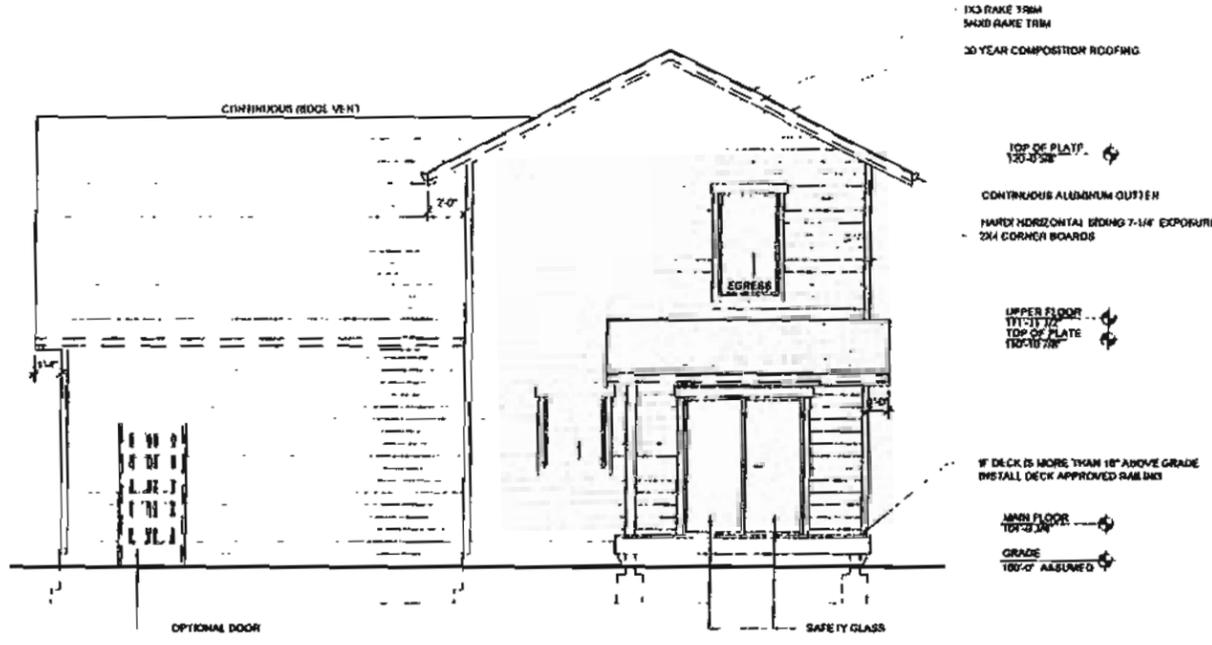
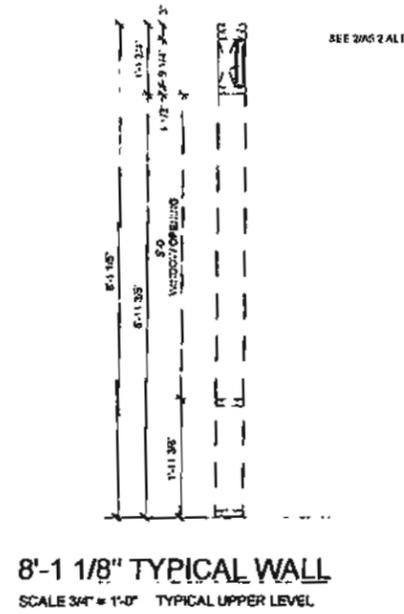
RIGHT SIDE ELEVATION
SCALE 1/4"

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JUN 5 2012
CITY OF OAK HARBOR
Development Services Department

WHIDBEY
ELEVATIONS

JOB NO.	WHIDBEY
DESIGNED	LG
DRAWN	SD
DATE	11/2/2011

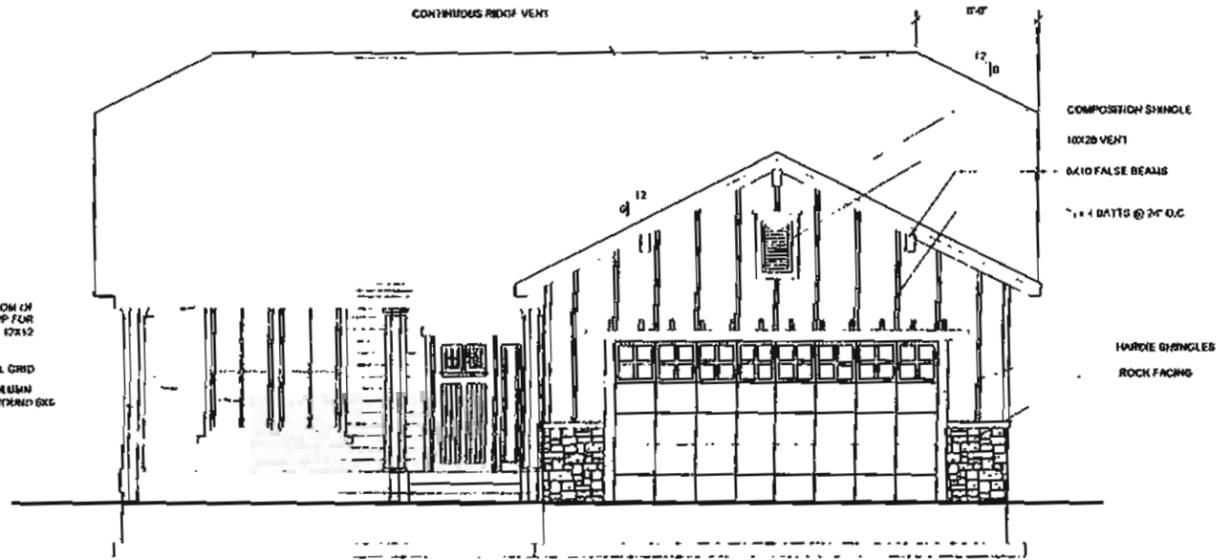
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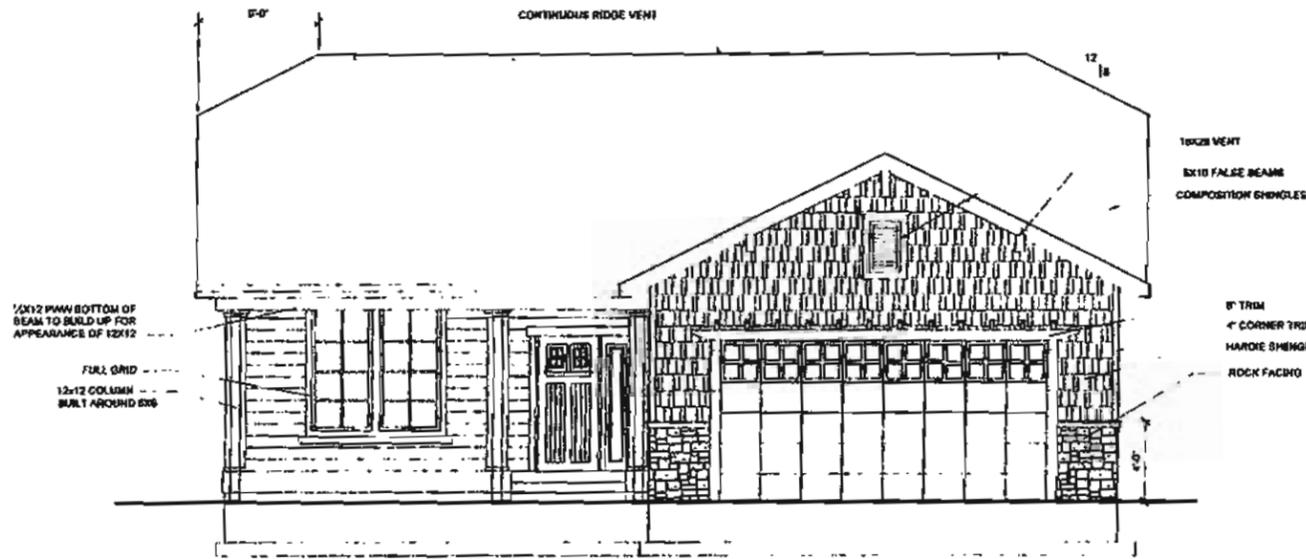
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JUN 15 2012
CITY OF OAK HARBOR
Development Services Department

WHIDBEY
ELEVATIONS

JOB NO	WHIDBEY
DESIGNED	LG
DRAWN	SO
DATE	11/2/2011
SHEET	A6.2



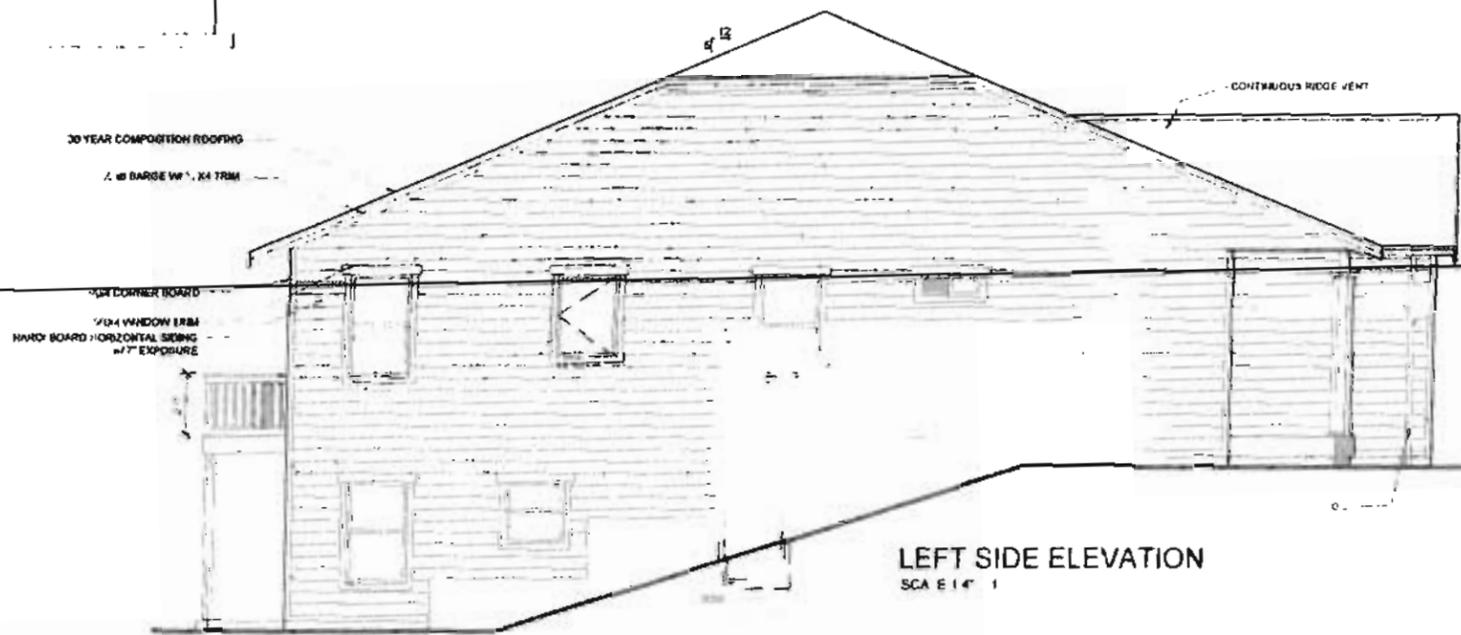
FRENCH COUNTRY ELEVATION
SCALE 1/4" = 1'-0"



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

GENERAL

1. WHERE DRAWINGS ARE IN CONFLICT WITH THESE NOTES STRICTER REQUIREMENTS SHALL APPLY.
2. NOT ALL BURIED UTILITIES LOCATED ON THIS SITE ARE SHOWN ON THESE DRAWINGS SO CALL UTILITIES UNDERGROUND LOCATION BEFORE. DO NOT ANY DIGGING ANYWHERE ON THIS SITE OF ANY DEPTH 1-800-424-0000
3. ADDRESS EVERY SMALL LIND MUST HAVE ITS ADDRESS PLAINLY LEGIBLE AND MARKED FROM THE STREET (IRC 300.1)
4. REQUIREMENTS: CHECK WITH BUILDING DEPARTMENT HAVING JURISDICTION PRIOR TO BEGINNING TO DETERMINE IF THAT BUILDING DEPARTMENT HAS ANY SPECIAL FRAMING OR BRACING REQUIREMENTS TO MEET THE ENERGY CODE OR FOR ANY OTHER REASON.



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

RECEIVED
JUN 05 2012
CITY OF OAK HARBOR
Development Services Department

MAXWELTON
BASEMENT

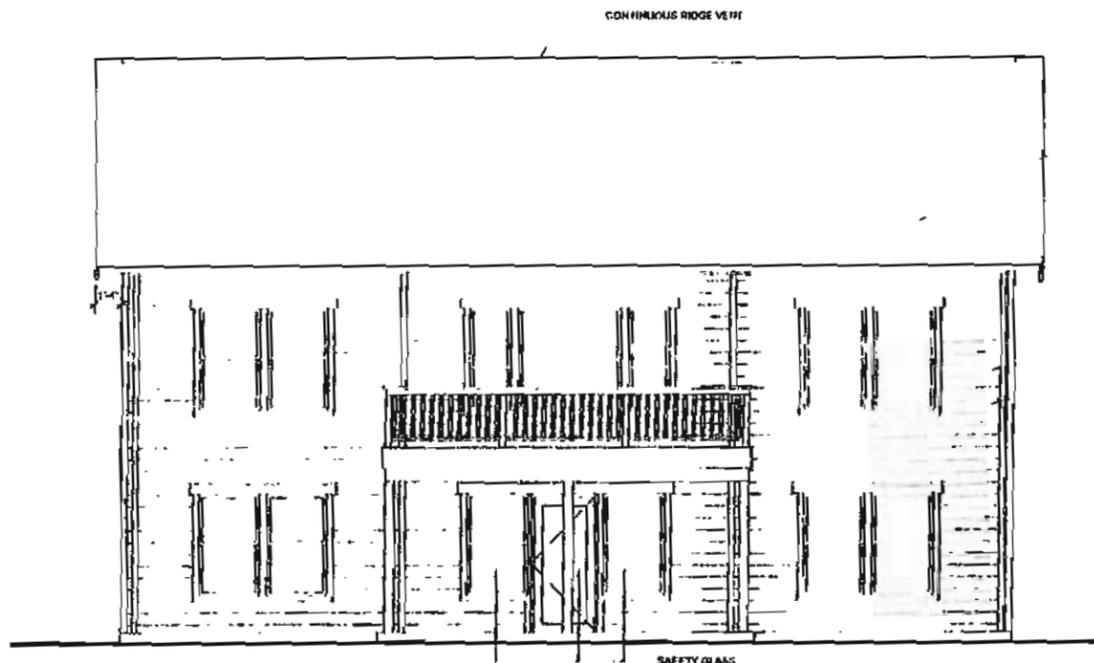
ELEVATIONS

JOB NO.	MAX BASEMENT
DESIGNED	LG
DRAWN	SO
DATE	3/27/2012
SHEET	A6.1



SEE DWG 2.011
SEE STRUCT PLAN

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

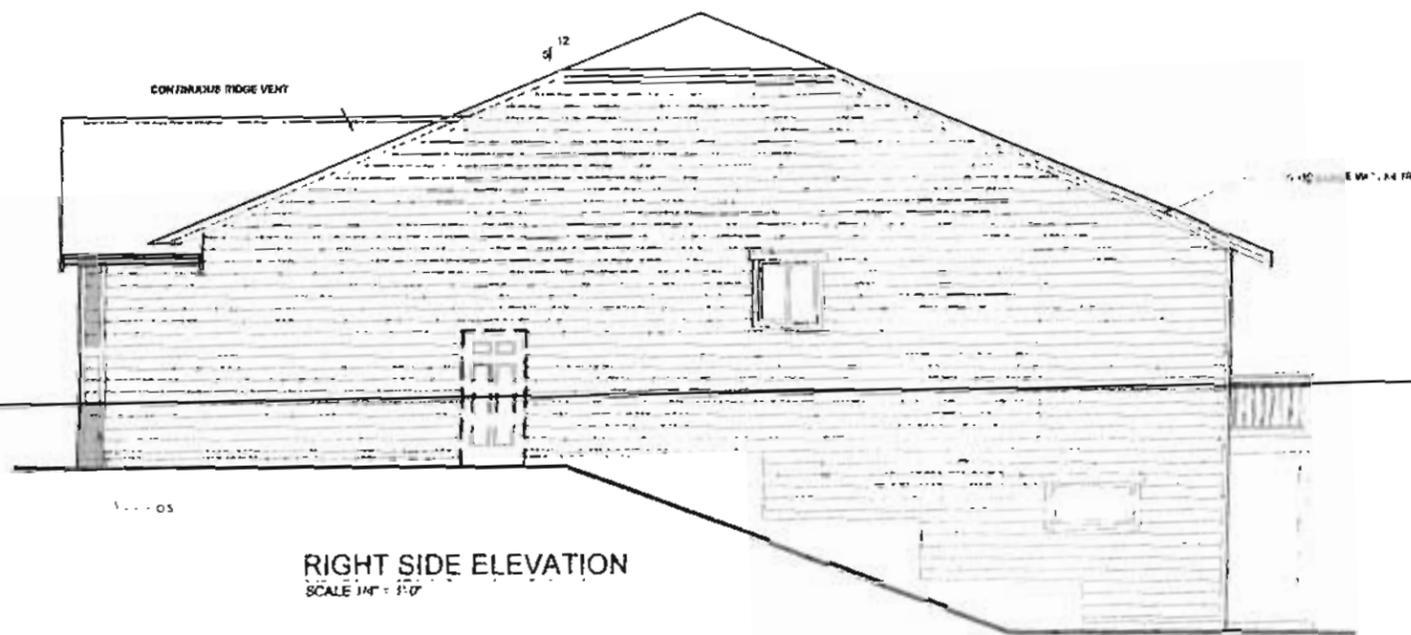


REAR ELEVATION
SCALE 1/4" = 1'-0"



SEE DWG 2.011

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



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

RECEIVED
JUN 03 2012
CITY OF OAK HARBOR
Development Services Department

MAXWELTON
BASEMENT

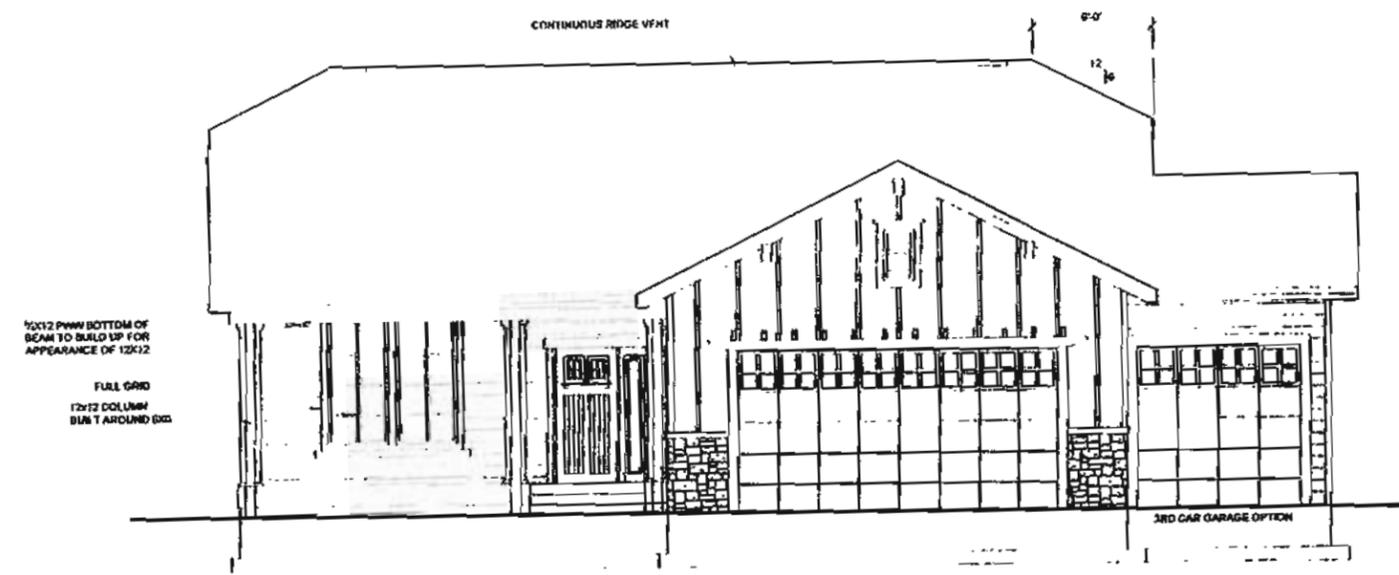
ELEVATIONS

JOB NO.	MAXWELTON BASEMENT
DESIGNED	LG
DRAWN	SD
DATE	3/27/2012
SHEET	A6.2

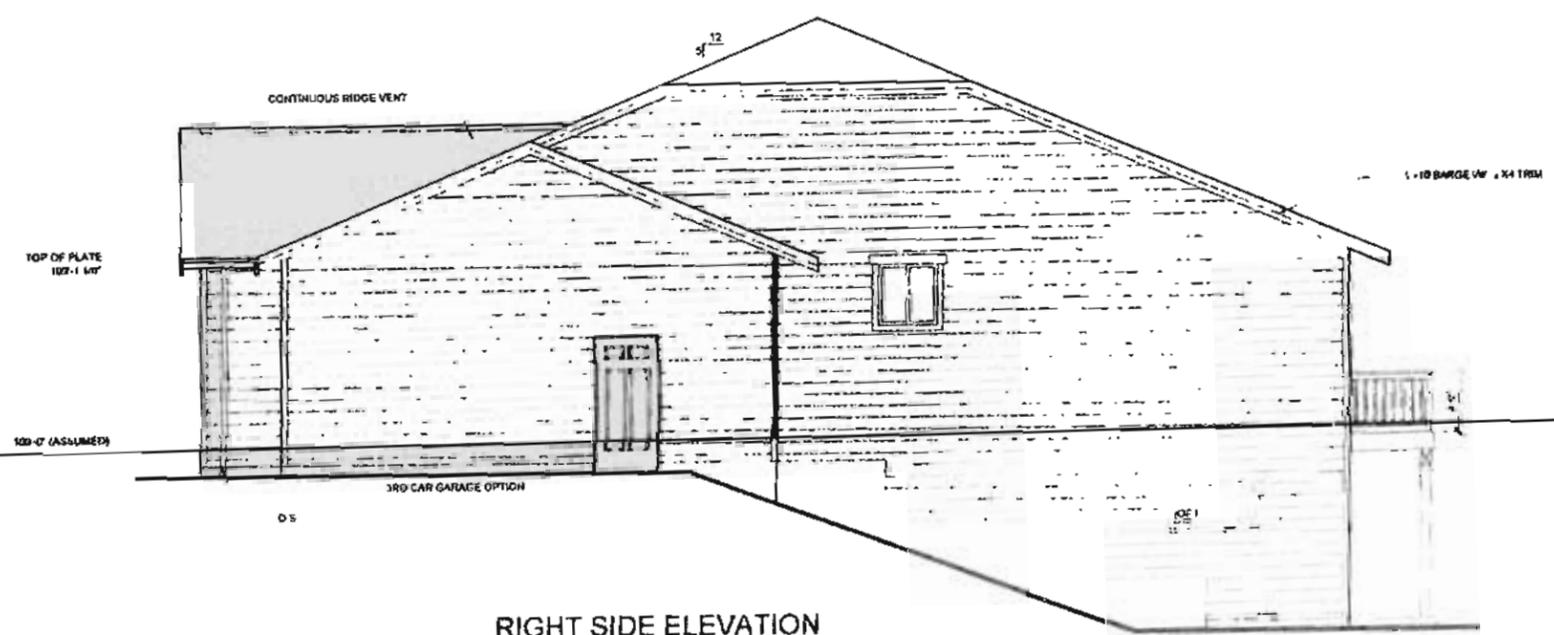
A6.2



LANDED GENTRY
HOMES AND COMMUNITIES



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



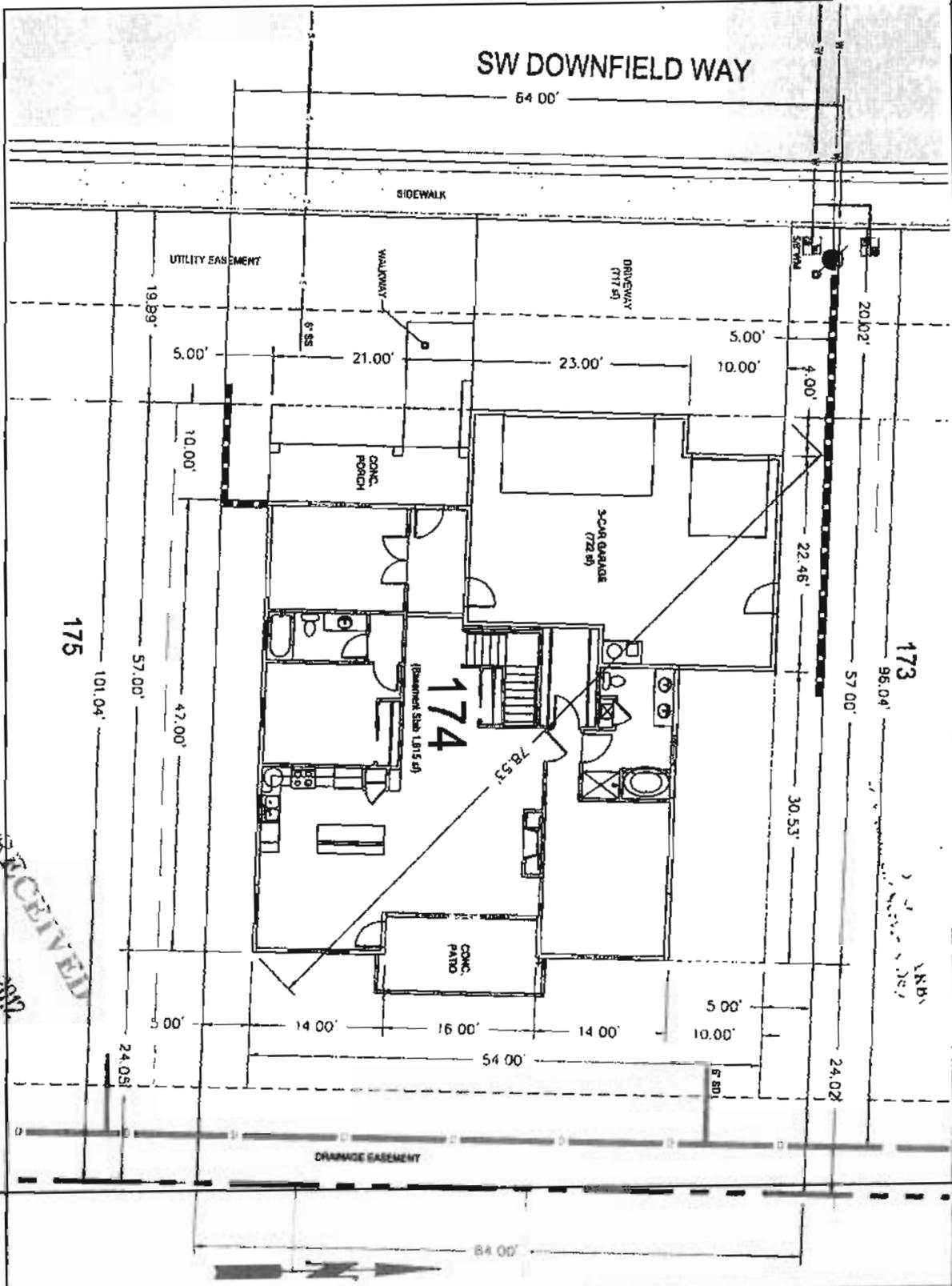
RIGHT SIDE ELEVATION
SCALE 1/4" = 1'-0"

RECEIVED
JUN 05 2012
CITY OF OAK HARBOR
Development Services Department

MAXWELTON
BASEMENT
3RD CAR GARAGE
ELEVATIONS

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

SHEET
A6.3



RECEIVED

RECEIVED
MAY 23 2012

CITY OF OAK HARBOR
Development Services Department



GENERAL NOTES

OWNER:
LANDED GENTRY
204 E. FAIRWAY
DUNELMINGTON, WA
98223
1-(360)-753-9021

BUILDING AREAS:
MAIN FLOOR - 1,888 SF
BASEMENT ADU - 1,146 SF
TOTAL LIVING AREA - 3,034 SF
GARAGE AREA - 776 SF

SITE:
TYPICAL
ZONING:
F-100

SETBACKS:
ALL SETBACKS IN COMPLIANCE WITH
CITY ORDINANCES
SIDEYARDS MIN 5'
REAR YARD MIN 10'
FRONT OF GARAGE TO STREET 20'

HEIGHT:
MAX. ALLOWED: 35'
PROPOSED: UNDER

PARKING:
SPACES PROVIDED:
2 IN GARAGES, 2 IN DRIVEWAY

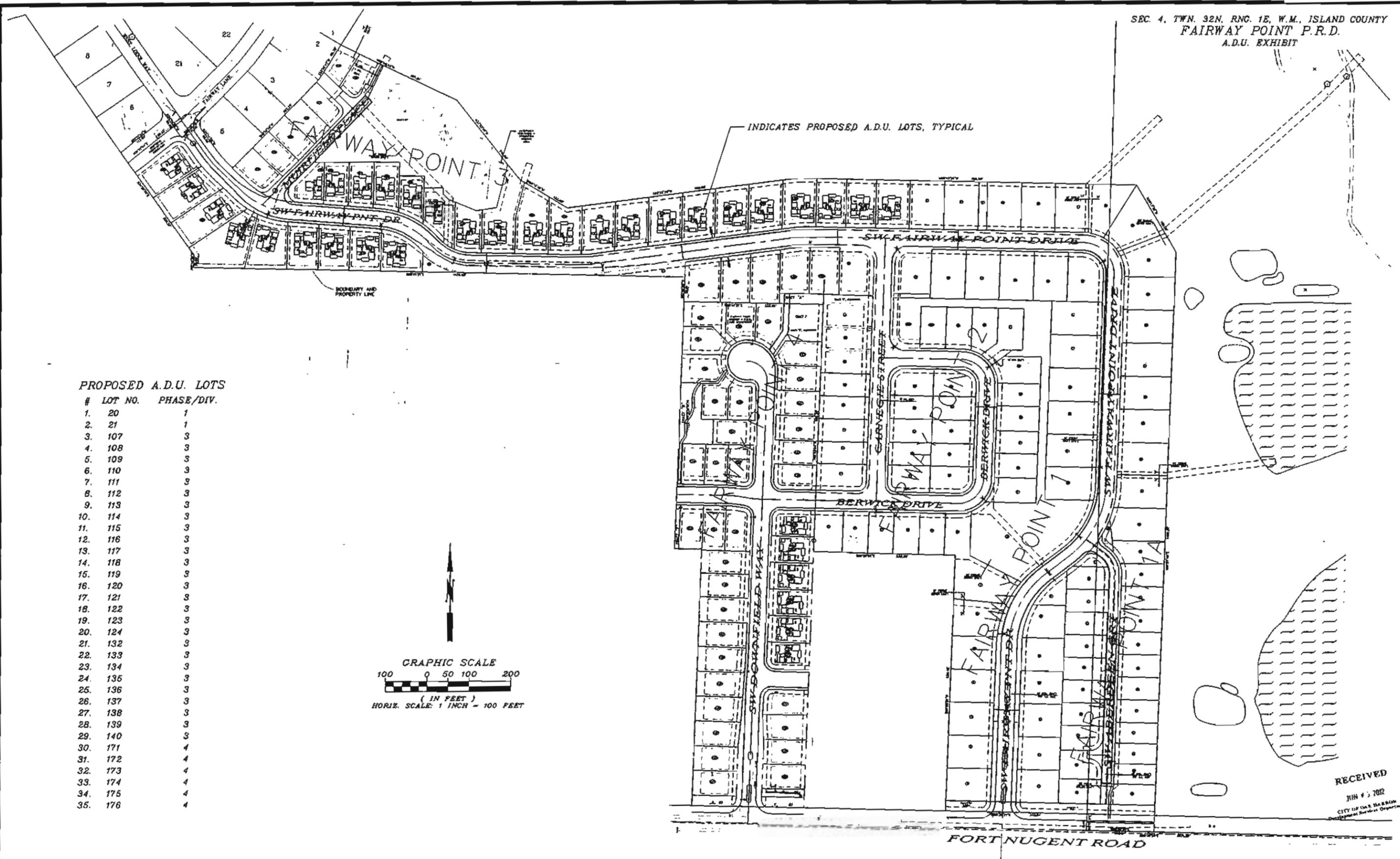
FAIRWAY POINT 4
MAXWELTON BASEMENT
(3-CAR GARAGE LEFT)

SITE PLAN
LOT 174
1752 SW DOWNFIELD WAY

Date: 04/23/2012
SHEET: A1.1

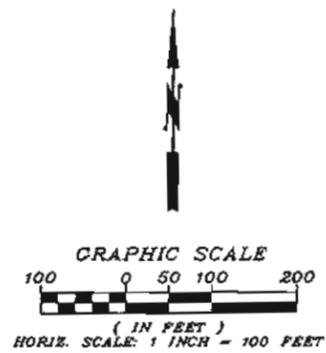


SEC. 4, TWN. 32N, RNC. 1E, W.M., ISLAND COUNTY
 FAIRWAY POINT P.R.D.
 A.D.U. EXHIBIT



PROPOSED A.D.U. LOTS

#	LOT NO.	PHASE/DIV.
1.	20	1
2.	21	1
3.	107	3
4.	108	3
5.	109	3
6.	110	3
7.	111	3
8.	112	3
9.	113	3
10.	114	3
11.	115	3
12.	116	3
13.	117	3
14.	118	3
15.	119	3
16.	120	3
17.	121	3
18.	122	3
19.	123	3
20.	124	3
21.	132	3
22.	133	3
23.	134	3
24.	135	3
25.	136	3
26.	137	3
27.	138	3
28.	139	3
29.	140	3
30.	171	4
31.	172	4
32.	173	4
33.	174	4
34.	175	4
35.	176	4



RECEIVED
 JUN 7 2012
 CITY OF OAK HARBOR
 Development Services Department

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

DESIGNED BY: SOB
 DRAWN BY: SOB
 CHECKED BY: XG

REVISIONS	DATE

LANDED GENTRY
 HOMES AND COMMUNITIES
 201 City Hall Building, 504 Farnham Avenue, Burlington, WA 98233 (360) 755-9071

SHEET DESCRIPTION
 41 FAIRWAY POINT A.D.U. EXHIBIT

PROJECT
 FAIRWAY POINT P.R.D.
 OAK HARBOR, WASHINGTON
 DEVELOPER: HOBGET WESTWOOD, LLC, c/o LANDED GENTRY DEVELOPMENT, INC. (360) 755-9071

ORDINANCE NO. 1583

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

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

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

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

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

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

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

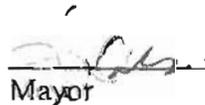
Section Five: Effective Date. This Ordinance shall be in full force and effect five days after its passage and publication as required by law and upon recording of the Fairway Point Division 4 PRD Final Plat with the Island County Auditor.

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

() APPROVED by its Mayor this 4th day of AUGUST, 2010.

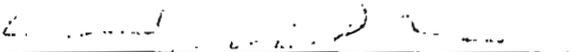
() Vetoed

THE CITY OF OAK HARBOR



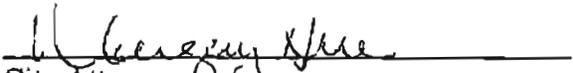
Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney

Published: AUGUST 11, 2019

ORDINANCE NO. _____

AN ORDINANCE, AMENDING ORDINANCE NO. 1583 WHICH APPROVED THE PRD OVERLAY ZONE FOR FAIRWAY POINT DIVISION 4, AND APPROVING A MODIFICATION TO THE PRD PLANS FOR FAIRWAY POINT DIVISION 4 WITH RESPECT TO DENSITY ONLY TO ALLOW FOR THE INCLUSION OF ADU'S WITHIN THE FAIRWAY POINT PRD.

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, pursuant to OHMC 18.20, and after due and proper notice, on June 26, 2012, the Planning Commission held a public hearing regarding the modification to Fairway Point PRD to consider the inclusion of ADUs within the subdivision;

WHEREAS, pursuant to OHMC 18.20, and after due and proper notice, on July 3, 2012, the City Council held a closed record meeting regarding the modification to Fairway Point PRD to consider the inclusion of ADUs within the subdivision;

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

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

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

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

PASSED by the City Council this 3rd day of July, 2012.

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

THE CITY OF OAK HARBOR

Mayor

Attest:

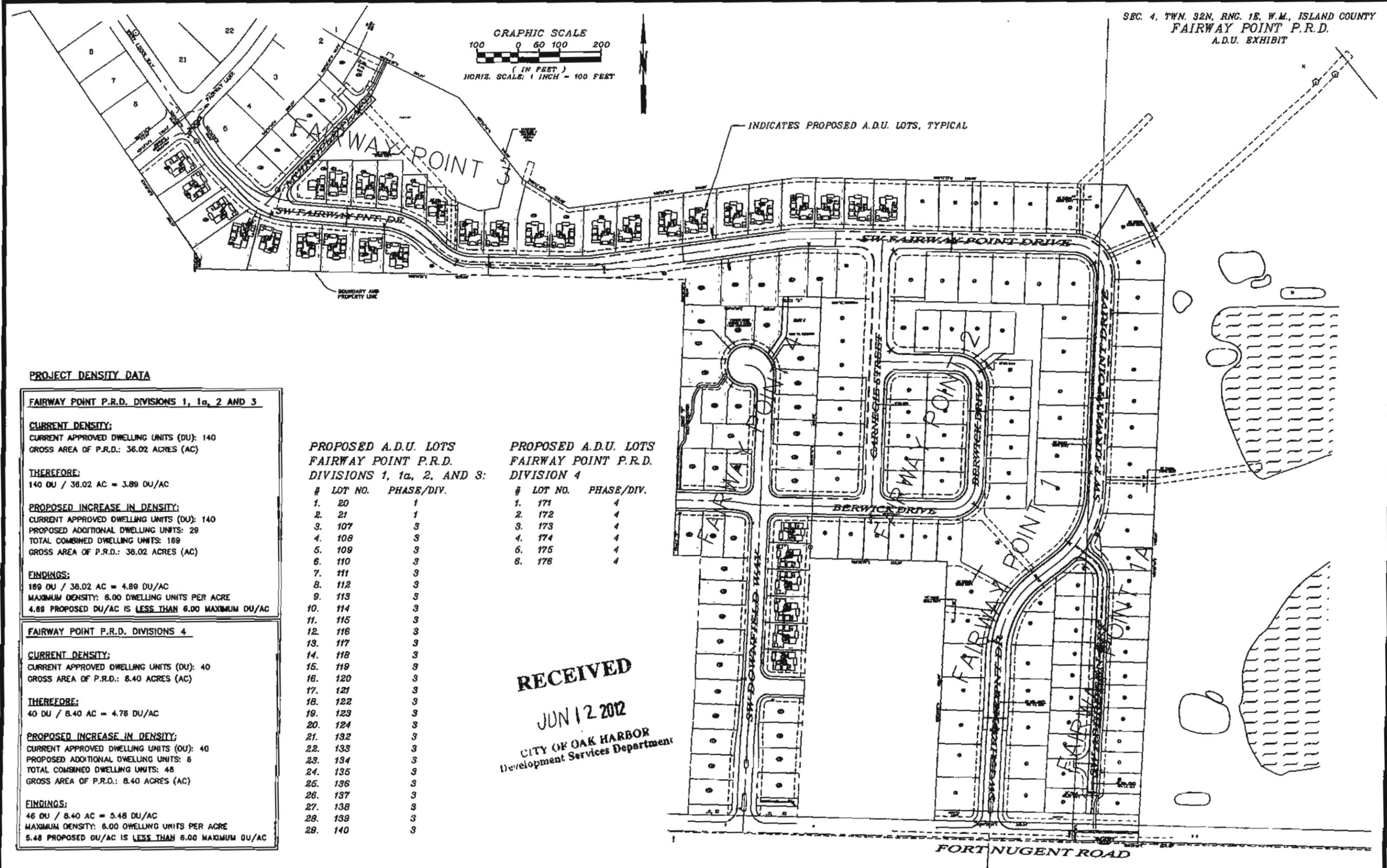
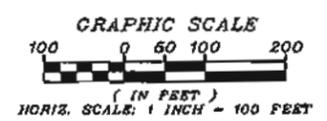
City Clerk

Approved as to Form:

City Attorney

Published: _____

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



INDICATES PROPOSED A.D.U. LOTS, TYPICAL

PROJECT DENSITY DATA

FAIRWAY POINT P.R.D. DIVISIONS 1, 1a, 2 AND 3

CURRENT DENSITY:
 CURRENT APPROVED DWELLING UNITS (DU): 140
 GROSS AREA OF P.R.D.: 36.02 ACRES (AC)

THEREFORE:
 140 DU / 36.02 AC = 3.89 DU/AC

PROPOSED INCREASE IN DENSITY:
 CURRENT APPROVED DWELLING UNITS (DU): 140
 PROPOSED ADDITIONAL DWELLING UNITS: 29
 TOTAL COMBINED DWELLING UNITS: 169
 GROSS AREA OF P.R.D.: 36.02 ACRES (AC)

FINDINGS:
 169 DU / 36.02 AC = 4.69 DU/AC
 MAXIMUM DENSITY: 6.00 DWELLING UNITS PER ACRE
 4.69 PROPOSED DU/AC IS LESS THAN 6.00 MAXIMUM DU/AC

FAIRWAY POINT P.R.D. DIVISIONS 4

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

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

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

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

**PROPOSED A.D.U. LOTS
 FAIRWAY POINT P.R.D.
 DIVISIONS 1, 1a, 2, AND 3:**

#	LOT NO.	PHASE/DIV.
1.	20	1
2.	21	1
3.	107	3
4.	108	3
5.	109	3
6.	110	3
7.	111	3
8.	112	3
9.	113	3
10.	114	3
11.	115	3
12.	116	3
13.	117	3
14.	118	3
15.	119	3
16.	120	3
17.	121	3
18.	122	3
19.	123	3
20.	124	3
21.	132	3
22.	133	3
23.	134	3
24.	135	3
25.	136	3
26.	137	3
27.	138	3
28.	139	3
29.	140	3

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

#	LOT NO.	PHASE/DIV.
1.	171	4
2.	172	4
3.	173	4
4.	174	4
6.	175	4
8.	176	4

RECEIVED
 JUN 12 2012
 CITY OF OAK HARBOR
 Development Services Department

FILE NAME: PP ADU EXHIBIT	DESIGNED BY: SOB	REVISIONS	DATE
PLOT SCALE: 1:1	DRAWN BY: SOB	Add Density Data	08/21/12
LAST REV DATE: 06/01/2012	CHECKED BY: JO		

LANDED GENTRY
 HOMES AND COMMUNITIES
 Old City Hall Building, 504 Fairview Avenue, Burlington, WA 98233 (360) 755-0071

SHEET DESCRIPTION
 FAIRWAY POINT A.D.U. EXHIBIT

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

Nightclub Ordinance

Public Meeting

**City of Oak Harbor
Planning Commission Memo**

Date: June 26, 2012

Subject: Restricting size of Nightclubs
by zoning districts

FROM: Cac Kamak, AICP
Senior Planner

PURPOSE

This is a continuation of the discussion on the request to consider restricting nightclubs based on size. The Planning Commission held a public meeting at the April 24, 2012 meeting and obtained public input on this issue. Speaking to this issues were several members in the public that represented residences adjacent to nightclub licensed establishments, nightclub licensed establishment owners and nightclub patrons.

DISCUSSION

In reviewing the public comments and input from the April 24th Planning Commission meeting, we can determine certain key factors. Listed below are some of these factors which may eventually help in regulating the impacts of large nightclubs:

- Understanding by the public that adoption of any new codes may not change the operations of current nightclubs
- Small scale establishments that have nightclub licenses such as the Oak Harbor Tavern and Seven West don't seem to be a negative impact on surrounding areas
- Only the large scale establishments that have a nightclub license seem to have impacts
- Almost all the complaints heard at the public meeting were related to a specific nightclub (the Element).
- The impacts identified were primarily about noise created by large groups of people, loud cars, trespassing, lack of respect and poor business practices
- The perceived lack of the Element owner's cooperation, neighborliness and initiative to make the business more compatible
- Preference for restricting specifically nightclubs as opposed to general uses in a district

It seems evident from the public input gathered that the scale of nightclubs and the number of people that they can accommodate has a direct nexus to the negative impacts on adjacent properties. Therefore the success of any solution would seem to be directly related to the ability of any proposed regulation to restrict the number of people that can patronize such an establishment on any given night. There are potentially several ways to address this issue and a few methodologies are discussed below.

1. **Regulate nightclubs as a land use:** There were several comments received at the public meeting on amending the zoning code to include nightclubs as a use in certain zoning districts and requiring such uses to obtain a Conditional Use Permit.

- Pros: Requiring a nightclub to obtain a conditional use permit is a public process that will require public hearings and therefore adjacent property owners will have an opportunity to comment on the permit. This will allow the Hearing Examiner to consider impacts and impose appropriate conditions on the use.
- Cons: It is possible for a nightclub to be approved if the proposed use meets all the identified criteria and still be an impact on the adjacent properties. It is then a difficult and legally challenging process to identify and document violations of conditions of approval and to revoke the conditional use permit.

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

2. **Licensing uses by area:** This idea was included in the last memo to Planning Commission as a potential option to follow. This idea would keep all the current codes in place and add an area threshold to OHMC Chapter 5.22, Business Licenses & Regulation. For instance, only structures/spaces below 5000 square feet are eligible for nightclub licenses.
 - Pros: This will definitely limit the size of building or use that can apply for a nightclub license.
 - Cons: This option may not address the actual impact of large groups of people generated from nightclubs because occupancy limits vary based on primary use and interior features/fixtures of the building. Therefore, there is a high probability that a 5000 square feet space can vary in occupancy limit ranging from 50 to 500. For example, a restaurant under 5000 square feet and a occupant limit of 120 can apply for a nightclub license and so can a piano bar under 5000 square feet and a occupant limit of 400. So, although the square footage is the same, the occupancy limits can vary substantially.
3. **Licensing uses by occupant limit:** Using occupancy limits to restrict nightclubs was discouraged in the last memo to Planning Commission. However, further discussion with the City's Building Official has indicated that occupancy limits can be used creatively to regulate nightclubs. The use of occupancy limits was discouraged earlier because it would not be feasible to implement a regulation that limited nightclub license holders to certain occupancy limits. For example, if the City adopted a code to limit all nightclubs to an occupancy limit of 100, and if a restaurant that has an occupancy limit of 150 applies for a nightclub license, the City cannot now require the restaurant to maintain a occupancy limit of 100 which is less than the approved occupancy limit for the primary use (restaurant). However, the City can adopt a code that sets an occupancy limit threshold to apply for the nightclub license. For example, the code can restrict nightclub

licenses to only uses that have an occupancy limit of 100 or less. Therefore the restaurant in the above example that has an occupancy limit of 150 will not be able to apply for a nightclub License.

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

CONCLUSIONS

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

OHMC Chapter 17.24
Sidewalks, Curbs and Gutters
Installation

Public Meeting

Memo

To: Planning Commission
From: Steve Powers, Interim City Administrator
CC:
Date: 6/19/12
Re: OHMC 17.24, Sidewalks, Curbs and Gutters Installation

Oak Harbor Municipal Code (OHMC) Chapter 17.24, Sidewalks, Curbs and Gutters Installation, establishes the requirement that a building permit may not be issued for new construction, or for remodeling projects over a certain size, unless that project provides for sidewalks, curbs and gutters if none exists on the property (see attached copy). The property owner may request a deferral from compliance with this code chapter. The City Engineer is authorized to grant such deferrals as outlined in the code.

Most property owners, contractors and/or developers expect to provide sidewalks as part of a new construction project. The same is not always true when the project involves the remodeling or expansion of an existing use. This is especially true in residential settings, especially in those neighborhoods where sidewalks are not found.¹ One on hand, the addition of sidewalks can add substantial cost to a project. On the other, sidewalks provide a safe place for pedestrians.

This item is presented at this time for the Planning Commission's discussion. It appears on your agenda at the request of Commissioner Wallin.

¹ The lack of sidewalks in a neighborhood does not imply that somehow the requirement was not followed. Rather, it is most often related to the age of the neighborhood. At the time older neighborhoods were developed the City may not have had a requirement to provide sidewalks.

Chapter 17.24 SIDEWALKS, CURBS AND GUTTERS INSTALLATION

Sections:

- 17.24.010 Prerequisite for building permit – Exception.
- 17.24.020 Plans and specifications.
- 17.24.030 Permits.
- 17.24.040 Appeal.

17.24.010 Prerequisite for building permit – Exception.

(1) No building permit shall hereafter be granted for a new commercial, industrial or residential building or structure or for the remodeling or alteration of a commercial, industrial or residential building exceeding 25 percent in value of the existing structures and buildings unless the plans and specifications therefor contain provisions for sidewalks and/or driveways across sidewalks on all sides of such property that may abut on a public street or highway to extend the full distance that such property sought to be occupied and/or developed; provided, however, that the city engineer may authorize the issuance of a building permit without compliance with the section where compliance is deemed to be impracticable or infeasible at that time or it is deemed to be in the best interest of the city to defer such construction. In making this decision, the city engineer shall consider the following:

- (a) Existence of Adjacent Walks. If no walks exist in the immediate area surrounding the site, construction may be postponed for the sidewalk installation.
- (b) Proposed Street Improvements in the Area. Alternatively, if widening or other street improvements are planned in the next five years that would require removal of the walks, a deferral may be considered.
- (c) Elevation of the Walk. If conditions require that the walk be installed at an elevation too high to be functional for access or drainage at the present time, a deferral may be granted.
- (d) Need. If there is no practical demand for sidewalks in the area, this factor will influence the decision to defer the construction.
- (e) Historical or Environmental Impact. Sidewalks may be deferred or not required if the sidewalk would destroy structures of historical significance or specimen trees such as Gerry Oaks.

(2) If determined that a deferral is acceptable to the city, the owner must be willing to sign and record an agreement binding installation at the city request or in five years, whichever is sooner. The agreement may provide for five-year extensions at the request of the owner and approval of the city council. Such deferral may be conditioned upon the posting of a satisfactory performance bond providing for said deferred construction or posting cash in lieu of a performance bond.

(3) Owners of properties proposing construction as defined in this chapter shall also construct curbs and gutters along the abutting streets unless, in the opinion of the city engineer, the conditions of drainage do not require such curbs and gutters and it is impracticable and infeasible and not in the best interest of the city to require the same. In making said decision, the city engineer shall take into consideration the history of

drainage in the area, and also the effect of the construction of the improvements proposed upon the drainage. (Ord. 750 § 1, 1986; Ord. 506 § 1, 1978).

17.24.020 Plans and specifications.

Plans for the construction of sidewalks, curbs and gutters required by this chapter shall be submitted to the building official as part of the plans submitted for obtaining a building permit. Grades for the construction of the improvements required by this chapter shall be established by the city engineer or by the approval of plans and grades furnished by the owner. All sidewalks, driveways, curbs and gutters required by this chapter shall be constructed of cement concrete and in accordance with the Standard Specifications for Municipal Public Works Construction as prepared by the Washington State Chapter, American Public Works Association. Openings for driveways for ingress and egress from the property shall be approved by the city engineer. (Ord. 750 § 2, 1986; Ord. 506 § 2, 1978).

17.24.030 Permits.

The building permit shall include the required improvement and the value of the sidewalks or other improvement and shall be added to the value of the structure and the permit fee based on the total cost. (Ord. 750 § 3, 1986; Ord. 506 § 3, 1978).

17.24.040 Appeal.

Appeal of the city engineer's decision shall be to the city council. (Ord. 750 § 4, 1986).

Shoreline Master Program (SMP)

Update

Public Meeting

Memo

To: Members of the Planning Commission
Cc: Steve Powers, Development Services Director
From: Ethan Spoo, Senior Planner
Date: 6/19/12
Re: Shoreline Master Program Update – Chapter 4 Review

PURPOSE

This memorandum gives an overview of Chapter 4 of the draft Shoreline Master Program (SMP).

CHAPTER 4: SHORELINE USE PROVISIONS

Whereas Chapter 2 was area-specific policies/regulations (“Environment Designation Provisions”) and Chapter 3 focused on regulations and policies which apply to all areas of the shoreline, Chapter 4 (“Shoreline Use Provisions”) focuses on specific types of uses within the shoreline.

THE SCIENCE

Certain uses are more appropriate for location along a shoreline, while others are less appropriate or not appropriate at all. Science shows that some uses create more pollution and degrade the shoreline environment more than others. Examples of these uses include: (1) large impervious areas, such as parking lots which channel stormwater pollution into the shoreline, (2) private septic systems which are often not adequately maintained and release nitrogen and fecal contaminants, and (3) any use which modifies the shoreline by changing the natural shape or vegetation along the shoreline.

GUIDELINES AND STATE REQUIREMENTS

As Planning Commission will recall, the primary goals of the Shoreline Management Act (SMA) and the Shoreline Master Program (SMP) are to: (1) preserve and protect the environment (2) protect and enhance public access and (3) promote water-dependent and water-oriented uses. The State Guidelines require that a system of policies and regulations be established “consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon uses of the state’s shoreline areas.”

Therefore, use regulations are a required element of SMPs and help prevent pollution and damage to the shorelines. To accomplish this, the Guidelines recommend that a system of permitted, conditional and prohibited uses be established.

KEY POLICIES AND REGULATIONS

Permitted, Prohibited, and Conditional Uses

The early part of Chapter 4 is a use table which details the permitted, prohibited, and conditional uses within in each environment designation. The committee and staff spent a significant amount of time customizing the use

table to Oak Harbor's local circumstances. Staff suggest that Planning Commission spend a few minutes looking at Table 1 "Shoreline Use Table" (pages 44-46 of the Draft Shoreline Master Program). Please also refer to Figure 4 attached for a map of the environment designations. Key features of Table 1 are as follows:

- **Boating facilities.** Marinas, private piers, public piers and boat launches are generally relegated to the Maritime Environment near the Marina, with key exceptions. Public and private piers are allowed conditionally in the Urban Mixed Use Environment designation. Marina's and public piers are allowed as a conditional use at Flintstone Park. Expansion of the Marina is allowed in aquatic areas adjacent to the Urban Mixed Use environment.
- **Commercial uses.** Water-dependent and water-oriented commercial uses are permitted in the Maritime and Urban Mixed Use environments, and allowed conditionally in the Urban Public Facilities Environment. Non-water-oriented commercial is allowed conditionally in Maritime, Urban Mixed Use, and Urban Public Facilities designations.
- **Industry/Manufacturing.** Industry and Manufacturing are only allowed in the Maritime environment.
- **Recreation.** Water-oriented recreation is permitted in all zones. Non-water-oriented recreation is prohibited in all zones.
- **Residential Development.** Residential uses are permitted in Urban Mixed Use, Residential, and Residential Bluff Conservancy environment designations, but prohibited elsewhere.

Shoreline Development Standards

Table 2 in Chapter 4 outlines the development standards for uses within the shoreline. Development standards include building heights, setbacks, maximum impervious surface coverage, lot frontage, and lot size. Key provisions include the following:

- **Maximum height.** Building heights are limited to 35 feet with the exception of the Maritime and Urban Mixed Use designations. Heights of 55 feet are allowed in Maritime for water-dependent industry, and in the CBD zone within the Urban Mixed Use Designation (see Figure 1) to preserve the future ability for downtown development. Please note that a view corridor study is required to go above 35 feet.
- **Setbacks.** Shoreline setbacks are generally 50 feet, with the exception of the Urban Public Facility designation (75 feet) and the Conservancy designation (100 feet). Setback averaging is permitted in the Shoreline Residential and the Urban Mixed Use environments. Setback average allows structures to be placed closer than the setback, if existing structures within 100 feet are already closer. See Figures 2 and 3.

Please also note that there is a 50-foot minimum setback from the ordinary high water mark in the Residential Bluff Conservancy environment, but this may be increased based upon a recommendation from a geotechnical engineer. In no case shall the setback be less than 25 feet from the top of the slope.

- **Maximum impervious surface.** In urban areas along Oak Harbor, maximum impervious surface is 80%, with the exception of residential designations where it is 30-40%. Conservancy is 10%. Staff wanted the specific ability to allow 80% impervious at Flintstone Park, where a future building and parking lot may be located. More restrictive impervious surface limits apply within the Zone 1 and Zone 2 setback and vegetation management zone.

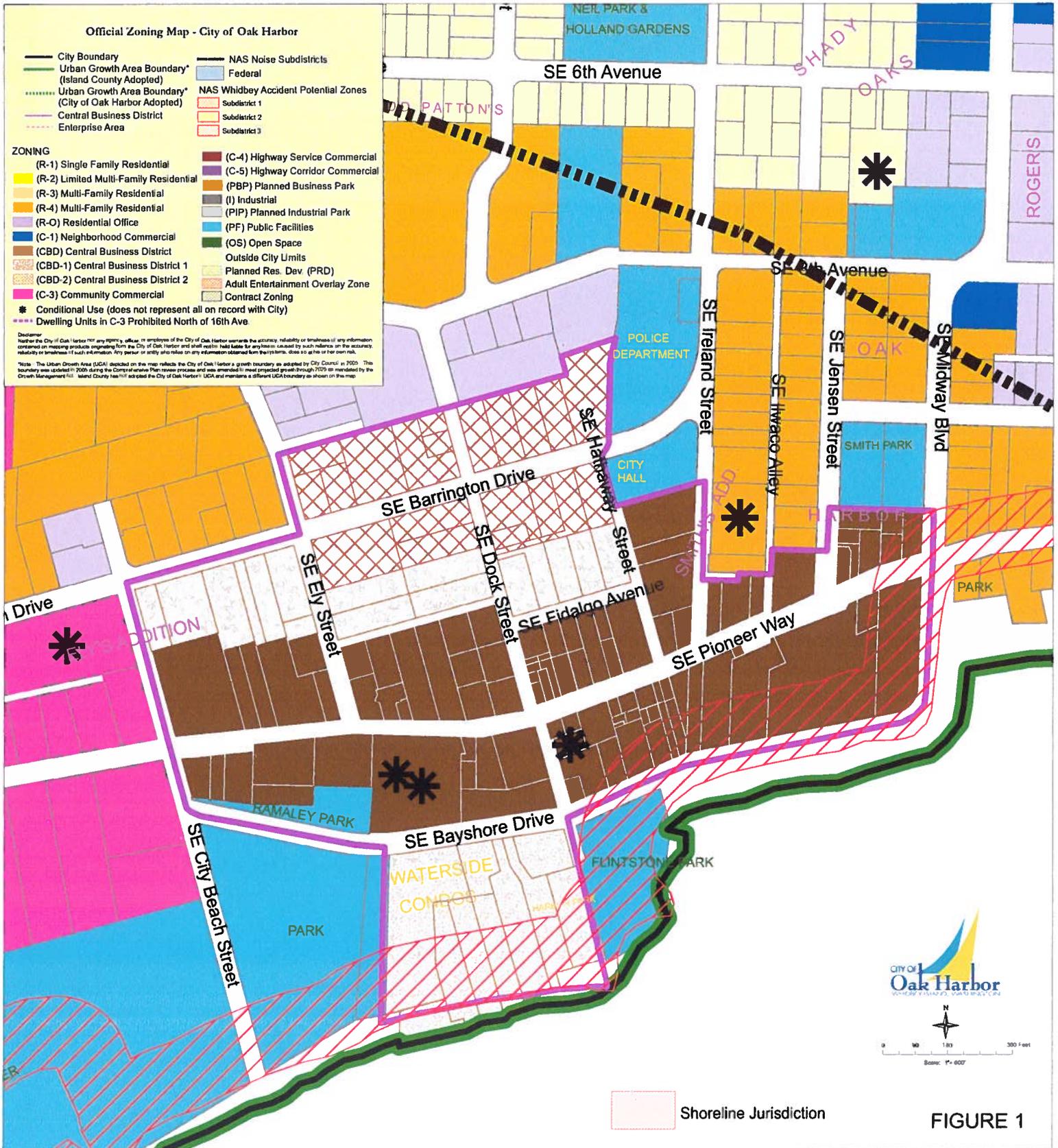
Specific Use Provisions

Almost all of the remainder of Chapter 4 is dedicated to use-specific policies and regulations. The Guidelines require that all applicable types of uses be addressed. Uses addressed in Oak Harbor's SMP include agriculture, aquaculture, boating facilities and marinas, commercial, industrial and port facilities, parking, recreational development, residential development, transportation, utilities (primary), and utilities (accessory). Key policies and regulations of each of these use sections are as follows:

- **Agriculture.**
 - Agriculture as a primary use (farming) is prohibited in all shoreline environments, but is allowed as an accessory use (gardening).
- **Aquaculture.** Aquaculture is the farming or culturing of food, fish, shellfish or other aquatic plants or animals.
 - A distinction is made between non-commercial aquaculture for the recovery of a species (habitat restoration) versus commercial aquaculture. The former is permitted in all zones, while commercial aquaculture is allowed conditionally in the Maritime and Aquatic zones.
 - The regulations in this section attempt to reduce the impacts of aquaculture. Provisions include requiring that aquaculture operations meet no net loss, preference for operations that do not modify substrate, limit on species type, and encourage proper washing and disposal of wastes.
- **Boating Facilities and Marinas.** This section applies to piers, marinas, and public or community boat launches. Private moorage facilities serving four or fewer single-family residences are not covered. Because boating facilities are generally overwater facilities, that disrupt the substrate, this section seeks to limit impacts to the environment from these facilities. A representative policy for this section is number three which says “boating facilities that minimize the amount of shoreline modification, in-water structure, and overwater cover are preferred.” Key policies/regulations in this section do the following:
 - Require that facilities be appropriately sited to minimize impacts, with a preference on expansion of existing rather than development of new facilities
 - Prohibit wood products treated with creosote, pentachlorophenol, or other toxic substances
 - Limits on the number of moorages at marinas
 - Minimize size, so as to limit overwater coverage
 - Require that 24% of overwater facilities allow transmission of light, consistent with Army Corp. of Engineer standards. However, this standard does not apply to Marinas.
 - Limit accessory uses to those which are water-oriented
- **Commercial.** This section attempts to give priority to water-dependent and water-oriented commercial uses over non-water-oriented uses, as well as minimize impacts of commercial uses along the shoreline. Key provisions are as follows:
 - New overwater commercial uses are prohibited, except for accessory commercial uses.
 - Non-water oriented commercial uses are prohibited, except for land which does not have direct access to the shoreline or as part of mixed-use development. When allowed, non-water-oriented commercial must dedicate 20% outdoor open space.
- **Industrial.** Similar to commercial uses, water-dependent and water-oriented industry is preferred over non-water-oriented industry. Key provisions are as follows:
 - Water-dependent and water-oriented industry are only allowed in the Maritime designation.
 - Non-water-oriented industry is prohibited in the shoreline
 - Public access is required, where appropriate, subject to safety.
- **Parking.** Parking as a primary use (City garage or parking lot) is prohibited in the shoreline. Parking as an accessory use (parking in conjunction with a primary use) is allowed. Accessory parking must be located landward of the primary use. Adequate screening of parking lots is required.
- **Recreational Development.** As with other types of uses, this section emphasizes water-oriented recreation and public access. This section also requires that no net loss be met for recreational developments.
- **Residential Development.** This section applies to all residential uses within the shoreline. It is important to note that single-family uses are a priority use under the Shoreline Management Act. This

section seeks to mitigate some of the more common environmental impacts from residential uses, while at the same time encouraging these uses. Key provisions include the following:

- Residential development should be located and designed to avoid the need for shoreline stabilization structures.
 - Overwater residences are prohibited. Liveboard vessels are allowed at the Marina.
 - Fences shall be no more than four feet high within the required setback.
 - Low Impact Development is required, where feasible.
- **Transportation, Utilities (Primary), and Utilities (Accessory).** These sections apply to all transportation facilities, including those for motorized, non-motorized, and water-dependent transportation, as well as primary and accessory utilities. Provisions encourage facilities to be located outside of shoreline jurisdiction, where possible and to reduce impacts to the shoreline environment when alternative locations are not possible. Key provisions include:
 - Locating facilities outside of shoreline jurisdiction, wherever possible
 - Streets designed with minimum pavement area
 - Solid waste facilities are prohibited within the shoreline
 - Utilities shall be located underground



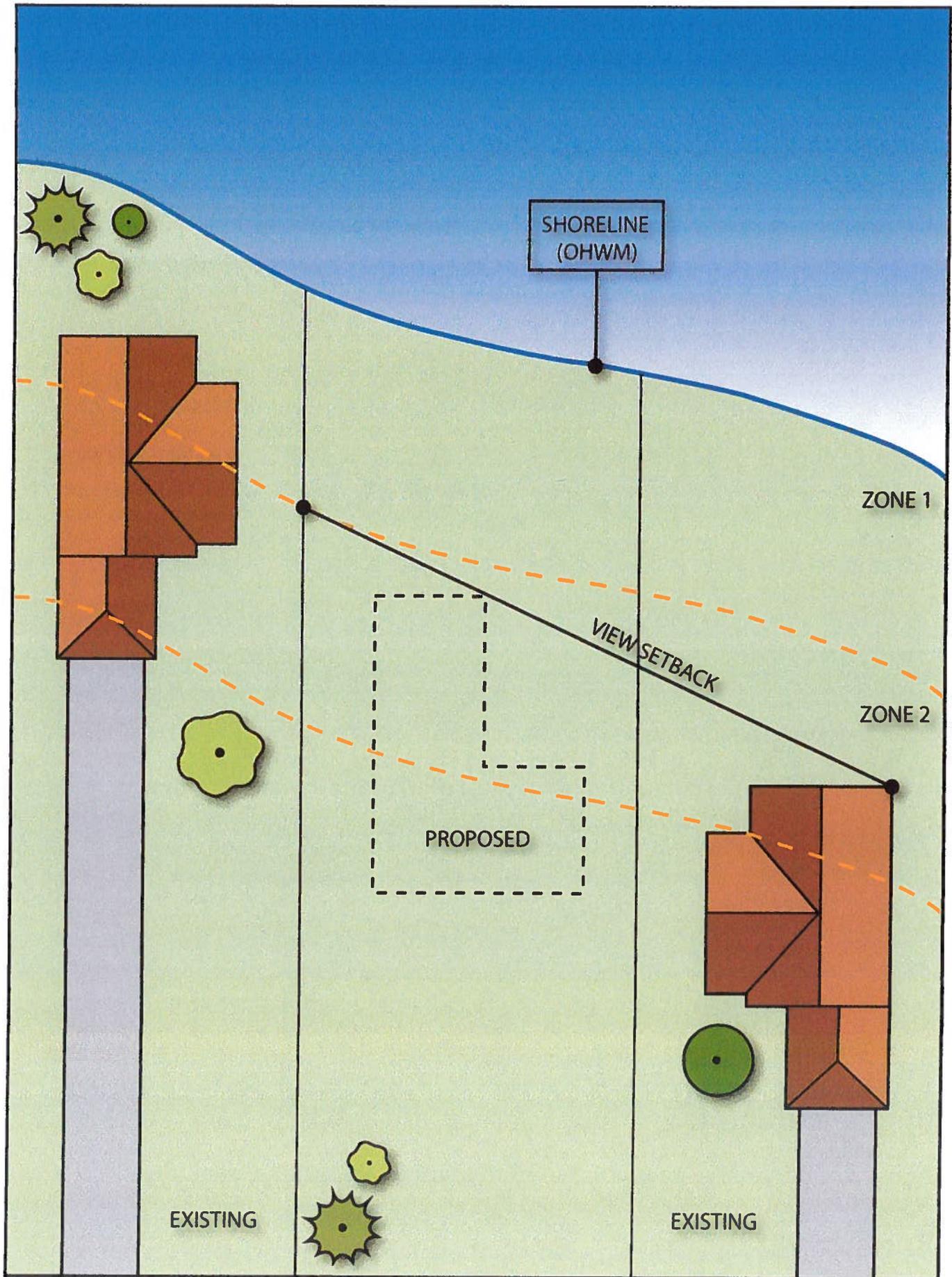


Figure 2

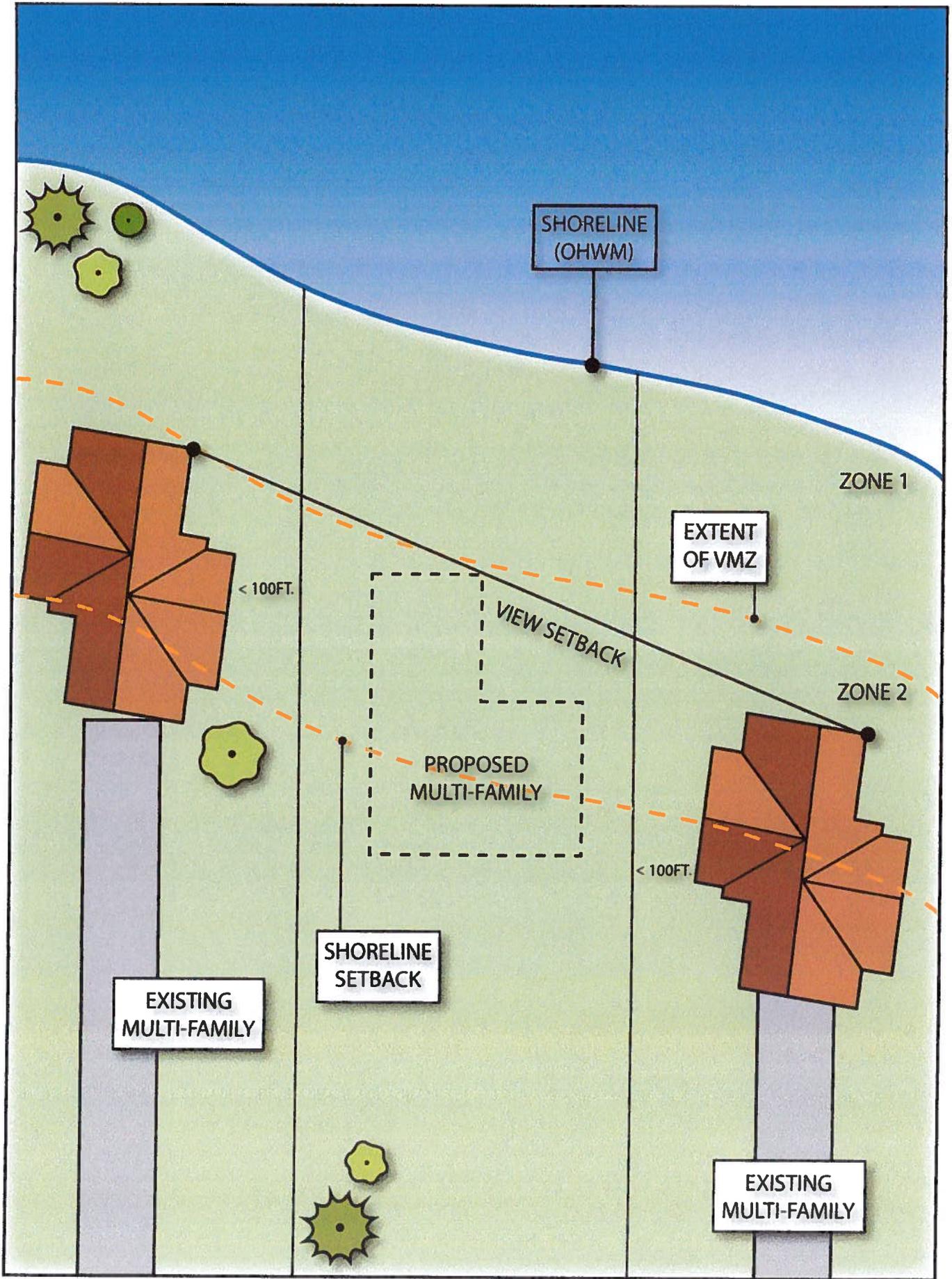
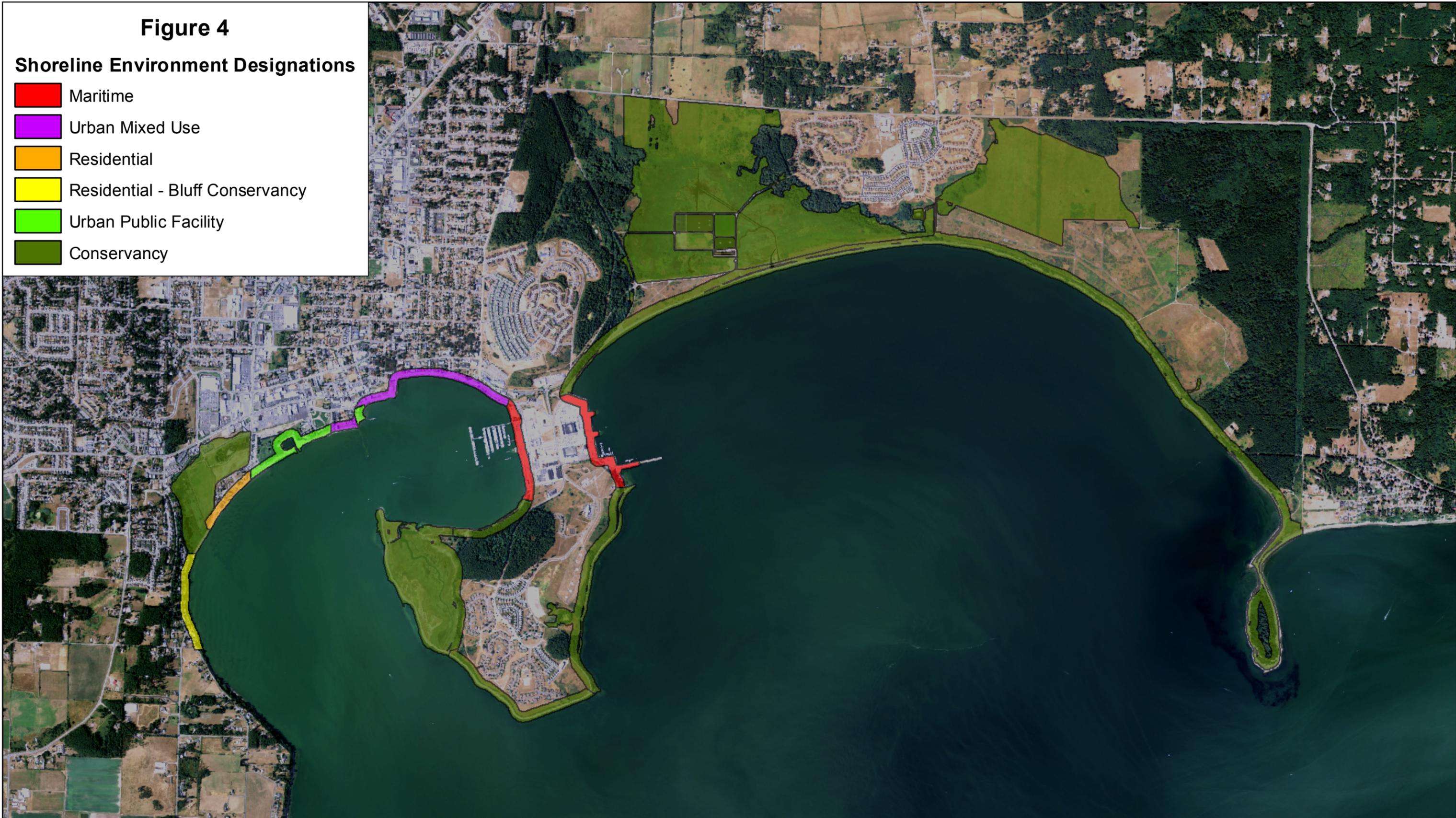


Figure 3

Figure 4

Shoreline Environment Designations

-  Maritime
-  Urban Mixed Use
-  Residential
-  Residential - Bluff Conservancy
-  Urban Public Facility
-  Conservancy



0 1,000 2,000
Feet

Data represented on this map were collected at different accuracy levels by various sources, including the City of Oak Harbor, Island County, NASWI, WA DNR Shorezone data and WDFW. Shoreline jurisdiction and wetland boundaries are approximate and have not been formerly delineated or surveyed and are intended for planning analysis only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map. No warranties of any sort, including, but not limited to accuracy, fitness or merchantability, accompany this map.

Map Date: March 2012



2012 Comprehensive Plan
Amendment Discussion
Land Use Change

Public Meeting

CITY OF OAK HARBOR

TO: PLANNING COMMISSION
FROM: CAC KAMAK, SENIOR PLANNER
SUBJECT: 2012 COMPREHENSIVE PLAN AMENDMENTS – LAND USE
CONSIDERATIONS
DATE: 6/19/2012
CC: STEVE POWERS, DEVELOPMENT SERVICES DIRECTOR

Purpose: The City Council approved the 2012 Comprehensive Plan Amendment Docket on March 20, 2012; this approval included consideration of land use amendments to properties adjacent to the marina (see Attachment 1 for map). The intent of the land use amendment is to consider a designation that would allow additional uses that support the marina and other water-oriented uses. The current land use designation is PF, Public Facilities.

Background: The marina and adjacent lands are currently designated as Public Facilities on the City’s Comprehensive Land Use Map and on the zoning map. A copy of the Public Facilities zoning code is shown in Attachment 2. The primary reason for designating it as Public Facilities is the city-owned and operated marina. The storage sheds, boatyard and the yacht club are all considered accessory (customarily incidental and subordinate to a principal use) to the marina. Although “accessory” to the marina can be broadly interpreted, there are several water-dependent and water-related uses that do not fit under the marina’s scope but could benefit from the proximity to the shoreline and water. This was evident when there was a recent request to locate a boat building business in the area.

The Marina Redevelopment Plan adopted in 2006 recommends upland improvements to support the marina’s long term economic vitality. Though specific improvements are not listed in the plan, it would be beneficial to list options for commercial and industrial uses to locate in the area. Including specific language to permit some commercial and industrial uses in the area will provide options for private investment and will also allow a clearer path for enterprises to work with financial institutions and investors to consider investing in this area.

The City is currently in the process of updating its Comprehensive Shoreline Master Program (SMP). The draft SMP currently includes a new designation termed “Maritime”. This new designation covers a larger geographical area than what is under consideration with this amendment but its intent is similar. The SMP when approved and adopted will be an element of the Comprehensive Plan.

Discussion: There are several ways to accommodate a wider range of uses without impacting the current uses. Text amendments, overlay zones and new land use and zoning designations are a few ways to address this topic. Prior to determining the best methodology to address this change it would be beneficial to determine the kind of uses that are desired in this area. The intent for this amendment was to accommodate high intensity water oriented commercial and industrial uses, water oriented transportation uses and other water related uses. Some of the uses to consider are suggested below. This is an area where the Planning Commission and the public can provide additional ideas and comments to consider.

Permitted Uses

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

Conditional Uses

- Principal permitted uses in the Central Business District (CBD) except residential dwelling units (see attachment 3 for permitted uses in the CBD District)

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

Overlay Zones: This is a regulatory tool that creates a special zoning district, placed over an existing base zone(s), which identifies special provisions in addition to those in the underlying base zone. Overlay zones are used to protect resources such as environmentally sensitive areas, historic district, or encourage or discourage specific types of development. In this case, the overlay zone would encourage additional uses above and beyond what is currently permitted in the underlying base zone. An overlay zone has a clearly defined boundary and can be created by adding a section in the zoning ordinance describing its intent and the uses that would be permitted. The drawback of an overlay zone is the potential for conflict between regulations or requirements between the

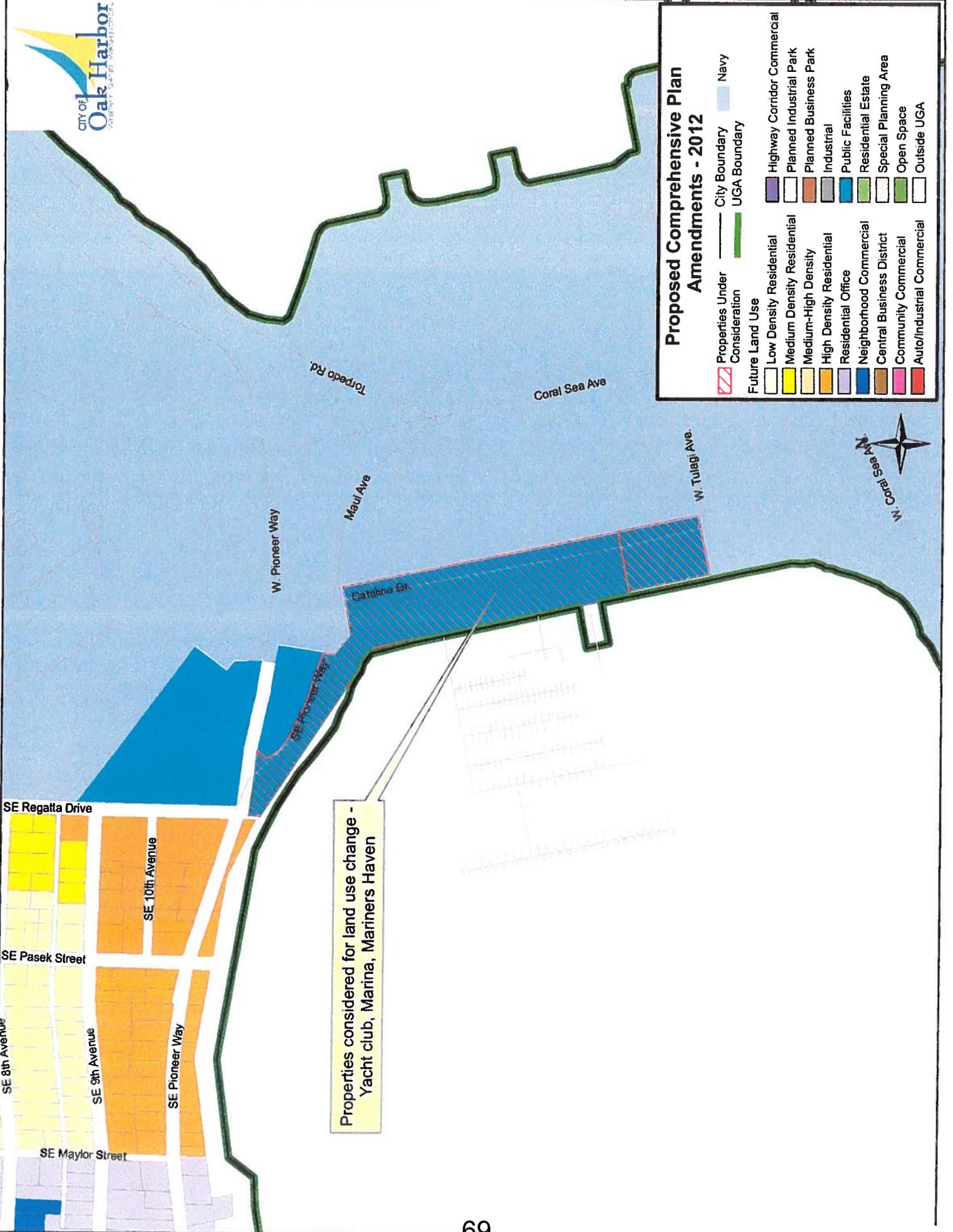
underlying base zone and the overlay zone, especially if the overlay zone is trying to accommodate many uses that the underlying zone does not permit.

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

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

Proposed Comprehensive Plan Amendments - 2012

	Properties Under Consideration		City Boundary		Navy
	Future Land Use		UGA Boundary		
	Low Density Residential		Highway Corridor Commercial		
	Medium Density Residential		Planned Industrial Park		
	Medium-High Density Residential		Planned Business Park		
	High Density Residential		Industrial		
	Residential Office		Public Facilities		
	Neighborhood Commercial		Residential Estate		
	Central Business District		Special Planning Area		
	Community Commercial		Open Space		
	Auto/Industrial Commercial		Outside UGA		



Properties considered for land use change -
Yacht club, Marina, Mariners Haven

Article XV. PF – Public Facilities

19.20.770 Purpose and intent.

The PF public facilities district is intended to accommodate public facilities and institutional land uses, including but not limited to public parks, schools, churches, governmental offices, public works yards, utility structures, hospitals, and other similar public and quasi-public uses. The zone was established to aid the city in planning for public facilities, while preventing conflicts between incompatible land uses. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.775 Principal permitted uses.

In a PF district, the following are principal permitted buildings and uses:

- (1) Public parks and recreational facilities, including, but not limited to, regional parks, city parks and play fields, public golf courses, historic landmarks, indoor recreation centers, swimming pools and marinas;
- (2) Government facilities, including, but not limited to, administrative offices, postal stations, police stations, fire stations, parking lots, public water wells, storm drainage facilities, water and sewer pump stations, and family health/resource centers;
- (3) Community services, including, but not limited to, libraries, museums, community centers and senior centers and adult day care;
- (4) Churches and other religious institutions;
- (5) Public and private schools providing education at the preschool level or higher, excluding commercial trade schools;
- (6) Public utilities, except as regulated in OHMC 19.20.785;
- (7) Quarters for a caretaker, guard or the person whose permanent residency on the premises is required for operational safety or protective purposes;
- (8) Landfill reclamation to improve steep, low or otherwise unusable land. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.780 Accessory permitted uses.

- (1) A use customarily incidental and subordinate to a principal use permitted outright.
- (2) On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone; provided, that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210.
- (3) Parking areas operated in conjunction with permitted uses. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.785 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in a PF district when authorized by the board hearing examiner in conformance with Chapter 19.67 OHMC:

Article VIII. CBD – Central Business District

19.20.300 Purpose and intent.

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

19.20.305 Principal permitted uses.

In a central business district (CBD, CBD-1 or CBD-2), the following are principal permitted uses (for the purposes of this district only, uses considered to be "retail" are denoted with an (R)):

- (1) Antique shop (R);
- (2) Artist's studios and supplies (R);
- (3) Bakery, retail only (R);
- (4) Bank;
- (5) Barber and beauty shops;
- (6) Bars (R);
- (7) Bicycle shop (R);
- (8) Billiards and pool hall (R);
- (9) Blueprinting;
- (10) Bookstore (R);
- (11) Brew pub (R);
- (12) Camera and supply shop (R);
- (13) Clothes and apparel shop (R);
- (14) Cocktail lounge (R);
- (15) Coffee house (R);
- (16) Confectionery store (R);
- (17) Conference center;
- (18) Data processing facility;
- (19) Delicatessen (R);
- (20) Department store (R);
- (21) Dry cleaners;
- (22) Furniture shop (R);
- (23) Florist shop (R);
- (24) Gift shop (R);

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

(26) Hardware store (R);

(27) Hobby shop (R);

(28) Hotel and motel;

(29) Ice cream shop (R);

(30) Interior decorator studio (R);

(31) Jewelry store (R);

(32) Leather goods store (R);

(33) Music store (R);

(34) Offices;

(35) Office supply and equipment store (R);

(36) Pet shop (R);

(37) Pharmacy and drug store (R);

(38) Photographic film processing and associated retail sales (R);

(39) Photographic studio and supplies;

(40) Photocopying;

(41) Post office;

(42) Printing shop;

(43) Residential uses, provided:

(a) In the CBD district: mixed use sites with multiple street frontages may locate dwelling units on the ground level on any street frontages other than Pioneer Way;

(b) In subdistricts CBD-1 or CBD-2: dwelling units may be the primary use of the site;

(44) Restaurant, including sidewalk cafe (R);

(45) Schools for the fine arts;

(46) Shoe repair shop (R);

(47) Shoe store (R);

(48) Sporting goods shop (R);

(49) Tailor shop (R);

(50) Tavern (R);

(51) Taxi service;

(52) Theater;

(53) Tobacco shop (R);

(54) Toy store (R);

(55) Travel agencies;

(56) Trophy shop (R);

(57) Upholstery shop;

(58) Variety store (R);

(59) Visitor information center;

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

19.20.310 Accessory permitted uses.

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

- (1) A use customarily incidental and subordinate to a principal use permitted outright;
- (2) On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone; provided, that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210;
- (3) Television satellite dish reflectors, roof-mounted and within building setback lines not to exceed the height limitations and other standards as set out in OHMC 19.20.320; provided said height limitation may be increased when such height is permitted per OHMC 19.28.040 and 19.28.050. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.315 Conditional uses permitted.

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

- (1) Coffee kiosk;
- (2) Dancehall;
- (3) Governmental buildings for administrative or protective services;
- (4) Health club;
- (5) Land reclamation with water-dependent marine development;
- (6) Parking lots or garages not in conjunction with permitted uses;
- (7) Places of entertainment and amusement, if conducted within a wholly enclosed building;
- (8) Private nursery school, kindergarten, or child day care center not qualifying as a home occupation on a legal lot; provided, there is established in connection therewith an outdoor play area having a minimum area of 1,000 square feet plus an additional 50 square feet for each child in excess of eight;
- (9) Public utility and communications facility;
- (10) Transit terminals;
- (11) Swimming pools or beaches, public or private;
- (12) Other uses similar to uses permitted or conditionally permitted and normally located in the central business district; provided, that there shall be no manufacturing, compounding, processing or treatment of products other than that which is essential to the retail store or business where all such products are sold on the premises. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.320 Density provisions.

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

(1) Allowable density:

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

(2) Minimum lot area, no limitation;

- (3) Minimum lot width, no limitation;
- (4) Minimum lot depth, no limitation;
- (5) Minimum front yard, no limitation, except when opposite a residentially zoned property, then a 10-foot front yard is required. Front yard setback may also be increased to 10 feet if needed for traffic safety; front yard setback shall be provided so as to maintain a 12-foot sidewalk measured from the existing curb or future curb line;
- (6) Minimum side yard, no limitation except when abutting a residentially zoned property, then 10 feet each. For corner lots, side yard may also be increased to 10 feet if needed for traffic safety;
- (7) Minimum rear yard, no limitation except when opposite a residentially zoned property, then 10-foot rear yard is required or except when abutting a public street where the setback may be increased to 10 feet if needed for traffic safety;
- (8) Maximum building height; 35 feet; except:
 - (a) In CBD: building height may be increased to 45 feet if ground floor retail space (as defined in OHMC 19.20.300) is developed in conjunction with a residential use;
 - (b) In CBD-2: building height may be increased to 45 feet for residential development (without a retail component);
 - (c) In CBD: building height may be increased to 45 feet for nonresidential uses or mixed use projects upon approval of the design review board and by providing additional urban amenities as defined in the Oak Harbor commercial and industrial design guidelines;
 - (d) In CBD: building height may be increased to 55 feet for nonresidential uses or mixed use projects upon approval of the design review board and by providing additional urban amenities as defined in the Oak Harbor commercial and industrial design guidelines. The design review board shall specifically review the proposed project and building height for its impacts on waterfront and mountain views and require reasonable mitigation as necessary;
- (9) Maximum lot coverage, no limitation;
- (10) Parking.
 - (a) Nonresidential Uses. There shall be no required parking for nonresidential uses; except, however, if parking is provided, it shall meet the parking space size and access requirements of OHMC 19.44.110;
 - (b) Residential uses shall provide parking per Chapter 19.44 OHMC, except that guest parking need not be provided. If guest parking is provided it shall meet the parking space size and access requirements of OHMC 19.44.110;
 - (c) Any parking provided beneath a permitted residential use shall be enclosed;
 - (d) No more than 50 percent of the gross floor area along pedestrian-oriented streets may be used for residential parking;
- (11) Design Standards.
 - (a) Development shall be in accordance with the provisions of the Oak Harbor commercial and industrial design guidelines;
 - (b) Residential development shall have ground level access independent of nonresidential uses from an inside lobby, elevators and/or corridors, from an enclosed interior court, or from other separate access provisions;

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

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

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

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

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

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

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

19.20.325 Conditions governing permitted uses.

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

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

(a) Off-street parking and loading;

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

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

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

(1) Electric substations, treatment plants, public works yards, public telecommunications towers, and other similar uses. Distribution or collection line rights-of-way and easements are exempt from the requirements of the PF district;

(2) Private lodges and clubs, fraternal organizations, and commercial establishments when ancillary to a permitted use;

(3) Child day care when ancillary to a permitted use. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.790 Prohibited uses.

The following uses are expressly prohibited by this chapter:

(1) Permanent, transient and temporary dwelling units, except as allowed under OHMC 19.20.775(7);

(2) Private lodges and clubs, fraternal organizations, private golf courses, and other similar clubs, except as allowed under OHMC 19.20.785;

(3) Private radio, television and communications stations. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.792 Manufactured home structures.

A manufactured home (mobile home) is authorized to be placed within this district for a temporary time period, not to exceed five years, to serve nonresidential uses as provided for in permitted and conditional use code sections (OHMC 19.20.775 and 19.20.785). A two-year extension may be approved by separate application. Development is subject to all other provisions of this code the same as on-site construction. Manufactured homes shall not be authorized for use predominantly as storage. Manufactured homes shall not be permitted in a public facilities district where the public facility zone is adjacent to central business district zones. All applications for manufactured home structures, including time extensions, must be approved by the planning commission. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.795 Density provisions.

(1) Minimum lot area: No limitation.

(2) Minimum lot width: No limitation.

(3) Minimum lot depth: No limitation.

(4) Minimum front yard: 35 feet.

(5) Minimum side yard: No limitation, except when buildings abut a residentially zoned property, then 12 feet each side. For corner lots, a side yard abutting a public street shall be 35 feet.

(6) Minimum rear yard: No limitation except:

(a) When abutting a public street, then 35 feet;

(b) When abutting a residential zone, then 12 feet.

(7) Maximum building height: 35 feet. For manufactured home structures: single story of 25 feet.

(8) Maximum lot coverage: No limitation.

(9) Exemptions. Public parking lots are exempt from the density provisions of the PF zone; provided, that other provisions of this title shall apply. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.800 Landscaping requirements.

(1) Design shall be in accordance with the provisions of the Oak Harbor design guidelines.

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

19.20.805 Site plan and design review required.

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