

**INTERLOCAL AGREEMENT
BETWEEN ISLAND COUNTY AND THE CITY OF
OAK HARBOR, WASHINGTON**

This Agreement is hereby entered into by Island County, a political subdivision of the State of Washington, and the City of Oak Harbor, a municipal corporation of the State of Washington.

WHEREAS, RCW 36.70A.210, the Washington State Growth Management Act of 1990, as amended requires each County planning under the Act to adopt a county-wide planning policy (CWPP) in cooperation with cities located in whole or in part within the county, and

WHEREAS, RCW 36.70A.210, the Washington State Growth Management Act of 1990, as amended requires the CWPP shall at a minimum address policies to implement RCW 36.70A.110; and

WHEREAS, RCW 36.70A.110, the Washington State Growth Management Act of 1990, as amended requires each County planning under the Act to designate the location of an urban growth area or areas (UGA); and

WHEREAS, Chapter 39.34 RCW, the Interlocal Cooperation Act, authorizes the County and the City of Oak Harbor to enter into agreements that allow governmental entities to make the most efficient use of their powers to allow the implementation of the requirements of the Growth Management Act; and

WHEREAS, Island County has adopted and the City of Oak Harbor has ratified CWPP's attached hereto as Exhibit A; and

WHEREAS, Island County and the City of Oak Harbor have adopted an Urban Growth Area (UGA) and a Joint Planning Area (JPA) attached hereto as Exhibit B, within which planning will be coordinated; and

WHEREAS, Island County and the City of Oak Harbor, pursuant to adopted County Wide Planning Policies, have agreed to revise the UGA Area boundary to accommodate projected growth to the year 2020; and

WHEREAS, the UGA for the City of Oak Harbor contains land area now located in the unincorporated portion of Island County for which the City has established land use and zoning classifications; and

WHEREAS, for unincorporated land area within the UGA, the County has portrayed the City Zoning as a potential zone in the County's Zoning Atlas; and

WHEREAS, Island County and the City of Oak Harbor now desire to jointly establish and implement policies and procedures governing the annexation by the City of properties within the unincorporated area of the UGA; and

WHEREAS, the County and the City acknowledge that to implement this Agreement the respective codes of each jurisdiction will need to be modified; and

WHEREAS, the County and the City have been working with a citizen committee for the past year to establish standards for the Enterprise Zone; and

WHEREAS, the purpose of the Enterprise Zone was to establish blended development standards governing its growth to prevent basic inconsistencies between the County and City standards for the land within the Zone; and

WHEREAS, the County and the City will implement blended Development Standards agreed to herein within the “Enterprise Zone”; and

WHEREAS, Island County and the City of Oak Harbor now desire to jointly establish and implement development regulations and procedures governing the review and approval of subdivision, short subdivision and conditional land use permits within the unincorporated portion of the UGA consistent with this Interlocal Agreement; and

WHEREAS, Island County and the City of Oak Harbor now desire to jointly establish and implement policies and procedures governing the provision of public facilities and utilities within the unincorporated portions of the UGA; and

WHEREAS, Island County and the City of Oak Harbor now desire to jointly establish policies governing planning and the review and approval of subdivision, short subdivision and conditional use permits within the JPA to not preclude the expansion of Oak Harbor’s UGA.

NOW THEREFORE, Island County, hereinafter called “County” and the City of Oak Harbor, hereinafter called “City” hereby agree as follows:

I. PURPOSE

- A. This Agreement between Island County and the City of Oak Harbor is intended to promote and provide guidance for the orderly growth and management of the physical development of the City of Oak Harbor Urban Growth Area and the surrounding Joint Planning Area. For purposes of this Agreement, development includes the subdivision and short subdivision of land and conditional uses that require site plan approval by the County.
- B. The City of Oak Harbor has adopted, and the County has approved, a final Urban Growth Area designed to accommodate population growth to the year 2013 (Exhibit B). Through County Wide Planning Policies (CWPP), population projections have been adopted for the City of Oak Harbor for the year 2020 (Exhibit A). The City and the County jointly agree to plan on a collaborative basis to accommodate the Oak Harbor-oriented urban population growth that will occur in the immediate environs outside the Oak Harbor UGA between the year 2013 and the year 2020 by revising the UGA boundary.

- C. The County acknowledges, and the City concurs, that the unincorporated area of the UGA will be annexed by the City in a timely and orderly fashion. The County and City recognize that all of the unincorporated portion of the Oak Harbor UGA will eventually annex to the City per County Wide Planning Policies, subject to the City's ability to provide governmental services. The County acknowledges, and the City concurs, that the zoning governing new urban land development in the unincorporated area of the UGA and contained in Exhibit D has been formulated to produce development consistent with a municipal development pattern and to promote the economic provision of urban governmental services by the City.
- D. The City, as the provider of urban governmental services, acknowledges that planning for and the timely provision/extension of urban governmental services is a paramount prerequisite to facilitating the urban development of the UGA.
- E. The County further acknowledges, and the City concurs, that subdivision or short subdivision of the property within or immediately bordering the UGA must not create new unincorporated enclaves of urban density development or permit permanent large lot development that will prevent urban development or future expansion of the UGA. Standards contained herein are designed to foster future development of such areas at urban densities and with urban uses.
- F. The County and City will implement Blended Development Standards for road construction, landscaping, AICUZ Standards, and landscaping within the Enterprise Zone. These standards have been developed to provide consistency between County and City Standards and to prevent the need for retrofits and redesign upon annexation of Enterprise Zoned lands.
- G. The City and the County further acknowledge that the Growth Management Act requires that future urban growth must first be located within existing UGAs. The City and County hereby agree to enact and maintain development regulations that will encourage and require new development of urban uses and densities within the UGA in accordance with population projections and allocations as set forth in the CWPPs adopted jointly by the City and the County.
- H. This Agreement between the County and the City of Oak Harbor is intended to coordinate planning and certain land use decisions within the JPA so that land use decisions of the County do not preclude the expansion of the UGA.
- I. This Agreement provides for City review and participation in certain County land use decisions. The City acknowledges that this review will be accomplished within the time frames provided in County regulations and without any additional review fees imposed on the property owner.

II. UGA DEVELOPMENT STANDARDS AND PROCEDURES FOR PROPERTY CONTIGUOUS TO CITY BOUNDARIES

- A. The City commits to annex property within 180 days of the submittal of a completed annexation request.
- B. Property contiguous to City's municipal boundaries and upon which a building permit or development is proposed shall be required to annex to the City prior to or in conjunction with development approval by the City and shall comply with City zoning and development standards. Building Permits for such things as accessory structures, remodels of existing structures and additions which involve less than 60% of the assessed value of the structure shall be exempt from the requirement to annex.
- C. The County and City have mutually agreed on development standards governing the development of the North Whidbey Enterprise Area. The County and City have agreed to implement the standards found in III.A.-E. of this Agreement for all lands in the Enterprise Area. The North Whidbey Enterprise Area is defined pursuant to Exhibit C.
- D. In the event that the City does not annex the property within 180 days of the submittal of a request to annex, the County zoning regulations and development standards shall apply. (Exhibit D).

III. UGA DEVELOPMENT STANDARDS AND PROCEDURES FOR PROPERTY WITHIN THE UGA BUT NOT CONTIGUOUS TO CITY BOUNDARIES AND INSIDE THE NORTH WHIDBEY ENTERPRISE AREA

- A. Non-residential development, short subdivisions and subdivisions shall be required to save significant trees pursuant to Exhibit E.
- B. New residential and non-residential uses within the unincorporated portion of the UGA shall be required to conform to City AICUZ noise standards pursuant to Exhibit I.
- C. Fire Prevention Standards for the North Whidbey Enterprise area shall be applied pursuant to Exhibit F.
- D. Street standards for the North Whidbey Enterprise Area shall be applied pursuant to Exhibit G.
- E. Landscaping shall be performed pursuant to Exhibit E.
- F. The County and the City are "co-lead" agencies, pursuant to Chapter 197-11 WAC, with the County named "nominal lead" and responsible for complying with the procedural requirements of SEPA.
- G. Pursuant to Chapters 17.03 and 16.19 ICC the County requires Pre-Application Conferences for certain development proposals. All required Pre-Application

Conference applications for development within the North Whidbey Enterprise Area but not contiguous to city boundaries shall be forwarded to the City and City Staff will be welcome to attend all such conferences. Any written comments provided by the City received at or prior to the conference will be forwarded to the applicant.

- H. All complete Type II and III applications for such development shall be forwarded to the City as provided in ICC 16.19.120 for review and comment during the public comment period provided for in Chapter 16.19 ICC.
- I. Exhibit D contains five zoning classifications for the Oak Harbor UGA. The County has adopted these Zoning classifications in anticipation of the implementation of this Agreement. The permitted, conditional and prohibited uses reflect the uses specified by Oak Harbor in the City's comparable zones. It is the intent of the County and City that allowed uses in the unincorporated portion of the UGA should be similar to those allowed in the City for similar zoning classifications. Therefore, should the City modify the uses it allows, the County will consider amendments to ensure consistency pursuant to Chapter 16.26 ICC.
- J. Nothing shall be construed in this Agreement to prohibit the City from providing new water service or sewer service to properties outside the City limits.

IV. UGA DEVELOPMENT STANDARDS AND PROCEDURES FOR PROPERTY WITHIN THE UGA BUT NOT CONTIGUOUS TO THE CITY BOUNDARIES AND OUTSIDE THE NORTH WHIDBEY ENTERPRISE AREA

- A. The County and the City are "co-lead" agencies, pursuant to Chapter 197-11 WAC, with the County named "nominal lead" and responsible for complying with the procedural requirements of SEPA.
- B. Pursuant to Chapters 17.03 and 16.19 ICC the County requires Pre-Application Conferences for certain development proposals. All required Pre-Application Conference applications for development within the UGA but not contiguous to city boundaries shall be forwarded to the City and City Staff will be welcome to attend all such conferences. Any written comments provided by the City received at or prior to the conference will be forwarded to the applicant.
- C. All complete Type II and III applications for such development shall be forwarded to the City as provided in ICC 16.19.120 for review and comment during the public comment period provided for in Chapter 16.19 ICC. Included with the application shall be a site plan that demonstrates the proposed subdivision, short subdivision or conditional use will not preclude urban densities from being achieved.
- D. A property owner may elect to comply with City land use and development standards prior to annexation. If a property owner elects to comply with City standards the City shall issue a certificate of conformance that will provide:

1. Annexation of the development within one-hundred twenty (120) days of the submittal of an annexation request; and
 2. At the time of annexation the development will not be required to comply with any changes in City standards adopted after issuance of the certificate of conformance.
- E. Exhibit D contains five zoning classifications for the Oak Harbor UGA. The County has adopted these Zoning classifications in anticipation of the implementation of this Agreement. The permitted, conditional and prohibited uses reflect the uses specified by Oak Harbor in the City's comparable zones. It is the intent of the County and City that allowed uses in the unincorporated portion of the UGA should be similar to those allowed in the City for similar zoning classifications. Therefore, should the City modify the uses it allows, the County will consider amendments to ensure consistency pursuant to Chapter 16.26 ICC.
- F. Nothing shall be construed in this Agreement to prohibit the City from providing new water service or sewer service to properties outside the City limits.

V. JPA DEVELOPMENT STANDARDS AND PROCEDURES

- A. Pursuant to Chapters 17.03 and 16.19 ICC the County requires Pre-Application Conferences for certain development. All Pre-Application Conference applications for development within the JPA shall be forwarded to the City and City Staff will be welcome to attend all such conferences. Any written comments provided by the City received at or prior to the conference will be forwarded to the potential applicant.
- B. All complete Type III applications for development within the JPA shall be forwarded to the City as provided in ICC 16.19.120 for review and comment during the public comment period provided for in Chapter 16.19 ICC.
- C. The City may request an Annexation Development Agreement during the public comment period for any Type III Applications. If the County receives the request in writing during the comment period the County will require it as a condition of approval provided the Annexation Development Agreement shall become effective only if it is executed by all other parties within thirty (30) days of development approval.
- D. New residential and non-residential uses shall be required to conform to City AICUZ noise standards.

VI. POLICIES AND PROCEDURES FOR PROVISION OF PUBLIC FACILITIES AND UTILITIES WITHIN THE UNINCORPORATED AREA OF THE UGA

The City and County recognize mutual responsibility for capital facility planning in the unincorporated urban growth area. As part of urban growth area planning, the City and County agree to prepare coordinated capital facilities plans for the unincorporated Urban Growth Area, including any revision thereof, within 180 days of the date of execution of

this Agreement. These plans will identify the capital facilities needed to serve the area's current and anticipated population, consistent with level of service standards adopted by the City and the County. The City is solely responsible for the planning and provision of water and sanitary sewer planning. The City and the County shall be jointly responsible for the coordination of transportation and stormwater facilities in the UGA.

VII. REVISION OF COUNTY AND CITY REGULATIONS

This Agreement requires the County to modify its zoning code to include revised landscape standards (Exhibit E), and adopt City AICUZ standards (Exhibit I). This Agreement requires the County and City to modify its code as it applies to the Enterprise Zone to become consistent with blended Fire Prevention Standards (Exhibit F); blended Street Standards (Exhibit G); and blended Landscape Standards (Exhibit E). The County and City will complete the adoption of these amendments as well as any needed revisions to land use procedures within one-hundred twenty (120) days of the execution of this Agreement.

VIII. POLICIES AND PROCEDURES FOR OPENSOURCE CORRIDORS

- A. The County and City have designated two opensource corridors within the Oak Harbor UGA and JPA; Swantown/Waterloo Marsh and the Oak Harbor Fen. These two areas are intended to satisfy the requirements of RCW 36.70A.160. Both the County and City hereby commit to develop actions to implement these designations as set forth in this section. Both corridors are illustrated in Exhibit H.
- B. Swantown/Waterloo Marsh. By January 2003, after consultation with the affected property owners, the County and City will develop for adoption an action plan that includes the following:
 - 1. A delineation of the outer boundaries of the corridor;
 - 2. A summary description of the special features and attributes that contribute to the opensource corridor; and
 - 3. A plan for the management of land use.
- C. Oak Harbor Fen. By January 2003, the City will review both City and County land use regulations and prepare for review by the City and County amendments that may be needed to ensure consistency of applicable County and City regulations.

IX. RELATIONSHIP TO EXISTING LAWS AND STATUTES

Unless expressly provided otherwise in this Agreement, this Agreement is not intended to modify or supersede existing laws and statutes and shall be construed in a manner which is consistent therewith. This Agreement is also not intended to affect approved projects or complete applications for County land use approval within the JPA received prior to

the date confirmed for implementation of this Agreement. In meeting the commitments encompassed in this Agreement all parties will comply with the requirements of the statutes, rules and regulations governing planning and zoning, land division, annexation, open meetings, environmental policy, growth management, the Island County County-wide Planning Policy, the Comprehensive Plans of Island County and the City of Oak Harbor and any other applicable federal, state or local laws and regulations.

X. AMENDMENTS

This Agreement may be amended from time to time by written amendment. All amendments must be agreed to by the City and County. Amendments shall be adopted in the same manner as the original execution of this Agreement. Any Comprehensive Plan or Development Regulation amendment of either the County or the City that affects lands within the JPA or UGA shall not be effective for these areas until any needed amendment to this Agreement has been executed.

XI. DURATION AND TERMINATION

This Agreement shall be adopted and take effect when the Mayor of the City of Oak Harbor and the Chair of the Board of Commissioners confirm that all code amendments identified in Section VII have been duly enacted and shall remain in effect until terminated by written agreement of both parties or upon either party's providing sixty days written notice of termination to the other party. This document is not retroactive.

XII. FINANCIAL RESPONSIBILITY

Each party shall bear financial responsibility for its own respective share of work performed pursuant to this Agreement.

XIII. SEVERABILITY

In the event that any provision of this Agreement is declared invalid or illegal, such declaration shall in no way affect or invalidate any other provision thereof, and such other provisions shall remain in full force and effect.

XIV. INDEMNIFICATION

- A. The County shall indemnify and hold harmless the City and its officers, agents and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses and damages of any nature whatsoever, by reason of or arising out of any negligent act or omission of the County, its officers, agents and employees, or any of them, in the performance of this Agreement. In the event that any such suit based upon such a claim, action, loss or damage is brought against the City, the County shall defend the same at its sole cost and expense; provided that the City reserves the right to participate in such suit if any principle of governmental or public laws is involved. If final judgment be rendered against the City and its officers, agents and employees, or any of them, or jointly against the City and the County and their respective officers, agents and employees, or any of them, the County shall satisfy same.

- B. In executing this Agreement, the County does not assume liability or responsibility for, or in any way release the City from liability or responsibility which arises in whole or in part from the existence or effect of City ordinances, rules or regulations. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any such City ordinance, rule or regulation is at issue, the City shall defend the same at its sole expense and if judgment is entered or damages are awarded against the City, the County, or both, the City shall satisfy the same, including all chargeable costs and attorney's fees.
- C. The City shall indemnify and hold harmless the County and its officers, agents and employees, or an of them from any and all claims, actions, suits, liability, loss, costs, expenses and damages of any nature whatsoever, by reason of or arising out of any negligent act or omission of the City, its officers, agents and employees, or any of them, in the performance of this Agreement. In the event that any such suit based upon such a claim, action, loss or damage is brought against the County, the City shall defend the same at its sole cost and expense; provided that the County reserves the right to participate in such suit if any principle of governmental or public laws is involved. If final judgment be rendered against the County and its officers, agents and employees, or any of them, or jointly against the City and the County and their respective officers, agents and employees, or any of them, the City shall satisfy same.
- D. In executing this Agreement, the City does not assume liability or responsibility for, or in any way release the County from liability or responsibility which arises in whole or in part from the existence or effect of County ordinances, rules or regulations. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any such County ordinance, rule or regulation is at issue, the County shall defend the same at its sole expense and if judgment is entered or damages are awarded against the City, the County, or both, the County shall satisfy the same, including all chargeable costs and attorney's fees.

XV. ADMINISTRATION

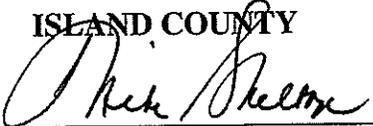
- A. The provisions of this Agreement shall be managed by the County Planning & Community Development Director and the Oak Harbor Development Services Director.
- B. The Island County Planning & Community Development Director and Oak Harbor Development Services Director shall meet as necessary to ensure that the provisions of this Agreement are fulfilled, develop further policies and procedures as are required, and maintain records of all actions as required to accomplish the work of the Agreement.

- C. Administration of this Agreement will be by consensus. In the event consensus cannot be reached by the County Planning & Community Development Director and Oak Harbor Development Services Director, unresolved issues will be forwarded to the Mayor and Board of Commissioners for resolution.

Approved this 14 day of JANUARY, 2002.

ISLAND COUNTY

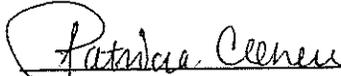
CITY OF OAK HARBOR



Mike Shelton
Chairman, Board of
Island County Commissioners

1-14-02

Date



Patricia Cohen
Mayor

1-4-02

Date

Confirmed for implementation this 27 day of JANUARY, 200~~2~~³.

ISLAND COUNTY

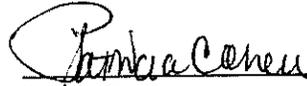
CITY OF OAK HARBOR



Mike Shelton Wm L McDowell
Chairman, Board of
Island County Commissioners

01-27-03

Date



Patricia Cohen
Mayor

01-31-03

Date

EXHIBITS

- A. Countywide Planning Policies
- B. Joint Planning Area and Urban Growth Area Map
- C. North Whidbey Enterprise Area Map
- D. UGA-Oak Harbor Zones
- E. Significant Tree Retention and Blended Landscaping Standards for the Enterprise Zone
- F. Blended Fire Prevention Standards for the Enterprise Zone
- G. Blended Street Standards for the Enterprise Zone
- H. Open Space Corridors Map
- I. City of Oak Harbor AICUZ Standards

EXHIBIT A

**COUNTY WIDE PLANNING POLICIES
ANALYSIS OF FISCAL IMPACTS**

RCW 36.70A.210 required that each county required to plan under the Growth Management Act (and the cities therein), develop and adopt a series of mutually agreed upon County-wide planning policies. These policies will establish a framework for the local adoption of comprehensive plans and development regulations. They will also provide the foundation for meeting County-wide determined (vs. State determined) consistency criteria as required by the Growth Management Act. These policies are not the equivalent of a regional comprehensive plan. The legislative direction is to develop policy statements to be used solely for the purpose of attaining consistency among plans of the County and the Municipalities.

It is therefore the opinion of the Planning Officials of the Municipalities and the County that the County-Wide Planning Policies, in themselves, have no fiscal impact and are an agreed- upon method of guiding the planning activities required by the Growth Management Act. We recognize that as the Growth Management Act and these policies are implemented to their maximum extent, County Government may lose some tax base needed to operate essential services which serve both the County and Municipalities. To compensate for this, legislation may be required to provide tax base sharing. Neither the fiscal impacts of implementing the Growth Management Act itself nor development of land use plans and development regulations necessary to implement the GMA are addressed herein.

POLICY #1
POLICIES TO IMPLEMENT RCW 36.70A.110
i.e. URBAN GROWTH AREAS

It is the policy of the County and the Municipalities to:

1. Cooperatively and jointly designate municipal Urban Growth Area (UGA) boundaries. The designation of UGA boundaries beyond the existing limits of incorporation of a municipality should be based on a demonstration by the municipalities that public facilities and service capacities either already exist or are planned for and can be efficiently, economically, and practicably provided by either public or private sources;
2. Provide new municipal public works facilities only within, and not beyond Urban Growth Areas. Such facilities include:
 - a) Streets, bridges and sidewalks built to municipal standards,
 - b) Water storage, transmission and treatment facilities,
 - c) Sanitary sewer collection and treatment facilities, and
 - d) Storm sewer collection and treatment facilities.

Two exceptions are contemplated:

The provision of municipal water service by "Purveyors" whether municipal or private, throughout the unincorporated County as needed to implement the County's "Coordinated Water System Plan", and "Groundwater Management Plan"; and

The siting of essential public facilities;

3. promote the retention of the overall rural character of the County by
 - a) Including sufficient area within any UGA to accommodate anticipated growth and avoid market constraints that induce leapfrogging development, and
 - b) Establishing zoning classifications that preserve rural character and foster long term rural development;
4. Enter into Interlocal Agreements (County and each City/Town) for expeditious, concurrent, and cost effective joint review of development proposals and public projects in the UGAs, with final approvals continuing to reside with the County for areas outside of City limits;
5. Fully and cooperatively implement the County-Wide Planning Policies with the understanding that redress to all parties is available pursuant to the Growth Management Act. Since the County-Wide Planning Policies serve as the framework for the development and adoption of the County and municipal comprehensive plans to ensure consistency as required in RCW 36.70A.100, it is not anticipated that an amendment to the County-Wide Planning Policies will be necessary. However, in the unlikely event that the County, in collaboration with the municipalities, determines in conjunction with the development of their comprehensive plans that an amendment to the County-Wide Planning Policies is necessary to achieve the goals of the Growth Management Act as stated in RCW

COUNTY WIDE PLANNING POLICIES

Adopted By Resolution No. C-120 –98, September 28, 1998

Revised #6.6 on 12/28/98; Revised #5.10 on 2/ 22/99, Resolution C-10-99

326.70A.020, the Board of Island County Commissioners may amend the County-Wide Planning Policies in the same manner as their original adoption.

6. For the purposes of these policies, the term "Urban Growth Area" includes both the incorporated land and the surrounding unincorporated area that is planned to accommodate future urban development. Unincorporated areas of the County not contiguous to an incorporated area may be designated as an UGA upon the adoption of a UGA plan that demonstrates how public facilities and services are, or will be, provided consistent with the requirements of the GMA.
7. The County and the Municipalities recognize that Clinton and Freeland have many urban characteristics and that it may be appropriate to designate these areas as urban growth areas. Therefore, before the end of 1998, the County shall initiate a sub-area planning process to determine potential UGA boundaries; the urban land use designations for these areas; and the capital facilities that are necessary to provide urban services. It is anticipated that recommendations will be ready for consideration by the County prior to the County's second annual review of its Comprehensive Plan in the year 2000.
8. The County and the Municipalities recognize that designated municipal UGA's may need to be expanded in the future and agree to cooperatively and jointly designate UGA expansion areas for each municipal Urban Growth Area.

POLICY #2

**POLICIES FOR SITING ESSENTIAL PUBLIC FACILITIES
OF A COUNTY OR STATE WIDE SIGNIFICANCE**

It is the policy of the County and the Municipalities that:

1. Provision shall be made in the County's and Municipalities' development regulations for siting important and essential public or quasi-public facilities of County or State-wide significance. Examples include, but are not limited to, airports, state education facilities, solid waste handling facilities, and public and private utilities. The objective is to achieve interjurisdictional consistency in these regulations;
2. Siting requirements will be important factors in determining whether essential public facilities will be located in urban, growth or in rural areas. Siting requirements for County facilities within UGAs will be jointly and cooperatively established with the municipalities;
3. Essential public facilities should not be located in Resource Lands and Critical Areas unless there is a demonstrated need and no alternative siting options are reasonable/feasible. Siting of essential Public Facilities within Resource and Critical Lands must be consistent with the Comprehensive Plans of the County and Municipalities and must be compatible with adjacent land use and consistent with development regulations adopted pursuant to RCW 36.70A;
4. Essential public facilities sited outside of urban and urban growth areas must be self-supporting and not require the extension of Municipal urban services and facilities; and
5. The siting of major energy facilities, including throughput transmission facilities, shall not be considered essential public facilities and therefore, comprehensive plans, development regulations and local policies will apply to the siting of such facilities;

POLICY #3

POLICIES FOR JOINT COUNTY/MUNICIPALITY PLANNING

It is the policy of the county and the Municipalities that cooperative planning will be performed under the following policies:

1. The Municipalities and the County will commence the process for major revision of their Comprehensive Plans for a planning horizon of 2025 no later than 2005. Population projection allocations between the Municipalities and the County will be re-evaluated during this review and will be finalized during the preparation of revised County and Municipality Comprehensive Plans to be adopted in 2006.
2. The Municipalities and the County should coordinate capital facilities planning and funding within UGAs. Cooperative effort is best suited to this level of planning and development because many capital facilities and public services, i.e. parks, public and private utilities, youth services, senior services, drainage and transportation facilities are regional in nature. Facility design and construction standards within the UGA shall be established cooperatively with the adjacent city to assure consistency; and
3. The County and Municipalities should also coordinate where appropriate, the development and implementation of long-range plans for youth services, senior services, fire protection, police services, air quality, transportation, solid waste, public and private utilities, and environmental plans such as watershed action and stormwater management plans.
4. The County and the Municipalities, in coordination with the Department of Ecology, have previously adopted a Ground Water Management Plan which provides for the protection of the quality and quantity of ground water used for public water supplies.
5. The County and the Municipalities will develop a list of benchmarks* and establish a monitoring program for changes in growth trends using measurable indicators.

* such as population, employment, geographic distribution of new land use and development

POLICY #4
**POLICIES FOR COUNTY-WIDE ECONOMIC DEVELOPMENT
AND EMPLOYMENT**

To ensure future economic vitality, broaden employment opportunities and meet the needs of projected growth while retaining a high-quality environment, it is the policy of the County and the Municipalities that:

1. Economic growth should be encouraged within the capacities of the County's natural resources, public services and public facilities;
2. A joint comprehensive economic development plan aimed at diversifying the economy in appropriate areas of the County should be formulated. Economic development should implement and be consistent with the Comprehensive Land Use and Capital Facilities Plans. The plan should:
 - a. Consider the goods, services and employment requirements of existing and projected population;
 - b. Identify the siting requirements of businesses which have the highest probability of economic success in Island County and the least negative impact on the quality of life;
 - c. Based on citizen input, existing land use patterns and local capacity (geographic, environmental and other considerations), determine areas suitable for desirable retail, commercial and industrial uses; and
 - d. Encourage expansion of the tax base to support the infrastructure and services required by a growing population;
3. Future retail/commercial/industrial development should be encouraged in urban or commercial centers as identified in the Comprehensive Plan of the County and Municipalities;
4. Land use regulations and infrastructure plans of the County and Municipalities should be amended or developed as necessary to implement the economic development plan;
5. Economic development in the four geographic regions of the County, i.e. North, Central and South Whidbey and Camano Island should proceed in a coordinated, but independent, fashion consistent with the Comprehensive Plans of the County and Municipalities; and
6. The County and the Municipalities will seek the participation and cooperation of Port Districts within areas of overlapping responsibility/jurisdiction.

POLICY #5

POLICIES FOR PROMOTING CONTIGUOUS AND ORDERLY DEVELOPMENT AND PROVIDING URBAN SERVICES TO SUCH DEVELOPMENT

It is the policy of the County and the Municipalities that developments within Municipal Urban Growth Areas (UGAs) will be contiguous, orderly and coordinated between the County and Municipalities' governments and utility service providers through the following policies:

1. The first preference for urban development is within municipal boundaries. The second preference for urban development is within areas annexed to municipalities in the UGA;
2. Non-urban development in the UGA should be discouraged. Non- urban development in the UGA should only be allowed if such development will be compatible with future urban development;
3. Through interlocal agreements as provided in Policy 5.6 below, governing entities shall require development in the unincorporated area of the municipal UGA to comply with the following:
 - a. If the area is contiguous to the municipal boundary to:
 - (1) Annex to the municipality, or
 - (2) If authorized by the municipality,
 - (a) Execute an annexation/development agreement prior to development approval, and
 - (b) Develop at urban density or uses, and
 - (c) Submit a site development plan showing ultimate development of the lot or parcel(s) consistent with the potential applicable municipal zoning and development standards.
 - b. If the area is not contiguous to the municipality,
 - (1) Execute an annexation/development agreement prior to development approval,
 - (2) Develop at the densities and uses established in the interlocal agreement adopted by the municipality and the County, and
 - (3) Submit a site development plan showing ultimate development of the lot or parcel(s) consistent with the applicable potential municipal zoning and development standards.
4. The forming of unincorporated enclaves shall be avoided in the UGA;
5. The minimum parcel sizes/density of new residential development within the UGA that proposes to utilize on-site sewage treatment systems shall be jointly and collaboratively established by the County and the municipalities in an adopted Interlocal Agreement.

6. Interlocal agreements shall be cooperatively developed by the County and the municipalities to address the following:
 - a. Consistent with Policy 5.10 below, establish and implement Urban Growth Area policies and include zoning district boundaries, uses, density and such standards as may be required to coordinate development decisions within the unincorporated portion of the UGA. These agreements shall be adopted within 90 days of the CWPP amendments. In the case where future amendments to Urban Growth Area boundaries trigger the need for an interlocal agreement or revision of an existing agreement, the agreement/revised agreement shall be adopted at the same time as the amended UGA boundary.
 - b. Establish and implement the Joint Planning Area policies to include UGA Expansion Areas with appropriate regulations and procedures. These agreements shall be adopted within 90 days of the adoption of the CWPP amendments.
7. Except as authorized by the Growth Management Act, urban development shall not be permitted outside of the boundaries of UGAs. Once established by the County pursuant to RCW 36.70A.070(5), expansion of the boundaries of areas of more intensive rural development shall only be permitted pursuant to RCW 36.70A.070(5) and otherwise shall not be permitted to expand unless they are designated as Urban Growth Areas in compliance with the requirements of RCW 36.70A.110.
8. The intensification of development on lots containing isolated non-residential uses or new development of isolated cottage industries and isolated small-scale businesses permitted by RCW 36.70A.070(5) are permissible, subject to adopted development and compatibility standards.
9. As permitted by RCW 36.70A.070(5), the intensification of development of or new development of small-scale recreation or tourist uses are permissible including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but do not include any residential development, all subject to adopted development and compatibility standards.
10. The preference for urban development is as stated in Policy 5.1 above, that urban development is to occur in a municipality or be annexed to a municipality. In those cases where development is within the unincorporated portion of a municipal UGA and is not served by municipal services, the development shall use rural governmental services and comply with the County's rural development standards or, for development within the unincorporated portion of Langley's and Coupeville's UGAs, such service requirements and development standards established through adopted interlocal agreements between the County and the City of Langley and the Town of Coupeville.

Amendment to Policy 5.10 adopted on 2/22/99.

POLICY #6
**POLICIES FOR COUNTY-WIDE TRANSPORTATION
FACILITIES & STRATEGIES**

It is the policy of the County and the Municipalities that:

1. The Transportation element of the Island County Comprehensive Plan should include Urban Growth Area elements to assure consistency among planning jurisdictions. All transportation planning, including that of Federal and State Agencies as well as Port Districts, should be jointly and cooperatively developed, adopted and implemented through coordinated planning;
2. The County and Municipalities will remain actively involved in multi-county regional transportation planning;
3. The County and Municipalities will cooperate in the analysis of and response to any major regional industrial, retail/ commercial, recreation or residential development proposals that may impact the transportation systems in Island County;
4. The capacity of the roadway system must be planned, built and managed to meet planned land use densities in UGAs, and the development of transportation modes offering alternatives, such as transit and telecommunications, to the automobile should be encouraged.
5. The planned transportation system should be implemented in a coordinated and cost-effective manner utilizing a fair and sufficient method of funding.
6. All jurisdictions within Island County will cooperate with each other and the State of Washington in coordinated planning for State Highway and Ferry facilities with respect to current revisions to RCW 36.70A as amended by SHB 1487. This coordination recognizes that the State Department of Transportation will be primarily responsible for establishment and maintenance of the level of service for these facilities.

Note: Policy # 6 amended by Resolution C-169-98 on December 28, 1998 by the addition of paragraph #6.

POLICY #7

POLICIES ON AFFORDABLE HOUSING, FOR ALL OF THE POPULATION

It is the policy of the County and Municipalities that:

1. A wide range of housing development types and densities throughout the County should be encouraged and promoted to meet the needs of a diverse population and provide affordable housing choices for all;
2. Manufactured home parks at Urban densities, should be located within Urban Growth Areas.
3. Multifamily housing, at urban densities, should be located within UGAs and/or unincorporated Rural Centers;
4. The County and Municipalities should provide appropriately zoned lands and/or location criteria to assure the inclusion of multi-family housing and manufactured home parks within Urban Growth Areas and should provide for other types of housing for individuals with special needs throughout the county;
5. The comprehensive Plans of the County and Municipalities should consider housing and housing provision options such as:
 - a. Development of boarding houses, single-room occupancy housing, scattered site housing, and accessory housing such as elder cottages, guest houses and/or attached apartments;
 - b. Establishment of a public/private housing trust fund to provide loans and grants for development of low to moderate-income housing and housing for persons with special needs;
 - c. Identification of publicly-owned properties, excluding those designated as Resource or Critical Lands, that could serve as possible sites for development of affordable low income or senior housing; and
 - d. Identification of regulatory relief actions such as inclusionary zoning, density bonuses for the development of lower-cost housing or in-lieu-of payments into a housing trust fund, forgiveness of impact or mitigation fees for low-income housing as authorized under the Growth Management Act or priority permit process treatment of housing developments intended for or including affordable housing.
6. It is intended that provisions for affordable housing will be required elements of the economic development and comprehensive plans of the County and the Municipalities.

POLICY #8

**POLICIES FOR PARKS, RECREATION
OPEN SPACE AND NATURAL LANDS**

To protect the rural and scenic character of Island County and to ensure that both urban and rural residents of the County have reasonable access to and opportunities for outdoor recreation, it is the policy of the county and the Municipalities that:

1. Each jurisdiction intends to include a park, recreation and open space element in its GMA Comprehensive Plan. These elements shall be coordinated and, where appropriate, the County and each of the cities should adopt level of service standards and definitions. Capital facility plans for funding and acquisition of new parks and recreation facilities should also be coordinated between the county and each of the cities to ensure efficient and effective use of public funds.
2. Establish a county-wide system of non-motorized trails. Trails would be established on a region wide basis.
3. Identify, establish and protect open space corridors and greenbelts within and between urban growth areas through (a) public acquisition of fee or lesser interests in these corridors by purchase donations, incentives such as density bonuses; and (b) by use of the open space tax program.
4. Develop and adopt a County-wide plan for the preservation and acquisition of lands for open space, recreation, and natural resources (Natural Lands Plan) that can serve as an "implementation umbrella" for municipal plans with open space components. The Plan should prioritize voluntary acquisition of sites based upon their conservation, open space, or recreation value. The Plan should coordinate implementation programs to acquire and protect these identified sites. The plan should implement County Comprehensive Plan policies regarding protection of the rural character and livability of Island County by protecting open space corridors, areas that are important to separate and define urban growth areas, and areas of more intensive rural development.
5. To preserve open space and create recreational opportunities by innovative incentives and/or regulatory techniques such as, but not limited to, purchase of developments rights, conservation easements, land trusts and community acquisition of lands for public ownership shall be encouraged.
6. The use of open space taxation laws shall be evaluated as a useful method of land use control and resource preservation.
7. Maintaining recreation and open space corridors shall be coordinated with land use elements.
8. A park and recreation system shall be promoted which is integrated with existing and planned land use patterns.

COUNTY WIDE PLANNING POLICIES

Adopted By Resolution No. C-120 –98, September 28, 1998

Revised #6.6 on 12/28/98; Revised #5.10 on 2/ 22/99, Resolution C-10-99

9. School districts, local public agencies, State and Federal governments, recreation districts, the Federal government, and private entities should work together to develop joint inter-agency agreements to provide facilities that not only meet the demands of the education for youth, but also provide for public recreation opportunities that reduce the unnecessary duplication of facilities within Island County.
10. Review, comment and coordinate with Navy plans such as the NAS Whidbey Island Base Master Plan, Natural Resources Management Plan, Outdoor Recreation Management Plan, etc. as Appropriate, and continue to maintain active communication.

Note: This policy #8 was adopted as an amendment to the County-wide Planning Policies by the Board of Island County Commissioners and the Municipalities on July 27, 1998

POLICY #9

POLICIES FOR PROJECTING POPULATION GROWTH AND EMPLOYMENT

It is the policy of the County and Municipalities that:

1. Initial Growth Projection: Initial population and employment growth projections will be established as follows:
 - a) The County has elected to use the 1995 Office of Financial Management 2020 High Series Population Growth for the County Comprehensive Plan. The Municipalities do not necessarily concur with this policy. The Municipalities previously elected to prepare their Comprehensive Plans for planning periods ending in 2010 or 2013 utilizing the earlier OFM single series projection which is now considered to be the Medium Series.
 - b) The County has prepared population projections for each Municipality for the planning period projected to the year 2020 using a rate of growth assumed by the municipality in its comprehensive plan. The Municipality will accept the County projections and allocations for the purposes of planning the unincorporated portion of the urban growth area with the understanding that the projections and allocations will be reconciled on the basis of long-term monitoring as provided for below and in Policy #3. The initial population growth projections are set forth in Attachment A.
 - c) The Island County EDC Jobs Forecast dated March 26, 1998 will be used to project employment growth. The initial employment growth projections are set forth in Attachment A.
2. Long-term Monitoring. Though not required by the GMA, the County in collaboration with each Municipality will implement a monitoring and evaluation program modeled after the process set forth in RCW 36.70A.215 and Policy #3, Item 5 above. The long-term monitoring program shall commence as soon as results of the U.S. Year 2000 Census and updated OFM projections have been released, and shall be repeated in 2006, 2011 and 2016. The Municipal and County Comprehensive Plans will be collaboratively synchronized and reconciled by 2006. Revised UGA boundaries shall be based on such factors as the ability to provide urban services.
3. General Objectives
Consistent with Policy #3, Item 5 above, the following are examples of general objectives that shall be considered in the establishment of specific benchmarks:
 - b. Population Distribution:
 - Increase the percentage of total county population growth occurring inside the urban growth areas, including potential non-municipal Urban Growth Areas in Freeland and Clinton.
 - Decrease the percentage of total county population growth occurring in the rural areas.

COUNTY WIDE PLANNING POLICIES

Adopted By Resolution No. C-120 -98, September 28, 1998

Revised #6.6 on 12/28/98; Revised #5.10 on 2/ 22/99, Resolution C-10-99

- Encourage, to the extent permitted by the GMA, as much rural growth as possible as infill within the logical outer boundaries of existing, designated Areas of More Intensive Rural Development.
- c. Employment:
- Increase non-military, locally-based jobs from the current 40% of the County labor force to 50% of the labor force by the year 2020, an increase of approximately by 4,000 local jobs above the current level of non-military, locally-based jobs.

ATTACHMENT A

<u>Population</u>	<u>1996</u>	<u>2020</u>	<u>24-year Growth</u>	<u>Change from % of Growth</u>	<u>Median Forecast</u>
North Whidbey	39,100	57,500	18,400	42%	+2,500
Oak Harbor UGA	19,200	31,000	11,800		
Unincorporated	19,900	26,500	6,600		
Central Whidbey	10,200	14,000	3,800	9%	
Coupeville UGA	1,600	2,000	400		
Unincorporated	8,600	12,000	3,400		
South Whidbey	13,600	26,000	12,400	28%	+4,850
Langley UGA	1,000	2,200	1,200		
Freeland RAID	1,400	2,500	1,100		
Clinton RAID	900	2,000	1,100		
Unincorporated	12,600	23,800	11,200		
Camano Island	12,000	21,300	9,300	21%	+4,850
Island County	74,900	118,800	43,900		
UGA	21,800	35,200	13,400	30%	+12,200
Rural	53,100	83,600	30,500	70%	

<u>Employment</u>	<u>1996</u>	<u>2020</u>	<u>22-year Growth</u>	<u>% of Growth</u>
North Whidbey	16,143	22,850	6,707	57%
Oak Harbor UGA	5,516	11,400	5,884	50%
Unincorporated	10,627	11,450	823	7%
Central Whidbey	2,287	3,551	1,264	11%
Coupeville UGA	1,537	2,378	841	7%
Unincorporated	750	1,173	423	4%
South Whidbey	2,708	5,634	2,926	25%
Langley UGA	509	1,310	801	7%
Unincorporated	2,199	4,324	2,125	18%
Camano Island	451	1,310	859	7%
Island County	21,585	33,345	11,760	
UGA	8,138	15,233	7,095	64%
Rural	13,902	18,112	4,210	36%

EXHIBIT B

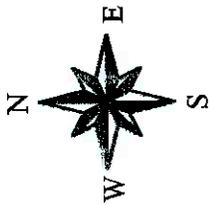
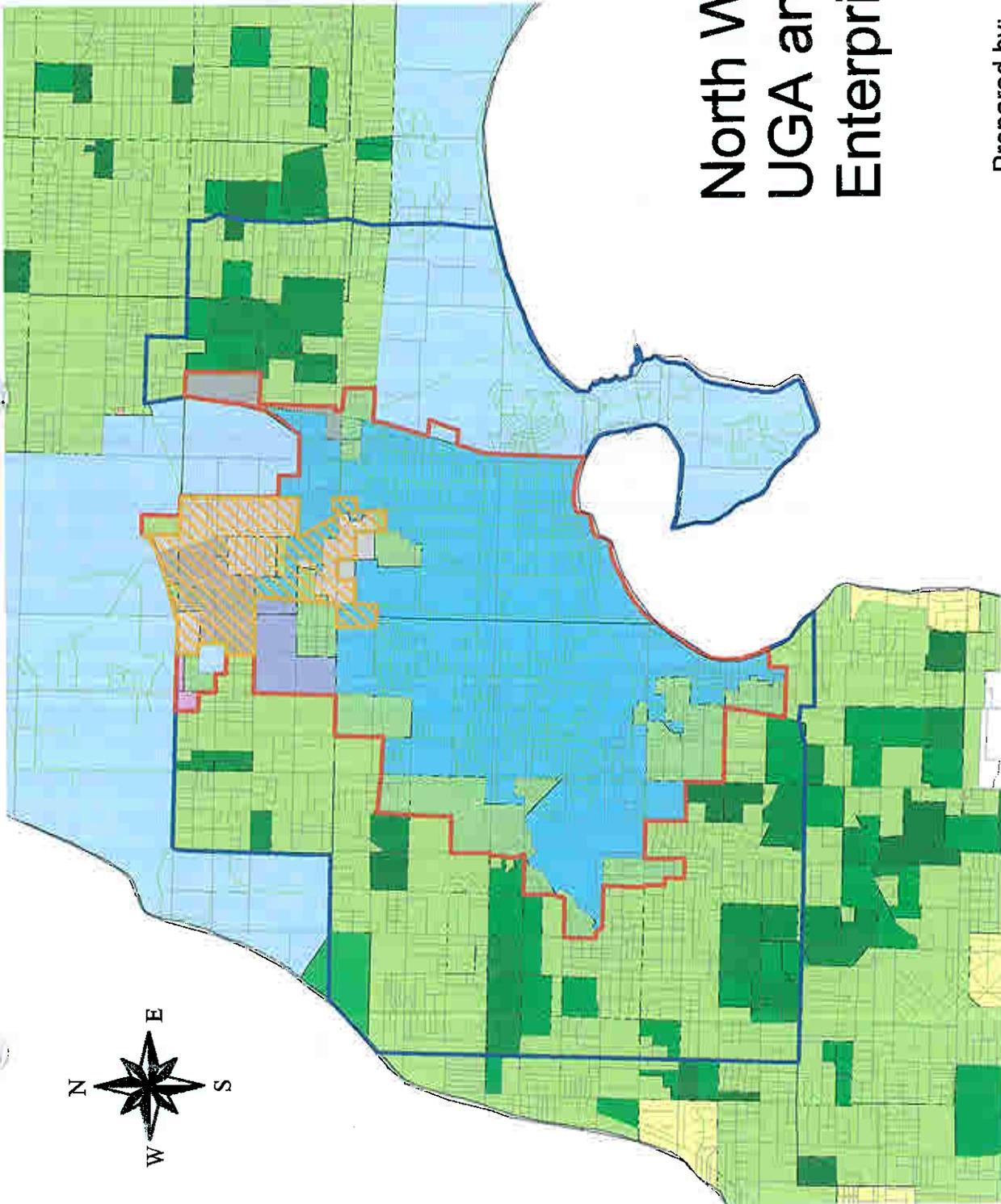
Joint Planning Area

and

Urban Growth Area Map

North Whidbey UGA and JPA & Enterprise Zone

Prepared by:
Island County
Planning and Community Development
For Informational Use Only
September 24, 2001



2 Miles



North Whidbey Enterprise Area	
	Zoning Designations
	City of Oak Harbor
	Park
	Rural
	Rural Residential
	Commercial Agriculture
	Rural Agriculture
	Rural Forest
	Federal Land
	Rural Service
	Oak Harbor UGA Zones
	OH-Highway Service Commercial
	OH-Industrial
	OH-Planned Business Park
	OH-Planned Industrial Park
	OH-Residential
	Oak Harbor Planning Boundaries
	Urban Growth Area
	Joint Planning Area

EXHIBIT C

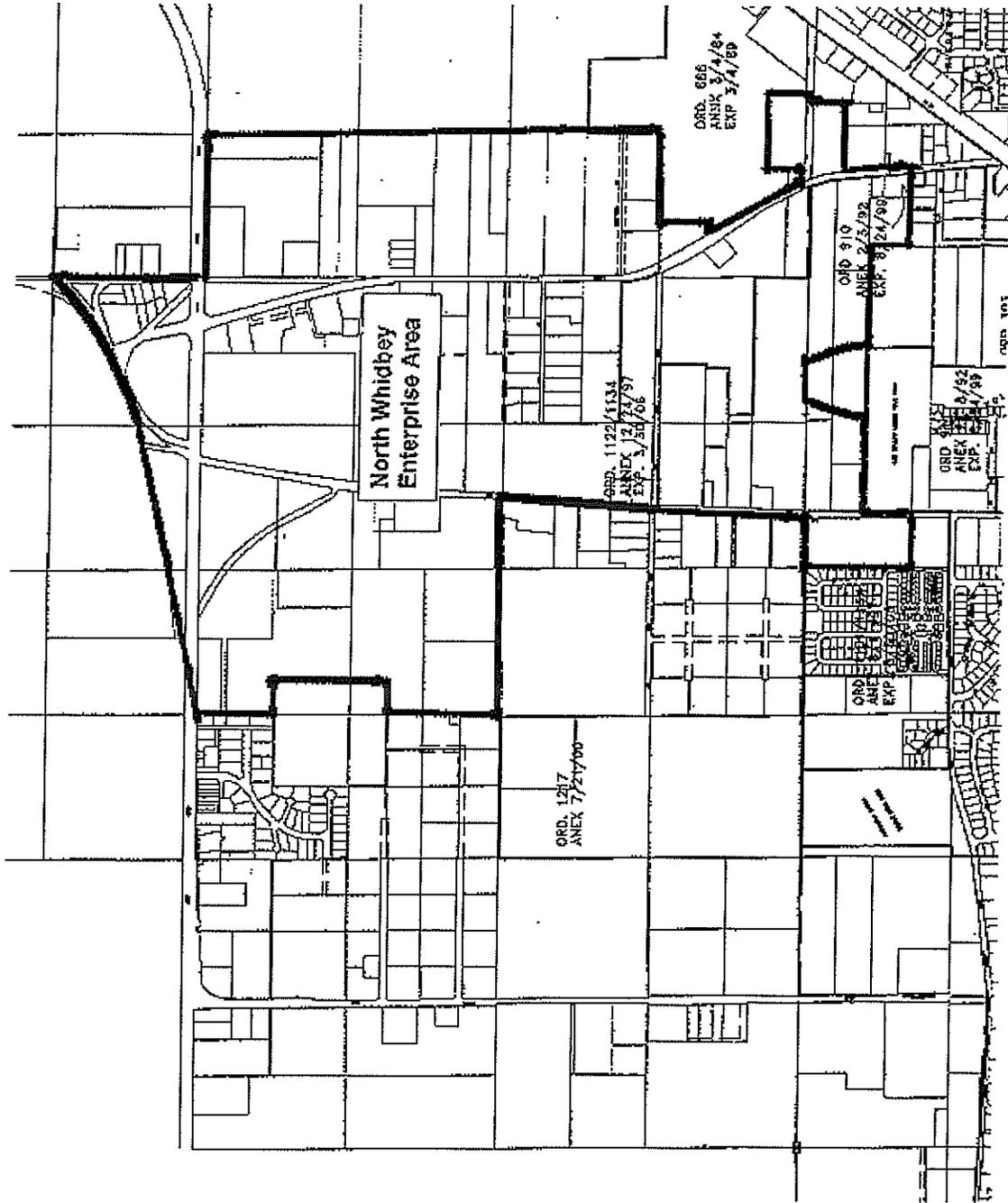


EXHIBIT D.

UGA Zoning Regulations

17.03.081 Oak Harbor – Residential (OH-R) Zone

The purpose of the Oak Harbor Residential Zone (OH-R) is to provide for the residential development of the lands inside the City of Oak Harbor's Municipal Urban Growth Area at densities and uses that will provide for the efficient provision of municipal water and sewer services.

A. Permitted Uses. Uses permitted outright. Processed as Type I decisions pursuant to Chapter 16.19 ICC:

1. Single family detached dwellings.
2. Accessory Uses and Buildings on Lots with legally Permitted Uses;
3. Bed and Breakfast Room;
4. Day Care Nursery;
5. Home Occupation occupying no more than 25% of the Gross Floor Area or a maximum of 600 square feet in a detached single family dwelling unit;
6. Guest Cottage or Accessory Dwelling Unit subject to Site Coverage requirements of ICC 17.03.180.P;
7. Minor utilities;
8. Temporary Uses.

B. Conditional Uses.

Uses allowed upon Site Plan approval pursuant to Chapter 16.15 ICC processed as Type II decisions pursuant to Chapter 16.19 ICC:

1. Bed and Breakfast Inn with not more than six (6) guest rooms;
2. Fire Station;
3. Foster homes; and
4. Water Tanks.

Uses allowed upon Site Plan approval pursuant to Chapter 16.15 ICC processed as Type III decisions pursuant to Chapter 16.19 ICC

1. Group home;

2. Libraries and museums;
3. Nursing Homes;
4. Day Care Centers;
5. Senior Retirement Facility;
6. Churches; and
7. Private or public schools.

C. Prohibited Uses

1. Helipads.

D. Designation Criteria and Areas.

1. Areas within the designated boundaries of the Oak Harbor Municipal Urban Growth Area.

E. Lot/Density. Lot/Density requirements shall be as follows:

1. Base Density, shall be 1 d.u. per 5 acres.
2. A Density of up to three dwelling units per five acres is allowed provided that the public sewer, water and stormwater facilities conforming to City of Oak Harbor Utility plans and design standards are installed or, installation is secured by a bond or other form of approved security along the frontage of the portion of the property to be developed under this provision.
3. For Land Divisions approved after the execution of the Oak Harbor Interlocal Agreement, lot sizes for single family detached dwellings shall be established pursuant to the Potential Municipal Zoning Classification except in no event shall lot size exceed 15,000 square feet and lot clustering shall be required when necessary to carry out this provision.

F. Setbacks and Lot Dimensions. Setback requirements shall be as follows:

1. Street or front yard: twenty (20) feet;
2. Side yard: twelve (12) feet on one side and five feet on the other side;
3. Minimum side yard along the flanking street of a corner lot: fifteen (15) feet.
4. Rear yard: twenty (20) feet.

G. Maximum Height. Maximum height shall be thirty feet.

17.03.082 Oak Harbor – Industrial (OH-I) Zone

The OH-I district is intended to accommodate certain industrial structures and uses having physical and operational characteristics, which might adversely affect adjoining residential and commercial uses. Regulations are designed to permit those industrial uses that can be operated in a clean, quiet and safe manner compatible with adjoining land uses.

- A. **Permitted Uses.** Shall not exceed twelve thousand (12,000) square feet to gross floor area per lot, tract or parcel and shall be processed as a Type I decision pursuant to Chapter 16.19 ICC.
1. Accessory Uses;
 2. Bedding, carpet and pillow manufacture, cleaning and renovating;
 3. Bottling and processing of non-alcoholic beverages, the production of which is devoid of fumes, noxious odors, or waste products;
 4. Canning, processing and freezing of fruit and vegetables;
 5. Cold storage plants;
 6. Food and drug processing;
 7. Retail Sales and Services;
 8. Storage, Personal and Outdoor
 9. Warehousing and distribution centers;
 10. Manufacture and assembly of light and small items made from previously prepared materials and includes operations which do not create noise, smoke, odor, vibration or other objectionable nuisances to the extent that they are detrimental to surrounding uses;
 11. Assembly, manufacture, rebuilding, compounding, processing, preparation, or treatment of such articles or products as: Batteries, bottles, mattresses, furniture, tools, hardware, and paper products, but not the manufacture of paper itself;
 12. Machine, welding, or metal working shop, but not including punch presses, drop hammers, or other noise and vibration producing equipment;
 13. Woodworking shop; and
 14. Minor utilities.
- B. **Conditional Uses.** The following uses may be permitted in the OH-I upon Site Plan approval processed as a Type III decision pursuant to Chapter 16.19 ICC.
1. Any conditional use permitted in the OH-I zone;
 2. Cement and asphalt plants;
 3. Electroplating;
 4. Manufacture or processing of such non-durable goods as: chemical and allied products, petroleum products, fertilizers, but excluding explosives and ammonia;

5. Metal fabrication and boiler or tank works;
6. Mixing plants for concrete or paving material;
7. Off-site hazardous waste treatment and storage facilities, provided that such facilities meet the State siting criteria adopted pursuant to the requirements of RCW 70.105.210;
8. Oxygen manufacture and/or storage;
9. Tire retreading;
10. Produce stand; and
11. Rodenticide, insecticide and pesticide mixing plants.

C. Prohibited Uses

No building, structure or premise or a portion thereof, established after the effective date of this Chapter, shall be used for human habitation, permanent, transient or temporary except as quarters for a caretaker, guard or other person whose permanent residency on the premises is required for operational safety or protective purposes.

D. Designation Criteria and Areas. Areas designated potential industrial on the Island County Future Land Use Map. Specific areas are also designated as Industrial on the 1998 Oak Harbor Comprehensive Plan Land Use Element Map.

E. Lot/Density. Lot size requirements shall be the minimum lot size required by County Health Department requirements.

F. Setback and Height. Setback and height requirements shall be as follows:

1. Minimum lot area: No limitation
2. Minimum lot width: No limitation
3. Minimum lot depth: No limitation
4. Minimum front yard: 35 feet
5. Minimum side yard: No limitation, except when abutting a residentially zoned property then ten (10) feet each. For corner lots, a side yard abutting a public street shall be thirty-five (35) feet EXCEPT that the Director may approve a setback reduction of not less than twenty (20) feet or the established building line on adjoining property, whichever is greater.
6. Minimum rear yard: No imitation except when abutting a public street, then thirty-five (35) feet.
7. Maximum building height: 35 feet
8. Maximum lot coverage: No limitation.

G. Land Use Standards.

All projects shall comply with applicable use standards of ICC 17.03.180 unless modified by this Section; Critical Area Standards, Chapter 17.02 ICC; and Island County AICUZ Standards.

17.03.083 Oak Harbor - Highway Service Commercial (OH-HSC) Zone

The Highway Service Commercial Zone (OH-HSC) is intended to permit the establishment of facilities within the Oak Harbor Municipal Urban Growth Area oriented toward uses dependent upon highway location. It is intended that such districts should be placed at locations providing the highest degree of usefulness to the traveling public and maintain an attractive, functional and safe highway corridor within the Oak Harbor UGA.

A. Permitted Uses. Shall not exceed twelve thousand (12,000) square feet of gross floor area per lot, tract or parcel and shall be processed as a Type I decision pursuant to Chapter 16.19 ICC.

1. Accessory Uses;
2. Automobile and Truck Service Stations;
3. Automobile Sales and Service;
4. Boat Sales and Boat Repair;
5. Drive-in Banks;
6. Restaurants;
7. Real Estate Sales; Governmental Services; and
8. Self Storage Warehouse.

B. Conditional Uses.

1. Any permitted use that exceeds twelve thousand (12,000) square feet of gross floor area may be allowed upon Site Plan Approval processed as a Type II decision pursuant to Chapter 16.19 ICC.
2. Major Utilities and Essential Public Facilities may be allowed upon Site Plan Approval processed as a Type III decision pursuant to Chapter 16.19 ICC.

C. Prohibited Uses.

1. Junk and Salvage Yards;
2. Single Family Dwelling Units.

D. Designation Criteria and Areas. Areas designated as potential industrial lands on the Island County Future Land Use Map in the Oak Harbor UGA. Specific areas are also designated as Highway Service Commercial on the 1998 Oak Harbor Comprehensive Plan Land Use Element Map.

E. Lot / Density. Minimum Lot size shall be the minimum Lot size required by County Health Department requirements provided that no residence for a caretaker, guard or other person whose permanent residency on the premises is required for operational safety of protective purposes shall be erected, maintained or enlarged on a Lot which is less than six thousand (6,000) square feet.

F. Setbacks and Heights. Setback and height requirements shall be as follows:

1. Front setback shall be thirty-five (35) feet.

2. There is no side setback except as follows:
 - a) Along side lot lines abutting residentially zoned property there shall be a ten (10) foot setback.
 - b) For corner lots the side setback shall be fifteen (15) feet unless modified by Section 17.03.180.S.6.
3. There is no minimum rear setback except where abutting a street. In the case of a lot where the rear lot line abuts a street the rear setback shall be fifteen (15) feet.
4. Maximum building height shall be thirty-five (35) feet.
5. There is no restriction as to the amount of lot which may be covered.

G. Land Use Standards.

All projects shall comply with applicable use standards of ICC 17.03.180 unless modified by this Section; Critical Area Standards, Chapter 17.02 ICC; and Island County AICUZ Standards.

17.03.084 Oak Harbor - Planned Business Park (OH-PBP) Zone

The purpose and intent of the Planned Business Park is to:

1. Allow the development of larger-scaled Master Planned Developments related to businesses.
2. Preserve or create environmental amenities superior to those generally found in conventional developments;
3. Encourage comprehensive planning of large Business Park sites in order to create a park like environment;
4. Preserve to the greatest possible extent the natural characteristics of the land, including topography, significant natural vegetation, waterways, views, etc.;
5. Establish development standards which provide compatibility with surrounding residential, commercial or other developments and offer protection from blight;
6. Provide for maximum efficiency in the layout of streets, utility networks, open space, landscaping requirements and other public improvements;
7. Provide a guide for developers, County and City officials and the Planning Commission in meeting the purpose and provisions of this section.

A. Conditional Uses. Uses allowed upon Site Plan approval pursuant to Chapter 16.15 ICC processed as Type II decisions pursuant to Chapter 16.19 ICC:

1. Accessory uses;
2. Assembly, manufacture, packaging, compounding or treatment of articles or merchandise from the following previously prepared materials: cloth, glass,

- lacquer, leather, paper, plastics, precious or semi-precious metals or stones, wood (excluding sawmills, lumber mills and planing mills), paint, clay, sand, rubber;
3. Printing, publishing and book binding;
 4. Manufacturing, processing and packaging of food, pharmaceuticals, toiletries, cosmetics, optical goods, scientific instruments and equipment, and precision instruments and equipment;
 5. Scientific research, testing and experimental development laboratories;
 6. Corporate headquarters, regional headquarters and administrative offices of commercial, industrial, financial, charitable or governmental institutions;
 7. Uses similar to, or related to, or compatible with those listed or described in this chapter, are permitted upon a finding by the Planning Director that a proposed use does not conflict with the intent of this section or the policies of the Oak Harbor Comprehensive Plan. The criteria for such finding of similarity, relationship or compatibility shall include, but is not limited to the following:
 - a) The proposed use will not unreasonably adversely impact surrounding uses.
 - b) The development standards for permitted uses can be met by the proposed use.
 - c) Impacts, such as traffic, noise and air quality will not be significantly different than those generated by permitted uses.

B. Prohibited Uses.

1. All uses or activities which would require extraordinary equipment, devices or technology for the control of odors, dust, fumes, smoke, noise or other wastes and/or byproducts which, if uncontrolled, would contaminate the environment to a degree unacceptable by contemporary community standards; or which would exceed the acceptable limits established by competent and recognized public and quasi-public agencies for the protection of industrial and/or environmental health. Such uses include, but are not limited to the following:
 - a) Manufacturing involving outdoor storage;
 - b) Manufacture or storage of explosives;
 - c) Stockyards, dairies, slaughterhouses, rendering plants, canneries, breweries, wineries and other agricultural industries;
 - d) Petroleum refineries;
 - e) Bulk fuel storage, unless stored in tanks and accessory to a permitted use occur on the same lot;
 - f) Truck parking, repair and maintenance unless accessory to a permitted use located on the same lot;
 - g) Cement manufacturing;
 - h) Blast furnaces;

- i) Smelting;
 - j) Drop forge industries;
 - k) Fertilizer manufacture;
 - l) Sanitary landfills;
 - m) Waste to energy facilities;
 - n) Solid waste transfer stations;
 - o) Sewage treatment plants;
 - p) Lumber, pulp or paper mills;
 - q) Cargo container storage; and
 - r) Asphalt or concrete batch plant.
2. Single family or multi-family residences.

C. Lot/Density.

Lot Densities shall be as follows:

- 1. Minimum site acreage for the development of a new Planned Business Park district – twenty (20) acres.
- 2. Minimum area for an existing lot or for a lot within a Planned Business Park plat district – two and one-half (2.5) acres unless, as provided in a binding site plan, it may be less.
- 3. Minimum lot width – One hundred (100) feet.
- 4. Minimum lot depth – Two hundred (200) feet.
- 5. Minimum area for a subdivision plat is ten (10) acres which must be coordinated with the surrounding properties such as circulation, access, pedestrian and bike paths.

D. Building Setbacks, Building Heights and Site Coverage. In a Planned Business Park district, all buildings and structures, except for fencing, shall meet the following minimum setback requirements:

- 1. Front yard – thirty (30) feet. In cases where no parking or service occurs between the face of the building and the street, the front yard may be reduced to fifteen (15) feet.
- 2. Interior side yards – fifteen (15) feet or zero as established by Master plan.
- 3. Corner lot abutting a street – thirty (30) feet. In cases where no parking or service occurs between the face of the building and the street, the side yard may be reduced to twenty (20) feet.
- 4. Rear yard, fifteen (15) feet or zero as established by Master Plan.

5. When abutting any residential zoned property or any area planned for residential uses under the Oak Harbor Comprehensive Plan, the minimum setback shall be fifty (50) feet.
6. Permitted building height is determined by the distance the building is separated from any residential zone, or from any area designated in the Oak Harbor Comprehensive Plan for residential uses, as follow:
 - a) Less than one hundred (100) feet – thirty-five (35) feet in height.
 - b) One hundred One (101) feet and above – fifty (50) feet in height.
 - c) Two hundred (200) feet and above – sixty-five (65) feet in height.
7. The maximum building coverage shall not exceed forty (40) percent of the total lot area.

E. Designation Criteria. Areas designated as potential Industrial Lands on the Island County Future Land Use Map in the North Whidbey Enterprise Zone area of the Oak Harbor Joint Planning Area are designated as Planned Business Park on the 1998 Oak Harbor Comprehensive Plan Land Use Element Map.

F. Loading Areas.

1. Truck loading and maneuvering areas shall not be located within the required building setback areas.
2. Truck loading and unloading shall not be permitted on streets.
3. Truck loading and unloading areas, parking and maneuvering areas shall be screened by a sign-obscuring fence eight (8) feet in height, except when stored materials cannot be seen from any public roadway or from surrounding properties.

G. Land Use Standards.

All projects shall comply with applicable use standards of ICC 17.03.180 unless modified by this Section; Critical Area Standards, Chapter 17.02 ICC; and Island County AICUZ Standards.

17.03.086 **Oak Harbor-Planned Industrial Park (OH-PIP) Zone**

The purpose and intent of the OH-PIP is to:

1. Encourage comprehensive planning of large industrial sites in order to create a park-like environment;
2. Preserve or create environmental amenities superior to those generally found in conventional industrial developments;
3. Preserve to the greatest possible extent the natural characteristics of the land, including topography, a portion of significant natural vegetation, waterways, views, etc.;
4. Establish development standards which provide compatibility with surrounding residential, commercial or other developments and offer protection from industrial blight;
5. Provide for maximum efficiency in the layout of streets, utility networks, open space, landscaping requirements and other public improvements;
6. Provide a guide for developers and City officials in meeting the purpose and provisions of this Section.

A. Conditional Uses. Uses allowed upon Site Plan approval pursuant to Chapter 16.15 ICC processed as Type II decisions pursuant to Chapter 16.19 ICC.

1. Accessory uses;
2. Assembly, manufacture, packaging, compounding or treatment of articles or merchandise from the following previously prepared materials: cloth, glass, lacquer, leather, paper, plastics, precious or semi-precious metals or stones, wood (excluding sawmills, lumber mills and planing mills), paint, clay, sand, rubber;
3. Printing, publishing and book binding;
4. Manufacturing, processing and packaging of food, pharmaceuticals, toiletries, cosmetics, optical goods, scientific instruments and equipment, and precision instruments and equipment;
5. Scientific research, testing and experimental development laboratories;
6. Corporate headquarters, regional headquarters and administrative offices of commercial, industrial, financial, charitable or governmental institutions;
7. Upholstery shop;
8. Auto repair of all kinds, including body and fender work, provided there shall be no wrecking, junking, dismantling, or salvaging operations;
9. Feed and seed store, retail or wholesale;
10. Gun Club and Shooting Range;
11. Marine craft, equipment and supply sales, and repair and service of small craft;

12. Nursery and landscape material including greenhouses;
13. Plumbing shop;
14. Sign shop;
15. Lumber yard, retail or wholesale, including building supplies, hardware, and related items;
16. Storage, Personal and Outdoor;
17. Vocational and technical schools;
18. Private club, lodge, convent, social or recreational building or community assembly hall, (except those having a chief activity carried on for monetary gain);
19. Training facilities, including but not limited to music, dance, martial arts, photography, health clubs;
20. Warehousing and distribution centers;
21. Retail Sales and Services;
22. Uses similar to, or related to, or compatible with those listed or described in this section are permitted upon a finding by the Planning Director that a proposed use does not conflict with the intent of this section or the policies of the Oak Harbor Comprehensive Plan. The criteria for such finding of similarity, relationship or compatibility shall include, but not limited to the following:
 - a) The proposed use will not significantly impact surrounding uses.
 - b) The development standards for permitted uses can be met by the proposed use.
 - c) Impacts, such as traffic, noise and air quality will not be significantly different than those generated by permitted uses.
23. Overnight Lodging;
24. Minor and Major Utilities and Essential Public Facilities; and
25. Temporary Uses.

B. Prohibited Uses

1. All uses or activities which would require extraordinary equipment, devices or technology for the control of odors, dust, fumes, smoke, noise or other wastes and/or byproducts which, if uncontrolled, would contaminate the environment to a degree unacceptable by contemporary community standards; or which would exceed the acceptable limits established by competent and recognized public and quasi-public agencies for the protection of industrial and/or environmental health. Such uses include but are not limited to the following:
 - a) Manufacture or storage of explosives;
 - b) Stockyards, dairies, slaughterhouses, rendering plants, canneries, breweries, wineries and other agricultural industries;

- c) Petroleum refineries;
 - d) Cement manufacturing;
 - e) Blast furnaces;
 - f) Smelting;
 - g) Drop forge industries;
 - h) Sanitary landfills;
 - i) Waste to energy facilities;
 - j) Sewage treatment plants; and
 - k) Lumber, pulp or paper mills.
2. Single family or multi-family residences.

C. Designation Criteria and Areas.

Areas designated as potential industrial on the Island County Future Land Use Map in the North Whidbey Enterprise Zone area of the Oak Harbor Joint Planning Area. Specific areas depicted in the Future Land Use Map as Light Industrial – PIP and Zoning Atlas as UGAI classified lands.

D. Lot/Density and Setback.

1. In a Planned Industrial Park district, the following minimum site requirements shall apply:
 - a) Minimum site area for the development of a new planned industrial park plat – Five (5) acres.
 - b) Minimum lot area – Twenty Thousand (20,000) square feet, except where there is a binding site plan.
 - c) Minimum lot width – One hundred (100) feet.
 - d) Minimum lot depth – One hundred (100) feet.
2. The maximum building coverage shall not exceed Forty (40) percent of the total lot area.
3. In a Planned Industrial Park district, all buildings and structures, except for fencing, shall meet the following minimum setback requirements:
 - a) Front yard – Thirty (30) feet. In cases where no parking or service occurs between the face of the building and the street, the front yard may be reduced to Twenty (20) feet.
 - b) Interior side yards – Fifteen (15) feet.
 - c) Corner lot side yard abutting a street – Thirty (30) feet. In cases where no parking or service occurs between the face of the building and the street, the side yard may be reduced to Fifteen (15) feet.

- d) Rear yard – Fifteen (15) feet.
- e) When abutting any residential-zoned property or any area planned for residential uses under the Oak Harbor Comprehensive Plan, the minimum setback shall be Fifty (50) feet.
- f) Parking is allowed in setbacks.

E. Building Heights.

Permitted building height is determined by the distance the building is separated from any residential zone, or from any area designated in the Zoning Atlas or adopted Future Land Use Map for residential uses, as follows:

- 1. Less than One Hundred (100) feet – Thirty Five (35) feet in height;
- 2. One Hundred One (101) feet and above – Fifty (50) feet in height + Ten (10) feet for mechanical equipment; and
- 3. Two Hundred (200) feet and above – Sixty Five (65) feet in height + Ten (10) feet for mechanical equipment.

F. Outdoor Storage.

- 1. Outdoor storage shall not be allowed within the required building setback areas.
- 2. All outdoor storage areas shall not be visible from public rights of way or private streets.
- 3. All outdoor storage areas shall be screened from public view through landscaping, walls, and/or fencing.
- 4. In no event shall materials be stacked or stored higher or to exceed the height of the screening wall or fence, eight (8) feet maximum.

G. Land Use Standards.

All projects shall comply with applicable use standards of ICC 17.03.180 unless modified by this Section; Critical Area Standards, Chapter 17.02 ICC; and Island County AICUZ Standards.

EXHIBIT E

UGA Land Use Standards

Significant Tree Retention
and Landscaping

Section 17.03.040

....

Significant Tree: A healthy evergreen or deciduous tree, 12" in diameter or greater, measured 4' above existing grade.

....

Section 17.03.180.P

....

6. Significant Tree Retention in the OH-I, OH-HSC, OH-PBP, OH-PIP, and non-residential development, short subdivision and subdivision in the OH-R Zones shall meet the following standards:
 - a) Applicants should retain fifteen 15% percent of the significant trees found on the property except for those trees found in building footprints, access roads, parking areas and utility lines trenches. Applicants should give attention to the following:
 - 1) Preservation of significant trees along the perimeter of the property; and
 - 2) Preservation of significant trees near or adjacent to critical areas; and
 - 3) Preservation of significant trees, which create a distinctive skyline, feature; and
 - 4) Preservation of Garry Oak Trees; and
 - 5) Trees that may constitute a safety hazard should be removed; and
 - 6) Special attention shall be given to the preservation of significant trees on properties identified in the 1995 Oak Harbor Comprehensive Plan, Environmental Element, Woodlands Map.
 - b) An inventory of significant trees shall be submitted with all applications for subdivision, short subdivision or site plan review.

7. Landscaping screening and buffering in the OH-I, OH-HSC, OH-PBP and OH-PIP Zones shall meet the following standards:
- a) Open storage, trash or recycling areas shall be screened by fencing and/or landscaping; and
 - b) Landscaping including street trees spaced no further than twenty (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 plantings should include coniferous shrubs, trees and native vegetation. Fencing may be incorporated to help ensure an effective visual buffer.
8. Landscaping for OH-I, OH-PIP, OH-PBP and OH-HSC lands abutting Goldie Road and Oak Harbor Road shall meet the following standards:
- a) A twenty (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 (2) evergreen to one (1) deciduous tree; and
 - e) Maximum spacing of trees shall be ten (10) feet on center or equivalent grouping or equivalent 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.

Exhibit F

FIRE PREVENTION STANDARDS FOR THE NORTH WHIDBEY ENTERPRISE AREA

CONSTRUCTION, EXPANSION AND REMODELING

The following policies apply to the North Whidbey UGA enterprise area. Island County and the City of Oak Harbor have prepared them jointly. See attached exhibit for map of the area.

Fire Prevention Standards:

- **Fire Code** - The Fire Code as adopted and amended by the State Building Code Council shall be used as the basis for most protection standards in the enterprise area. The exception is fire flow and hydrant spacing. City standards for fire flow and hydrant spacing will be used in the enterprise area.
- **Fire flow** - The enterprise area will use the City Fire Flow Standards, which includes location, type, spacing and number of fire hydrants for a minimum of 1500 gallons per minute for 2 hours at a minimum 20-psi residual pressure.
- **Fire Sprinklers** - The Fire Code shall determine the standards for new construction.
- **Fire Access -- Fire Apparatus Access Roads**
 1. Fire apparatus access roads shall be provided for every facility, building or portion of a building when any portion of an exterior wall of the first story is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building or facility.
Exceptions:
 - 1-When buildings are completely protected with an approved fire sprinkler system the provisions may be modified by the chief.
 - 2- When access roads cannot be installed due to location on property, topography, or nonnegotiable grades the chief may require additional fire protection systems.
 2. More than one fire apparatus access road shall be required when it is determined by the chief that access by a single road might be impaired by vehicle congestion or other factors that could limit access.
 3. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.
Exception:

Vertical clearance may be reduced when approved and signs are installed and maintained indicating the established vertical clearance.

4. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus as necessary and shall be provided with an all weather driving surface. Inside the City, a paved surface is required. A time period for paving fire access may be established at time of annexation.
5. Fire apparatus access roads shall have a turning radius of not less than 40 feet and a maximum grade of 10 percent.
6. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for turning around of fire apparatus.
7. Bridges used as part of fire apparatus access roads shall be approved and maintained in accordance with nationally recognized standards. Vehicle load limits shall be posted at both entrances to bridges.
8. When required by the chief approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit obstruction by parking or other obstructions.

See general operating provisions.

- **Fire Alarms** - The Fire Code shall determine the standards for new construction.
- **Remodel and Reconstruction Cost Determination** - Thresholds for remodel and reconstruction within the Enterprise Area shall comply with Uniform Building Code and Uniform Fire Code (UBC/UFC) as adopted by the State. A consistent standard will be used by the City and the County for sixty percent (60%) of the replacement value. The replacement cost will be defined as the replacement cost as defined in the current Building Standards Magazine table for Building Valuation Data. See attached exhibit.
- **Non-conforming Structures and Uses.** - Buildings legally in existence at the time of adoption of this agreement or at time of annexation into the city will have their existing use or occupancy continued with the original fire prevention standards as required at time of building or occupancy permit if such use or occupancy was legal at the time of adoption of this agreement or annexation, provided such continued use is not dangerous to life. Upon annexation, the Oak Harbor Fire Department shall complete an inspection of all structures and require that all life safety requirements be met. As long as the building use has not changed and the building conforms to the codes for the building as permitted, the City of Oak Harbor will accept it as is without retrofit.

Example: If a building was approved with a spray area for non-flammable materials, the Oak Harbor Fire Department completes an inspection and finds the business is now spraying flammable materials, the Oak Harbor Fire Department would require a fire suppression system. If

the spray area continues to use non-flammable materials, the use will continue without a fire suppression system.

- **Limitation of use** - These provisions do not affect uses or development outside of the Enterprise Area for Island County or the City of Oak Harbor.

General Operating Provisions

- **Plan Review** – Fire flow plans and applications will be reviewed by the Oak Harbor Fire Department and approved by the jurisdiction where the property is located. *Three sets of plans are required for City review to include fire, engineering and public works departments.*

Exhibit G

STREET STANDARDS FOR THE NORTH WHIDBEY ENTERPRISE AREA

INDUSTRIAL STREETS

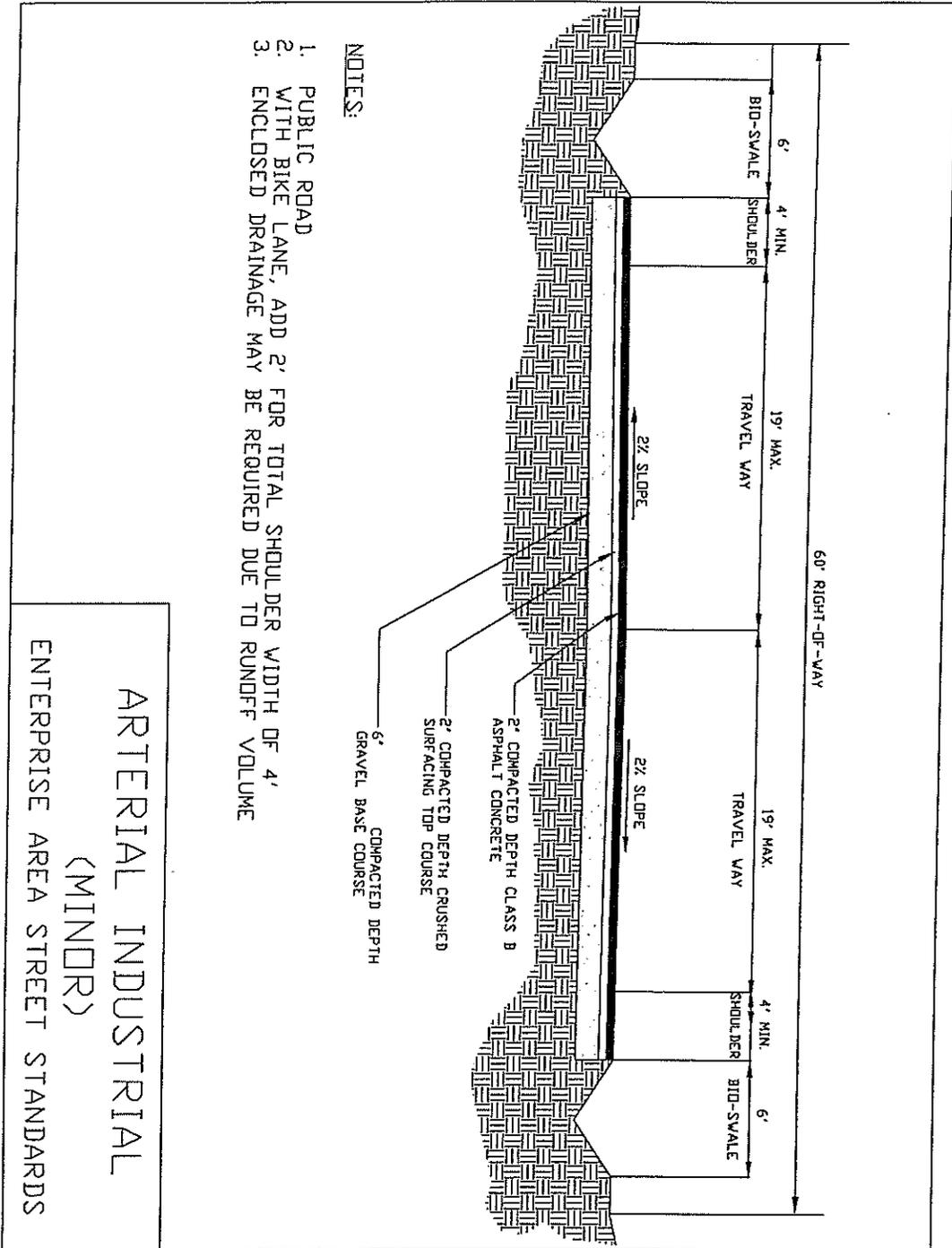
Street Right-of-way Requirements

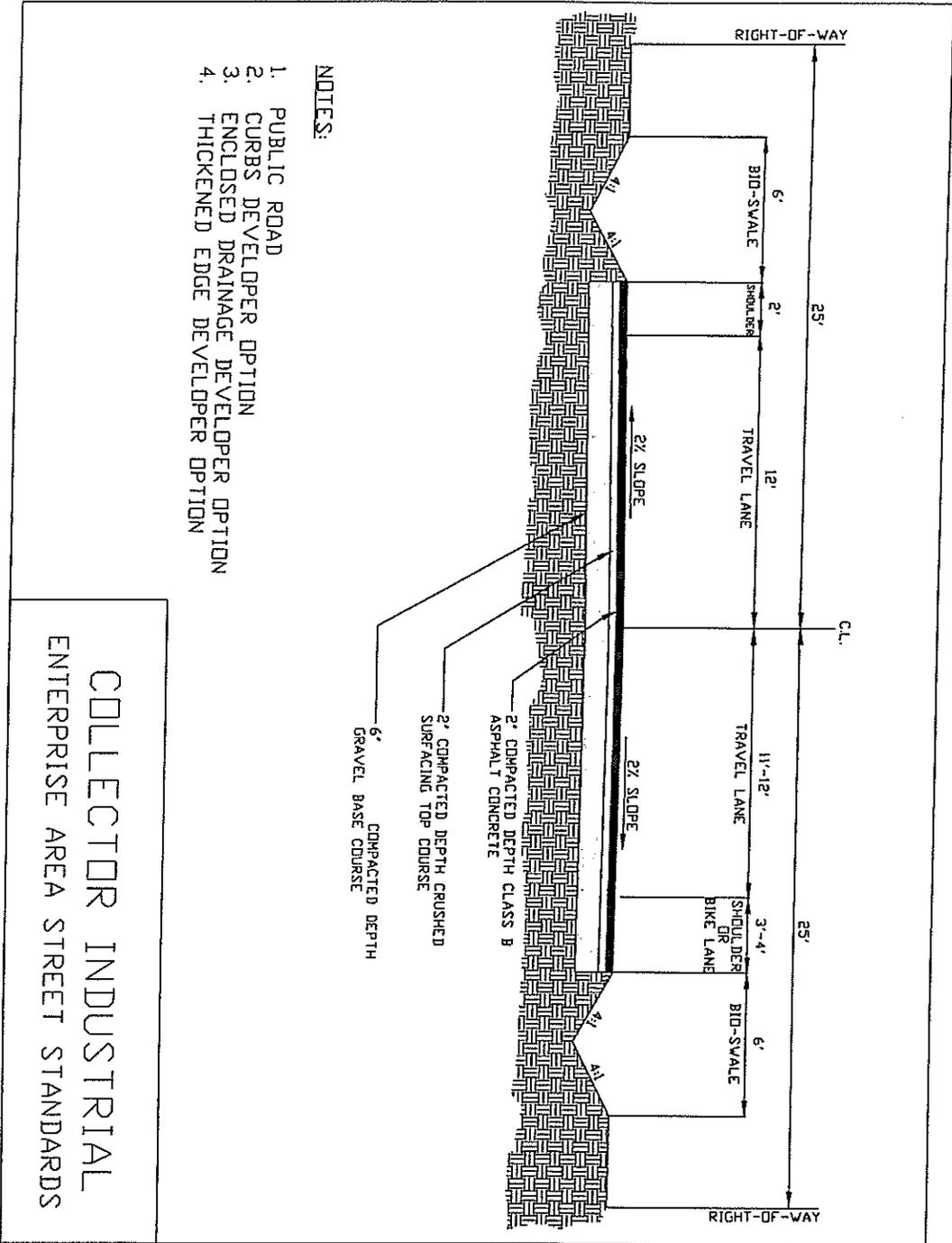
	Right-of -way width (in ft.)	Width of pavement (in ft.)	Sidewalk width (in ft.)
Arterial Industrial	60	46	none
Collector Industrial	50	30	none
Local Industrial	50	30	none

Increased right-of-way requirements:

The city or county may require additional right-of-way for cut slopes or other engineering needs when recommended based on a traffic study

Cross Sections





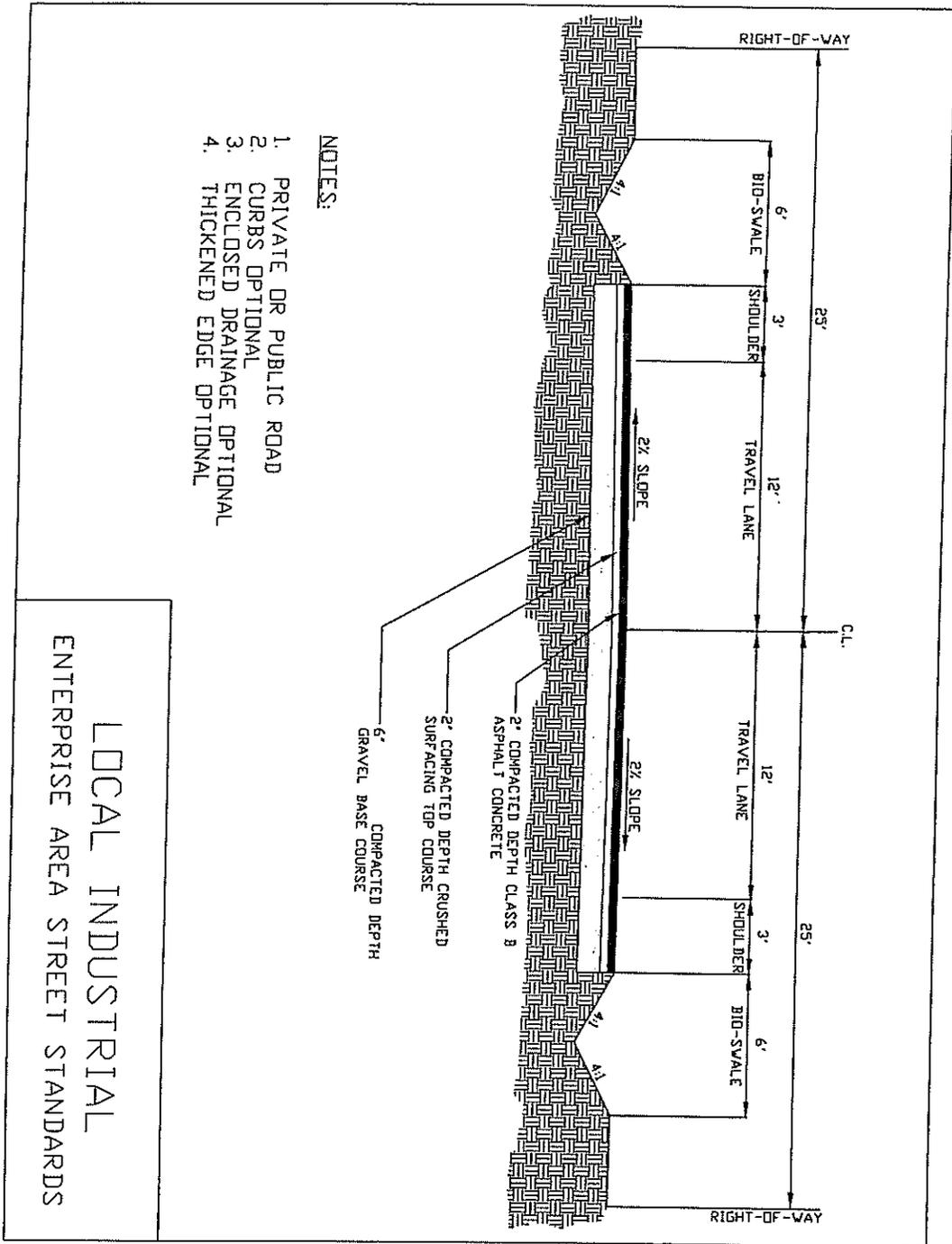
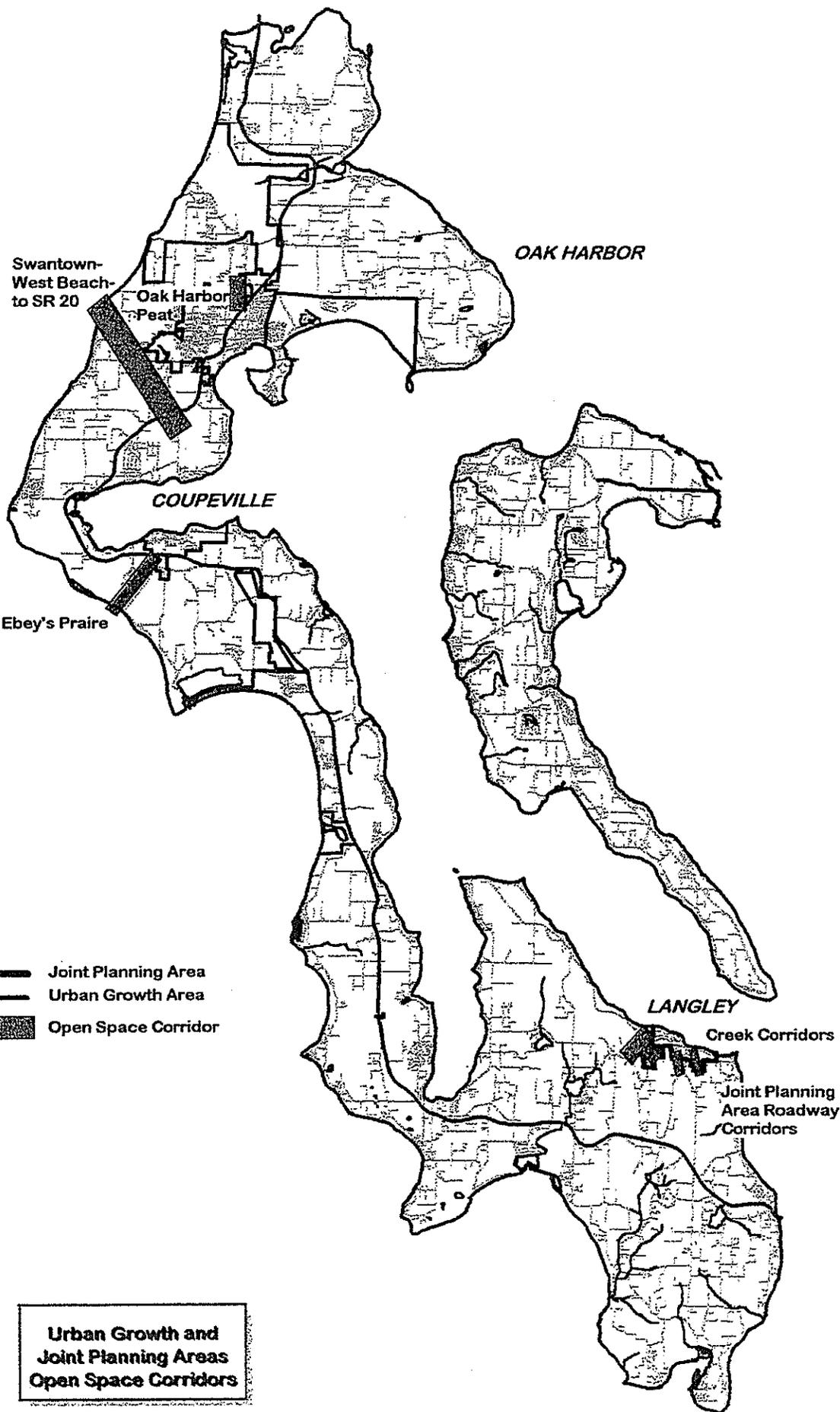


Exhibit H

Open Space Corridors Map



**Urban Growth and
Joint Planning Areas
Open Space Corridors**

**Chapter 17.30
NOISE ATTENUATION STANDARDS**

Sections:

I. General Provisions

- 17.30.100 Purpose.**
- 17.30.105 Scope.**
- 17.30.110 Application to new and existing structures – Changes of use.**
- 17.30.115 Details for plans and specifications.**
- 17.30.120 Fees for plan review and inspection.**
- 17.30.125 Definitions.**
- 17.30.130 Design requirements.**
- 17.30.135 Designated noise zones.**
- 17.30.140 Air leakage for all buildings.**

Article II. Noise Level Reduction – 25 Decibels

- 17.30.145 Compliance.**
- 17.30.150 Exterior walls.**
- 17.30.155 Exterior windows.**
- 17.30.160 Exterior doors.**
- 17.30.165 Roofs.**
- 17.30.170 Ceilings.**
- 17.30.175 Ventilation.**

Article III. Noise Level Reduction – 30 Decibels

- 17.30.180 Compliance.**
- 17.30.185 Exterior walls.**
- 17.30.190 Exterior windows.**
- 17.30.195 Exterior doors.**
- 17.30.200 Roofs.**
- 17.30.205 Ceilings.**
- 17.30.210 Floors.**
- 17.30.215 Ventilation.**

I. General Provisions

17.30.100 Purpose.

The purpose of this chapter is to safeguard life, health, property and public welfare by establishing minimum requirements regulating the design and construction performance standards of buildings for human occupancy in the noise-sensitive vicinity of the Whidbey Naval Air Station at Ault Field, to ensure compatibility between the air station and surrounding land uses, and to protect the air station from incompatible encroachment. This chapter is not intended to abridge any safety or health requirements required under any other applicable codes or ordinances. This chapter is intended to be a companion to

the adopted zoning overlay ordinance establishing noise zones and requiring notice of disclosure. (Ord. 929 § 1, 1992).

17.30.105 Scope.

The provisions of this chapter shall apply to all buildings or structures constructed or placed in use for human occupancy on sites within designated noise zones established in accordance with the aviation environs (AE) overlay zone as established by the Oak Harbor Noise Zone Map. This chapter is intended to supplement the provisions of the Uniform Building Code, Uniform Mechanical Code, Washington State Ventilation and Indoor Air Quality Code and the adopted Washington State Energy Code. In the case of conflict between this chapter and any other applicable codes the more restrictive requirements shall be met. (Ord. 929 § 1, 1992).

17.30.110 Application to new and existing structures – Changes of use.

(1) Additions may be made to existing buildings or structures without making the entire building or structure comply with all the requirements of this chapter for new construction. Additions to structures within the designated noise zones shall be made to comply in the areas being added to the extent that is deemed practical and effective by the building official in meeting the intent of this chapter.

(2) Any change of use in the occupancy or use of a building previously unapproved for human occupancy to human occupancy use or of one previously unused for sleeping purposes to sleeping use shall not be permitted unless the building, structure or portion of the building complies with this chapter.

(3) The standards shall be applied to construction of new residential or noise sensitive commercial uses and for reconstruction, remodeling and/or additions to existing buildings of the types mentioned below when the value of the improvement exceeds 50 percent of the value of the existing structures.

(4) Where noise-sensitive activities are carried on in only a portion of new or reconstructed commercial building, only those areas judged noise-sensitive by the building official need to be protected.

(5) Relocated Structures. Structures relocated to an area within the designated noise zones shall comply with all requirements of this chapter. (Ord. 929 § 1, 1992).

17.30.115 Details for plans and specifications.

The plans and specifications shall show in sufficient detail all pertinent data and features of the building and the equipment and systems, as herein governed, including, but not limited to: exterior envelope component materials; STC ratings of applicable component assemblies; R values of applicable insulation materials; size and type of apparatus and equipment; equipment and system controls, and other pertinent data to indicate conformance with the requirements herein. (Ord. 929 § 1, 1992).

17.30.120 Fees for plan review and inspection.

The building official is authorized to collect fees for plan review and inspection for noise attenuation. These fees shall be established by Table 3-A (other inspections and fees) of the current adopted Uniform Building Code. (Ord. 929 § 1, 1992).

17.30.125 Definitions.

- (1) "Day-night average sound level (Ldn)" means a basic measure for quantifying noise exposure, namely, the A-weighted sound level averaged over a 24-hour time period, with a 10-decibel penalty applied to nighttime (10:00 p.m. to 7:00 a.m.) sound levels.
- (2) "Noise level reduction (NLR)" means the amount of noise reduction required through construction and incorporation of sound attenuation material to reduce interior noise level.
- (3) "Noise reduction coefficient (NRC)" means the arithmetic average of the sound absorption coefficients of a material at 250, 500, 1000, and 2000 Hz.
- (4) "Sound transmission class (STC)" means a single-number rating for describing sound transmission loss of a wall, partition, window or door.
- (5) "Decibel (dB)" means the measure of sound pressure or intensity.
- (6) "Oak Harbor Noise Zone Map" means a map prepared by the city of Oak Harbor and adopted as an aviation environs (AE) overlay zone, which serves as a geographic interpolation of Aviation Noise Contours as established by the NAS Whidbey Island AICUZ study program. The boundaries of noise-exposure areas on this map follow streets, property boundaries, or utility rights-of-way.
- (7) "Noise" means aircraft or other noise that interferes with speech and hearing, or is intensive enough to damage hearing, or is otherwise annoying.
- (8) "Interior noise level" means the sound level of noise in any habitable room with windows and doors closed. (Ord. 929 § 1, 1992).

17.30.130 Design requirements.

The criteria of these sections establish the minimum requirements for acoustic design of the exterior envelope of buildings and for HVAC systems and their parts. These requirements shall apply to the following uses:

Table 17.30.130
Compatibility

<u>Land use</u>	<u>Subdistrict</u>	
	<u>A</u>	<u>B</u>
	60-65 Ldn	65-75 Ldn
Residential		
Single and two-family, and multifamily	Y 25 NLR	Y 30 NLR
Manufactured housing, mobile homes	Y125 NLR	Y130 NLR
Hotels, motels and lodges	Y 25 NLR	Y 30 NLR
Commercial		

Table 17.30.130 (cont.)

<u>Land use</u>	<u>Compatibility</u>	
	<u>A</u>	<u>B</u>
Retail	Y2	Y3
Business services	Y2	Y3
Personal services	Y2	Y3
Professional services	Y2	Y3
Offices	Y2	Y3
Movie theaters, restaurants	Y2	Y3
R&D laboratories	Y2	Y3
All other commercial	Y2	Y3
Manufacturing		
Manufacturing, warehousing, distribution	Y2	Y3
Wholesale commercial	Y2	Y3
All other manufacturing		
Public and Semi-private		
Hospitals, nursing homes	Y 25 NLR	Y 30 NLR
Other medical facilities	Y 25 NLR	Y 30 NLR
Educational facilities, libraries, preschools	Y 25 NLR	Y 30 NLR
House of worship, public assembly	Y 25 NLR	Y 30 NLR
Government facilities	Y 25 NLR	Y 30 NLR
Auditoriums, concert halls	Y 25 NLR	Y 30 NLR
All other public and semi-public	Y 25 NLR	Y 30 NLR

1. New modular, factory-built or manufactured homes, constructed after the date of the ordinance codified in this section shall comply with these requirements. Mobile homes may be replaced within existing mobile home parks on existing mobile home spaces without complying with these requirements. Creation of mobile home subdivisions located within the designated noise zones shall be made to comply with all requirements of this chapter.

2. Measures to achieve a NLR of 25 must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise-sensitive areas or where the normal noise level is low.

3. Measures to achieve a NLR of 30 must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise-sensitive areas or where the normal noise level is low.

(Ord. 929 § 1, 1992).

17.30.135 Designated noise zones.

(1) Noise-determined construction requirements detailed in this sound transmission building code shall be applied to new construction and additions of structures, except for not normally inhabited portions of storage buildings, garages and similar structures as determined by the building official, within the designated noise zones.

(2) These contours are shown on the Oak Harbor Noise Zone Map, a copy of which is on record in the office of the director of planning and community development and by this reference is made a part of this regulation.

(a) A 25 dB noise level reduction shall be required in the 60 to 65 Ldn noise-exposure zone as defined on the Oak Harbor Noise Zone Map.

(b) A 30 dB noise level reduction shall be required in the 65 to 75 Ldn noise-exposure zone as defined on the Oak Harbor Noise Zone Map. (Ord. 929 § 1, 1992).

17.30.140 Air leakage for all buildings.

(1) The requirements of this section shall apply to the design of the exterior envelope of all buildings in the designated noise zones designed for human occupancy. The requirements of this section are not applicable to the separation of interior spaces from each other.

(2) The following locations shall be sealed, caulked, gasketed or weatherstripped to limit or eliminate air infiltration:

(a) Exterior joints around windows and door frames between the window or door frame and the framing;

(b) Openings between walls and foundations;

(c) Between the wall sole plate and the rough flooring;

(d) Openings at penetrations of utility services through walls, floor, and roofs;

(e) Between wall panels at corners;

(f) All other such openings in the building envelope.

(3) Through the wall, floor, or roof/ceiling penetrations not specifically addressed in these sections shall be designed to limit sound transmission and shall have the same average laboratory sound transmission classification as required for doors. (Ord. 929 § 1, 1992).

Article II. Noise Level Reduction – 25 Decibels

17.30.145 Compliance.

Compliance with OHMC 17.30.150 through 17.30.175 shall be deemed to meet requirements for a minimum noise level reduction (NLR) of 25 decibels. (Ord. 929 § 1, 1992).

17.30.150 Exterior walls.

(1) Exterior walls, other than as described in this section, shall have an average laboratory sound transmission class rating of at least STC-30; or

- (2) Masonry walls having a weight of at least 25 pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered;
- (3) Stud walls shall be at least four inches in nominal depth and shall be finished on the outside with solid sheathing under an approved exterior wall finish.
 - (a) The interior surface of the exterior walls shall be of gypsum board or plaster at least one-half inch thick, installed on the studs.
 - (b) Continuous composition board, plywood or gypsum board sheathing at least one-half inch thick or equivalent shall cover the exterior side of the wall studs.
 - (c) Sheathing panels shall be covered on the exterior with overlapping building paper.
 - (d) Insulation material at least R-13 shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs. Insulation shall be glass fiber, mineral wool, or foam plastic insulation complying with UBC Standard 42-1. (Ord. 929 § 1, 1992).

17.30.155 Exterior windows.

- (1) Windows other than as described in this section shall have a laboratory sound transmission class rating of at least STC-28; or
- (2) Windows shall be double-glazed with one pane at least three-sixteenths of an inch thick. Panes of glass shall be separated by a minimum of one-half inch airspace.
- (3) All openable windows shall be weatherstripped and airtight when closed so as to conform to an air infiltration test not to exceed 0.5 cubic foot per minute per foot of crack length in accordance with ASTM E-283-65-T.
- (4) Glass shall be sealed in an airtight manner with a nonhardening sealant or a soft elastomer gasket or gasket tape.
- (5) The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-00227, TT-S-0230 or TT-SS-00153. (Ord. 929 § 1, 1992).

17.30.160 Exterior doors.

- (1) Doors other than as described in this section shall have a laboratory sound transmission class rating of at least STC-26; or
- (2) All exterior side-hinged doors shall be solid-core wood or insulated hollow metal at least one-and-three-quarters inch thick and shall be fully weatherstripped.
- (3) Exterior sliding doors shall be weatherstripped with an efficient airtight gasket system with performance as specified in OHMC 17.30.155(3). The glass in the sliding doors shall be double glazed with panes at least three-sixteenths of an inch thick.
- (4) Glass, over two square feet in area, in doors shall be sealed in an airtight sealant or in a soft elastomer gasket or glazing tape.
- (5) The perimeter of door frames shall be sealed airtight to the exterior wall construction as described in OHMC 17.30.155(5). (Ord. 929 § 1, 1992).

17.30.165 Roofs.

- (1) Combined roof and ceiling construction other than described in this section and OHMC 17.30.170 shall have an average laboratory sound transmission class rating of at least STC-39; or
- (2) With an attic or rafter space at least 12 inches deep, and with a ceiling below, the roof shall consist of one-half inch composition board, plywood or gypsum board sheathing topped by roofing as required;
- (3) Open-beam roof construction shall follow the energy insulation standard method for batt insulation;
- (4) Window or dome skylights shall have a laboratory sound transmission class rating of at least STC-33. (Ord. 929 § 1, 1992).

17.30.170 Ceilings.

- (1) Gypsum board or plaster ceilings shall be five-eighths of an inch thick. Ceilings shall be substantially airtight with a minimum of penetrations.
- (2) Glass fiber, mineral wool, or foam plastic insulation at least R-30 shall be provided above the ceiling between joists. (Ord. 929 § 1, 1992).

17.30.175 Ventilation.

- (1) A ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms without the need to open any windows, doors or other openings to the exterior. The inlet and discharge openings shall be fitted with sheet-metal transfer ducts of at least 20 gauge steel, which shall be lined with one-inch-thick coated glass fiber, and shall be at least five feet long with one 90-degree bend.
- (2) Gravity vent openings in attics shall be as close to code minimum in number and size as practical.
- (3) Bathroom, laundry and similar exhaust ducts connecting the interior space to the outdoors shall contain at least a five-foot length of internal sound-absorbing duct lining. Exhaust ducts less than five feet in length shall be fully lined and shall also meet the provisions of OHMC 17.30.140(3). Each duct shall be provided with a bend in the duct such that there is no direct line of sight through the duct from the venting cross-section to the room-opening cross-section. Duct lining shall be coated glass fiber duct liner at least one inch thick. In areas (i.e., shower rooms) which produce moisture, duct lining shall be made of nonabsorbent material; commercial kitchen exhaust systems and product conveying duct systems (Chapter 11 UMC) shall be exempt.
- (4) Fireplaces shall be provided with well-fitted dampers and tightly fitting glass or metal doors. (Ord. 929 § 1, 1992).

Article III. Noise Level Reduction – 30 Decibels

17.30.180 Compliance.

Compliance with OHMC 17.30.185 through 17.30.215 shall be deemed to meet requirements for a minimum noise level reduction (NLR) of 30 decibels. (Ord. 929 § 1, 1992).

17.30.185 Exterior walls.

- (1) Exterior walls, other than as described in this section, shall have an average laboratory sound-transmission class rating of at least STC-35; or
- (2) Masonry walls having a weight of at least 40 pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered;
- (3) Stud walls shall be at least six inches nominal depth and shall be finished on the outside with solid sheathing under a code-approved exterior wall finish.
 - (a) The interior surface of the exterior walls shall be of gypsum board or plaster at least five-eighths of an inch thick, installed on the studs. The gypsum board or plaster may be fastened rigidly to the studs if the exterior is brick veneer or stucco. If the exterior is siding on sheathing, the interior gypsum board or plaster must be fastened resiliently to the studs.
 - (b) Continuous composition board, plywood, or gypsum board sheathing at least five-eighths of an inch thick shall cover the exterior side of the wall studs.
 - (c) Sheathing panels shall be covered on the exterior with overlapping building paper.
 - (d) Insulation material at least R-19 shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs. Insulation shall be glass fiber, mineral wool or foam plastic insulation complying with UBC Standard 42-1. (Ord. 929 § 1, 1992).

17.30.190 Exterior windows.

- (1) Windows other than as described in this section shall have a laboratory sound-transmission class rating of at least STC-33; or
- (2) Windows shall be double-glazed, with panes at least three-sixteenths of an inch thick. Panes of glass shall be separated by a minimum five-eighths of an inch airspace.
- (3) Double-glazed windows shall employ fixed sash or efficiently weatherstripped, operable sash. The sash shall be rigid and weatherstripped with material that is compressed airtight when the window is closed so as to conform to an infiltration test not to exceed 0.5 cubic foot per minute per foot of crack length in accordance with ASTM E283-65-T.
- (4) Glass shall be sealed in an airtight manner with a nonhardening sealant or a soft elastomer gasket or gasket tape.
- (5) The perimeter of window frames shall be sealed airtight to the exterior wall construction sealant conforming to one of the following Federal specifications: TT-S-0027, TT-S-00230 or TT-S-00153. (Ord. 929 § 1, 1992).

17.30.195 Exterior doors.

- (1) Doors other than as described in this section shall have a laboratory sound-transmission class rating of at least STC-33; or

- (2) Double-door construction is required for all door openings to the exterior. Openings fitted with side-hinged doors shall have one solid-core wood or insulated hollow-metal door at least one and three-quarters-inch thick separated by an airspace of at least three inches from another door, which can be a storm door. Both doors shall be tightly fitted and weatherstripped;
- (3) The glass of double-glazed sliding doors shall be separated by a minimum one-half inch airspace. Each sliding frame shall be provided with an efficiently airtight weatherstripping material as specified in OHMC 17.30.190(3);
- (4) Glass, over two square feet in area, shall be at least three-sixteenths of an inch thick. Glass of double sliding doors shall not be equal in thickness.
- (5) The perimeter of door frames shall be sealed airtight to the exterior wall construction (framing) as indicated in OHMC 17.30.190(5);
- (6) Glass in doors shall be sealed in an airtight nonhardening sealant or in a soft elastomer gasket or glazing tape. (Ord. 929 § 1, 1992).

17.30.200 Roofs.

- (1) Combined roof and ceiling construction other than described in this section and OHMC 17.30.205 shall have an average laboratory sound-transmission class rating of at least STC-44; or
- (2) With an attic or rafter space at least 12 inches deep, and with a ceiling below, the roof shall consist of five-eighths inch composition board, plywood or gypsum board sheathing topped by roofing as required;
- (3) Open-beamed roof construction shall follow the energy insulation standard method for batt insulation, except use one-inch plywood decking with shakes or other suitable roofing material;
- (4) Window or dome skylights shall have a laboratory sound-transmission class rating of at least STC-33. (Ord. 929 § 1, 1992).

17.30.205 Ceilings.

- (1) Gypsum board or plaster ceilings shall be at least five-eighths inch thick. Ceilings shall be substantially airtight with a minimum of penetrations.
- (2) Glass fiber, mineral wool, or foam plastic insulation at least R-30 shall be provided above the ceiling between joists. (Ord. 929 § 1, 1992).

17.30.210 Floors.

The floor of the lowest occupied rooms shall be slab on fill, below grade, or over a fully enclosed basement or crawl space. All door and window openings in a fully enclosed basement shall be tightly fitted. (Ord. 929 § 1, 1992).

17.30.215 Ventilation.

- (1) A ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms without the need to open any windows, doors or other openings to the exterior. The inlet and discharge openings shall be fitted with sheet-metal transfer ducts of at least 20 gauge steel, which

shall be lined with one-inch-thick coated glass fiber, and shall be at least five feet long with one 90-degree bend.

(2) Gravity vent openings in attics shall be as close to code minimum, in number and size, as practical. The openings shall be fitted with transfer ducts at least three feet in length containing internal one-inch-thick coated fiberglass sound-absorbing duct lining. Each duct shall have a lined 90-degree bend in the duct such that there is no direct line of sight from the exterior through the duct into the attic.

(3) Bathroom, laundry and similar exhaust ducts connecting the interior space to the outdoors, shall contain at least a 10-foot length of internal sound-absorbing duct lining. Exhaust ducts less than 10 feet in length shall be fully lined and shall also meet the provisions of OHMC 17.30.140(3). Each duct shall be provided with a lined 90-degree bend in the duct such that there is no direct line of sight through the duct from the venting cross-section to the room opening cross-section. Duct lining shall be coated glass fiber duct liner at least one inch thick. In areas (i.e., shower rooms) which produce moisture, duct lining shall be made of nonabsorbent material. Commercial kitchen-exhaust systems and product-conveying duct systems (Chapter 11 UMC) shall be exempt.

(4) Domestic range exhaust ducts connecting the interior space to the outdoors shall contain a self-closing baffle plate across the exterior termination which allows proper ventilation. The duct shall be provided with a 90-degree bend. (Ord. 929 § 1, 1992).