



# PLANNING COMMISSION

## AGENDA

February 26, 2013

CITY OF OAK HARBOR  
PLANNING COMMISSION  
REGULAR MEETING  
CITY HALL

AGENDA  
February 26, 2013  
7:30 P.M.

ROLL CALL:        FAKKEMA \_\_\_\_\_ WASINGER \_\_\_\_\_  
                          JENSEN \_\_\_\_\_ WALLIN \_\_\_\_\_  
                          FIKSE \_\_\_\_\_ FREEMAN \_\_\_\_\_  
                          SCHLECHT \_\_\_\_\_

1.        **PAGE 2**  
**Approval of Minutes – January 22, 2013**
  
2.        **Public Comment** – Planning Commission will accept public comment for items not otherwise on the agenda for the first 15 minutes of the Planning Commission meeting.
  
3.        **PAGE 11**  
**DRAFT ZONING REGULATIONS FOR MARITIME ZONE– Public Hearing**  
The Planning Commission will review and discuss draft zoning regulation for the Maritime zoning district that was created with the adoption of the 2012 Comprehensive Plan Amendments. The Planning Commission will discuss the types of uses to be accommodated in the Maritime zoning district along with any conditions or process to consider them by.
  
4.        **PAGE 69**  
**DIGITAL SIGNS CODE UPDATE – Public Hearing**  
Staff will facilitate continued discussion with the Planning Commission regarding the regulations for digital signs contained in OHMC 19.36.
  
5.        **PAGE 80**  
**YEARLY REPORT TO CITY COUNCIL – Public Meeting**  
The Planning Commission will discuss and review their yearly report to the City Council. The yearly report is a summary of Planning Commission’s accomplishments in 2012 and proposed work program for 2013.

# MINUTES

January 22, 2013

**PLANNING COMMISSION  
REGULAR MEETING  
CITY HALL – COUNCIL CHAMBERS  
January 22, 2013**

**ROLL CALL: Present:** Keith Fakkema, Greg Wasinger, Jeff Wallin, Kristi Jensen, David Fikse, Bruce Freeman and Ana Schlecht.

**Staff Present:** Development Services Director, Steve Powers and Senior Planners, Cac Kamak and Ethan Spoo.

Chairman Fakkema called the meeting to order at 7:30 p.m. and recognized two new members of the Planning Commission, Ana Schlecht and Bruce Freeman.

**MINUTES: MR. WALLIN MOVED, MR. WASINGER SECONDED, MOTION CARRIED TO APPROVE THE DECEMBER 11, 2012 MINUTES AS PRESENTED.**

**PUBLIC COMMENT:**

None present for comment.

**2013 COMPREHENSIVE PLAN AMENDMENT DOCKET – Public Hearing**

Mr. Kamak explained, the City is required by the Growth Management Act (GMA) to adopt a comprehensive plan and to review and revise it annually. The process to amend the Comprehensive Plan begins in October with a notice in the newspaper, City website and Channel 10 to solicit applications for amendments. The City usually receives applications from property owners (sponsored amendments) for land use changes, however, no applications were received this year.

Mr. Kamak summarized the four items on the 2013 docket as follows:

**Land Use Changes (Sponsored Amendment)**

The Development Services Director, as permitted by OHMC 18.15.030(d), has added a land use change request for city-owned property located at 1000 SE City Beach Street (old city shop site) to the preliminary docket. The City wishes to explore future uses for this property. As those uses are not likely to be residential (the existing land use designation is “High Density Residential”) a land use map amendment will be necessary.

**Shoreline Master Program (Mandated Amendment)**

The City Council adopted the Shoreline Master Program on November 20, 2012. The Shoreline Master Program will become official after the Washington Department of Ecology approves the plan. That approval is expected to occur during 2013. The Shoreline Master Program can then be incorporated into the Comprehensive Plan by reference. Incorporation into the Comprehensive Plan is a formality.

**Scenic View Study (Discretionary Amendment)**

This item was on the 2012 docket and is continued in to the 2013 amendment process. In 2012, the City and the Planning Commission gathered public input on this topic and identified approximately 27 views of interest. The Planning Commission also discussed methodologies to review the identified views and established criteria to evaluate them. The Planning Commission is currently narrowing down the views for further analysis.

### 2016 Comprehensive Plan Update (Mandated Amendment)

This item is a requirement for local governments such as Oak Harbor that are fully planning under the Growth Management Act. The original deadline for this requirement in accordance to RCW 36.70A.130 was 2012, but legislation was passed to extend the deadline to 2016. This item will revisit all the elements of the Comprehensive Plan such as Land Use, Housing, Capital Facilities, Utilities, Transportation, Economic Development, Parks and Recreation, Public Facilities etc. This item will span multiple years leading up to adoption in 2016. The scope of work for this item in 2013 will be to review the current policies and identify the scope and process for the update.

Mr. Fakkema opened the public hearing for comment seeing none the public hearing was closed.

**ACTION: MS. JENSEN MOVED, MR. WALLIN SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE 2013 COMPREHENSIVE PLAN AMENDMENT DOCKET AS PRESENTED. MOTION CARRIED.**

### ELECTRONIC MESSAGE CENTER SIGNS CODE UPDATE – Public Meeting

Mr. Spoo presented a Power Point presentation (Attachment 1) which introduced information on the new sign technology available, the most recent update to the code for sign technology, how other cities treat digital signs, basic policy choices presented by digital signs for Oak Harbor and criteria to help decide how to make decisions about policy choices.

### Planning Commission Discussion

Mr. Fikse commented that digital signs are the newest technology and the old City Code doesn't address the modern technologies. The quality of digital LED signs varies greatly and the question is what can we do with the code to ensure that digital signs are visually pleasing. Mr. Fikse suggested banning solid white backgrounds, requiring light sensitive photocells that will dim the signs in low light conditions which will take care of the brightness issues. An advantage to the new technology is that it allows the sign to be altered.

Mr. Wasinger asked his fellow Commissioners if the size restrictions in the existing regulations were adequate. The consensus was that the size limits were fine.

Mr. Freeman commented that stand alone businesses are one thing but what happens when you have a business center and they all have digital signs of varying brightness competing for attention.

Ms. Schlecht asked staff to provide photographs of the situation that Mr. Freeman spoke of as well as photos from small towns that have done the digital LED signs well.

Mr. Fakkema commented that he would like to explore the issue of pole signs as opposed to storefront signs and pixel size. He believed that the pole signs were already a blight on the visual landscape. Do we want to increase the proliferation or manage the proliferation and are we going to address the changing technology every two years?

Mr. Fikse said that he believed the immediate issue is the less caliber LEDs. The size LED's in his sign are 5.5 millimeters in diameter. Most LED signs use 6.5 to 8 millimeter. LEDs come in different strengths. The question is how can we regulate the small LED versus less expensive larger LED's or should we even try.

Mr. Fikse believed that it was important to look at allowing digital LED signs and do it the right way in order to help businesses be successful and encourage other businesses to come to Oak Harbor.

Mr. Fikse noted that whether you call the signs video, animation or transition; they are all video and that is something that the City needs to come to grips with. RSS feed is currently not allowed by the current code. RSS feed is live video. "Amber Alerts" and emergency broadcasts are RSS feed. Mr. Fikse indicated that he would like those types of RSS feeds allowed.

Mr. Spoo said that he would provide photos of digital signs in centers, more guidance on free standing versus storefront signs and draft code language.

Ms. Schlecht asked Mr. Spoo to check whether the Scenic Highway regulations would allow digital signs. Mr. Spoo said that most of the scenic highway corridor deals with public signs and guidance through the scenic corridor and doesn't talk too much about commercial signage. Mr. Powers added that there is acknowledgment that the City has a different character than the areas north and south of us and we are an urban portion of the scenic byway. Mr. Powers also noted for the new members of the Commission that when the City updates any of its development regulations the draft code has to be sent to the Washington Department of Commerce and they send it out to other member agencies (Department of Ecology, Department of Transportation, Department of Natural Resources etc.). Then those agencies will offer comments if they feel so inclined.

**2012 COMPREHENSIVE PLAN AMENDMENTS – SCENIC VIEWS – Public Meeting**

Mr. Kamak recapped the Planning Commission's activities on this item. In 2012 the Planning Commission placed a study of the City's scenic view on the 2012 Comprehensive Plan Docket. There was a public outreach done in the summer of 2012 asking for photographs of scenic views. In December 2012 the Planning Commission reviewed criteria for evaluating scenic views within Oak Harbor (view from public property, streets, pedestrian trail, views of specific land marks, do we need to buy property, is there a need for special zoning regulations, is it an entryway view, is there waterfront connectivity). Since not all scenic views have the same public interest and value, the Planning Commission also weighted the criteria to help narrow down the selection and focus on the views that preserves the community's interests.

At the end of December's meeting Commissioners were asked to rank the views on their own. Page 34 of the Planning Commission packet shows the results of the scoring.

Mr. Kamak displayed each view and scoring sheet to do the final scoring. The results of the Planning Commission's second round of scoring are shown below.

	<b>Views</b>	<b>Rating Score (First round)</b>	<b>Qualified (Y/N) (Second round)</b>	<b>Reason</b>
1	Northbound SR 20 – Scenic Heights to Erie	350	Y	View from public highway (SR20)
2	Northbound SR 20 – Swantown to Scenic Heights	300	N	Private property zoned R-4 would only be a peek-a-boo even with new zoning regs for landscaping & setbacks
3	Scenic Heights Trailhead	325	N	View is already across public property so view already preserved

	Views	Rating Score (First round)	Qualified (Y/N) (Second round)	Reason
4	SW Freund Street	275	N	Private property and plat already has height restrictions
5	Waterloo Rd & Scenic Heights	175	N	Volume of traffic not enough to merit City intervention to protect view
6	Swantown – Kimball to SR 20	200	N	Private property zoned R-4 would only be a peek-a-boo even with new zoning regs for landscaping & setbacks
7	Swantown & Fireside Lane	125	N	Already developed private property/only a peek-a-boo view
8	Barrington Drive and Fleet Street int	175	N	Private property and plat already has height restrictions
9	Fleet Street	225	N	Steep elevation drop any construction will not obstruct view/Private property and plat already has height restrictions
10	Barrington Drive and Fairhaven int	175	N	Private property and plat already has height restrictions
11	Waterfront Trail – Windjammer Park	400	Y	City property can self regulate
12	Waterfront Trail – Flintstone Park	400	Y	City property can self regulate/think about Walrath properties and how view could be affected in future
13	Bayshore Drive – Dock to Midway	450	Y	City property can self regulate
14	Pioneer Way – Midway to Regatta	450	Y	City property can self regulate
15	Pioneer Way – Ireland to Midway	300	Y	Private property – work with property owner to preserve view through incorporating design elements to preserve view (provide walkway)
16	Pioneer Way – SR 20 to City Beach	200	N	Private property/only a peek-a-boo view
17	Jensen Street	175	N	Volume of traffic not enough to merit City intervention to protect view
18	Midway Blvd – SE 8 <sup>th</sup> to Midway	250	N	Would only be a peek-a-boo and view opens up when you reach Midway Blvd and move on to Bayshore Drive
19	Regatta Drive – SE 8 <sup>th</sup> to Pioneer Way	450	Y	View from public street, city can regulate landscaping to keep the view

	<b>Views</b>	<b>Rating Score (First round)</b>	<b>Qualified (Y/N) (Second round)</b>	<b>Reason</b>
20	Skagit Valley College parking lot	150	N	Steep elevation drop any construction will not obstruct view
21	Crosby Ave by Cathlamet Drive	175	N	View of Mt. Baker already high enough it will be protected
22	Crosby Ave by Prow Street	75	N	North side of street is County property and outside of City UGA, south side is City limits and UGA
23	Airline Way	175	N	View is across County property
24	SW 6 <sup>th</sup> and Dyer	175	N	View across school property
25	Southbound SR 20 and NE 16 <sup>th</sup> Ave	350	Y	View from public street, city can regulate landscaping to keep the view
26	Dock Street – Barrington to Bayshore	375	Y	Preserve connectivity to water
27	Ft Nugent Avenue – Quince St to Neinhuis St	350	N	Setbacks and street tree height can be regulated to preserve view

Mr. Kamak noted that views identified for preservation will be evaluated further at future meetings and all views in the table will remain identified as scenic views.

**ADJOURN: 9:37 p.m.**



|| Overview

- Introduction
- New Technology and Capabilities
- Other Cities and Digital Signs
- Policy Questions
- Criteria

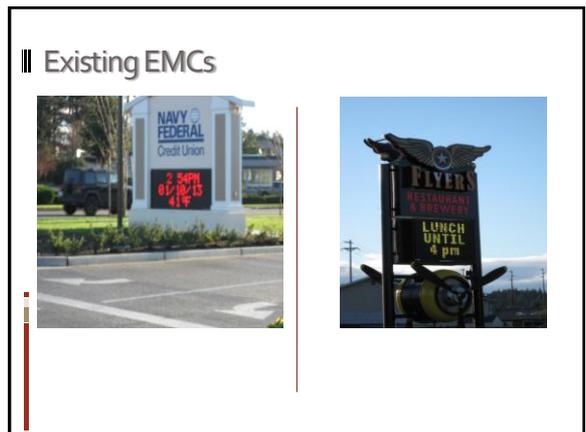
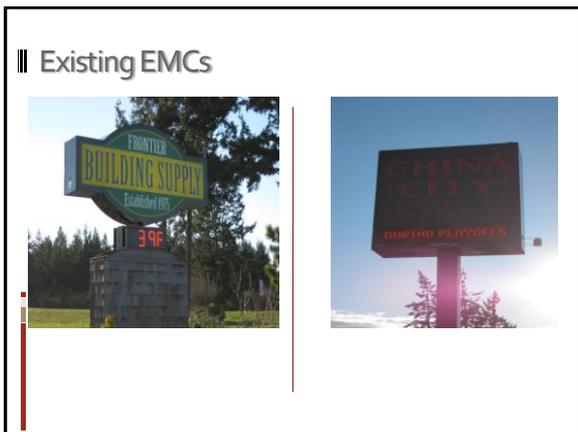
|| Introduction

Unlike political signs, there are few constitutional or legal limits. It is primarily an issue of community preference.

**Time**  
**Manner**  
**Place**  
**Content/Message**

|| New Technology & Capabilities

<p><u>Electronic Message Centers</u></p> <ul style="list-style-type: none"> <li>• Limited graphics</li> <li>• Limited color</li> <li>• Probably no video</li> <li>• Probably no sound</li> </ul>	<p><u>Digital Signs</u></p> <ul style="list-style-type: none"> <li>• High quality video/animation</li> <li>• Graphics</li> <li>• Sound, in some cases</li> </ul>
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### Existing EMCs



### Existing EMCs



### Other Cities

- Ban outright (Leavenworth, Burlington)
- Don't address or regulate them (Federal Way)
- Most cities strike a balance; allow subject to restrictions (size, animation, video, location, hours of operation, brightness, etc.)



### Policy questions

- Does the community want digital signs?
- If so:
  - Size restrictions?
  - Animation & video?
  - Site location?
  - Zones?
  - Hours of operation?
  - Brightness?



### Criteria

- How do we decide?
- OHMC 19.80 Text Amendments:
  - Comprehensive Plan consistency
  - Promote public health, safety, welfare.



### Criteria

- Comprehensive Plan Policies:
  - *Land Use 1.d*: "Business-related signs, both temporary and permanent, should serve the needs of the business owner and public to identify business locations but should not proliferate in a manner whereby the sum of all signs detracts from a positive aesthetic experience of the City's commercial areas."
  - *Land Use 1.e*: "Signage standards should promote design sensitivity to the context in which signs are placed and scaled to both the mass of the building and the location of the sign on the lot."

Criteria

- Comprehensive Plan Policies:
- *Urban Design 2.f*: "Consideration should be given to revising the sign ordinance in order to encourage signage more in keeping with the unique character of Oak Harbor."
- *Urban Design 5.c*: "Free standing business signs should be consistent with the speed limit of roadways, and the character of land use districts."

Criteria

- Comprehensive Plan Policies:
- *Land Use Goal 1*: "To respect the "small town" heritage of Oak Harbor while enhancing the unique character of its neighborhoods and districts with development that is fitting with the City's future as a regional center."
- *Economic Development Goal 3*: "Increase Oak Harbor's market share of retail sales to reduce the economic leakage off island."

# Draft Zoning Regulations

## Maritime Zone

### Public Hearing

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**CITY OF OAK HARBOR**

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**TO:** PLANNING COMMISSION  
**FROM:** CAC KAMAK, SENIOR PLANNER  
**SUBJECT:** 2012 COMPREHENSIVE PLAN AMENDMENTS – LAND USE  
CONSIDERATIONS  
**DATE:** 2/22/2013  
**CC:** STEVE POWERS, DEVELOPMENT SERVICES DIRECTOR

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**Purpose:** The purpose of this memo is to present a few factors to consider in drafting zoning regulations for the Maritime Zoning District. The Maritime Land Use category was created with the 2012 Comprehensive Plan Amendments to accommodate water-dependent and water-related industrial and commercial uses on lands adjacent to the marina.

**Background:** The 2012 Comprehensive Plan Amendments considered adding a new land use category to the Comprehensive Plan to capture the potential of maritime industrial and commercial uses for land that is currently adjacent to the marina (see Attachment 1). The Planning Commission reviewed the intent of the land use category in 2012 and the proposed new Maritime land use category was eventually approved by the City Council in December 2012. The primary intent of the Maritime land use has been incorporated into the Land Use Element of the Comprehensive Plan (Attachment 2).

After incorporation of the new land use category into the Comprehensive Plan, zoning regulations have to be adopted to implement the intent of the new land use category. Zoning regulates the use and development of properties and usually prescribes the type of uses that would be permitted by right, uses that will need a conditional use permit, development regulations (area ratios, density, parking etc.) and other requirements.

**Discussion:** To discuss the details of the regulations that should be included in the Maritime zoning district, it is important to know some of the key elements that the land use designation is intending to achieve. These can be derived from the key words and phrases found within the adopted intent statement for the Maritime designation. They are listed below:

- Accommodate high intensity water- related and water-dependent uses
- Clean industrial uses
- Commercial uses similar to uses permitted in the Central Business District
- Flexible standards for streets and parking

- Sufficient screening between industrial and commercial uses

Water-related and water-dependent uses are defined in the City’s Shoreline Master Program (SMP) that was recently adopted by the City and is awaiting approval by the Department of Ecology. The SMP defines *water-dependent* uses as a use or a portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operation (eg. ship cargo terminals, ferry terminals, ship building, marinas, aquaculture, float plane services etc). A *water-related* use is defined as a use or a portion of a use which is not intrinsically dependent on a waterfront location but whose economic vitality is dependent upon a waterfront location because of a functional requirement for a waterfront location or the use provides a necessary service supportive of a water-dependent activity and the proximity of the use to its customers makes its service less expensive or convenient. The SMP also categorizes *water-enjoyment*<sup>1</sup> uses. These can all be permitted in the Maritime district. Please note that these definitions would have to be incorporated into the definition section (OHMC 19.08) of the zoning ordinance.

The inclusion of “clean” industrial uses in the description provides a performance standard for industrial uses that will be permitted in the Maritime zoning district. These can include regulations to prohibit activity that has the potential for generating byproducts or waste that is discharged into the air or water within this district.

The intent of the Maritime zoning district is to also include a mix of commercial uses that will support the maritime industry. The language adopted in the comprehensive plan suggests commercial uses similar to the Central Business District (CBD). The uses permitted in the CBD district

(Attachment 3) extensive and not all uses listed in that district may be appropriate for the Maritime district. One way to sieve through the numerous uses is to consider the potential for traffic challenges in the area that is identified in the intent statement. By recognizing the potential challenge for ingress and egress in to the area, uses that are parking intensive such as

The Maritime Land Use should consider flexible standards for streets and parking as an incentive to foster development in the area. One of the major challenges in creating this land use category is the intersection of Pioneer Way, Catalina Drive and the security gate to the Seaplane Base. Since the proposed land uses in this area has the potential to generate traffic, creative solutions will need to be sought to address this issue. Creating flexible parking standards in this area is also intended to encourage the public to use the access provided by the waterfront trail with alternative modes of transportation.

grocery stores, furniture stores, schools etc can either be prohibited or required to obtain a conditional use permit. Many specialty retail uses such as antique shops, bakery, pharmacy etc, can also be either prohibited or conditioned.

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<sup>1</sup> A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for the recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public’s ability to enjoy the physical and aesthetic qualities of the shoreline.

Similar to the traffic challenges in the area, the intent statement also indicates flexible parking standards and encourages the use of other modes of transportation. This can translate to various implementation strategies such as requirements for bicycle parking, eliminating parking requirements and maximum limits on parking when provided. A stronger link can also be made to the existing design guidelines that require areas for people space to be incorporated into the development.

The intent statement also indicates the importance of screening between commercial and industrial uses. OHMC 19.46 addresses the landscaping and screening requirements (Attachment 4) and should be sufficient to mitigate the impacts of these uses on each other. However, if the Commission feels that they need to be different or more specific, they can be addressed under the conditions that govern permitted uses in the Maritime District.

Since the intent statement makes a strong connection to the CBD district and the SMP, development regulations for the Maritime District can be adapted for this district from these documents. The SMP document will provide regulations for the setback and height requirements (Attachment 5) along the shoreline and the CBD district can provide the lots sizes, floor area ratios and setbacks between uses. This can result in a higher density district with minimum to no setbacks between commercial structures and no parking requirements. Since the district is primarily geared towards industrial development, it would be wise to prohibit residential uses in this district. Permitting residential in this district can set it up for impacts that will be hard to regulate against.

Conceptual draft proposal: Based on the above, uses that would be appropriate for this district are suggested below. The uses are proposed to be broadly categorized since all potential uses cannot be predetermined and specified. The Development Services Director has the authority to make interpretations on uses that are not specifically listed and relies on the intent statement and the definitions to make a decision.

The *permitted* uses can be generally categorized into the following:

Water-dependent uses such as:

- (1) Marinas
- (2) Yacht Clubs
- (3) Boat Launch ramps
- (4) Boat Repairs
- (5) Boat Storage
- (6) Ferry and Passenger Terminals
- (7) Float Plan facilities
- (8) Aquaculture
- (9) Sewer and storm outfalls
- (10) Boat building and related industry

Water-related uses such as:

- (1) Warehousing of goods transported by water

- (2) Professional services serving water dependent activities
- (3) Marine hardware and retail store
- (4) Outdoor recreation outfitters

Water-oriented uses such as:

- (1) Mini-storage facilities related to the Marina
- (2) Offices that serve water dependent uses
- (3) Laundry facilities

Water-enjoyment uses such as:

- (1) Restaurants, cafes and food vendors
- (2) Bars, taverns and brew pubs
- (3) Gifts, hobbies, ice cream and convenience store
- (4) Tours, visitor information centers
- (5) Governmental buildings and associated facilities
- (6) Transit terminals
- (7) Parks and open space

Conditional uses are uses that need to follow a process of review by the Hearing Examiner and includes public input through a hearing process. These uses are considered appropriate for a particular zoning district if they are able to mitigate or address some of the potential impact the use can have on the district and other uses. The impacts can range from traffic generation and parking to noise and light pollution.

Some of the uses to consider under the Conditional Use category are:

Conditional uses	Impacts
(1) Grocery stores	High traffic generator and parking intensive
(2) Conference Center	Parking intensive
(3) Hotel and Motel	Parking intensive and potential to be impacted by industrial uses
(4) Schools – fine arts, fitness etc	Potential to be impacted by industrial uses
(5) Non water-oriented offices	Long hours of parking – low turnover
(6) Specialty retail such as antique shops, bakery, clothing store	Not the primary intent of the district and can be considered accessory to other appropriate uses
(7) Stand alone parking lots	Long hours of parking – low turnover
(8) Personal services	low turnover in parking

The zoning regulations can also consider conditions that all uses must adhere to in this district. Some suggestions are provided below:

- (1) 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.

- (2) Landscaping and buffers between commercial and industrial uses shall be constructed and maintained in accordance with the provisions of Chapter 19.46 OHMC.
- (3) Parking is not required for permitted uses. If provided, it shall meet the requirements of OHMC 19.44.110 (space size and access requirements) and shall not exceed the minimum requirements of OHMC 19.44.100 (Minimum parking space standards). The Planning Commission can consider a stricter requirement of the minimum to reduce parking in the district such as 50% or 75% of the minimum requirements.

**Planning Commission Feedback:** Staff would like feedback on the proposals presented above. Some of the key questions that will help provide direction to staff are:

- (1) Is the categorization of permitted uses in this district easy to understand and does it cover the extent of uses that this district should accommodate? Are there changes or additional uses to consider?
- (2) Are the *conditional uses* appropriately categorized? Are there *permitted uses* that should be *conditional uses* and vice versa. Any additional uses to consider?
- (3) Are the conditions that govern all uses in this district appropriate? Does the commission have other suggestions to consider?

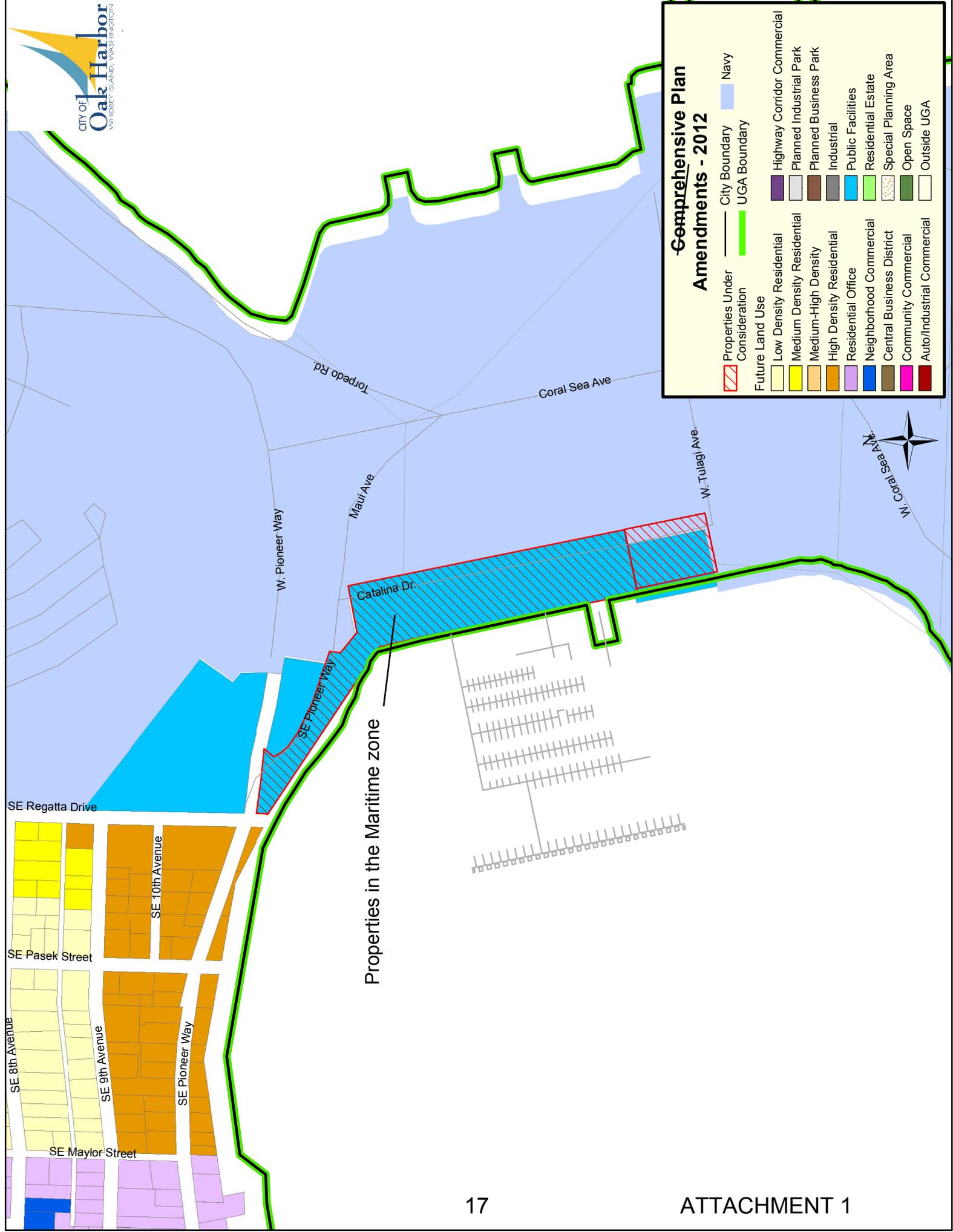
After the Planning Commission's feedback on these options, City staff will contact the property owners in the area to provide a draft of the regulations and provide opportunity for feedback. Based on comments and feedback received, staff will generate a draft that will be ready for the public hearing and adoption process.

Attachments:

1. Maritime Zoning Location Map
2. Land Use Element of the Comprehensive Plan
3. CBD Regulations
4. OHMC 19.46 Landscaping and Screening
5. SMP Development Standards

### -Comprehensive Plan Amendments - 2012

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



Properties in the Maritime zone

# **GROWTH MANAGEMENT ELEMENTS GOALS AND POLICIES**

## **LAND USE**

### **Introduction**

The Land Use element of the comprehensive plan will guide decision-makers in defining how the land in Oak Harbor and its urban growth area (UGA) will be used to accommodate the projected population and employment growth over the next twenty years. The Future Land Use map describes the range of land uses that will occur (*i.e.*, residential, commercial, industrial), and where those land uses will occur. This element presents a broad vision of the future allocation and distribution of land uses. The policies in this element define the density, intensity and character of these proposed land uses, and will provide guidance in the drafting of development regulations to implement this plan.

Historic land use patterns have determined the character of the city -- the development of the downtown area; the location of homes and industries; the patterns of transportation corridors; the evolving relationship between the city and the Naval Air Station: all of these elements have helped to shape Oak Harbor's urban fabric. Land use decisions have determined where people reside, shop and work. They have also shaped the traffic patterns that determine the mobility of citizens, and the size, amount and type of parks and recreation areas that impact residents' quality of life. Land use decisions must consider and be sensitive to the natural environment and physical constraints within the community, and they must also reflect the visions and values of the citizens of the community. Land use decisions will continue to play a significant role in determining the quality of life in the city of Oak Harbor.

### **Relationship to Other Elements**

The Land Use element is the central component of the entire comprehensive plan. In conjunction with the Environmental element, it is the element upon which all other elements of the plan are based. Coordination between the Land Use element and the other plan elements is not only required by GMA, but it is essential in ensuring that the city can meet its land use, housing and economic development goals. The goals and policies expressed in this element, and shown on the Future Land Use map, are important in planning for the allocation, distribution and intensity of land uses. This information is also important in planning for the extension of streets and utilities, and for the siting of facilities such as schools, police or fire facilities. Thus, this element will be the cornerstone of the Capital Facilities, Utilities, Housing, Economic Development, Open Space, and Transportation elements of this plan.

### **Distribution, Location and Extent of Land Uses**

The city's existing land use pattern generally responds to the opportunities and constraints presented by natural features of the land, the economic opportunities presented by transportation corridors, and the unique opportunities and constraints resulting from the location and operation of NAS Whidbey Island.

The natural features of the land are described in the Environmental element. A key feature of Oak Harbor's natural environment is its visual and physical access to the waters of Puget Sound. City land use policies must recognize the importance of this link by emphasizing strategies that will maximize opportunities for water views and water access.

As in most communities, housing development has followed economic opportunity. In the past, housing growth paralleled the growth of naval facilities. As the local economy becomes more diversified, both residential and commercial growth will be less dependent on military activity.

## EXISTING CONDITIONS

### Land Use Mix

Due to the location of the naval base and its supporting facilities, the amount of land traditionally developed within the community for both residential and non-residential uses has been affected by similar facilities built by the Navy to accommodate their personnel and their dependents. For example, NAS Whidbey Island has built 1552 units of housing for use by base personnel and their families. In addition, the base Exchange and Commissary are primary sources of goods purchased by Navy personnel and DOD retirees. As a result, the development of housing and commercial areas within the city has been slower than development in cities of comparable size. The city's mix of land uses also reflects its status as a regional provider of goods and services for the North Whidbey Island area.

In order to evaluate the adequacy of Oak Harbor's mix of land uses, a comparative survey of similarly-situated communities was performed. Cities selected for this survey were similar in population to Oak Harbor (Marysville, Port Angeles, Mukilteo), or they were a regional service provider dominated by one major employer (Bremerton, Port Townsend). In one case, the community met both criteria (Pullman). The survey examined data found in the comprehensive plans of each community (including data from the Oak Harbor 2001 Comprehensive Plan), identifying the percentage of land within each city devoted to residential, commercial, and industrial use.

This survey indicates that Oak Harbor's mix of residential, commercial, and industrial uses is fairly consistent with similar communities surveyed. One exception to this observation is in the area of industrial land, where Oak Harbor's total was significantly lower than other cities. None of the data includes land outside city limits but within Urban Growth boundaries. It is therefore likely that, as industrial land to the north of Oak Harbor is annexed over time, the percentage of industrial land will be more in line with that of other communities.

In 2011, the City recognized that there was no land use category to accommodate water-related and water-dependent commercial and industrial uses adjacent to the shoreline. This was apparent when there was a potential for a boat builder to locate within Oak Harbor. To accommodate such uses in the future, the City created a new land use category called "Maritime" that is intended to allow commercial activity and clean industrial uses along Catalina Drive.

**Figure 1**  
**Comparison of Land Uses by Community**

	% Residential	% Commercial	% Industrial
<b>Bremerton</b>	37.3	9.1	0.1
<b>Pullman</b>	37.2	6.4	5.8
<b>Port Angeles</b>	48.0	7.0	17.0
<b>Mukilteo</b>	52.0	8.0	15.0
<b>Marysville</b>	58.3	6.5	22.4
<b>Port Townsend</b>	68.0	1.0	5.0
<b>Average</b>	<b>50.1</b>	<b>6.3</b>	<b>10.9</b>
<b>Oak Harbor</b>	<b>51.0</b>	<b>7.0</b>	<b>1.0</b>

NOTE: Because these numbers do not include all land use types, the totals do not reach 100%

### **Residential Uses**

The predominant land use within the city is residential. The density of residential areas varies from 3 – 6 dwelling units per acre (du/ac), to as much as 22 du/ac. The higher densities are located primarily near the center of the city. These areas feature a mix of single-family and multi-family dwellings. Lower density areas, consisting mostly of single-family homes, are located to the east, west, and south of the city's central core. Residential development has been limited in the northern portion of the city, due largely to noise impacts from aircraft operations at Ault Field. A total of 4202 parcels of land within the city are devoted to residential uses. These parcels represent approximately 51% of the city's total land area.

Different residential areas of the city were developed over a span of time, resulting in identifiable neighborhoods with distinguishing characteristics. Six distinctive neighborhood areas have been previously defined for planning purposes: Northeast (#1) north from Whidbey Ave. to the Sea Plane Base, Southeast (#2) south from Whidbey Ave. to the waterfront, Northwest (#3) north Whidbey Ave. W to the city limits, Southwest (#4) east of Heller Road to Highway 20, south of Whidbey Ave W to Swantown Road and Highway 20, Far West (#5) all incorporated areas west of Heller Road, and South (#6) all incorporated areas south of Highway 20 and west of Oak Harbor Street. These neighborhoods are mapped on **Figure 2**.

The Northeast Neighborhood is primarily made up of ranch-style single-family houses dating from the 1950s and 1960s. Newer and larger homes are located near the eastern boundary, while multi-family units lie closer to commercial strips along Midway Boulevard and SR 20. Lot sizes range from approximately 8,000 square feet to one-half acre.

The Southeast Neighborhood includes the residences downtown, where most of the oldest homes in the city are located. This area includes some craftsman style homes from the 1920s and 1930s, and a few Victorian style homes from earlier dates. The majority of the housing in this area consists of tract homes from the 1950s and 1960s. There is also a large stock of multi-family units centered around the Central Business District. Lot sizes range from approximately 5,000 square feet to one-half acre.

The Northwest Neighborhood contains a wide variety of housing units, including mobile home parks, tract housing, ten and fifteen year old single-family homes, and new apartments and condominiums. The neighborhood contains a small number of single-family homes lacking improved streets and a sewer service that were given a "poor" rating in the most recent housing survey.

The Southwest Neighborhood consists of single-family subdivisions and planned unit developments. The area includes ranch-style homes, with apartments and condominiums located closer to SR 20. This area also provides view lots of Oak Harbor and the bay. Bordering the Whidbey Golf and Country Club are planned unit developments containing both attached and detached condominiums and single-family homes plus a gated community containing estate homes.

The Far West Neighborhood consists of single-family homes, with two large parcels of undeveloped single-family zoned land totaling 70 acres. Much of the anticipated residential growth is expected to occur in this neighborhood.

The South Neighborhood contains a mixture of new condominiums, older rural subdivisions, new planned unit developments, and approximately 50 acres of wetland and cultivated land. Recent development has been along Scenic Heights Road, which provides some of the best "view" land available.

*INSERT NEIGHBORHOOD MAP HERE*  
*(Figure 2)*

**Neighborhood Map**



### **Commercial Uses**

Commercial uses include the Central Business District (CBD), smaller neighborhood businesses, and auto-oriented businesses and large retail facilities located along highway corridors. The CBD features older buildings that are home to a mix of office and retail uses, as well as restaurants. The area also includes several undeveloped and underdeveloped parcels that present unique opportunities for downtown development. Many of the properties in this area have water views that will make them attractive for redevelopment. However, construction on these sites may also impact existing views from other properties. City development regulations should consider the value of these views during the permitting process for new construction within the CBD. The commercial area along SR20 has developed in a manner that accommodates the auto-oriented public. In addition to automotive services, the area includes businesses that feature large-scale buildings and parking lots.

### **Industrial Uses**

Land developed or designated for industry is located primarily in the northern part of the city. This area is within the Air Installation Compatible Uses Zones (AICUZ) footprint designated by the Navy and based on noise impacts and Accident Potential Zones (APZs) associated with aircraft activity at Ault Field. Due to noise impacts and limited areas also within designated APZs, this area is better suited to industrial uses, and is not suitable for residential development.

From 1993 to 1995, the city participated in the development of the North Whidbey Community Diversification Action Plan. In recognition of the area's reliance on NAS Whidbey Island as its economic engine, the plan set forth a strategy to diversify the local economy.

In 1990, a total of 10,446 people were directly dependent on employment at NAS Whidbey Island: military personnel, civilian employees, and contractors. In 2002, that population is 10,058.<sup>1</sup> During the intervening time, there were periods of uncertainty regarding the future of the facility, based on a decision in early 1991 to include the NAS on the federal base closure list. Although the base was removed from the list shortly thereafter, the potential for closure resulted in economic uncertainty and a realization that the level of reliance on the naval base was unhealthy for the long-term benefit of the local area.

### **Public/Institutional Uses**

This category of uses includes public and private schools, churches, municipal buildings and facilities, park and recreation facilities, and open space (whether public or private).

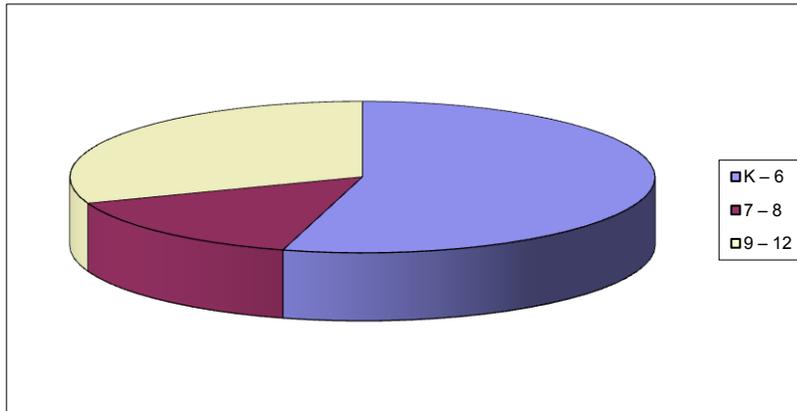
The greater Oak Harbor area is served by School District #201. The District operates one high school, two middle schools and six elementary schools, serving a total 2002 population of approximately 6,228 students in grades K – 12. Nearly one-third of this number (1,910) is high school age, with the remainder in earlier grades. Projected enrollments in coming years through 2007 suggest that the school population will decline slowly to a total of 5,886, a decline of approximately 5.5%.<sup>2</sup> Figures 3 and 4 illustrate the apportionment of students by age, and projected total enrollments.

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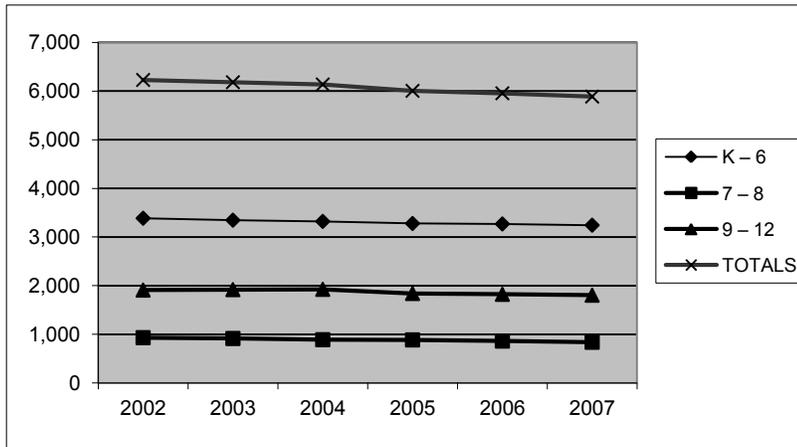
<sup>1</sup> SOURCE: NAS Whidbey Island

<sup>2</sup> SOURCE: State of Washington Superintendent of Public Instruction.

**Figure 3**  
**School Enrollment by Grade, 2002**



**Figure 4**  
**School District Enrollment Projections, 2002 – 2007**



In addition to public schools, several private schools provide educational services to the community. Among the larger programs are Lighthouse Christian Academy, Oak Harbor Christian School, Montessori Der Kinderhuis, Inc., Oak Harbor Seventh Day Adventist Elementary School, and Oak Harbor Bible Baptist Christian School. Except for Lighthouse Christian Academy (which serves grades K – 12), these private schools generally serve the K – 8 school population.

A branch of Skagit Valley College is located in Oak Harbor on 2.5 acres at the east end of Pioneer Way. The facilities include classrooms and vocational and technical buildings. In addition to their two-year study programs, the school also offers a four-year degree program in Education in association with Western Washington University. Various undergraduate and graduate degrees are also offered to the general public by a branch of Chapman University, which is located on the Navy Seaplane Base. Finally, Embry-Riddle Aeronautical University at NAS Whidbey Resident Center offers both Associate and Baccalaureate degrees in aviation-related fields.

Municipal facilities include City Hall on SE Barrington Drive, a police station located across the street from City Hall, a fire department Headquarters Station located on E. Whidbey Avenue, the library located on the Skagit Valley College campus, and the public works/municipal shops facility.

City parks and recreation facilities include 25 parks on approximately 88 acres of land within the city. In addition, the School District owns approximately 85 acres of playgrounds and athletic fields, and the Navy manages some 207 acres of parks and fields for use by their personnel and dependents. Open space areas within the city are many and varied, as described more fully in the Open Space Element.

### **Military Uses**

Two of the Navy's four facilities on Whidbey Island are located in or adjacent to Oak Harbor.

Ault Field, located immediately to the north of the city, totals approximately 4,250 acres in size. It is the most highly developed of the four NAS properties, featuring the main airfield, administrative and industrial buildings, a hospital, a variety of housing units, and several recreational areas including an 18-hole golf course.

The Seaplane Base encompasses approximately 2,820 acres. About twenty percent ( $\pm 600$  acres) of this land area is developed, primarily with family housing. The remainder of the site is in forest, wetlands, grasslands, and beaches, some of which is used as required open space to buffer military uses. The base includes 10.1 miles of shoreline on Crescent Harbor and Oak Harbor.

Activities at Ault Field can limit the type of development within the northern portion of the city due to the noise created by aircraft takeoffs and landings. The city has historically cooperated with the Navy in implementing land use plans that conform to the Navy's AICUZ program recommendations. These plans limit land uses near Ault Field to non-residential uses.

## **ECONOMIC AND DEMOGRAPHIC PROJECTIONS**

Existing conditions form the basis to predict future patterns of growth. By examining the area's population and employment growth potential, it is possible to anticipate the city's future land use needs.

The following sections analyze growth projections related to employment, population, and housing. As a base, these projections use data found in previous plans and studies. New data is based on the 2000 U.S. Census, and on information provided by NAS Whidbey Island. To maintain consistency, the methodology used to extend projections is identical to that used in previous years.

### **Population and Demographic Projections**

According to the U.S. Census, Oak Harbor's population in 2000 was 19,975. This figure represents an increase of approximately 4.5% over the 1993 population of 18,930. The city's actual rate of growth from 1993 (the most recent date when population projections were made by the state's Office of Financial Management and allocated by Island County) to 2000 was less than one percent per year. In 1993, the city elected to use a high growth estimate of 2.55% per

year for planning purposes. While this rate of growth may be attained over an extended period, short-term growth has been shown to occur at a significantly lower rate.

The rate of growth during the 1990s was tied to uncertainties related to the future of NAS Whidbey Island, which was initially slated for closure during an early round of federal base closures. Since that time, the mission of the base has been stabilized and the economy of the region has begun to diversify. With the stabilization of the employment and population base at NAS Whidbey Island and the development of new economic sectors within the local and regional economy, it is possible that the city's rate of growth will continue at rates predicted earlier.

Overall population figures tell only a small part of the story. Oak Harbor has a relatively young population, with a median age of 28.3 years. Nearly a quarter (23.6%) of the city's population falls into the school-age years of 5 to 19 years. About one in five (19.1%) of residents are between 25 and 34 years old. Only nine percent of the population is 65 years of age or older. *Figure 5* shows the full range of Oak Harbor's population by age.

The relatively young age of the city's population is due to the high percentage of military personnel, who tend to be younger than the general population. In addition, the families of military personnel contribute to the large number of school-age children, raising implications regarding the need for future school facilities.

*Figure 5*  
*Population by Age, 2000*

<b>Age Group</b>	<b>Population</b>	<b>Percent of Total</b>
<5 years	2,062	10.4
5 – 9 years	1,829	9.2
10 – 14 years	1,540	7.8
15 – 19 years	1,311	6.6
20 – 24 years	1,814	9.2
25 – 34 years	3,776	19.1
35 – 44 years	3,026	15.3
45 – 54 years	1,580	8.0
55 – 59 years	588	3.0
60 – 64 years	485	2.5
65 – 74 years	868	4.4
75 – 84 years	682	3.4
>85 years	234	1.2
<b>TOTALS</b>	<b>19,795</b>	<b>100.0</b>

SOURCE: 2000 U.S. Census

### **Existing and Projected Employment**

NAS Whidbey Island continues to exert a significant impact on the city and the region. In addition to the direct employment of more than 10,000 persons, the base generates the need for a wide variety of secondary businesses to serve the needs of the Navy and its employees.

**Figure 6**  
**Employment Forecast NAS and NON-NAS; 1980 to 2022**

	Military	NAS Civilian	Total	NAS- Depend.	NAS- Independ.	Non-NAS Total	Non-NAS Growth	Total Employment
<b>1980</b>	6,381	856	7,237	1,517	2,388	3,905	---	11,142
<b>1991</b>	8,510	786	9,296	2,024	5,666	7,690	3,785	16,986
<b>1993</b>	8,829	2,031	10,860	2,099	5,989	8,088	398	18,948
<b>2002<sup>1</sup></b>	8,521	1,537	10,058	2,026	8069	10,095	2,007	20,153
<b>2013<sup>2</sup></b>								
Low <sup>(a)</sup>	7,505	1,726	9,231	1,517	10,424	11,941	3,853	21,172
Medium <sup>(b)</sup>	8,829	2,031	10,860	2,099	10,424	12,523	4,435	23,383
High <sup>(c)</sup>	9,270	2,133	11,403	2,315	10,424	12,739	4,651	24,142
<b>2022<sup>3</sup></b>								
Low <sup>(d)</sup>	7,243	1,306	8,549	1,722	14,045	15,767		24,316
Medium <sup>(e)</sup>	8,521	1,537	10,058	2,026	14,045	16,071		26,129
High <sup>(f)</sup>	8,947	1,614	10,561	2,128	14,045	16,173		26,734

<sup>1</sup> Source of military data: NAS Whidbey Island.

<sup>2</sup> Source: *Employment Forecast for Greater Oak Harbor 1995-2013*; The Oak Harbor Planning Department (Revised 3/17/93). Based on annual growth rate of 2.81 on Non-NAS Employment and a 0.2378 Military/NAS-Dependent multiplier (using 1993 as base). (a)Assumes a 15% reduction, (b)Assumes no change, and (c)Assumes a 5% increase.

<sup>3</sup> Source: *Employment Forecast for Greater Oak Harbor 1995-2013*; The Oak Harbor Planning Department (Revised 3/17/93). Based on annual growth rate of 2.81 on Non-NAS Employment and a 0.2378 Military/NAS-Dependent multiplier (using 2002 as base). (d)Assumes a 15% reduction, (e)Assumes no change, and (f)Assumes a 5% increase.

### Housing Need Projections

A full study of housing needs was conducted by Island County in 1993.<sup>3</sup> That study formed the basis for much of the county's housing policy during the 1990s, and is discussed more fully in the Housing Element. This study was updated in 2004 with a new housing capacity analysis (see the Housing Element for details)

Throughout the 1990s, the trend toward smaller average household sizes continued in Oak Harbor and throughout Washington. The city's average household size in 2000 was 2.70

<sup>3</sup> *Housing Needs Assessment; Island County, Coupeville, Langley, Oak Harbor*. Judith Stoloff Associates, November, 1993.

persons, down from the 2.88 persons reported in the 1990 census. A smaller household size means that a larger number of housing units will be needed to accommodate the city's projected population. This trend also has implications for housing types, as smaller households do not require the larger single-family homes that were predominant in Oak Harbor in the 1950s through 1970s. *Figure 7* ties population projections to future household needs.

**Figure 7**  
**Population and Housing Growth**

Year	Population	# of Households	Avg. Household Size
1980	12,271	4,107	2.99
1990	17,176	5,971	2.88
2000	19,795	7,333	2.70
2010	24,249	9,185	2.64
2020	29,704	11,603	2.56

SOURCE: U.S. Census Bureau. 2010 and 2020 population projections assume the "medium" growth projection (2.05% annual growth rate) originally developed as a local planning estimate.

## FUTURE LAND USE NEEDS

A land use inventory was prepared for the city in 1994.<sup>4</sup> That study confirmed the city's role as a regional center for goods and services.

*Figure 8* details the extent of specific land uses within the city. This table does not include military uses at the Seaplane Base, even though this area is a part of the city. In addition to the aggregate numbers shown in this table, an understanding of the quality and character of land uses is also important. A discussion of land use quality and character must consider the density and intensity of development, as well as those elements that will ensure that new development is compatible with existing development in the city.

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<sup>4</sup> *Oak Harbor Urban Growth Area Report*, Makers Architecture and Urban Design, 1994.

**Figure 8****Land Use Inventory**

<b>Land Use</b>	<b>Acres</b>	<b>% of Total</b>	<b>% Developed</b>
Single Family	1358	50	73
Multiple Family	212	8	48
Commercial	204	8	36
Office	116	4	1
Industrial	51	2	1
Semi-Public	59	2	4
Public*	174	6	11
Parks	70	3	5
<u>Vacant</u>	<u>446</u>	<u>17</u>	<u>-</u>
<b>Total</b>	<b>2,690</b>	<b>100</b>	<b>100</b>

\* Includes local streets but not arterial streets.

Source: City of Oak Harbor Development Services Department 2002

The following table identifies the zoning districts, which implement the land use designations from the Comprehensive Plan.

<u>COMPREHENSIVE PLAN</u>		<u>ZONING DISTRICT</u>	
PRE	Planned Residential Estate	PRE	Planned Residential Estate
R-LD	Low Density Residential	R-1	Single-Family Residential
R-MD	Medium Density Residential	R-2	Limited Multiple Family Residential
R-MHD	Medium-High Density Residential	R-3	Multiple Family Residential
R-HD	High Density Residential	R-4	Multiple Family Residential
RO	Residential Office	R-O	Residential Office
NC	Neighborhood Commercial	C-1	Neighborhood Commercial
CC	Community Commercial	C-3	Community Commercial
CBD	Central Business District	CBD	Central Business District
AIC	Auto/Industrial Commercial	C-4	Highway Service Commercial
HCC	Highway Corridor Commercial	C-5	Highway Corridor Commercial
PBP	Planned Business Park	PBP	Planned Business Park
PIP	Planned Industrial Park	PIP	Planned Industrial Park
I	Industrial	I	Industrial
PF	Public Facilities	PF	Public Facilities
ORA	Open Space Recreation & Agriculture	OS	Open Space, Recreation & Agriculture

**Residential Uses**

The city contains a variety of residential uses and housing types, and varying densities. This plan is intended to ensure that sufficient land is available for future housing needs, while protecting the integrity of existing neighborhoods. For example, multi-family housing is an

important part of the city's housing mix, but its development would typically be discouraged in areas that are predominantly single-family in nature. The following types of residential development are contemplated:

***R-1 Single-Family.*** R-1 Single-Family Residential areas are intended for low density, urban, single-family residential uses, while providing sufficient density to allow the City to effectively provide needed urban services. Densities would range between a minimum of three (3) units per gross acre and a maximum of six (6) units per gross acre.

***R-2 Limited Multi-Family.*** R-2 Limited Multiple Family Residential areas are intended for medium density residential housing. Densities would range between a minimum density of three (3) units per gross acre and a maximum density of (12) twelve units per gross acre. The R-2 areas are intended only for those areas having safe and convenient access to improved collector or arterial streets and adequate public services.

***R-3 Multi-Family.*** The R-3 Multiple Family Residential designation is intended to provide for and protect areas for medium to high density multiple family residential development. The densities for this district range between a minimum density of six (6) units per gross acre and a maximum density of sixteen (16) units per gross acre. The R-3 areas are intended only for those areas adjacent to arterials or collector streets, where adequate public services are available.

***R-4 Multi-Family.*** This Multiple Family Residential designation is intended to provide for and protect areas for high density multiple family residential development for persons who desire to live in an apartment environment. Densities would range between a minimum of twelve (12) units per gross acre and a maximum density of twenty-two (22) units per gross acre. The R-4 district shall be considered only for those areas adjacent to arterials or collector streets. Safe and convenient streets must be available or developed to the district without generation of additional traffic upon existing residential streets.

***Residential/Office.*** It is the purpose of the RO Residential Office district to provide for areas appropriate for professional and administrative offices. It is intended that such districts would provide a buffer for residential districts, and that the development standards would be such that office uses would be compatible with residential districts. This designation would recognize areas where existing single-family homes may be functionally obsolete due to their size, and promote the conversion of such dwellings to office uses in a manner that retains the character of the larger single-family structure.

### **Commercial Uses**

A community needs a variety of retail and office areas to maintain economic health. For that reason, provision must be made to accommodate businesses serving small neighborhoods, as well as much larger businesses with a regional clientele. The following commercial uses are contemplated:

***C-1 Neighborhood Commercial.*** This commercial designation is intended to provide for limited commercial and mixed residential/commercial uses to serve the residents of a surrounding residential district. The scale of development, the architectural and site design and the operational character of allowed uses would be an important consideration for this type of development.

**Central Business District.** The Central Business District (CBD) is intended to preserve and enhance the unique harbor location of the City's heritage with the character of a 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, would be required. Within the district, pedestrian-oriented activity would be encouraged. Standards and design guidelines adopted to enhance and maintain a pedestrian friendly environment would be implemented. Incentives would also be provided to encourage the development of mixed-use projects. Subdistricts within the CBD would provide for flexibility of residential development within specific areas. Large surface parking lots would not be encouraged. Shared clustered parking areas in the middle of blocks would be encouraged, away from street frontages. Access driveways would be kept at a minimum, to promote the safety and convenience of pedestrians. As with the Neighborhood Commercial areas, the scale of development within the CBD would be an important consideration.

**C-3 Community Commercial.** The Community Commercial designation would provide for those types of retail, wholesale, transportation, and service uses which, because of traffic and other requirements, depend upon particular locations or site characteristics to serve the needs of the community and its trading area. Generally, the permitted uses would contemplate large sites with access from either major or minor arterials.

**C-4 Auto/Industrial Commercial.** The Auto/Industrial Commercial district would permit the establishment of facilities oriented toward uses dependent upon a highway location, for purposes of either access or visibility. The district would primarily be intended to allow for the concentration of automobile and other motor vehicle sales centers. Other commercial and limited industrial activities would also be permitted. The uses permitted by this district must also be compatible with the NAS Whidbey AICUZ recommendations. Access to the highway would be controlled, so as to minimize turning movement conflicts and maximize traffic efficiencies.

**C-5 Highway Corridor Commercial.** The Highway Corridor Commercial would provide for those types of uses which, because of traffic and other requirements, are regional in impact and should be located in the highway corridor. This designation is intended to provide a means of allowing these uses along the highway corridor, but with limited access to SR 20.

### **Maritime Uses**

The City created this land use in 2012 to accommodate high intensity water related and water dependent commercial and industrial uses. This land use category and the Maritime designation in the Shoreline Master Program have similar intent. This land use would accommodate uses such as boat building, sail making, water dependent transportation ware housing and other clean industrial uses. This land use also accommodates commercial uses similar to the uses that are allowed in the Central Business District. The commercial uses are intended to draw residents and visitors to the area and enjoy the recreational facilities provided by the marina, Catalina Park and the Maylor Point trail. Commercial and industrial uses in this area will need to be sufficiently screened from each other. The Maritime Land Use should consider flexible standards for streets and parking as an incentive to foster development in the area. One of the major challenges in creating this land use category is the intersection of Pioneer Way, Catalina Drive and the security gate to the Seaplane Base. Since the proposed land uses in this area has the potential to generate traffic, creative solutions will need to be sought to address this issue. Creating flexible parking standards in this area is also intended to encourage the public to use the access provided by the waterfront trail with alternative modes of transportation.

### **Industrial Uses**

The city currently has a limited amount of developed industrial land. The designation of industrial areas within the city would also provide a basis of agreement with Island County regarding industrial development within the city's UGA located to the north of the city. This area, which is impacted by the noise and accident potential generated by aircraft operations at Ault Field, is well-suited to industrial development while accommodating the Navy's need for compatible uses near the airfield. Several types of industrial use may be contemplated, including uses that may also permit commercial development.

***PBP or PIP Planned Business or Industrial Parks.*** Planned business or industrial parks are intended to promote the development of larger-scaled master planned developments related to office complexes or complex manufacturing facilities. They would preserve or create environmental amenities superior to those generally found in conventional developments. The degree of planning required for such developments would promote a flexibility of development intended to result in a campus or park-like environment.

***Industrial.*** The Industrial district would accommodate certain industrial structures and uses having physical and operational characteristics that could have an adverse impact on adjoining residential or commercial uses. Regulations would be designed to permit those industrial uses that can be operated in a relatively clean, quiet and safe manner compatible with adjoining land uses.

### **Other Land Uses**

***Military.*** Although the Seaplane Base is located entirely within the Oak Harbor city limits, all land use and development within that area is governed directly by the Navy. Historically, the city and the Navy have worked cooperatively to ensure that development meets the needs and expectations of all the parties involved.

**Public Facilities.** The Public Facilities district accommodates public facilities and institutional land uses such as public parks, schools, churches, governmental offices, public works yards, utility structures, hospitals, and other similar public and quasi-public uses. This designation aids the City and the public in planning and budgeting for public facilities, while minimizing potential conflicts between incompatible land uses.

**Open Space.** Some outlying areas of the UGA continue to be used for agricultural purposes. This designation would allow the retention of natural areas, rural character, and open space areas within the City. It would also allow for annexation of lands to the City without forcing immediate development. Further, this designation would help promote development of special community resources such as golf courses, wetlands, forest land and farming areas that may have scenic and other environmental value. Except for special circumstances, it is anticipated that this district will be used only for land brought into the City by annexation or for which special tax considerations are already provided by Island County.

**Special Planning Area.** This 105-acre area encompasses the easternmost portion of the historic Fakkema Farm property. It was designated in 2005 as a “Special Planning Area” with the following land use goals:

1. Maintain the historic farm building cluster intact within a protected seven acre reserve area with specific design guidelines;
2. Designate areas for future residential growth to a maximum of 352 housing units, allowing for mixed densities where desirable;
3. Identify an area of ten acres for passive public open space or active recreational facilities within the Special Planning Area;
4. Dedicate a public trail easement through the drainage buffer from Fairway Lane to Swantown Lake;
5. Encourage transfer of development rights from the remaining agricultural land to upland areas on the southern edges of the Fakkema property.

## 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).

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

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

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

## Chapter 19.46 LANDSCAPING AND SCREENING

### Sections:

- 19.46.010 Purpose.
- 19.46.020 Applicability.
- 19.46.030 Requirements for setbacks, perimeters, buffers, fences, screening, and parking lots.
- 19.46.035 North Whidbey Enterprise Area landscape requirements.
- 19.46.040 General landscaping standards.
- 19.46.050 Fences and hedges.
- 19.46.070 Conflicts.
- 19.46.080 Maintenance of required landscape areas.
- 19.46.100 Landscaping and irrigation plans required.
- 19.46.110 Review of landscape plans.
- 19.46.120 Phased projects.
- 19.46.130 Landscape performance bonding.
- 19.46.140 Native vegetation standards.
- 19.46.150 Tree species.
- 19.46.155 Tree removal outside of native vegetation areas.
- 19.46.160 Administrative relief and alternative compliance.
- 19.46.170 Enforcement of chapter.

### **19.46.010 Purpose.**

The purpose of this chapter is to provide uniform standards for the development and maintenance of the landscaping of private property and public rights-of-way. The purpose of landscaping is to improve the livability of residential neighborhoods, enhance the customer attraction of commercial areas, increase property values, improve the compatibility of adjacent uses, provide visual separation and physical buffers between incompatible adjacent land uses, provide visual relief from the expanse of parking lots, screen undesirable views, contribute to the image and appeal of the overall community, and mitigate air and noise pollution.

These requirements are also intended to facilitate low impact development techniques through the retention of existing vegetation including trees to the extent feasible and to require replanting if existing trees are removed; to reduce erosion and storm water runoff; to preserve and promote urban wildlife habitats; to enhance the streetscapes along the city's public rights-of-way with an emphasis on trees; to define and separate vehicular and pedestrian traffic areas; to screen the appearance of parking areas from public rights-of-way and adjacent properties; and to make the city a more aesthetically pleasing place to live, shop and work. (Ord. 1615 § 1, 2011; Ord. 1555 § 20, 2009).

### **19.46.020 Applicability.**

The provisions of this chapter shall apply to any of the following:

- (1) All new public and private developments, multifamily housing larger than a duplex, and long plats;

(2) Any additions to existing structures that exceed 30 percent of the gross floor area, or are in excess of 1,000 square feet;

(3) Any expansion of a mobile home park in which the number of new mobile home lots exceeds 10 percent of the number of existing mobile home lots;

(4) Provisions required by Chapter 19.48 OHMC;

(5) Situations where this chapter imposes a requirement for buffering or screening between two uses, one of which is existing and the other new. The responsibility for satisfying this requirement rests entirely on the new use;

(6) Single-family dwellings and duplexes;

(7) Any preexisting vehicular surface area which expands in excess of 25 percent shall provide the landscaping required in OHMC 19.46.030. No expenditure made for removing existing asphalt, constructing planting areas, installing irrigation systems, and adding dirt and plant materials which is required in order to comply with these requirements shall be required to exceed four percent of the total assessed real property value of the subject property on which the improvements are being made. (Ord. 1615 § 1, 2011; Ord. 1555 § 20, 2009).

#### **19.46.030 Requirements for setbacks, perimeters, buffers, fences, screening, and parking lots.**

(1) Required minimum landscape setbacks apply to all zoning districts, except those projects specifically excluded in OHMC 19.46.020.

(a) Minimum width of landscape setback, as identified with the city's street classification plan:

(i) Large shopping centers in excess of five acres adjacent to principal arterial streets: 20 feet;

(ii) Any multifamily and nonresidential use constructed on a designated scenic transportation route: 20 feet;

(iii) All other uses adjacent to a principal arterial: 12 feet;

(iv) Adjacent to a minor arterial or collector arterial: 10 feet;

(v) Adjacent to all other streets: eight feet;

(vi) Where roadway right-of-way expansion is proposed, the setback will begin at the anticipated new edge of the road.

(b) Minimum Number of Trees in Landscaped Setbacks. There shall be four trees for every 100 linear feet of frontage of property adjacent to all street classifications. Guidelines for the specific types and locations of trees and other landscape materials in landscape setbacks are contained within the landscape policy manual.

(c) Design Standards.

(i) Some of the required landscape setback trees may be clustered in the setback. Parking lot screening may be included in the landscape setback width. The required landscaped setback trees may be permitted to be partially or totally located in the adjacent public right-of-way area, if:

(A) All of the required trees cannot be placed in the landscaped setback;

(B) There are no conflicts with utility easements;

(C) In the case of the state highway, the city engineer and State Highway Engineer approve;

(D) It shall be the responsibility of the adjacent property owner to care for landscaped rights-of-way;

(E) Where undeveloped adjacent right-of-way occurs, it shall be landscaped.

The required landscaped setback trees may be located in the adjacent public right-of-way area if these trees cannot be placed in the landscaped setback area due to the existing development of the site. However, such trees are required only to the extent that: (1) the city engineer and State Highway Engineer approve the trees in the case of a state highway; and (2) no conflicts exist within utility easements.

(ii) Opaque walls and fences which obstruct view shall be located outside (building side) of the setback to maintain a landscaped appearance along the street.

(iii) Administrative relief of the requirements of this section may be requested in accordance with OHMC 19.46.160.

(2) Required Minimum Landscape Perimeters. Planting areas within side and rear yards that are not occupied by structures shall be as follows:

(a) Minimum Width of Perimeter. Five feet for the length of the property line, unless otherwise specified under screening requirements of this chapter;

(b) Exemptions. Perimeter of industrial site or commercial yard that is not substantially visible from the right-of-way or located where screening is not required, shall be exempt;

(c) Planting Requirements.

(i) A minimum of four trees shall be planted for every 100 linear feet, or fraction thereof, of perimeter planting area;

(ii) Shrubs and ground cover plantings shall be in quantities and spacing that will provide for 80 percent ground coverage within three years;

(iii) When abutting properties with different land use classifications occur, the screening requirements under OHMC 19.46.030(3) and (4) shall supersede the requirements of this subsection;

(d) Connecting Driveways. When connecting joint driveways or shared parking lots are provided between sites, the minimum area requirements may be reduced by the area occupied by the driveway that would otherwise be landscaped under the requirements of this subsection.

(3) Required Minimum Landscape Buffers.

(a) Buffers between (1) adjacent nonresidential and residential uses; and (2) adjacent nonresidential uses and single-family residential zones:

(i) Design Standards. The buffer shall be a minimum of 12 feet wide and shall be located on the property line adjacent to any single-family residential community. Said buffer shall generally consist of a mix of predominantly evergreen plantings including trees, shrubs, and ground covers. Evergreen trees shall be a minimum height of four feet at time of planting. Planting shall be chosen and spaced so as to grow together within four years of their planting in a manner that is sufficient to obscure sight through the barrier. The entire planting strip shall be landscaped; however, those plantings used to achieve the sight-obscuring screen shall cover at least six feet of the width of the strip.

(b) Buffers between adjacent multifamily residential and single-family residential zones:

(i) Design Standards. The buffer shall be a minimum of 10 feet wide and shall be located on the property line adjacent to the single-family residential community.

(c) Buffers between nonresidential and residential uses separated by a nonarterial street, public alley or private street:

(i) Design Standards. The buffer shall be a minimum of 12 feet in depth. The minimum number of trees in the buffer shall be two trees for every 20 linear feet of buffer. The trees will consist of a mix of evergreen and deciduous. Depending upon the nonresidential use, evergreens may be increased to help obscure sight between the two uses. An opaque structure with a maximum height of six feet may be optional along the common property line. If a fence is constructed, planting shall still occur as stated above. The buffer may be reduced to 10 feet if an opaque structure is erected.

(d) Buffers between an industrial classified district and a residential classified district:

(i) Design Standards. All sites in an industrial district having a common boundary with a residential district shall be planted and maintained along such common boundary with a view-obscuring coniferous greenbelt of shrubs, trees and native vegetation not less than six feet in height nor less than 10 feet in width, for screening purposes and controlling access.

(4) Fences and Screening. When applicable, the requirements of this section shall supersede the requirements of other sections of this chapter.

(a) Purpose. The requirements of this subsection are intended to reduce visual impacts and incompatible characteristics of:

- (i) Abutting properties with different land use classifications;
- (ii) Service areas and facilities, including loading and storage areas;
- (iii) Parking areas located in front of buildings;
- (iv) Any other use or area as required under this section, or determined to be necessary by the planning director (or designee).

The fence or landscaping screen shall be sight-obscuring, obstructing storage areas from view on the sides of the property abutting, adjoining, or facing a residential district. The fence shall be of such material and design as will not detract from adjacent residences and shall be built according to plans submitted by the owner or his/her authorized agent and approved by the planning director (or designee).

(b) Landscaping. Screen planting shall consist of evergreen trees planted a maximum of 15 feet on center, or hedges with dense evergreen foliage, in combination with deciduous trees and hedges for seasonal color and texture. Ground cover shall be planted at a density to form an effective barrier to cover 85 percent of the ground surface within two years.

(i) On a corner lot there may be placed and maintained:

(A) A fence or screen not more than three feet in height; provided, that it is not sight-obstructing (50 percent of the area of the fence or screen is open) along a public or private street;

(B) A six-foot-high open wire fence along the property line facing the side street; provided, that it does not come closer to the street right-of-way on the front of the lot than the required building setback;

(C) A four-foot-high solid fence or hedge parallel to the property line facing the side street; provided, it is 10 feet back from the side street; and provided, that it does not come closer to the street on the front of the lot than the rear of the building.

(ii) In commercial zones, no fence or hedge may be placed on the front yard setback except where required to screen the property from the adjacent lot; then the screen shall extend to the street right-of-way.

(c) Minimum Width.

(i) Landscape Screening. If screening is to be achieved through the use of plant materials only, the screening area shall be a minimum of 10 feet in width. If other materials, such as fencing, walls or berms, are used in conjunction with the landscaping, the width may be reduced, as described in subsections (4)(c)(ii) through (iv) of this section.

(ii) Earth Berm Alternative. If an earth berm is incorporated into the screening plan, medium sized shrubs and/or evergreen trees shall be spaced a maximum of four and one-half feet on center and the width of the screening area may be reduced to eight feet.

(iii) Fence Alternative. If a fence option is selected, maximum spacing of medium sized shrubs shall be six feet on center, and the width of the screening area may be reduced to seven feet. The fence shall be constructed of exterior weather-resistant wood, or applicable alternative. One alternative may be a cyclone fence; however, such a fence shall include slats, and if the fence is next to a right-of-way, landscaping shall be planted between the fence and the right-of-way. Plantings must obscure 75 percent of a cyclone fence within four years.

(iv) Wall Alternative. If a wall at least five feet high is to be used for screening, the planting requirements shall be as specified under subsection (1) of this section, and the screening width may be reduced to five feet. Screen walls shall be constructed with masonry, block, rockery or textured concrete, subject to design approval by the planning director.

(d) Uses Requiring Screening. The planning director may require screening to protect adjacent properties from negative impacts of any permitted or conditional use in a zoning district.

Except as otherwise required by the planning director, screening shall be required in the following instances:

(i) Developments located in districts listed on the left side of the chart below shall provide screening when they adjoin districts specified on the right side of the chart.

District to Be Developed	District to Be Screened
Multifamily residential	Single-family residential
Semi-public	All residential
Commercial/business	All residential
Industrial	All residential/commercial

(ii) Churches, community centers, and other similar conditional uses shall provide perimeter screening when adjoining a residential district.

(e) Fence and screen height limits in the various zones are as follows:

<b>Residential Zones:</b>	Front yard	3 feet maximum
	Side yard	6 feet maximum
	Rear yard	6 feet maximum
<b>Commercial Zones:</b>	Front yard	0 feet maximum
	Side yard	6 feet maximum
	Rear yard	6 feet maximum
<b>Industrial Zones:</b>	Front yard	8 feet maximum
	Side yard	8 feet maximum
	Rear yard	8 feet maximum

(5) Minimum Parking Lot Requirements.

(a) Required Trees.

(i) One tree of a type suitable for parking lots shall be provided for every 10 open (not in a garage) vehicular parking spaces in parking lots with 10 or more spaces;

(ii) The tree types and minimum planter sizes shall be consistent with the landscape policy manual. Trees chosen shall be appropriate to a parking lot location;

(iii) The required trees may be clustered but shall be located to divide and break up expanses of paving and long rows of parking spaces and to create a canopy effect in the parking lot. In order to be considered within the parking lot, the trees must be located in planters that are bounded on at least three sides of parking lot paving. This means only trees in landscaped “islands” or “fingers” can count toward the parking lot tree requirement;

(iv) Planters shall be of sufficient size and design to accommodate the growth of the trees and to prevent damage to the trees by vehicles;

(v) The number of species required shall vary according to the overall number of trees required to be planted. The species shall be planted in proportion to the required mix. The species mix shall not apply to areas of vegetation required to be preserved by law nor those located in areas designated as natural. The number of species to be planted are indicated below.

Required # of trees	Maximum # of species
6 – 10	2
11 – 15	3
16 +	4

(b) Required Landscape Area. At least 15 percent of every parking lot shall be landscaped, unless otherwise required by this title. In all cases, with the exception of vehicular display lots, landscaping shall be distributed throughout the parking area. Landscaping located in required setbacks or buffers may not be used to meet this requirement. If LID rain gardens or bioretention facilities are proposed, they are to be incorporated into the required parking lot landscaping unless site and soil conditions make such facilities infeasible. LID stormwater management facilities shall be designed and constructed in accordance with the Low Impact Development Technical Guidance

Manual for Puget Sound (current edition). The landscaping shall consist of deciduous and/or coniferous material and may include turf, shrubs, and flowers.

(c) Required Screening.

(i) Open parking spaces (except those in single-family residential projects in any zone district) shall be screened from the view of adjacent properties and streets to mature minimum height of 30 inches by the use of berms and/or plantings;

(ii) A minimum of two-thirds of the affected street frontage or property boundary, not counting intersecting driveways, must have the required screen;

(iii) The required screening may be a component of the required landscape setback;

(iv) Structures such as decorative walls or fences may be approved through an administrative relief request if the planning director (or other designee) finds that:

(A) The structures avoid a blank and monotonous appearance by such measures as architectural articulation and the planting of vines, shrubs or trees; or

(B) The total use of the berms and/or plantings is not physically feasible; or

(C) The structures attractively complement the use of berms and/or plantings;

(v) The maximum spacing of plants to achieve an acceptable screen and the maximum acceptable grades for screening areas, such as sodded berms and planting beds, shall be consistent with the landscaping policy manual;

(vi) Guidelines for the specific types and location of trees, shrubs and other landscape materials in parking lots are contained within the landscape policy manual as approved by the city council or thereafter amended.

(6) In addition to the requirements and standards of this chapter, the landscape guidelines in the design guidelines shall apply. (Ord. 1615 § 1, 2011; Ord. 1555 § 20, 2009).

**19.46.035 North Whidbey Enterprise Area landscape requirements.**

(1) The standards contained in this section apply to the North Whidbey Enterprise Area as identified in Exhibit C of the Urban Growth Area Interlocal Agreement between Island County and the city of Oak Harbor, a copy of which is on file with the city clerk and available for public inspection.

(2) Significant Tree Retention. Significant tree retention in the I, PIP, C-4 and nonresidential development, short subdivision and subdivision in the PRE zones shall meet the following standards:

(a) Applicants should retain 15 percent of the significant trees found on the property except for those trees found in the building footprints, access roads, parking areas and utility line trenches. Applicants should give attention to the following:

(i) Preservation of significant trees along the perimeter of the property; and

(ii) Preservation of significant trees near or adjacent to critical areas; and

(iii) Preservation of significant trees which create a distinctive skyline feature;

and

(iv) Preservation of Garry Oak trees; and

(v) Trees that may constitute a safety hazard should be removed; and

(vi) Special attention shall be given to preservation of significant trees on properties identified in the 2001 Oak Harbor Comprehensive Plan, Environmental Element, Woodland Map.

(b) An inventory of significant trees shall be submitted with all applications for subdivision, short subdivision or site plan review.

(3) Landscaping, screening and buffering in the I and PIP zones shall meet the following standards:

(a) Open storage, trash or recycling areas shall be screened by fencing and/or landscaping;

(b) Landscaping including street trees spaced no further than 20 feet on center shall be required in all front yards and the abutting public road; and

(c) Buffers between industrial zones and adjacent residential properties shall be planted along the common boundary. The planting should include coniferous shrubs, trees and native vegetation. Fencing may be incorporated to help ensure an effective visual buffer.

(4) Landscape for I, PIP and C-4 lands abutting Goldie Road and Oak Harbor Road shall meet the following standards:

(a) A 20-foot landscape setback shall be established; and

(b) The area between the property line and drainage swale shall be planted with low profile foliage; and

(c) The landscape area shall be planted with a mixture of native evergreen trees containing a variety of species, colors and textures for a year-round green, attractive appearance; and

(d) If the landscape buffer setback does not have existing significant vegetation, the buffer will be planted with native evergreen trees. If deciduous trees are desired they may be planted at a rate of two evergreen to one deciduous tree; and

(e) Maximum spacing of the trees shall be 10 feet on center or equivalent grouping as determined by site and existing conditions; and

(f) Roadway and intersection requirements shall prevail if a conflict arises with the landscape standards listed herein. (Ord. 1615 § 1, 2011; Ord. 1555 § 20, 2009).

#### **19.46.040 General landscaping standards.**

(1) Landscape Materials.

(a) Landscape materials shall be defined as evergreen or deciduous trees, shrubs, and ground cover plants, perennial or annual flowers, and lawn. River rock, fountains, ponds, rockeries, ornamental or decorative walkways (provided both sides abut landscaping) may be included, where, in the opinion of the director, additional ornamental features may be considered as part of the landscape materials, subject to the administrative relief process.

(b) Suggested tree species suited to the unique soils, geology, and weather patterns of Oak Harbor are contained in OHMC 19.46.150.

(c) Planting shall occur based on species' tolerance to the environment in which it will be placed.

(d) No artificial lawn or plants will be permitted in landscaped areas.

(2) Drainage Detention/Retention Ponds. If a proposed detention pond has a slope ratio of 3:1 or greater, where fencing around the pond will be required, a fencing and

landscaping plan shall be submitted to the planning department. Submittal of the proposed fencing and landscaping plan shall occur in conjunction with short plat, preliminary plat, or site plan review applications, depending on the project type.

(3) Land Clearing Plan. Clearing of landscaping is required to be in accordance with the provisions of Chapter 19.47 OHMC.

(4) Pollution Control. It shall be the responsibility of the property owner to ensure that storm runoff from landscaped areas does not contain excessive amounts of fertilizer, insecticides, and herbicides that may be harmful to aquatic life, and to take measures to prevent runoff water impacts as required by the Department of Ecology and Wildlife and as specified in the Puget Sound Water Quality Manual. One measure to reduce the use of chemicals is the use of native plants in landscape areas.

(5) Safety Features/Utilities. Installation of landscape materials shall not obstruct access to fire connections, post indicator valves (PIVs) and hydrants, standpipes, sprinkler connections, utility vaults, pedestals, and other public and private utility facilities. Landscaping shall not obstruct fire apparatus access roads.

(6) Visibility Triangle. Along street frontages, within 30 feet of an alley or unsignalized street intersection, or within 25 feet of a driveway, no shrub shall be higher than 30 inches from street gutter grade and no tree shall have branches or foliage below eight feet above street level. At signalized intersections the conditions of this section shall not be necessary, but it shall be required that only deciduous trees be located at signalized intersections. Under no circumstances shall landscaping interfere with sight distance visibility. In lieu of meeting this standard, visibility triangles shall be provided as per AASHTO standards or in accordance with OHMC 11.17.110(5).

(7) Where practical, landscaping shall be designed to not block solar gain or solar access by surrounding properties.

(8) Special Landscaping Districts. The area of the CBD central business district, for the purpose of this chapter, will be considered a special landscaping district. This area is substantially developed on zero setbacks from the right-of-way, making it impractical to meet the full extent of the requirements of this chapter. Businesses located in this district shall meet parking lot landscaping standards as shown in OHMC 19.46.030(5) and shall participate in a street tree planting program in the street right-of-way adjacent to the parcel frontage.

(9) Xeriscape Process. Xeriscape is a process by which sound horticultural, landscaping, and efficient water-using principles come together. The style of the xeriscapes can be quite variable. Drought-resistant landscaping, such as a contemporary design or a Spanish garden, could qualify as xeriscape when constructed to meet the following six principles:

(a) Good Design. Based on careful selection of low-water-use plants or drought-tolerant plants;

(b) Soil Improvement. Improvements including the addition of manure, compost, or other organic materials which can be amended into the soil;

(c) Use of Mulch. Beauty bark or other organic substance to help maintain moisture in the soil;

(c) Limited Lawn Areas. Minimizing grass areas results in minimal lawn maintenance;

(d) Efficient Water Use. Water between 12:00 midnight and 6:00 a.m. to help prevent fungus growth, and lower the evaporation rate of water;

(e) Good Maintenance. Maintain the landscape to reflect a weed and trash free environment.

(10) Landscaping for Freestanding Signs. All primary freestanding signs shall include, as part of their design, landscaping about their base to prevent automobiles from hitting the sign-supporting structure and to improve the overall appearance of the installation. If the required landscaping is not completed within 60 days after completion of sign installation, the sign is in violation of this chapter.

(11) Groundcover. Groundcover shall be planted and maintained within all required landscaping areas. Groundcover refers to low-growing dense growth of plants, such as pachysandra, planted for ornamental purposes or to prevent soil erosion in areas where turf is difficult to grow, as in deep shade or on a steep slope. Groundcover shall consist of plantings that will achieve complete coverage within two years. Groundcover is not required within the dripline of any shrub or evergreen tree or within a two-foot radius of a deciduous tree trunk.

(12) Undeveloped Areas. Undeveloped areas of a lot which are not required to be landscaped by other requirements of this chapter shall be planted with groundcover. Groundcover may consist of planted or existing vegetation maintained so as not to exceed one foot in height. For the purposes of this section, grass can be considered to be groundcover.

(13) Bark, Mulch and Gravel. Bark, mulch, gravel or other similar nonvegetative material shall only be used to assist vegetative growth and maintenance within landscaping areas. Nonvegetative material shall not be a substitute for, or interfere with, required vegetative groundcover.

(14) Tree Topping and Thinning. Topping and thinning of trees shall be allowed as long as it does not negatively affect the health of the tree.

(15) Calculations/Measurements. All calculations and measurements within this chapter shall be rounded to the nearest whole number with greater than or equal to 0.50 being rounded up. (Ord. 1615 § 1, 2011; Ord. 1555 § 20, 2009).

#### **19.46.050 Fences and hedges.**

(1) Fences and hedges a maximum of six feet in height may be placed and maintained on the side and rear lot line, and across the front of the property line even with the front of the building on the lot but not closer to the street right-of-way than the required setback. On corner lots the setback shall apply to both streets.

Within the setback area a fence not more than three feet in height may be constructed; provided, that it is not sight-obscuring (50 percent of the area of the fence is open).

Within the setback area a solid hedge may be planted not to exceed a height of more than three feet.

On a corner lot there may be placed and maintained:

(a) A fence or hedge not more than three feet in height; provided, that it is not sight-obstructing (50 percent of the area of the fence or hedge is open);

(b) A six-foot-high open wire fence along the property line facing the side street; provided, that it does not come closer to the street right-of-way on the front of the lot than the required building setback;

(c) A four-foot-high solid fence or hedge parallel to the property line facing the side street; provided, it is 10 feet back from the side street; and provided, that it does not come closer to the street on the front of the lot than the rear of the house.

(2) In commercial zones, no fence or hedge may be placed on the front yard setback except where required to screen the property from the adjacent lot; then the screen shall extend to the street right-of-way.

(3) Fence and hedge limits in the various zones are as follows:

<b>Residential Zones:</b>	Front yard	3 feet maximum
	Side yard	6 feet maximum
	Rear yard	6 feet maximum
<b>Commercial Zones:</b>	Front yard	0 feet maximum
	Side yard	6 feet maximum
	Rear yard	6 feet maximum
<b>Industrial Zones:</b>	Front yard	8 feet maximum
	Side yard	8 feet maximum
	Rear yard	8 feet maximum

(Ord. 1615 § 1, 2011; Ord. 1555 § 20, 2009).

**19.46.070 Conflicts.**

(1) If the provisions of this chapter conflict with other ordinances or regulations, the more stringent limitation or requirement shall govern or prevail to the extent of the conflict.

(2) In the event that, because of lot configuration, adjacent land uses, or special circumstances, more landscaping is required to meet all requirements of this title, the higher amount of landscaping shall be required. (Ord. 1615 § 1, 2011; Ord. 1555 § 20, 2009).

**19.46.080 Maintenance of required landscape areas.**

(1) Maintenance of Cultivated Areas.

(a) General. The owner of land subject to this chapter shall be responsible for the maintenance of said land in good condition so as to present a healthy, neat, and orderly landscape area.

(b) Maintenance of Plants. All landscaping and screening areas shall be maintained in a healthy, growing condition. Broken, dead, or dying trees, shrubs, or other plants shall be replaced. All landscaping and screening shall be kept free of trash and weeds.

(c) Tree Removal. It shall be the responsibility of each private property owner to remove any dead, diseased, or dangerous trees or shrubs, or part thereof, located on private property which overhang or interfere with traffic control devices, public sidewalks, rights-of-way, or property owned by the city. The city shall have the authority to order the removal and possible replacement of any such trees or shrubs.

(d) Pruning.

(i) All pruning should be accomplished according to good horticultural standards. Trees shall be pruned only as necessary to promote healthy growth;

(ii) Unless special approval is provided, trees shall be allowed to attain their normal size and shall not be severely pruned or “hat racked” in order to permanently maintain growth at a reduced height;

(iii) Trees may be periodically pruned or thinned in order to reduce the leaf mass and stimulate further branching.

(e) Mowing. Grass shall be mown as required in order to encourage deep root growth and therefore the preservation of irrigation water.

(f) Edging. All roadways, curbs, and sidewalks shall be edged when necessary in order to prevent encroachment from the adjacent grass areas.

Power trimmers shall not be used to trim grasses around trees since they will quickly remove bark causing deterioration and eventual death of the tree.

(g) Watering. All watering of planted areas shall be managed so as to:

- (i) Maintain healthy flora;
- (ii) Make plant material more drought-tolerant;
- (iii) Avoid excessive turf growth;
- (iv) Minimize fungus growth;
- (v) Stimulate deep root growth;
- (vi) Minimize leaching of fertilizers;
- (vii) Minimize cold damage.

Watering of plants and trees should always be in sufficient amounts to thoroughly soak the root ball of the plant and the surrounding area, thereby promoting deep root growth and drought tolerance.

Whenever possible, automatic irrigation systems should be installed and operation should occur between the hours of 12:00 midnight and 6:00 a.m. Irrigation during these hours helps to reduce fungus growth and loss of water due to evaporation.

If an irrigation system is installed it shall be regularly maintained to eliminate waste of water due to loss of heads, broken pipes, or misjudged nozzles. (Ord. 1615 § 1, 2011; Ord. 1555 § 20, 2009).

#### **19.46.100 Landscaping and irrigation plans required.**

Landscaping and irrigation plans shall be submitted for any landscaping activity required by OHMC 19.46.020. The landscaping plan shall be reviewed by the director. All landscaping plans shall include information regarding existing vegetation to be preserved on site and newly proposed plantings.

(1) Nature of Required Plans. Landscape plans for lots larger than one and one-half acres in size shall be prepared by and bear the seal of an architect or landscape architect, or other professional with demonstrated qualifications or experience.

(2) Contents of Landscape Plan. The landscape plan shall be drawn to scale with dimensions and distances shown and include the following:

(a) General Information.

- (i) Show all property lines and easements for ingress/egress and drainage;
- (ii) Show all existing and proposed structures. The square footage and location for each existing and proposed structure shall be identified;
- (iii) Show all pedestrian/bike connections and adjacent landscaping areas, storage, garbage, recycling, employee recreation and aboveground stormwater detention and treatment areas;

(iv) Show all paved, impervious surface areas, not including structures. The location of parking, loading and circulation areas and the total paved, impervious surface square footage shall be identified;

(v) Show all proposed and existing outdoor fixtures and equipment such as utility vaults (structures), fire hydrants, light fixtures, fences, retaining walls, ornamental fountains, pools, benches and garbage containers. The size and location of each item above shall be identified;

(b) Information Regarding Vegetation to Be Preserved.

(i) Locations of perimeters of individual trees and native vegetation areas to be preserved. The tree protection area for trees to be preserved shall be shown on the plan in accordance with OHMC 19.46.140(9).

(ii) Size, species, and health of trees to be preserved.

(iii) General locations of trees proposed for removal.

(iv) Limits of construction on site.

(v) Description of tree protection and tree maintenance measures required for the trees to be preserved.

(vi) Timeline for clearing, grading and installation of tree protection measures.

(vii) If native vegetation retention areas are proposed, the acreage of on-site critical areas, excluding critical area buffers and acreage of on-site public and private roads.

(viii) If native vegetation retention areas are proposed, the calculation of average trees per square foot of protected native vegetation area shall be provided.

(c) Information Regarding Newly Proposed Vegetation.

(i) Location, size, species, spacing and number of trees to be planted.

(ii) Each proposed landscaping area shall have its square footage indicated on the plan.

(iii) Description and detail showing any site preparation, installation, and maintenance measures necessary for the long-term survival and health of the vegetation.

(iv) Timeline for site preparation, installation, and maintenance of vegetation.

(v) Cost estimate for the purchase, installation and three years' maintenance.

(3) Irrigation Plan. The landscape plan shall include an irrigation plan. An irrigation plan is required to ensure that the planting will be watered at a sufficient level for plant survival and healthy growth. For projects meeting the one-and-one-half-acre threshold, the irrigation method shall be by a permanent underground system with an automatic controller. An overriding rain sensor switch shall be provided. Also, administrative relief from the irrigation requirement may be requested for planting areas which contain only drought-tolerant vegetation.

(a) The irrigation plan shall show zones, connecting nozzles, distribution valves, irrigation lines, sprinkler heads, timer location, and backflow prevention device, as well as other information integral to the proposed irrigation system.

(b) In lieu of a permanent irrigation system, drought-tolerant plantings may be considered by the city. If drought-tolerant, native species are selected, a watering plan is required for the establishment phase of new plantings. The plan must provide adequate watering of the newly installed trees for a minimum of three years. (Ord. 1615 § 1, 2011; Ord. 1555 § 20, 2009).

**19.46.110 Review of landscape plans.**

(1) Landscape plans shall be submitted and reviewed concurrently with a development or use permit and shall be processed as part of the integrated permit process under OHMC 18.20.360.

(2) Compliance with the approved landscape plans shall be a condition of approval for all development applications approved pursuant to OHMC Title 19, 20, or 21.

(3) The director may allow or approve minor modifications to an approved landscape plan during the site development construction process to account for unforeseen site conditions and circumstances. The submittal of an amended landscape plan meeting the requirements of this chapter may be required. (Ord. 1615 § 1, 2011).

**19.46.120 Phased projects.**

Phased projects include but are not limited to shopping centers, large site developments, subdivisions, planned residential developments, and business parks. Before construction permits are issued for the first phase of any phased project, conceptual approval of the landscaping plan for the site as a whole is required. Final approval of the landscaping plan for each phase is required before construction permits are issued for a phase. Installation of landscaping for each phase of development shall be required prior to releasing occupancy permits for that phase. Relief may be available per OHMC 19.46.160.

Landscaping along a frontage road or perimeter screening may be required to be installed in the first phase. Criteria to be considered in the decision includes but is not limited to the following:

(1) Timing of phases of a project;

(2) Proximity to residential areas. (Ord. 1615 § 1, 2011; Ord. 1555 § 20, 2009.

Formerly 19.46.060).

**19.46.130 Landscape performance bonding.**

(1) All required landscaping shall be installed prior to a certificate of occupancy being issued.

(2) Deferment. The installation of landscaping may be deferred for up to six months from the date an applicant receives a temporary certificate of occupancy. A performance bond shall be submitted to the city in order to ensure the completion of the landscaping in accordance with the approved plan. It shall be the responsibility of the applicant and the property owner to contact the city upon completion of the landscaping work and request an inspection prior to the city releasing the bond. Failure to complete all of the required landscaping within six months of the issuance of a certificate of occupancy permit shall constitute a violation and the city shall use the bond to complete the required landscaping.

(3) Maintenance Bond Amount and Type. A three-year maintenance bond shall be required to ensure landscaping completion and a minimum plant survival of 80 percent at the end of three years. The type of bond shall be approved by the city and must be submitted on forms supplied by the city of Oak Harbor. The approved bond shall be posted with the development services department prior to the issuance of a building permit. The bond amount shall be 150 percent of a landscaping maintenance bid amount submitted and approved by the city. The bid amount must include labor and materials.

(4) Subsections (1), (2), and (3) of this section shall apply to all landscaping within a development site including street trees required within the public right-of-way and all landscaping within tracts or lots owned by private entities, such as homeowners' associations. (Ord. 1615 § 1, 2011).

**19.46.140 Native vegetation standards.**

Tree and vegetation retention provides substantial environmental benefits including, but not limited to, erosion prevention, reduction in storm-water runoff, preservation of fish and wildlife habitat, improved water and air quality, energy conservation, reductions in the development impacts on the stormwater drainage system and hydrologic resources, and provides a better transition between adjacent land uses.

(1) Applicability. The native vegetation standards set forth in this section apply to all commercial and residential projects that require one or more of the following approvals: a binding site plan, conditional use permit, manufactured home park development plan, site plan review Type II or IV, planned business park master plan, subdivision, or planned residential development. Short subdivisions and site plan review Type I are exempt from these requirements.

(2) Definition of Native Vegetation and Allowed Uses.

(a) Definition. Native vegetation includes native, undisturbed areas or rehabilitation of previously disturbed areas. Native vegetation shall consist of plants and trees that are indigenous to the Pacific Northwest. For the purposes of this chapter, native vegetation is defined by a tree density of no less than one tree per 600 square feet plus native understory vegetation.

(b) Allowed Uses. Native vegetation may integrate pervious, passive recreation facilities, stormwater dispersion facilities, and approved surface water restoration projects. Active open space shall not count towards native vegetation requirements. Activities within native vegetation areas shall be limited to passive recreation (e.g., trails), removal of invasive species, amendment of disturbed soils, and planting of native vegetation.

(3) Native Vegetation Retention and Tree Density Standards.

(a) Minimum Standards. Table 19.46.140-1 provides minimum vegetation retention standards by zone. The native vegetation must be comprised of a minimum tree density of one tree per 600 square feet plus native understory vegetation.

**Table 19.46.140-1: Native Vegetation**

**Standards by Zone**

Zone	Native Vegetation Requirement (% of site area)
PRE, R1	15%
R2	10%
R3, R4, OS	10%
RO	10%
C1, C3, C4, C5, CBD	5%

Zone	Native Vegetation Requirement (% of site area)
I, PBP, PIP	5%
PF	5%

(b) The minimum native vegetation area may be reduced on sites with special circumstances and where replacement and supplemental plantings are proposed. Special circumstances include, but are not limited to:

(i) The retention of native vegetation to the percentages specified in Table 19.46.140-1 precludes development of the property to the minimum density or intensity specified in Chapter 19.20 OHMC.

(ii) Physical limitations such as existing lot size, soils or topography.

(iii) Land dedicated to public infrastructure serving the property for roads, sewer, water, or storm, or other public facilities use substantially more area than is typical of properties in the zone.

The replacement and supplemental plantings should be located in clusters or contiguous tracts and placed to maximize aesthetic, hydrologic, or habitat function and values.

(4) General Provisions. Native vegetation areas shall meet the following additional standards:

(a) Trees shall be retained in stands or clusters. A professional forester, arborist, or landscape architect shall prepare the landscape plan to ensure that retained vegetation is not susceptible to windthrow. See OHMC 19.46.100 for landscape plan requirements.

(b) Native vegetation may be accommodated within perimeter landscaping or other required landscaped areas.

(c) The minimum native vegetation retention may be decreased to five percent for nonresidential uses (e.g., churches, schools, etc.) that are permitted outright or conditionally in residential zones.

(d) The calculation of the native vegetation retention area for public school sites shall be based upon the total acreage of the school site minus the areas set aside for playfields in the school site plan; provided, that for the purposes of the calculation, such playfield areas shall not exceed 30 percent of the gross site area.

(e) Critical areas and their buffers may be counted towards this standard so long as they contain existing native vegetation (e.g., a steep slope with Douglas fir may be counted while one with Himalayan blackberry may not). Critical areas and their buffers that will be counted towards native vegetation shall not have to comply with the replanting standards within this chapter. Land below an ordinary high water mark shall not be counted towards the required native vegetation.

(f) Any soils disturbed through the site development process that are to be counted toward the native vegetation requirements shall be amended in accordance with the "Guidelines for Implementing Soil Quality and Depth" (BMP T5.13 in DOE Stormwater Management Manual for Western Washington 2005).

(5) Selection Standards. The following selection standards should be used with the applicant's design concept in order to meet the standards outlined in Table 19.46.140-1.

(a) Fifteen percent of trees on the project site which are 12 inches or greater in diameter and which have a live crown ratio (total tree height in relation to branched portion of the tree) of 50 percent or more shall be preserved.

(b) Utilize site inventory and analysis techniques to determine which portions of the site are best suited to leave native vegetation. Typically these are the most environmentally sensitive areas such as wetlands, steep slopes, floodplains, critical fish and wildlife habitat areas. In residential developments up to 25 percent of the required native vegetation specified in Table 19.46.140-1 may be incorporated into the individual lot design where covenants or other protection measures are put in place. Where individual lots are utilized, they should be connected either physically or hydrologically to other native vegetation or conservation areas.

(c) Minimize changes to natural topography in an effort to maintain predevelopment flow path lengths in natural drainage patterns.

(d) Maintain surface roughness to reduce flow velocities and encourage sheet flow on the lot by preserving native vegetation, forest litter and surface topography.

(6) Flexible Standards to Allow for Native Vegetation Areas.

(a) Administrative relief under OHMC 19.46.160 may be granted to allow intrusion of a building into a setback yard by up to five feet to allow for the provision of native vegetation areas elsewhere on the property.

(b) Setback averaging may be utilized to allow for native vegetation areas elsewhere on the property. A reduced setback shall be compensated by increased setback elsewhere.

(c) Administrative relief under OHMC 19.46.160 may be granted to allow a 10 percent reduction in parking spaces to allow for the provision of native vegetation areas elsewhere on the property.

(7) Replanting Requirements.

(a) If the site or lot has been previously cleared or the proposed native vegetation area does not contain suitable vegetation, then the minimum percentage of native vegetation on the site as required by Table 19.46.140-1 shall be replanted to meet the requirements of subsection (7)(b) of this section. For the purposes of this section, trees subject to blow-down do not constitute suitable vegetation.

(b) New trees that will be planted in native vegetation areas shall meet the revegetation standards in this section and shall be native species. For a list of native species see OHMC 19.46.150.

(i) Replacement deciduous and broad-leaf evergreen trees shall have a minimum two-inch d.b.h. at planting. Replacement coniferous evergreen trees shall have a minimum height of six feet at planting;

(ii) Reforested areas shall be replanted with a minimum of 25 percent deciduous species and 25 percent coniferous species;

(iii) Trees within designated critical areas shall be replanted at a 2:1 ratio.

(8) Permanent Protections. A permanent protective mechanism shall be established to ensure that the proposed native vegetation area is preserved and protected in perpetuity. The protective mechanism shall be in a form that is acceptable to the city and filed with the county auditor's office. Restrictions on the future use of the native vegetation area shall also be recorded on the face of the plat for subdivision applications. A

permanent native vegetation area shall be established using one of the following mechanisms:

(a) Placement in a separate nonbuilding tract owned in common by all lots within the subdivision;

(b) Covered by a protective easement or public or private land trust dedication;

(c) Preserved through an appropriate permanent protective mechanism that provides the same level of permanent protection as subsections (8)(a) and (b) of this section as determined by the approval authority.

(9) Protection of Native Vegetation Areas During and After Development.

(a) All trees and tree stands proposed for retention or to be placed in a native vegetation area shall be protected before and during site development and construction through adherence to the following requirements:

(i) A native vegetation area shall be designed to protect each tree or tree stand during site development and construction. The native vegetation area shall conform to the approved landscape plan.

(ii) Native vegetation areas may vary widely in shape, but must extend a minimum of three feet beyond the existing tree canopy area along the outer edge of the tree stand, unless otherwise approved by the director.

(iii) Native vegetation areas shall be shown and clearly labeled on all applicable site development, plat, and construction drawings submitted to the director.

(iv) No clearing, grading, filling, or other development activities shall occur within the native vegetation area, except where approved in advance by the director and noted on the landscape plan.

(v) No vehicles, construction materials, fuel, or other materials shall be placed in native vegetation area. Movement of any vehicles within the native vegetation area shall be prohibited.

(vi) No nails, rope, cable, signs, or fencing shall be attached to any tree proposed for retention.

(vii) The grade level around the tree may not be lowered within the greater of: (A) the area defined by the drip line of the tree at time of development; or (B) an area around the tree equal to one foot in diameter for each one inch of tree diameter as measured one foot above preexisting grade at time of development, unless a registered landscape architect, certified arborist or certified nursery professional determines that the long-term health of the tree will not be significantly harmed.

(viii) Trenching and other activities within or adjacent to native vegetation areas that may cut or damage the roots of trees proposed for retention shall be prohibited unless recommended by a professional forester, certified arborist or licensed landscape architect and approved by the city of Oak Harbor.

(ix) The city of Oak Harbor may approve the use of alternate tree protection techniques if the trees will be protected to an equal or greater degree than provided by this section. A description of alternate techniques shall be submitted to and reviewed by the director along with the site plan, short subdivision, subdivision, planned residential development or other development application.

(10) Tree Topping.

(a) Topping or pollarding of trees within the native vegetation area is prohibited.

(b) Topping or pollarding may occur when there is an identifiable safety hazard, to remove dead, diseased or unhealthy materials, or to avoid overhead utilities.

(11) Maintenance of Native Vegetation Areas.

(a) Removal of trees within native vegetation areas is not allowed, unless the tree is dead or in a state of irreversible decline. In determining tree removal or replacement, the director may require a professional evaluation or tree protection plan by a certified arborist at the applicant's expense, where the director determines that such evaluation is necessary to comply with the standards of this section. The evaluation may include providing a hazardous tree assessment, evaluation of the anticipated effects of a proposed project on the viability of trees on the site, developing a plan for tree protection or replacement and evaluation after construction. Trees that become diseased, severely damaged, or which die shall be replaced. Replacement trees shall be a minimum two-inch caliper for deciduous trees and broadleaf evergreen or a minimum of six feet in height from existing grade for conifers.

(b) Minor trimming of trees within native vegetation areas is permitted as long as trimming activities do not negatively affect the long-term health and survivability of the tree. Trimming of select branches is allowed for safety reasons, e.g. cracked branches which may fall and become a hazard.

(c) General. All native vegetation areas shall be annually cleared of nonnative vegetation and lawn grasses, and cleared of all trash and other debris.

(d) Developer responsibility for maintenance of trees, including removal or replacement of diseased, dead, or dying trees, shall be as follows:

(i) Within residential subdivisions the developer shall be responsible for maintaining trees on individual lots until such time as the individual lots are sold, at which point the individual lot owner shall assume responsibility. Developer responsibility for maintaining trees within common tracts shall remain in effect until such time as the common tract is transferred to the control of a homeowner's association or, where no homeowner's association exists, until such time as all individual lots within the subdivision are sold, at which point the individual lot owners shall assume responsibility.

(ii) Within all other developments, developer responsibility for maintaining trees shall remain in effect until such time as the property sale occurs. Upon the property sale, the new owner shall assume the responsibility for maintenance.

(iii) Compliance with the landscape plan shall be a condition of approval and shall be identified on the face of the binding site plan, conditional use permit, manufactured home park development plan, site plan review, planned business park master plan, subdivision, or planned residential development.

(e) Failure to maintain trees as required in this section shall constitute a violation of this chapter and any associated land use or subdivision approvals. (Ord. 1615 § 1, 2011).

**19.46.150 Tree species.**

The following table provides information on selected species of native and non-native trees suitable for replanting. All species listed are suited to the climate conditions found in the Pacific Northwest. The list is for guidance only and is not intended to be all-inclusive. Other tree species may be utilized where appropriate when recommended by a professional forester, certified arborist, licensed landscape architect, or as approved by the director. Species availability and quantity may be limited in some cases. It is best to

coordinate in advance with nurseries specializing in native plants. For bioretention areas, a complete list of appropriate plants can be found in Appendix 3 of the LID Technical Guidance Manual for Puget Sound (2005).

### Characteristics and Use of Select Tree Species

Species Scientific Name	Native Tree?	Canopy Size Category	Street Tree?	Characteristics
Grand fir <i>Abies grandis</i>	Yes	Large	No	Coniferous tree achieving heights of up to 150 feet. Tolerant of a variety of soil conditions, similar needs as Douglas fir.
Vine maple <i>Acer circinatum</i>	Yes	Small	No	Deciduous tree typically reaching heights of 5 to 35 feet. Tree-like in open sun, crooked sprawling and vine-like in shade. Good fall color. Tolerant of a wide variety of soil conditions. Prefers moist soils, but can tolerate drier conditions once established.
Big leaf maple <i>Acer macrophyllum</i>	Yes	Large	No	Deciduous tree. Form varies widely based upon competition and soil conditions. Typically 20 to 30 feet high when growing in open conditions but can reach heights of 80 feet or more in the forest. Good fall color. Tolerant of a wide variety of soil conditions. Similar environmental needs as Douglas fir.
Red alder, Oregon alder, western alder <i>Alnus rubra</i>	Yes	Medium	No	Deciduous tree to 50 feet. Best in restoration settings. Mature trees can be very attractive, especially in naturalized settings. Beautiful, mottled grey bark.
Serviceberry <i>Amelanchier alnifolia</i>	Yes	Small	No	Deciduous tree seldom larger than 20 feet in height. Tolerant of a wide variety of soil conditions. Fruit very valuable to wildlife.
Madrone <i>Arbutus menziessii</i>	Yes	Medium	No	Attractive tree, but very difficult to establish. Expect high losses. Review plant establishment notes at <a href="http://www.soundnativeplants.com">www.soundnativeplants.com</a> before considering. Do not provide supplemental water once established.
Weeping Nootka cypress <i>Chamaecyparis nootkatensis</i> "Pendula"	Yes	Medium	No	Narrow (5-foot), pyramidal evergreen conifer. Main trunk grows straight up with branchlets that weep straight down from drooping branches.
Hybrid western dogwood "Eddie's White Wonder" <i>Cornus nutallii</i> x <i>florida</i>	Yes	Small	Yes	Hybrid of <i>Cornus florida</i> and the native western dogwood species. More successful than the native species for transplanting. Deciduous tree up to 30 feet in height. Prefers well drained sites and partial shade. Could work well as a

Species Scientific Name	Native Tree?	Canopy Size Category	Street Tree?	Characteristics
				supplemental planting under a canopy of larger trees.
Black hawthorn <i>Crataegus douglasii</i>	Yes	Small	No	Deciduous tree up to 30 feet in height. Scarlet fruit. Prefers highly fertile soil and grows best in moist, open areas.
Oregon ash <i>Fraxinus latifolia</i>	Yes	Medium	No	Deciduous tree up to 80 feet in height. Prefers moist or wet sites with rich soils. Works well for streamside and wetland plantings. Best in natural or restoration plantings and generally not appropriate for ornamental landscaping applications.
Mountain ash	Yes	Medium	Yes	Deciduous perennial tree. Light gray, smooth bark. Flowers in May or June after leaves are full grown.
Incense cedar <i>Libocedrus decurrens</i>	No	Large	Yes	Coniferous tree achieving height of 150 feet. Drought- and wind-resistant. Slow growth. Native to California, Nevada, Oregon.
Sitka spruce <i>Picea sitchensis</i>	Yes	Large	No	Coniferous tree achieving 80 to 160 feet. Best in moist areas.
Shore pine <i>Pinus contorta</i>	Yes	Medium	No	Coniferous tree to 35 feet tall. Can be trained if a more manicured look is desired.
Western white pine <i>Pinus monticola</i>	Yes	Medium	No	Coniferous tree to 60 feet tall.
Black cottonwood <i>Populus balsamifera</i> spp. <i>trichocarpa</i>	Yes	Large	No	Heavy-limbed deciduous tree, brittle wood. Best in moist, native plantings where space is plentiful.
Choke cherry <i>Prunus virginiana</i>	No	Medium	No	Needs well drained soil. Usually upright branching with an oval crown. Fragrant white flowers.
Douglas fir <i>Pseudotsuga menziesii</i>	Yes	Large	No	Fast growing, long lived coniferous tree growing to height of 150 feet or more. Prefers drier sites, but tolerates a wide variety of soil conditions.
Western crabapple <i>Pyrus (Malus) fusca</i>	Yes	Small	No	Best in native or restoration plantings and generally not appropriate for ornamental landscape use.
Cascara <i>Rhamnus purshiana</i>	Yes	Medium	No	Deciduous tree that produces black berries.

Species Scientific Name	Native Tree?	Canopy Size Category	Street Tree?	Characteristics
Western red cedar <i>Thuja plicata</i>	Yes	Large	No	Coniferous tree growing to height of 150 feet or more. Best under moist, shaded conditions, but tolerates a wide variety of soil conditions once established.
Western hemlock <i>Tsuga heterophylla</i>	Yes	Large	No	Fairly fast grower. Picturesque and also makes a good background, screen, or hedge.
Japanese maple <i>Acer palmatum</i>	No	Small	Yes	Common deciduous landscape tree. Slow growing; typically grow to no larger than 20 feet in height. Well suited for small lot use. Popular varieties "Atropurpureum" and "Bloodgood."
Norway maple (varieties) <i>Acer platanoides</i>	No	Large	Yes	Common deciduous landscape tree. Typically achieves heights of 50 to 60 feet. Care must be taken near sidewalks and drives as roots can become a problem.
Red maple <i>Acer rubrum</i>	No	Small	Yes	Common deciduous landscape tree. Varieties "Armstrong" and "Red Sunset" are recommended for street tree use. Fast growing, typically to 40 feet with brilliant fall color. May be appropriate in a native setting.
Whitebarked Himalayan birch <i>Betula utilis</i> var. <i>jacquemontii</i>	No	Medium	No	Prefers rich, moist, well drained soil. Narrow tree with oval crown. Brilliant white bark. Yellow fall color.
Incense cedar <i>Calocedrus decurrens</i>	No	Large	No	Coniferous tree achieving height of 150 feet. Drought- and wind-resistant. Slow growth. Native to California, Nevada, Oregon. Appropriate for native restoration areas.
European hornbeam <i>Carpinus betulus</i>	No	Medium	Yes	Deciduous tree growing to 40 feet. Variety "Fastigiata" recommended for street tree use.
Eastern redbud <i>Cercis canadensis</i>	No	Medium	Yes	Tolerates any soil but wet. Short trunk with spreading branches. Flowers appear before leaves. Heart-shaped leaves emerge reddish and turn dark green. Yellow fall color.
Katsura tree <i>Cercidiphyllum japonicum</i>	No	Medium	Yes	Deciduous tree, slow growing to 40 feet. Good fall color. Well suited for small lot use.
Washington hawthorn <i>Crataegus phaenopyrum</i>	No	Small	Yes	Small deciduous tree, typically no larger than 25 feet. Well suited for small lot use with good fall color.

Species Scientific Name	Native Tree?	Canopy Size Category	Street Tree?	Characteristics
White ash (varieties) Fraxinus americana	No	Medium	Yes	Prefers deep, moist, well drained soil. Green leaflets turn to purple shades. Fall color may include yellow, orange, red, and dark purple.
Green ash Fraxinus pennsylvanica	No	Medium	Yes	Fast growing deciduous tree with height of 40 feet. For street tree use, seedless varieties such as "Marshall" are preferred.
Honey locust Gleditsia triacanthos	No	Medium	Yes	Fast growing deciduous tree with height of 40 feet. Varieties "Shademaster," "Skyline," and "Moraine" are preferred varieties.
American sweet gum Liquidambar styraciflua	No	Medium	Yes	Common landscape tree very tolerant of urban conditions. Achieves heights of 60 feet with good fall color. Not good in windy settings – the branches are brittle and break easily.
Tulip tree Liriodendron tulipifera	No	Large	No	Large deciduous tree achieving height of up to 60 feet. Very tolerant of urban conditions.
Crabapple Malus sp.	No	Large	Yes	Large deciduous tree achieving height of up to 60 feet. Very tolerant of urban conditions.
Dawn redwood Metasequoia glyptostroboides	No	Large	No	A deciduous conifer. Fast growing. Bright green fern-like needles. Fall color ranges from bronze to apricot.
Sourwood Oxydendron arboreum	No	Medium	Yes	Medium deciduous tree with good fall color. Achieves height of 18 feet.
Yoshino flowering cherry	No	Medium	Yes	Medium sized deciduous tree achieving height of 40 feet. Fast growing.
Flowering callery pear Pyrus calleryana	No	Medium	Yes	Widely used in commercial landscaping. Deciduous tree 25 to 40 feet. Well suited to urban conditions. Varieties for street tree use include "Aristocrat," "Bradford," "Capital," "Chanticlear," "Redspire" and "Whitehouse."
Pin oak Quercus palustris	No	Large	No	Deciduous tree achieving heights of 50 to 80 feet. Better suited to park or large lot use due to size.
Scarlet oak Quercus coccinea	No	Large	No	Oval to round canopy shape with high, open branching pattern. Bright green leaves turn scarlet in fall. Deep roots allow for lawn or perennial plant growth beneath canopy.
English oak Quercus robur	No	Large	No	Prefers well drained sites. Open form. Deep green leaves with yellow-brown fall color. Needs ample space.

Species Scientific Name	Native Tree?	Canopy Size Category	Street Tree?	Characteristics
Giant sequoia Sequoiadendron	No	Large	No	A good choice in a landscape with adequate space.
Japanese snowbell	No	Medium	Yes	Needs well drained soil and ample water. Medium green foliage with yellow fall color. Blooms in June with fragrant white bell-shaped flowers.
Little leaf linden Tilia cordata	No	Small	Yes	Small deciduous tree reaching height of 30 feet. Tolerant of urban conditions.
Sawleaf zelkova Zelkova serrata	No	Large	No	Water well initially to establish deep roots. Once established, very drought- and wind-tolerant. Fall foliage varies from yellow to dark red. Smooth gray bark.

Notes: Canopy size categories: (a) Large – mature canopy area greater than 1,250 square feet; (b) Medium – mature canopy area 450 to 1,250 square feet; (c) Small – mature canopy area 450 square feet or less.

(Ord. 1615 § 1, 2011).

**19.46.155 Tree removal outside of native vegetation areas.**

The director may approve the removal of trees that are not part of a native vegetation area that were required to be retained as part of a previous plan approval, if it is determined that the tree is diseased, physically deteriorated, potentially hazardous, damaged or subject to windthrow. Trees that are removed as approved by the director shall be replaced at a one-to-one ratio. Replacement trees shall be a minimum two-and-one-half-inch caliper for deciduous trees or a minimum of six feet in height from existing grade for conifers. (Ord. 1615 § 1, 2011).

**19.46.160 Administrative relief and alternative compliance.**

The standards contained in this chapter are intended to encourage development which is economically viable and environmentally satisfying. The standards are not intended to be arbitrary or to inhibit creative solutions. Projects may justify approval of alternative methods for compliance with the standards. Conditions may arise where normal compliance is impractical or impossible, or where maximum achievement of the community's objectives can only be obtained through alternative compliance.

(1) Requests for alternative compliance and administrative relief may be accepted for any application to which the requirements of this chapter apply, when one or more of the following conditions exist:

(a) Topography, soil, vegetation or other site conditions make it impossible or impractical; or improved environmental quality would result from alternative compliance;

(b) Space limitations, unusually shaped lots, and prevailing practices in the surrounding neighborhood may justify alternative compliance for infill sites, and for improvements and redevelopment in older communities;

(c) Parking lots with five parking spaces or less may apply for administrative relief in order to reconfigure landscaping to be less than 15 percent of the parking lot. For example, a portion of the requirement can be met by landscaping around the perimeter of the parking lot;

(d) Change of use of an existing site increases the buffer required more than it is feasible to provide;

(e) Safety considerations make alternative compliance necessary;

(f) When an alternative proposal is equal to or better than normal compliance in its ability to fulfill all landscaping requirements in this chapter;

(g) Alternative types of irrigation for preexisting conditions.

Alternative compliance shall be limited to the specific project under consideration and shall not establish precedents for acceptance in other cases.

(2) Submittal Requirements.

(a) Requests for alternative compliance shall be accompanied by sufficient explanation and justification, written and/or graphic, to allow appropriate evaluation and decision;

(b) A request for alternative compliance shall be submitted to the planning director (or designee) at the time the landscape plan is submitted. In the case of those plans for which no public hearing is required, the decision of the planning director (or designee) will be final, unless the applicant appeals the decision to the hearing examiner.

(c) The planning director may request modification of proposed standards in the administrative relief proposal. (Ord. 1615 § 1, 2011; Ord. 1555 § 20, 2009. Formerly 19.46.110).

**19.46.170 Enforcement of chapter.**

A violation of any of the provisions of this chapter shall be a civil offense and any person failing to comply therewith shall be punished by a fine not to exceed \$250.00 or value of materials and labor to bring the property into compliance with this chapter, whichever is greater. It shall be a separate offense for each and every day or portion thereof during which any violation of any part of the provisions of this chapter is committed, continued or permitted. (Ord. 1615 § 1, 2011; Ord. 1555 § 20, 2009. Formerly 19.46.120).

## C. Shoreline Development Standards

TABLE 2 – Summary of Shoreline Development Standards

DEVELOPMENT STANDARD	Maritime	Urban Mixed Use	Shoreline Residential	Shoreline Residential Bluff Conservancy	Urban Public Facility	Conservancy	Aquatic
Maximum Height <sup>1</sup>	35 feet, 55 feet for water-dependent structures	35 feet (CBD-1 and CBD-2), 55 feet (CBD)	35 feet	35 feet	35 feet	25 feet	N/A
Shoreline Setback <sup>2, 9, 11</sup>	50 feet <sup>3</sup>	50 feet <sup>4</sup>	50 feet <sup>5</sup>	50 feet <sup>6</sup>	75 feet	100 feet	N/A
Maximum Total Impervious Surface Coverage (Standard Applies to Entire Lot or Portion Thereof in Shoreline Jurisdiction)	80%	80%	40%	30%	40%/80% <sup>7</sup>	10%	N/A
Maximum Impervious Surface Coverage - Setback Zone 1 (VMZ) <sup>8</sup>	20% <sup>3</sup>	0%	0%	0%	0%	0%	N/A
Maximum Impervious Surface Coverage - Setback Zone 2 <sup>8</sup>	40% <sup>3</sup>	20%	20%	0% <sup>9</sup>	20%	0% <sup>9</sup>	N/A
Minimum Lot Frontage and Width	N/A	N/A	60 feet	60 feet	N/A	N/A <sup>10</sup>	N/A
Minimum Lot Size	N/A	N/A	7,200 SF	7,200 SF	N/A	N/A <sup>10</sup>	N/A

1. Height limits apply to all structures, except as noted. Development shall also be subject to the height limits established by the underlying zoning; in the event of a conflict between the standards contained in this SMP and in the underlying zone, the more restrictive shall apply. The height limit shall not apply to television antennas, chimneys, flagpoles, public utilities, and similar appurtenances. A height of more than thirty-five feet (35) can only be achieved in those environments where specifically permitted and if the applicant prepares a view corridor study consistent with the requirements of Chapter 3, Section B.6 c, Regulations 20-24. The view study must demonstrate that the proposal will minimize and mitigate impacts to views to the maximum extent feasible.

2. Water-dependent structures associated with a ecological restoration or interpretation, water-dependent uses and public access (i.e. ramps, piers, shoreline stabilization, bridges, viewing platforms, stairs, loading facilities and similar structures) are not required to meet the minimum setback. However, where such development

can be approved within the minimum setback, the placement of structures shall be limited to the minimum necessary for the successful operation of the use. In no case shall occupied structures not associated with a water-dependent activity be allowed within the minimum setback. Additionally, for development along marine shorelines designated as fish and wildlife habitat conservation areas under OHMC 20.25, the Shoreline Administrator may require a special study to evaluate potential impacts. If supported by such a study, the Shoreline Administrator may increase the Shoreline Setback to protect sensitive environmental resources, though the total setback shall not exceed 100 feet.

3. In the Maritime environment, water-dependent transportation, industrial, commercial and recreational development and uses may be allowed within the defined setback area. However, where such development can be approved within the minimum setback, the placement of structures and hard surfaces shall be limited to the minimum necessary for the successful operation of the use. In no case shall parking, primary buildings or general storage be allowed within the minimum setback.

4. New residential structures in the Urban Mixed Use environment shall adhere to this setback requirement unless existing development within 100 feet of both side property lines has a lesser average setback. In such cases, the minimum setback required shall be the average established by drawing a line between the closest point of the existing structures to the OHWM on either side of the subject property. However, in no case shall the minimum setback be reduced to less than 40 feet. At least 12 feet of the setback shall be dedicated to public access and recreational use (i.e. the Waterfront Trail).

5. New structures in the Shoreline Residential environment shall adhere to this setback requirement unless existing development within 100 feet of both side property lines has a lesser average setback. In such cases, the minimum setback required shall be the average established by drawing a line between the closest point of the existing structures to the Ordinary High Water Mark on either side of the subject property. However, in no case shall the minimum setback be reduced to less than 35 feet. This is intended to allow the minimum 30 foot Vegetation Management Zone and a 5 foot area for maintaining the structure, entrances, etc.

6. All new or expanded development in the Shoreline Residential Bluff Conservancy environment proposed within 100 feet of a designated steep slope or bluff shall be required to submit a critical areas report as part of development permit application, pursuant to Ordinance 1440 § 5, 2005, including a geotechnical analysis by a qualified professional. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by the geotechnical analysis. Please see additional geotechnical report requirements in Chapter 5, Section C.1.c and critical area report requirements in OHMC 20.28. In no case shall primary structures be located closer than 25 feet from the top of steep slope areas and bluffs. If application of the 50-foot standard shoreline setback would allow the construction of a structure within 25 feet of a steep slope area or top of bluff or within the setback recommended by geotechnical analysis, the more restrictive standard shall apply.

7. The 40% impervious surface coverage standard shall apply to Windjammer Park. The 80% impervious surface coverage standard shall apply to Flintstone Park.

8. Where impervious surfaces that exceed the limits noted are deemed necessary by the Shoreline Administrator to accommodate public access, a water-dependent use, a public utility or public transportation facility, such development shall be allowed in the setback (Zone 1 and Zone 2) provided it is the minimum necessary to accommodate the proposed use. Wherever practicable, pervious pavements and other low impact development techniques shall be used and mitigation consistent with Section 3.B.5.c shall be required. Vegetation clearing, planting and revegetation shall be governed by the provisions of Section 3.B.8 – Shoreline Vegetation Conservation. Specifically, landscaping and allowed development within setback areas shall conform to the standards in Section 3.B.8.c.4 and 5.

9. Setback areas within all shoreline environment designations are subject to the vegetation conservation requirements of Section 3.B.8.c, specifically regulations 6 and 7, which establish standards for Setback Zone 1 (Vegetation Management Zone) and Setback Zone 2. Within the Conservancy and Shoreline Residential Bluff Conservancy environments, both Setback Zones 1 and 2 are regulated as part of the VMZ.

10. No further subdivision is allowed in the Urban Conservancy environment.

11. Setbacks shall be measured from the ordinary high water mark (OHWM).

# Digital Signs Code Update

## Public Hearing

# Memo

To: Members of the Planning Commission  
Cc: Steve Powers, Development Services Director  
From: Ethan Spoo, Senior Planner  
Date: 2/20/13  
Re: Digital Signs Continued Discussion

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## **PURPOSE**

The purpose of this memorandum is to outline options for regulating digital signs in the City of Oak Harbor. Additionally, this memorandum answers questions posed by the Planning Commission in January, 2013.

## **DESCRIPTION OF SCENARIOS**

To aide the Planning Commission in its policy decision, staff has developed four scenarios ranging from allowing digital signs with few restrictions to prohibiting them outright. These scenarios were developed in part based on the P.C. questions from January. The details of these policy options are listed on Attachment 1 and summarized in this memo. The scenarios were formed using other city's codes as examples, as well as looking at "best practice" literature.

Please note that there are many possible scenarios that could be developed to address the topic of digital signs. The ones presented in this memorandum are only intended to provide a starting point for the Planning Commission's discussion of this topic. None of these scenarios should be interpreted as a staff recommendation.

### **SCENARIO 1- "LEAST RESTRICTIVE"**

This scenario allows digital signs under few restrictions. The digital signs would be allowed in all commercially and industrially zoned areas of the City with the exception of Pioneer Way. Digital signs would be allowed both as building mounted and on freestanding signs. Digital sign size could not be more than 50% of the total sign area for the site, and could comprise up to 100% of a single sign with 100 square feet being the maximum size of a sign. Electronic motion and video would be allowed on the signs. Signs would have to remain 100 feet away from residentially zoned areas. Autodim technology, within limits of 500 nits nighttime and 5,000 nits daytime, would be required.

### **SCENARIO 2- "MEDIUM RESTRICTION"**

This scenario allows digital signs with some restrictions. The digital signs would be allowed in all commercial and industrial districts except for C1 and CBD, excluding along Pioneer Way. Movement would be allowed on the signs, but each graphic/text frame would need to remain for a minimum of two seconds. The best practices literature recommends a minimum display time ranging from 1-8 seconds depending on location. Signs would have to remain 100 feet away from residentially zoned areas. Digital signs could not be more than 50% of the sign allocation for the site and 50% of any single sign, as well as no more than 50 square feet in size. Signs could only be building mounted. Autodim technology, within limits of 500 nits nighttime and 5,000 nits daytime, would be required.

### **SCENARIO 3-“MOST RESTRICTIVE”**

This scenario allows digital signs subject to narrower restrictions. The digital signs would be allowed only in C-3, C-4, and C-5 zones, excluding Pioneer Way and could only be building mounted. No motion would be allowed on the sign and minimum frame time would be 20 seconds. Signs would be limited to 25 square feet in size. The frame duration and size restrictions in this scenario match what the City of Anacortes has adopted. Signs would have to be 200 feet away from a residentially zoned property. Autodim technology, within limits of 500 nits nighttime and 5,000 nits daytime, would be required. The digital signs would only be allowed to operate from 8:00 a.m. to 8:00 p.m. during Fall and Winter and 8:00 a.m. to 10:00 p.m. during the Spring and Summer.

### **SCENARIO 4-“PROHIBITED”**

This scenario is essentially the “no action alternative.” The consideration of such a scenario is common practice when undertaking a planning study. Under this scenario, the existing code language code remains as is or it could be modified to specifically exclude digital signs. Staff’s understanding is that digital signs can legally be prohibited outright, as long as ample alternative channels of commercial speech are available such as other sign types, internet, and newspaper.

## **DISCUSSION**

The digital signs issue is inherently a policy question. Staff requests Planning Commission’s guidance on the restrictions for allowing digital signs and whether to allow them. As alluded to in the January, 2013 memo to Planning Commission on this topic, this is a new and emerging sign technology and many communities have not formally dealt with this issue. Communities which have dealt with digital signs approach the issue in different ways ranging from prohibiting them to allowing them in specific areas of their city subject to controls on size, brightness, movement, etc. The options presented to Planning Commission this month fall within the norms of regulations in other cities and what is recommended by the literature.

This month, staff request that Planning Commission review the scenarios and ask questions as appropriate. The anticipated schedule for the project is as follows:

- February – discuss scenarios with Planning Commission
- March – open public hearing and accept comments on scenarios. Planning Commission selects scenario with changes, if requested.
- April – Staff drafts code and issues SEPA. Public hearing remains open for citizen comment.
- May – Staff closes SEPA comment period. Planning Commission closes public comment period and makes a recommendation to City Council.

## **ANSWERS TO PLANNING COMMISSION QUESTIONS**

Planning Commission requested that staff further research examples of digital signs in other communities and the impact of multiple digital signs in proximity to one another. Unfortunately, because the digital sign issue is so new, staff was unable to find adequate examples.

Planning Commission also requested that staff provide more guidance on free standing versus building mounted digital signs. Staff believe that the scenarios provided give more guidance in these areas. Cities have taken different approaches to this issue, as well with some cities favoring free standing digital signs located next to major arterials and other cities prohibiting digital signs next to roadways for traffic safety reasons. Prohibiting free standing digital signs has the effect of making them less visible to drivers since, in most cases, the signs would be setback from the road.

There was also significant discussion about the quality of digital signs at the January Planning Commission meeting. Quality of digital signs is related to the size of the LED used in the sign; the smaller the LED, the smaller the pixel size and the better the graphic quality of the sign. Staff did not address this issue in the

scenarios. Lower quality, larger LED signs are less expensive. Regulating the size of the LED might have the effect of only making the signs available to a very limited number of businesses who could afford them.

Finally, staff reviewed the “Whidbey Scenic Isle Way Corridor Management Plan” for discussion of commercial signs along Highway 20. Staff believe that provisions for onsite digital signs would not conflict with the Scenic Isle Way Corridor Management Plan. In fact, RCW 47.42, which is the State Scenic Vistas Act, specifically allows onsite commercial signage.

## **ATTACHMENTS**

1. Digital Signs Regulation Scenarios
2. OHMC 19.36.030 “Business district signs – Zones CBD, CBD-1, CBD-2, C-3, C-4 and C-5.”

## **RECOMMENDED ACTION**

Discuss scenarios and provide feedback to staff.

City of Oak Harbor Digital Signs Regulation Scenarios				
	Scenario 1: Least Restrictive	Scenario 2: Medium Restriction	Scenario 3: Most Restrictive	Scenario 4: Prohibited
<b>Size</b>	100% of primary sign area and 50% of sign allocation area for the site, but no more than 100 SF	50% of primary sign size and 50% of total sign area allocation for site, but no more than 50 SF	50% of sign to which they are attached, and 30% of the sign area allocation for the site, but no more than 25 SF total	N/A
<b>Motion</b>	Full motion and video	Some motion, no video. Would allow appearance of motion, but no video. For example, there could be rotating or moving digital objects, but no video of real objects. A hamburger restaurant could have a rotating/moving digital hamburger, but no video footage of a real hamburger	Motion prohibited entirely. No animation, no scrolling letters, no appearance of movement. Images are static.	N/A
<b>Color</b>	Prohibition on white or near white background	Prohibition on white or near white background	Prohibition on white or near white background	N/A
<b>Display Change</b>	Must change instantaneously. Movement allowed, but no flashing, undulating, pulsing, portrayal of explosions, fireworks, flashes of light, or blinking or chasing lights	Instantaneous change between graphics/messages. Minimum frame time of 2 seconds.	Instantaneous change between graphics/messages. Minimum display time of 20 seconds, thus no movement allowed	N/A
<b>In case of sign malfunction:</b>	Display must go dark	Display must go dark	Display must go dark	N/A
<b>Site Location Restrictions</b>	Building mounted and freestanding signs	Building mounted signs only, minimum distance of 50 feet from street	Building mounted signs only, minimum distance of 50 feet from street	N/A
<b>Quantity</b>	No more than 1 sign per property	No more than 1 sign per property. Multitenant buildings would share a single sign	No more than 1 sign per property. Multitenant buildings would share a single sign	N/A
<b>Zone Area/ Restrictions</b>	All commercially zoned, except Pioneer Way, orientation away from residential properties and distance of 100 feet away from residentially zoned properties	C-3, C-4, C-5, I, PIP, and PBP zoned areas with the exception of Pioneer Way. Orientation must be away from residential areas and distance of 100 feet from residentially zoned properties, only for multiple tenant developments greater than 5 acres in size	C-3, C-4, C-5 zones only, with the exception of Pioneer Way. Orientation must be away from residential areas and distance of 200 feet from residentially zoned properties, only for multiple tenant developments over 10 acres in size	N/A
<b>Hours of Operation</b>	No Restrictions except where visible from residential, then 8 a.m. - 10:00 p.m.	8 a.m. - 10:00 p.m.	8 a.m. - 8 p.m. October - March, p.m., 8 a.m - 10 p.m. April - September	N/A
<b>Brightness</b>	500 nits darkness, 5000 nits daylight with autodimming	500 nits darkness, 5000 nits daylight with autodimming	500 nits darkness, 5000 nits daylight with autodimming	N/A

**19.36.030 Business district signs – Zones CBD, CBD-1, CBD-2, C-3, C-4 and C-5.****(1) General.**

(a) In general, this city takes the view that signs should be scaled to the building to which the sign is related. Accordingly, in the following sections will be found regulations on the area, number and height of signs, which are a function of the size of the building to which the sign is related.

(b) Any single-occupancy building in the business district shall be permitted the primary signs described in subsections (2) through (6) of this section. No more than one freestanding sign is permitted per single-occupancy building unless the building faces on more than one street (see subsection (4) of this section), and is not a part of a multiple-building complex.

(c) Each occupant in a multiple-occupancy building in the business district shall be permitted the primary signs described in subsections (2) through (5) of this section and the incidental signs described in subsection (6) of this section except that no more than one freestanding sign is permitted per multiple-occupancy building unless the building faces more than one street (see subsection (4) of this section), and is not part of a multiple-building complex.

(d) Each occupant in a multiple-building complex in the business districts, which is composed of single- and/or multiple-occupancy buildings, shall be permitted the primary signs described in subsections (2) through (5) of this section and the incidental signs described in subsection (6) of this section except that no more than one freestanding sign is permitted per multiple-building complex, unless the building faces on more than one street. (See subsection (4) of this section.)

(e) Each enterprise shall display and maintain on-premises street address number identification. (See subsection (6) of this section.)

(f) A multiple-building complex encompassing at least five acres may display one complex identification sign along with each right-of-way which provides direct access to the complex. Each sign may not exceed 75 square feet in surface area and 25 feet in height. Each sign is subject to the sight distance requirements of the zoning ordinance.

**(2) Setback Limitations – Freestanding Signs.** Except as otherwise provided in this section, the size of any freestanding sign shall not exceed the following limits, based on the setback of the sign from the front property line:

Minimum Setback: 5 feet from front property line

Maximum Area: 100 square feet (per side)

**(a) Sign Height – Freestanding Signs.** Except as otherwise provided in this section, the height of any freestanding sign shall not exceed the following limits, based on the sign setback of the sign:

Maximum Height: 25 feet

A minimum height of eight feet from grade to the bottom of the sign is required, for signs greater than 48 square feet, to ensure adequate sight lines for signs closer than 10 feet to the front property line.

(b) Facade Limitations, Building-Mounted Signs, Roof or Canopy-Mounted Signs. The surface area of any building-mounted sign and roof or canopy-mounted sign shall not exceed the figures derived from the following schedule:

Relevant Surface Area of Facade as Determined Pursuant to OHMC 19.36.020(40) (sq. ft.)	Maximum Sign Surface Area for That Facade
Below 100	25 percent of facade
100 – 199	26 sq. ft. + 11 percent of facade area over 100 sq. ft.
200 – 499	38 sq. ft. + 12 percent of facade area over 200 sq. ft.
500 – 999	75 sq. ft. + 11 percent of facade area over 500 sq. ft.
1,000 – 1,499	131 sq. ft. + 7.5 percent of facade area over 1,000 sq. ft.
1,500 – 2,999	169 sq. ft. + 2.5 percent of facade area over 1,500 sq. ft.
Over 3,000	206 sq. ft. + 1.5 percent of facade area over 3,000 sq. ft. to a maximum of 300 sq. ft.

In multiple-occupancy buildings the facade area for each occupant is derived by measuring only the surface area of the exterior facade of the premises actually used by the occupant, and the sign displayed by the occupant must be located on the facade used to determine the size of the sign, except as provided in this section.

Unused sign surface area for a facade may be used by any tenant or user within the same multiple-occupancy building, if:

(i) The applicant files with the city a written statement signed by the tenant or user permitted to utilize that sign area under this code permitting the applicant to utilize the unused sign surface area;

(ii) The display of a sign on that facade by the nondependent sign user will not create a significant adverse impact on dependent sign users of that facade;

(iii) The display of the nondependent sign is necessary to reasonably identify the use, and the provisions of this code do not provide the use with adequate sign display options.

In no case may the maximum sign surface area permitted on a building facade be exceeded.

(c) Sign Height – Building-Mounted Signs. The height of any building-mounted sign shall not extend above the highest exterior wall of the building to which the sign relates.

(3) Number of Primary Signs. The permissible number of signs for each occupant is dependent upon the surface area of the largest single facade of the building that is under his control. The permitted number of signs is as follows (not including incidental signs):

Surface Area of Largest Facade	Maximum Number of Signs

Less than 999 sq. ft.	3
1,000 – 2,999	4
3,000 and over	5

Buildings or occupants with more than 3,000 square feet on any face, with several clearly differentiated departments, each with separate exterior entrances, are permitted one sign for each different department with a separate exterior entrance, in addition to the five allotted.

(4) Buildings on More Than One Street. Buildings facing on more than one street are entitled to a bonus in primary signage, depending on whether the building is on two intersecting streets or whether it extends through a block so as to face on two different parallel streets, as defined in subsections (4)(a) and (4)(b) of this section.

(a) Buildings on Intersecting Streets. When a building is located on intersecting streets, two freestanding signs are permitted if they are located on two different streets and are separated more than 100 feet measured in a straight line between signs. Otherwise, only one freestanding sign is permitted and must meet the setback limitation under subsection (2) of this section.

(b) Buildings Facing on Two Parallel Streets. Single-occupancy buildings that extend through a block to face on two parallel streets with customer entrances on each street are permitted the sign area allowed under subsections (2)(a) and (2)(b) of this section, and the sign number under subsection (3) of this section for each end of the building facing on a street; provided, however, that no more than one freestanding sign is permitted per building unless such signs are located on two different streets and are separated more than 100 feet measured in a straight line between the signs. No more than two freestanding signs are permitted in such case.

(5) Types and Placement of Primary Signs. The permissible types of primary signs, their placement and other limitations are as follows:

(a) Freestanding Signs.

(i) Freestanding signs shall be wholly located within the center two-thirds of the frontage of the property on the street or 15 feet from the adjacent property line, whichever provides the longer distance from the closest part of the sign to the adjacent property line; provided, however, that a freestanding sign may be located within five feet of the property line with the written consent of the title holder of the adjacent property. If such consent is obtained, the consenting party or his successors or assigns may not place a freestanding sign on his property within 20 feet of the first freestanding sign.

(ii) A freestanding sign located five feet from the property line shall be wholly behind the five-foot setback, and a freestanding sign located at the building line shall be wholly behind the building line.

(iii) Any freestanding sign must be integrated. That is, all elements of the sign must be incorporated in a single design. Auxiliary projections or attachments not a part of a single design are prohibited.

(b) Building-Mounted Signs.

(i) Any building-mounted sign shall not project more than five feet from the face of the building to which the sign is attached. Any structural supports shall be an integral part of the design or concealed from view.

(ii) Any building-mounted signs shall be limited in content and message to identifying the building and the name of the firm, or the major enterprise, and principal product and/or service information.

(iii) Special projection signs are permitted within the CBD and are allowed in addition to permitted signage. Special projection signs are limited to one per business and shall be attached to the building. The bottom of the sign shall be at least seven feet above the sidewalk.

(c) Roof Signs.

(i) All such signs must be manufactured in such a way that they appear as an architectural blade or penthouse and are finished in such a manner that the visual appearance from all sides is such that they appear to be a part of the building itself.

(ii) All roof signs shall be installed or erected in such a manner that there shall be no visible angle-iron support structure.

(d) Canopy Signs.

(i) All such signs shall be manufactured in such a way that they appear as an architectural blade or penthouse and are finished in such a manner that the visual appearance from all sides is such that they appear to be part of the building itself.

(ii) All canopy signs shall be installed or erected in such a manner that there shall be no visible angle-iron support structure.

(e) Monument Signs. Monument signs shall not exceed eight feet in height measured from the finished grade to top of the sign and not exceed 32 square feet in area. Monument signs shall be located within the center two-thirds of street frontage. Signs may be located up to the front property line when there is no sight visibility obstruction from driveways or intersections caused by placement of the sign.

(f) Pylon Signs.

(i) Pylon signs shall not exceed 10 feet in height measured from the finished grade to top of the sign and not exceed 48 square feet in area. Pylon signs shall be located within the center two-thirds of street frontage. Signs may be located up to the property line when there is no sight visibility obstruction from driveways or intersections caused by placement of the sign.

(ii) If a pylon sign is used instead of a pole sign an additional 15 percent of wall signage area over that than otherwise permitted shall be allowed. The additional square footage may be used on any facade that permits wall signage.

(g) Electronic Message Center Signs. Stationary electronic message center signs and other changeable copy signs may be incorporated in the permanent signage for a business or development in the C-3, C-4 and C-5 zoning districts. Said signs shall meet the following standards:

(i) The sign shall follow the standards established in subsections (2) through (5) of this section;

(ii) Only one such sign shall be used in a development and it shall not exceed 50 percent of the sign area for that sign;

(iii) The electronic message center sign shall be included in the maximum number of signs or sign area allowed for the business or development;

(iv) The sign shall be constructed as an integral part of a permanent sign constructed on site, except as permitted under subsection (5)(g)(xiii) of this section. "Integral" shall be considered to be incorporated into the framework and architectural design of the permanent sign;

(v) Electronic message center signs may be used only to advertise activities or goods or services available on the property on which the sign is located, or to present public service information;

(vi) No segmented message shall last longer than 12 seconds;

(vii) Only those changing electronic message signs utilizing monochrome colors such as white, red or amber shall be permitted. No RGB (red-green-blue) technologies or other multicolored display shall be permitted in an electronic message center sign in a manner that would create a video board. This subsection does not prohibit the use of color in a sign that is not a video board;

(viii) No changing electronic message center may contain the use of animation, video or flashing as defined in this chapter;

(ix) Changing electronic message signs shall maintain a 2-1-2 transition frequency. "2-1-2" means a message display time of a minimum of two seconds, a transition time between messages of a maximum of one second, followed by a message display time of a minimum of two seconds with all segments of the total message to be displayed within 10 seconds. Displays which scroll onto the signboard must hold for a minimum of two seconds including scrolling. Frame effects may be used for the purpose of transition;

(x) Electronic message center signs shall come equipped with automatic dimming technology which automatically adjusts brightness because of ambient light conditions;

(xi) The owners of electronic message center signs shall include a signed letter accompanying their permit application, certifying that they will not tamper with the manufacturer preset automatic brightness levels on such signs;

(xii) For locations adjacent to a residential use or district electronic displays shall be turned off between the hours of 10:00 p.m. and 6:00 a.m.;

(xiii) A single, portable (nonstationary) electronic message center sign may be located in the window of a business subject to the provisions of subsection (5)(g) of this section. The portable sign shall comply with the provisions of subsections (5)(g)(v) through (ix) of this section.

(6) Incidental Signs. "Incidental signs" means signs less than four square feet in surface area, of a noncommercial nature, intended primarily for the convenience of the public. Included are signs designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience; designating restrooms, address numbers, hours of operation, entrances to a building, directions, help wanted, public telephone, etc. Also included in this group of signs are those designed to guide or direct pedestrians or vehicular traffic to an area or place on the premises of a business, building or development by means of a directory designating names and addresses only.

(7) Directional Signs. Directional signs to give the traveling public specific information as to gas, food or lodging available on a crossroad with the state highway may be erected in accordance with RCW 47.42.046 and 47.42.047.

(8) Gasoline Price Signs. Gasoline price signs shall be located greater than five feet from the property line and must be permanently anchored. Such signs may be freestanding, may be attached to marquees or canopy columns, or may be reader boards. The sign area shall not exceed 20 square feet, and no more than one such sign for each street frontage is permitted. Gasoline price signs shall not be included in determining the number of primary signs, nor in determining the permissible number of freestanding signs.

(9) Window Signs. The total surface area of all window signs excluding lighted signs shall not exceed 50 percent of the window area. Such signs shall not be included in determining the number of primary signs, nor in determining the permissible sign area for each facade. Window signs do not require permits.

(10) Signs for Nonconforming Buildings or Uses. There remain in the city some buildings which were built prior to enactment of Oak Harbor's present zoning ordinance. Generally, under the city zoning ordinances, these legal nonconforming buildings or uses are allowed to remain unless they are altered or improved. As few of these nonconforming buildings are located behind the building line as determined by ordinances currently in effect, almost no signing would be possible under the foregoing sign code provisions. Therefore, this section provides for a partial relaxation of the standard sign requirements for signs on legal nonconforming buildings, only so long as the buildings or uses remain legally nonconforming under provisions of the Oak Harbor zoning code.

(11) Permitted Signs on Legally Nonconforming Buildings. All provisions of the sign code for business district signs apply to signs on nonconforming buildings or uses with the following exceptions:

(a) Building-mounted signs may project over the building line, but shall not approach a street closer than five feet. Such signs may extend five feet from the face of the building to which attached and shall have a maximum clearance over sidewalk below of eight feet, six inches.

(b) Legally nonconforming buildings are allowed the same sign area as other buildings zoned as commercial districts, as per this section. (Ord. 1553 § 3, 2009; Ord. 1307 §§ 3, 4, 2002; Ord. 1221 § 1, 2000. Formerly 19.36.020).

Yearly Report to  
City Council  
  
Public Meeting

# Memo

**To:** Planning Commission  
**From:** Steve Powers, Director  
**CC:**  
**Date:** February 22, 2013  
**Re:** Planning Commission Annual Report to City Council

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Oak Harbor Municipal Code (OHMC) Chapter 18.04 establishes the Planning Commission and its responsibilities. A copy of that code chapter is attached to this memo for your reference.

OHMC Section 18.04.070 requires the Planning Commission to make an annual report to the City Council:

**18.04.070 Yearly report of transactions and recommendations.**

The planning commission, at or before its first regular meeting in February of each year, shall make a full report in writing to the city council of its transactions for the preceding year, with such general recommendations as to matters covered by prescribed duties and authority as may to it seem proper.

To assist the Planning Commission in meeting this code requirement, staff has taken the liberty of preparing a draft report.<sup>1</sup> The draft lists the Commission's 2012 accomplishments and outlines the 2013 work plan. A section for recommendations to the City Council was created, but left blank. Staff will collect and compile any recommendations the Commission wishes to make at the February meeting and add them to the report.

Once the draft is complete, staff will schedule the matter for an upcoming City Council meeting. We will be sure to inform the Planning Commission of the meeting date once it has been established. Your attendance and participation at that meeting would be greatly appreciated by staff and the City Council.

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<sup>1</sup> This is the first year that a draft report of this nature has been prepared. In years past, the information has been passed along to the City Council in a more informal fashion.

**Chapter 18.04****PLANNING COMMISSION\***

## Sections:

- 18.04.010 Commission created – Membership.
- 18.04.020 Terms of office.
- 18.04.030 Unexpired term vacancies – Removal of members – Selection of replacements.
- 18.04.040 Powers and duties.
- 18.04.050 Referrals and recommendations.
- 18.04.060 Quorum requirements.
- 18.04.070 Yearly report of transactions and recommendations.
- 18.04.080 Judicial review of amendments to comprehensive plans.

\*For provisions regarding the zoning duties of the planning commission, see OHMC 19.31.060.

**18.04.010 Commission created – Membership.**

Pursuant to the authority conferred by Chapter 35A.63 RCW, the city planning commission created under Ordinance No. 78, adopted January 6, 1953, amended by Ordinance No. 268, adopted May 6, 1969, shall continue in existence, but shall operate hereafter pursuant to authority granted under Chapter 35A.63 RCW. The city planning commission shall consist of seven members, appointed by the mayor, subject to approval of the city council. (Ord. 652 § 1, 1983).

**18.04.020 Terms of office.**

The term of office of the seven members appointed by the mayor shall be three years. (Ord. 652 § 2, 1983).

**18.04.030 Unexpired term vacancies – Removal of members – Selection of replacements.**

Vacancies occurring other than through the expiration of terms shall be filled for the unexpired terms. Members may be removed by the mayor, with the approval of the city council, for inefficiency, neglect of duties or malfeasance in office. The members shall be selected without respect to political or religious affiliations and they shall serve without compensation. (Ord. 652 § 3, 1983).

**18.04.040 Powers and duties.**

The planning commission shall serve in an advisory capacity to the mayor and the city council and shall have all of the powers and perform each and all of the duties specified by Chapter 35A.63

RCW, together with any other duties specified by the city council or state law. The exercise of such authority under law is subject to all of the limitations expressed in such legislative enactment or enactments. (Ord. 652 § 4, 1983).

**18.04.050 Referrals and recommendations.**

The city council may refer to the planning commission for its recommendation and report, any ordinance, resolution or other proposal relating to any of the matters and subjects referred to in Chapter 35A.63 RCW, and the commission shall promptly report to the council thereon, making such recommendations and giving such counsel as it may deem proper. (Ord. 652 § 5, 1983).

**18.04.060 Quorum requirements.**

A simple majority of the appointed members shall constitute a quorum for the transaction of business. However, no action of the commission may be taken on comprehensive plan and zone changes without the affirmative vote of a majority of the appointed members. A simple majority of the quorum present is required for subdivisions and other matters. The planning commission cannot conduct any business unless a majority of its membership is present. (Ord. 652 § 6, 1983).

**18.04.070 Yearly report of transactions and recommendations.**

The planning commission, at or before its first regular meeting in February of each year, shall make a full report in writing to the city council of its transactions for the preceding year, with such general recommendations as to matters covered by prescribed duties and authority as may to it seem proper. (Ord. 652 § 7, 1983).

**18.04.080 Judicial review of amendments to comprehensive plans.**

Amendments to the comprehensive plan are final unless a declaratory judgment or writ of review, mandamus or prohibition is filed in a court of competent jurisdiction within 21 days of the date of city council action approving or disapproving the proposed amendments. Nothing in this section shall be construed as permitting an appeal or review unless not otherwise authorized under state law or either the Constitution of the state of Washington or the United States. (Ord. 924 § 1, 1992).



## **City of Oak Harbor**

### **Planning Commission's Annual Report to the City Council**

**2012**

Photo of Planning Commission Members  
or  
Generic photo of City

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Keith Fakkema, Chair  
Greg Wasinger, Vice Chair  
Kristi Jensen  
Jeff Wallin  
Dave Fikse  
Bruce Freeman  
Ana Maria Schlecht

## **2012 Planning Commission Members**

Bruce Neil, Chair  
Keith Fakkema, Vice Chair  
Kristi Jensen  
Greg Wasinger  
Jeff Wallin  
Gerry Oliver  
Jill Johnson

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**Planning Commission's Annual Report to the City Council  
2012**

**Section 1: Accomplishments**

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## Summary of 2012 Accomplishments

- Comp Plan Amendments
  - Mandated Items
    1. Capital Improvements Plan
    2. Shoreline Master Program Update
    3. Adoption of Official Zoning Map
  - Discretionary Amendments
    1. Review of whether current Comprehensive Plan goals and policies adequately identify and protect view corridors within the City.
    2. Land use change for properties located on SE Catalina Drive south of Pioneer Way
  
- Six-Year Transportation Improvement Program Update
  
- Shoreline Master Program – A comprehensive update was completed to meet State law
  
- Code Amendments
  - Sign Code Update - provisions for temporary political, commercial, and non-commercial signs on public and private property
  - Night Club Ordinance – review of possible approaches to regulating the size of nightclubs
  
- Development Review
  - Fairway Point PRD Modification to Consider Accessory Dwelling Units
  - Permit Extension for Adult Day Care Conditional Use Permit
  
- Annual Report to City Council
  - 2013 Planning Commission work program
  - Planning Commission accomplishments in 2012

**Detail of  
Planning Commission 2012 Activities**

**JANUARY**

**January 24, 2012**

**2012 COMPREHENSIVE PLAN AMENDMENT DOCKET – Public Hearing**

The Planning Commission conducted a public hearing on the preliminary docket for the 2012 Comprehensive Plan amendment process. Planning Commissioners evaluated several discretionary items at their November 22, 2011 meeting and made their final recommendation to the City Council as to which discretionary items should be placed on the 2012 Comprehensive Plan Amendment Docket.

**MOTION: MR. WALLIN MOVED, MR. FAKKEMA SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL PLACE ALL THREE MANDATED AMENDMENTS ON THE 2012 COMPREHENSIVE PLAN DOCKET. MOTION CARRIED.**

**MANDATED ITEMS:**

**Capital Improvements Plan (CIP)  
Shoreline Master Program (SMP) Update  
Comprehensive Plan Update 2016 Preparation**

**MOTION: MR. OLIVER MOVED, MR. WALLIN SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL REMOVE THE REVIEW OF COMMERCIAL LANDS INVENTORY FROM THE 2012 COMPREHENSIVE PLAN DOCKET. MOTION CARRIED.**

**MOTION: MS. JOHNSON-PFEIFFER MOVED TO REFER REVIEW OF THE NON-ENTERPRISE FUNDED PROJECTS LISTED IN THE CITY'S CAPITAL IMPROVEMENT PLAN BACK TO THE COUNCIL FOR FURTHER CLARIFICATION ON PLANNING COMMISSION ACTION.**

**MS. JOHNSON-PFEIFFER WITHDREW THE MOTION.**

**MOTION: MS. JOHNSON-PFEIFFER MOVED, MR. FAKKEMA SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL REMOVE THE REVIEW OF THE NON-ENTERPRISE FUNDED PROJECTS LISTED IN THE CITY'S CAPITAL IMPROVEMENT PLAN FROM THE DOCKET.**

**VOTE ON THE MOTION: MS. JOHNSON-PFEIFFER, MR. FAKKEMA AND MR. OLIVER VOTED IN FAVOR OF THE MOTION. MR. WALLIN OPPOSED. THE MOTION CARRIED.**

**MOTION: MR. OLIVER MOVED, MS. JOHNSON-PFEIFFER SECONDED, A MOTION TO RECOMMEND THAT THE CITY COUNCIL PLACE THE REVIEW OF WHETHER THE CURRENT COMPREHENSIVE PLAN GOALS AND POLICIES ADEQUATELY IDENTIFY AND PROTECT VIEW CORRIDORS WITHIN THE CITY ON THE 2012 COMPREHENSIVE PLAN DOCKET.**

**VOTE ON THE MOTION: MS. JOHNSON-PFEIFFER, MR. WALLIN AND MR. OLIVER VOTED IN FAVOR OF THE MOTION. MR. FAKKEMA OPPOSED THE MOTION CARRIED.**

**MOTION: MR. OLIVER MOVED, MR. FAKKEMA SECONDED, A MOTION TO RECOMMEND THAT THE CITY COUNCIL REMOVE FROM THE 2012 COMPREHENSIVE PLAN DOCKET THE REVIEW OF THE CURRENT COMPREHENSIVE PLAN GOALS AND POLICIES FOR ADEQUACY IN PROTECTING THE CITY FROM THE PROLIFERATION OF SIGNS. MOTION CARRIED.**

**MOTION: MS. JOHNSON-PFEIFFER MOVED, MR. WALLIN SECONDED, A MOTION TO RECOMMEND THAT THE CITY COUNCIL PLACE THE SHORELINE MASTER PROGRAM AMENDMENT AND LAND USE CHANGE FOR PROPERTIES LOCATED ON SE CATALINA DRIVE SOUTH OF PIONEER WAY ON THE 2012 COMPREHENSIVE PLAN DOCKET.**

**VOTE ON THE MOTION: MOTION CARRIED UNANIMOUSLY.**

## **FEBRUARY**

**February 28, 2012**

### **SIGN CODE UPDATE – Public Meeting**

The Planning Commission continued its discussion of amendments to OHMC 19.36.080 (“Temporary and Special Signs”). Staff facilitated further discussion about amendments to the temporary sign code section. The proposed code amendments address time, manner, and place provisions for temporary signs, especially political signs, located on public property. **No Action**

### **WWTP Facility Plan – Public Meeting**

The Planning Commission received a briefing on the City’s facility planning process for a new wastewater treatment plant. **No Action**

## **MARCH**

**March 27, 2012**

### **SIGN CODE UPDATE – Public Hearing**

The Planning Commission continued its discussion of amendments to OHMC 19.36.080 (“Temporary and Special Signs”). Staff released a draft of the proposed code amendments. The proposed code amendments address time, manner, and place provisions for temporary signs. The amendments include changes to the code for commercial signs and political signs on public and private property. Planning Commission also accepted comments in a public hearing for this issue. **No Action**

## **APRIL**

**April 24, 2012**

### **Adoption of Official Zoning Map – Public Hearing**

The Planning Commission held a public hearing on adoption of the Official Zoning Map for the City of Oak Harbor. The Planning Commission forwarded a recommendation to City Council for their May 1, 2012 meeting. Shall City Council decide to approve this item, the ordinance shall be adopted and the zoning map made official by the signatures of the Mayor and City Clerk.

**ACTION: MR. OLIVER MOVED, MRS. JOHNSON-PFEIFFER SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL ADOPT THE ORDINANCE AND THE ATTACHED ZONING MAP. MOTION CARRIED UNANIMOUSLY.**

### **Nightclub Ordinance – Public Meeting**

The Planning Commission held a public meeting to gather public input on whether nightclubs in Oak Harbor should be restricted by size based on the zoning district that they are located within. The basis for the request is to minimize the impacts that large nightclubs have on surrounding properties especially residential uses. **No Action**

### **Sign Code – Public Hearing**

The Planning Commission considered revisions to OHMC 19.36.080 “Temporary and Special Signs.” These revisions are meant to address political signs. This meeting was simply a notification to Planning Commission that staff will be requesting that City Council renew the interim sign code for another six-month period. Staff will return to Planning Commission with the draft temporary sign code in May. It is anticipated that Planning Commission will form a recommendation to City Council on the draft code. **No Action**

### **Shoreline Master Program Update – Public Meeting**

The City of Oak Harbor is required by the State of Washington to update its Shoreline Master Program (SMP). Staff will give an introductory presentation to Planning Commission on this topic, as well as discuss Chapters 1-3 of the draft document with the Commission. Staff expects that this will be the first of a series of five discussions on this topic. **No Action**

**MAY**

**May 22, 2012**

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

The Planning Commission conducted a public hearing to consider the updates to the Six-Year Transportation Improvement Program for the years 2013-2018. The Planning Commission forwarded a recommendation to the City Council.

**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”). The proposed code amendments address time, manner, and place provisions for temporary political, commercial, and non-commercial signs on public and private property. Planning Commission will accepted comments in a public hearing for this issue.

**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) 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 1 “Introduction”, Chapter 2 “Environment Designation Provisions” and Chapter 3 “General Provisions.” Topics covered in this discussion included, shoreline environment designations, critical areas, public access, and vegetation conservation. **No Action**

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

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

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

**JUNE – Meeting Cancelled due to lack of a quorum**

**June 26, 2012**

**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.

**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.

**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.

**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.

**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.

**JULY**

**July 24, 2012**

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

The Planning Commission held 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.

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

**NIGHTCLUB ORDINANCE – Public Meeting**

The Planning Commission held 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. **No Action.**

Staff and Planning Commission decided to hold a special meeting on Monday, August 14, 2012 at 5:00 p.m. to discuss the Shoreline Master Program Update and the 2012 Comprehensive Plan Amendments.

**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. **No Action**

**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.

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

The Planning Commission began 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 was made at this time.

**AUGUST**

**August 14, 2012 – Special Meeting**

**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. **No Action.**

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

The Planning Commission began 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. **No Action.**

**August 28, 2012**

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

The Planning Commission held a public hearing on a proposal to add accessory dwelling units to the basements of homes for up to six remaining lots to be developed within Division 4 of Fairway Point PRD. The Fairway Point subdivision is a planned residential development (PRD) which means that the development of the subdivision is tied to specific approved plans. A modification to these specific plans requires the Planning Commission to conduct a public hearing and make a recommendation to the City Council.

**ACTION: MR. OLIVER MOVED, MR. WALLIN SECONDED A MOTION TO CLOSE PUBLIC TESTIMONY. MOTION CARRIED.**

**MOTION: MR. OLIVER MOVED TO MAKE A RECOMMENDATION TO THE CITY COUNCIL TO DENY THE APPLICATION. MOTION DIED DUE TO A LACK OF A SECOND.**

**ACTION: MR. WALLIN MOVED, MR. WASINGER SECONDED A MOTION TO CONTINUE THE FAIRWAY POINT PRD MODIFICATION TO CONSIDER ADU'S TO SEPTEMBER 25 TO ALLOW THE COMMISSION TO REVIEW THE TESTEMONY AND MAKE A DECISION IN SEPTEMBER. MOTION CARRIED BY A VOTE OF TWO IN FAVOR AND ONE OPPOSED.**

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

The City of Oak Harbor is required by the State of Washington to update its Shoreline Master Program (SMP). The Planning Commission will continue its discussion of the Draft SMP document focusing on Chapter 5 "Shoreline Modification Provisions." Topics covered in this discussion will include, stabilization (including bulkheads), piers, docks, floats, and mooring balls and buoys. This is a discussion item and no action or recommendation will be made at this time. **No Action**

**SEPTEMBER**

**September 25, 2012**

**FAIRWAY POINT PRD DIVISION 4 MODIFICATION TO CONSIDER ADU'S – Public Hearing**

The Planning Commission held a public hearing on a proposal to add accessory dwelling units to homes for up to six remaining lots to be developed within Division 4 of Fairway Point PRD. The Planning Commission closed public testimony on the matter at the August 2012 meeting. It is expected that the Planning Commission will deliberate and make a recommendation to the City Council.

**ACTION: MS. JOHNSON-PHEIFFER MOVED, MR. WALLIN SECONDED TO RECOMMEND THAT CITY COUNCIL APPROVE THE ORDINANCE WITH THE ADDED LANGUAGE THAT ADU'S SHOULD ONLY OCCUR ON THE FOUR SOUTHERN LOTS. MOTION CARRIED UNANIMOUSLY.**

**NIGHTCLUB ORDINANCE – Public Meeting**

The Planning Commission will be presented with options on occupancy limit thresholds to consider in regulating nightclubs licenses in various zoning districts. This is a continued discussion on regulating the size of nightclubs.

**Planning Commissioners settled on the following limitations and to not make a recommendation regarding dealing with non-conforming license holders:**

Zoning District	Planning Commission Recommendation
Central Business District	300
C3, Community Commercial	300
C5, Highway Corridor Commercial	400
PBP, PIP	No limit
I, Industrial	No limit

**SHORELINE MASTER PROGRAM (SMP) UPDATE – Public Hearing**

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. Staff will present the Washington Department of Ecology's requested changes to the document and concluding remarks to the Commission. Please note it is anticipated this will be the final Planning Commission consideration of this topic. It is expected that Commission will make a recommendation on the Draft SMP document and forward it to City Council for their consideration. Planning Commission will accept comments on the Draft SMP document in a public hearing.

**ACTION:** MS. JOHNSON-PHEIFFER MOVED, MR. WALLIN SECONED A MOTION TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE SHORELINE MASTER PROGRAM AND APPENDIX WITH THE UNDERSTANDING THAT STAFF WILL ATTACH A NON-REDLINE COPY OF THE CRITICAL AREAS ORDINANCE TITLE 20 OHMC AND REVISED MAP TO THE DRAFT SMP FOR CITY COUNCIL CONSIDERATION AND TO CHANGE PRIVATE DOCKS TO A PERMITTED USE IN THE URBAN MIXED USE ENVIRONMENT. MOTION CARRIED UNANIMOUSLY.

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

The Planning Commission held a public hearing to consider extending for two years a previously approved conditional use permit held by the Oak Harbor Senior Center to operate the Daybreak Adult Day Care out of a modular building at 917 E. Whidbey Avenue (Island County Parcel Number S7600-00-02604-0). This is a final decision of the Planning Commission.

**ACTION:** MR. WALLIN MOVED, MR. WASINGER SECONED A MOTION TO ADOPT THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION OF PLANNING COMMISSION AND APPROVE THE 2 YEAR EXTENTION FOR THE USE OF THE MODULAR STRUCTURE IN THE PUBLIC FACILITIES ZONING DISTRICT. MOTION CARRIED UNANIMOUSLY.

**2012 COMPREHENSIVE PLAN AMENDMENT DISCUSSION– Public Meeting**

The Planning Commission reviewed the draft Capital Improvements Plan for 2012 – 2018. The Capital Improvements Plan is updated every year with the annual Comprehensive Plan Amendments. The Capital Improvements Plan identifies the City's capital needs for the next six years. **No Action**

**OCTOBER**

**October 23, 2012**

**2012 COMPREHENSIVE PLAN AMENDMENTS– Public Hearing**

The Planning Commission opened a public hearing on the 2012 Comprehensive Plan Amendments. The amendments included creation of a new "Maritime" land use category that would allow water-dependent, water-oriented and other related commercial uses on property adjacent to the marina. The amendments also include updates to the Capital Improvements Plan. The Planning Commission will open and continued the public hearing to the November 27, 2012 meeting.

**2012 COMPREHENSIVE PLAN AMENDMENTS – SCENIC VIEWS – Public Meeting**

The Planning Commission was provided information on the public input gathered this year related to this topic. The Planning Commission included this item on the 2012 Comprehensive Plan Docket with an interest to protect view within the community. This item will likely continue into the 2013 amendments cycle.

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

The Planning Commission discussed the building code as it relates to the requirement to provide sidewalks under certain development/redevelopment scenarios. Commissioners agreed that the 25% threshold was low and criteria should be built into the code that goes beyond the deferral. Increasing the threshold to 60% would narrow the subset of properties and would be consistent with the Fire Code, Building Code, and the Site Plan chapter. Staff will gather more information and prepare criteria for further discussion at the January 2013 meeting.

**NOVEMBER**

**November 27, 2012**

**2012 COMPREHENSIVE PLAN AMENDMENTS– Public Hearing**

The Planning Commission continued the public hearing on the 2012 Comprehensive Plan Amendments at the October 23, 2012 meeting. The Planning Commission closed the hearing at the meeting and formulated a recommendation to the City Council. The amendments include creation of a new “Maritime” land use category that would allow water-dependent, water-oriented and other related commercial uses on property adjacent to the marina. The amendments also include updates to the Capital Improvements Plan.

**ACTION: MR. WALLIN MOVED, MS. JENSEN SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE 2012 COMPREHENSIVE PLAN AMENDMENTS. MOTION CARRIED.**

**2012 COMPREHENSIVE PLAN AMENDMENTS – SCENIC VIEWS – Public Meeting**

The Planning Commission considered a map of scenic view corridors and discussed draft criteria for determining which of the scenic views are in the public interest to preserve. This item was continued into the 2013 amendments cycle.

**2013 COMPREHENSIVE PLAN AMENDMENT DOCKET – Public Meeting**

The Planning Commission discussed the docket for the upcoming 2013 Comprehensive Plan Amendment cycle. The Comprehensive Plan is a document that establishes the community vision for Oak Harbor. The discussion may lead to a future recommendation on 2013 amendments that will then be added to the preliminary docket for further consideration.

**ELECTRONIC MESSAGE CENTER SIGNS CODE UPDATE – Public Meeting**

Staff briefed the Planning Commission on the existing electronic message center sign code as the first step in a process to consider amending the code.

**DECEMBER**

**December 11, 2012**

**2012 COMPREHENSIVE PLAN AMENDMENTS – SCENIC VIEWS – Public Meeting**

The Planning Commission considered a map of scenic view corridors and will discussed draft criteria for determining which of the scenic views are in the public interest to preserve. This item will continue into the 2013 amendments cycle. Planning Commission scored the views as follows:

	<b>Views</b>	<b>Rating Score</b>	<b>Qualified (Y/N)</b>
1	Northbound SR 20 – Scenic Heights to Erie	350	
2	Northbound SR 20 – Swantown to Scenic Heights	300	
3	Scenic Heights Trailhead	325	
4	SW Freund Street	275	
5	Waterloo Rd & Scenic Heights	175	
6	Swantown – Kimball to SR 20	200	
7	Swantown & Fireside Lane	125	
8	Barrington Drive and Fleet Street int	175	
9	Fleet Street	225	
10	Barrington Drive and Fairhaven int	175	
11	Waterfront Trail – Windjammer Park	400	
12	Waterfront Trail – Flintstone Park	400	
13	Bayshore Drive – Dock to Midway	450	
14	Pioneer Way – Midway to Regatta	450	
15	Pioneer Way – Ireland to Midway	300	

16	Pioneer Way – SR 20 to City Beach	200	
17	Jensen Street	175	
18	Midway Blvd – SE 8 <sup>th</sup> to Midway	250	
19	Regatta Drive – SE 8 <sup>th</sup> to Pioneer Way	450	
20	Skagit Valley College parking lot	150	
21	Crosby Ave by Cathlamet Drive	175	
22	Crosby Ave by Prow Street	75	
23	Airline Way	175	
24	SW 6 <sup>th</sup> and Dyer	175	
25	Southbound SR 20 and NE 16 <sup>th</sup> Ave	350	
26	Dock Street – Barrington to Bayshore	375	
27	Ft Nugent Avenue – Quince St to Neinhuis St	350	
28	City Beach St		

**2013 COMPREHENSIVE PLAN AMENDMENT DOCKET – Public Meeting**

The Planning Commission discussed the docket for the upcoming 2013 Comprehensive Plan Amendment cycle. The Comprehensive Plan is a document that establishes the community vision for Oak Harbor. The discussion may lead to a future recommendation on 2013 amendments that will then be added to the preliminary docket for further consideration.

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**Section 2: 2013 Proposed Work Program**

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## Proposed 2013 Work Program Schedule

Work Program Items	2013											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2013 Comprehensive Plan Amendment Docket												
2013 Comprehensive Plan Amendments												
Digital Signs Code Update												
Zoning Regulations for Maritime Zone												
Zoning Designation for Maritime Zone												
OHMC Chapter 17.24 Sidewalks, Curbs and Gutters Installation Code Review												
2013 TIP Updates												
Comprehensive Plan Amendment 2012 Carryover – Scenic Views												
Preparation for 2016 Comprehensive Plan Amendments <ul style="list-style-type: none"> <li>• Identify needed amendments</li> <li>• Develop public participation plan</li> <li>• Revise Countywide Planning Policies</li> </ul>												
Night Club Ordinance												
Economic Development Strategy												

Note: The above schedule is approximate and subject to change as necessary.

## **Description of 2013 Proposed Work Program Items**

### **2013 Comprehensive Plan Amendment Docket**

Review of any items on the Comprehensive Docket and consideration whether to propose any item as a potential amendment to the Comprehensive Plan.

### **Digital Signs Code Update**

Amend OHMC 19.36 Sign Code for the purposes of providing language that reflects current technology.

### **Zoning Regulations and Zoning Designation for Maritime Zone**

Review and discuss draft zoning regulation for the Maritime zoning district that was created with the adoption of the 2012 Comprehensive Plan Amendments. The Planning Commission will discuss the types of uses to be accommodated in the Maritime zoning district along with any conditions or process to consider them by.

### **OHMC Chapter 17.24 Sidewalks, Curbs and Gutters Installation Code Review**

Review of the building code as it relates to the requirement to provide sidewalks under certain development/redevelopment scenarios.

### **2013 TIP Updates**

Updates to the 6-year Transportation Improvement Program and the Capital Improvement Plan Improvement Plan for adoption into the Comprehensive Plan

### **Comprehensive Plan Amendment 2012 Carryover – Scenic Views**

Continue the discussion of the Scenic View Study conducted in 2012. The Planning Commission narrowed the views for further analysis. The scenic views will be studied further and views that will impact private development will be specifically identified for further discussion with property owners. A final list of views and regulations to protect them will then be discussed for adoption.

### **Preparation for 2016 Comprehensive Plan Amendments**

The Planning Commission will review the current Comprehensive Plan against the requirements of the update and determine the scope for the update. The Planning Commission will also review and adopt a public participation plan for the update. Finally, time will be spent on revising the countywide planning policies.

### **Night Club Ordinance**

Review of possible amendments to the nightclub licensing code will continue.

### **Economic Development Strategy**

Review options and make recommendation to the city Council on a city-wide economic development strategy.

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**Section 3: Planning Commission  
General Recommendations to City Council**

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