

**City of Oak Harbor**  
**City Council Meeting**

Agenda for  
March 2, 2010  
6:00 p.m.

*Daylight Savings  
Time begins  
On March 14th*

**Oak Harbor City Council**  
**Tuesday, March 2, 2010, 6:00 p.m.**

**Welcome to the Oak Harbor City Council Meeting**

*As a courtesy to Council and the audience, **PLEASE TURN YOUR CELL PHONES OFF** before the meeting begins. During the meeting's Public Comments section, Council will listen to your input regarding subjects of concern or interest that are not on the agenda. For scheduled public hearings, please sign your name to the sign up sheet, located in the Council Chambers if you wish to speak. The Council will take all information under advisement, but generally will not take any action during the meeting. To ensure your comments are recorded properly, state your name and address clearly into the microphone. Please limit your comments to three minutes in order that other citizens have sufficient time to speak.*

**Thank you for participating in your City Government!**

**CALL TO ORDER**

**INVOCATION**     Tim Geist, Bible Baptist Church

**ROLL CALL**

**MINUTES**            2/16/10 Regular Meeting, 2/18/10 Joint Special Meeting.

**NON-ACTION COUNCIL ITEMS:**

1. Proclamation – St. Patrick's Day.
2. Employee Recognitions – Rhonda Haines Severns – 30 years, Butch Reinstra – 30 years.
3. Public Comments.

**COUNCIL CONSIDERATION AND ACTION ON THE FOLLOWING MATTERS:**

4. Consent Agenda:

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- a. Noise Permit – Kiwanis, Easter Sunrise.

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- b. Purchase – 2010 Radio Read Water Meters.

- c. Approval of Accounts Payable Vouchers (Pay Bills).

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5. Sub-Division Code Amendments – Public Hearing continued from February 16, 2010 meeting.

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6. Sewer Latecomer's Agreement – Palm Funeral.

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7. Public Hearing and Quarterly Report – Elements Nightclub.

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8. Public Hearing and Final Consideration – Speed Limit Ordinance.

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9. Public Hearing – 2010 Comp Plan Docket.

10. City Administrator's Comments.

11. Councilmembers' Comments.

- Standing Committee Reports.

12. Mayor's Comments.

**ADJOURN**

*"You cannot step twice into the same river, for other waters are continually flowing on."  
-- Heraclitus*

*If you have a disability and are in need of assistance, please contact the City Clerk at (360) 279-4539 at least two days before the meeting.*

**Regular City Council Meeting  
Tuesday, February 16, 2010, 6:00 p.m.  
City Hall – Council Chambers**

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**CALL TO ORDER** Mayor Slowik called the meeting to order at 6:00 p.m.

**INVOCATION** Chris Reiter, Church of the Nazarene

**ROLL CALL**

Jim Slowik, Mayor	Paul Schmidt, City Administrator
Seven Members of the Council,	Margery Hite, City Attorney
Rick Almberg	Doug Merriman, Finance Director
James M. Campbell	Steve Powers, Development Services Director
Scott Dudley	Ethan Spoo, Senior Planner
Jim Palmer	Cathy Rosen, Public Works Director
Beth Munns	Eric Johnston, City Engineer
Danny Paggao, Mayor Pro Tem	Rick Wallace, Chief of Police
Bob Severns	Mark Soptich, Fire Chief
	Mike McIntyre, Senior Services Director
	Renée Recker, Executive Assistant to the Mayor

**MINUTES**

**MOTION:** Councilmember Munns moved to approve the minutes of the 2/2/10 regular meeting. The motion was seconded by Councilmember Campbell and carried unanimously.

**NON-ACTION COUNCIL ITEMS**

**Employee Recognition – Rich Rogers, 35 years, OHFD**

Fire Chief Mark Soptich introduced Officer Rogers and Mrs. Rogers and noted that Officer Rogers had served on the department with 4 mayors, 4 fire chiefs, and 37 council members. He was the Firefighter of the Year in 1978 among other awards, and was the first paramedic with OHFD. He has been an EMT, first aid, and CPR instructor. Mr. Rogers thanked his family for their support, and talked about the rewarding career he has had with OHFD and that he is proud to be a part of this Department. Mayor Slowik, on behalf of the City's employees and the people of Oak Harbor, thanked Officer Rogers for his faithfulness, diligence, and sacrifice.

**Public Comments**

Mayor Slowik called for public comments but there were none.

**Island County Commissioner – Angie Homola, follow-up to January 21, 2010  
Presentation on Island County Government and Financial Basics**

Commissioner Homola gave a follow-up presentation in answer to Council Members' questions generated from the January 21<sup>st</sup> meeting. Ms. Homola's remarks are attached to these minutes as Exhibit A. Ana Maria Nunez, Island County's Chief Deputy Treasurer also addressed January 21<sup>st</sup> questions regarding Friday office

closures, interest accrual and when funds are deposited, the two banks and how accounts are used, salaries and office closures, and sales tax revenues.

Mayor Slowik thanked Commissioner Homola and Chief Deputy Treasurer Nunez for their presentation this evening.

## **COUNCIL CONSIDERATION AND ACTION ON THE FOLLOWING MATTERS**

### **Consent Agenda**

- A. Excused Absences for Council Members and Mayor
- B. Excused Absence for Councilmember Campbell from the March 23, 2010 Council Meeting
- C. Council Memberships – Committees and Boards
- D. Approval of Accounts Payable Vouchers

**MOTION: Councilmember Palmer moved to approve Consent Agenda Items A through D with Item D paying accounts payable check numbers 140333 – 140341 in the amount of \$1,089.56, accounts payable check numbers 140342 – 140540 in the amount of \$614,401.60, and payroll check numbers 93584 – 93593 in the amount of \$89,690.00. The motion was seconded by Councilmember Severns and carried unanimously.**

### **Public Hearing – Sub-Division Code Amendments**

Staff requested that this item be continued to the March 2, 2010 meeting in order to allow additional time to respond to questions and issues raised at the February 2, 2010 City Council hearing. Prior to the City Council action on the requested continuance, staff will brief the Council on their review of Councilman AlMBERG's proposal regarding the affordable housing density bonus provisions of the Planned Residential Development Code. At the conclusion of the briefing, staff will seek direction from the Council regarding this matter.

Mayor Slowik opened the public hearing at 6:30 p.m., but there were no comments.

### **Council Discussion**

Discussion followed about Councilmember AlMBERG's presentation at the February 2, 2010 City Council meeting, the effectiveness of this proposed ratio and density bonus, the Planning Commission's proposed ratio, and staff's review of each. Development Services Director Powers gave a PowerPoint presentation on the density bonus which is attached to these minutes as Exhibit B noting that staff did not account for a developer's profit margin; the attachment solely represents the costs to develop land and build the units. The conclusion reached was that to break even, the ratio would need to be increased and the attachment does not account for profitability and does not provide incentive. Staff is comfortable with the 5 to 1 ratio as discussed during Council's February 2, 2010 meeting. Discussion continued about affordable housing and that this language is not intended to build an affordable housing program for Oak Harbor, the practical use of 80%/50% numbers (80% of median income), and the use of contributed lots which is the process, as example, that is used by Habitat for Humanity.

Mr. Powers noted that affordable housing is not always defined as a new, detached family unit, but can also be multi-family units or town homes. Discussion followed about incentives/units per acre and that density is not the only restriction that is met by developers. Council asked about the process to continue consideration of the Sub-Division Code Amendments. The proposed amendments do not return to the Planning Commission; Council's public hearing is kept open and this agenda item will return to Council again.

**MOTION:** Councilmember Alberg made a motion providing direction to staff on the preferred affordable housing density bonus ratio to be included in the Planned Residential Development Code. The motion was seconded by Councilmember Munns and carried unanimously.

**MOTION:** Councilmember Alberg made a motion to continue the public hearing on the Sub-Division Code update to the March 2, 2010 meeting. The motion was seconded by Councilmember Palmer and carried unanimously.

#### **Public Hearing – Ordinance, Stormwater Management, OHMC 12.30**

City Engineer Eric Johnston presented this agenda bill and ordinance which amends Title 12 of the Oak Harbor Municipal Code related to stormwater management and development regulations in the City of Oak Harbor. The ordinance was introduced on February 2, 2010. The proposed code changes are required by the National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit issued to the City of Oak Harbor by the Washington State Department of Ecology. Council action will not be requested until May 4, 2010 due to other regulatory steps that will occur by that date.

Mayor Slowik opened the public hearing at 6:50 p.m. but there were no comments. The February 15, 2010 letter from Cory Ertel, SICBA Government Affairs Director, has been added to the record as written comment. It is attached to these minutes as Exhibit C.

#### **Council Discussion**

Discussion followed about the areas of the NPDES Permit which do not apply to Oak Harbor, who the director is as called out in Section 12.30.610 (Mr. Johnston is the director), stormwater best management practices (BMPs), experimental BMPs, the Department of Ecology and flexibility, and the appeals process.

**MOTION:** Councilmember Munns moved to continue the public hearing to the May 4, 2010 City Council meeting. The motion was seconded by Councilmember Campbell and carried unanimously.

### **Introduction – Speed Limit Ordinance**

City Engineer Johnston presented this agenda bill which introduced proposed changes to Chapter 10.08 of the Oak Harbor Municipal Code related to speed limits. The modifications are largely related to changes in City limit boundaries resulting from annexations over the last several years. Also included is a reduction of the speed limit along Heller Street and N. Oak Harbor Street for consistency and safety.

Mayor Slowik called for public comments but there were none.

### Council Discussion

Discussion followed about consideration of other streets and speed limits beyond those proposed in this ordinance, SR-20 (City does not have the authority to set speed on SR-20), the impact of this ordinance on residential areas from Heller to Crosby and Swantown, digital speed limit notification, grace period for speed limit adjustment, and the need for crosswalks in the Heller Road area which has been requested at other meetings. City Administrator Schmidt noted that the crosswalks will come before the Public Works and Public Safety Standing Committees.

**MOTION: Councilmember Dudley moved to set March 2, 2010 for a public hearing to consider the ordinance. The motion was seconded by Councilmember Munns and carried unanimously.**

### **Interlocal Agreement – Agreement with Island County for Roadway Maintenance**

City Engineer Johnston presented this agenda bill for renewal consideration of the interlocal agreement with Island County regarding maintenance of certain shared roadways along jurisdictional boundaries. The City of Oak Harbor and Island County established an interlocal agreement in 1983 to maintain roadways that have either a jurisdictional boundary along the centerline or where efficiencies in costs and operation are achieved through continuity of maintenance responsibilities. The proposed agreement is a renewal of the agreement last signed in 2000. Changes to the agreement reflect changes in City limits that have occurred during the last ten years.

Mayor Slowik called for public comments but there were none.

### Council Discussion

Is NE 16<sup>th</sup> the same as Cemetery Road? Official name is 16<sup>th</sup> Street. Mayor Slowik would like to see a cemetery directional sign installed on SR-20.

**MOTION: Councilmember Munns moved to authorize the Mayor to sign an interlocal agreement with Island County for the maintenance of public roadways. The motion was seconded by Councilmember Campbell and carried unanimously.**

**Contract Amendment with Moffett and Nichol – 42-inch Outfall**

City Engineer Johnston presented this agenda bill which requested approval of an amendment totaling \$99,938.00 to the Consultant Agreement with Moffat & Nichol, Inc., for services pertaining to the 42-Inch Outfall Replacement Project. The amendment provides for geotechnical and archeological investigation, design of a new pedestrian path, path lighting design, parking lot design, landscape design, and surveying. The amendment will increase Phase I of the agreement to a new total of \$383,037.00. Since there are a number of questions related to this amendment and project, Mr. Johnston recommended that the contract amendment be referred back to the Public Works Standing Committee for more discussion.

Mayor Slowik called for public comments but there were none. Council members also felt that additional standing committee review was warranted.

**MOTION: Councilmember AlMBERG moved to not take action on this contract amendment and remand it back to the Public Works Standing Committee for further discussion. The motion was seconded by Councilmember Munns and carried unanimously.**

**Contract Award – North Oak Harbor Street**

City Engineer Johnston presented this agenda bill which recommended awarding a contract for construction of the North Oak Harbor Street Improvement Project to G & G Excavation, Inc., in the amount of \$1,539,957.58. The project was advertised for bidding in the Daily Journal of Commerce and Whidbey New Times. Staff received and opened 12 sealed bids on February 1, 2010. The bid totals are tabulated below (amounts include Washington State Sales Tax in the amount of 8.7%):

Contractor	Location	Bid Total
G&G Excavation, Inc.	Anacortes, WA	\$1,539,957.58
Krieg Construction, Inc.	Oak Harbor, WA	\$1,622,529.56
Colacurcio Bros. Const., Inc.	Blaine, WA	\$1,743,590.70
Marshbank Construction, Inc.	Lake Stevens, WA	\$1,760,633.75
Interwest Construction, Inc.	Burlington, WA	\$1,768,344.60
Plats Plus, Inc.	Marysville	\$1,862,636.93
Precision Earthworks, Inc	Mukilteo, WA	\$1,890,737.00
C. Johnson Construction, Inc.	Oak Harbor, WA	\$1,892,840.33
Thomco Construction, Inc.	Lake Stevens, WA	\$1,982,631.22
Mountain West Const., Inc.	Port Orchard, WA	\$2,020,777.71
Construct Company, LLC.	Sumner, WA	\$2,040,522.89
Johansen Excavating, Inc.	Buckley, WA	\$4,277,741.48
<i>Engineer's Estimate</i>	<i>Oak Harbor, WA</i>	<i>\$2,476,911.50</i>

Most construction projects involve change orders and modifications to the contract plans. Delays in processing change order requests can result in costly delay claims against the City. To minimize the possibility of delays and the resulting claims, staff requests that the City Engineer be authorized to administratively approve up to \$155,000.00 approximately 10% of the contract amount, for change orders. Mr. Johnston noted that City staff will be able to do construction management for this project.

Mayor Slowik called for public comments but there were none.

#### Council Discussion

Discussion followed about staff taking on this additional work, grant and TIB funds, the \$155,000 contingency (this does not apply to a bid's lack of inclusion; this amount would cover changes that the City discovers), and that any needs for additional staff would come before Council. Discussion continued about the road dip at Oak Harbor Road and Columbia Road, the system for neighbor notification when construction begins, and the elimination of some on-street parking.

**MOTION: Councilmember Dudley moved to authorize the Mayor to sign a contract with G & G Excavation, Inc., in the amount of \$1,539,957.58, and authorize the City Engineer to administratively approve changes to the construction contract totaling not more than \$155,000.00. The motion was seconded by Councilmember Munns and carried unanimously.**

Mayor Slowik thanked Mr. Johnston for his five agenda presentations this evening.

#### **Municipal Court – Four-Year Interlocal Agreement**

City Attorney Margery Hite presented this agenda bill and talked about the history of court services. The City currently contracts with Island County for court services as a municipal department of the Island County District Court, pursuant to Ch. 3.46 RCW. The Legislature repealed Ch. 3.46 RCW in 2008, and the City gave notice of intent to terminate the existing interlocal agreement so that other options could be considered and negotiated. When no reduction in costs could be negotiated with Island County, the City gave notice that it would establish a separate municipal court beginning in January of 2011. Since that time, the County has agreed to eliminate the charge for "rent" which totaled almost \$36,000 per year. The City and County agree that some overhead costs are attributable to the City's use of the district court facility and settled on a flat rate of \$17,200 per year. This represents a reduction of over \$18,000 annually. The proposed interlocal agreement will extend the period of the district court operation of the City's municipal court for four years – to December 31, 2014 – leaving the City the option to terminate at that time.

Mayor Slowik called for public comments but there were none.

### Council Discussion

Discussion followed about the percentage of filings, quarterly payments to the court, and many thanks to especially City Attorney Hite, along with Judge Strow, and Island County Commissioners for their work on this interlocal agreement.

**MOTION: Councilmember Munns moved to authorize the Mayor to sign the interlocal agreement. The motion was seconded by Councilmember Palmer and carried unanimously.**

### **Agreement – Oak Harbor Police Associations, Commissioned and Non-Commissioned Units**

Chief of Police Rick Wallace presented this agenda bill. On January 26, 2010, the City of Oak Harbor Mayor's Administration, the Oak Harbor Police Association of Commissioned Officers, and the Oak Harbor Association of Non-Commissioned Officers tentatively agreed to a three (3) year collective bargaining agreement(s). The agreements are considered tentative until approved by City Council. The two agreements are practically the same regarding most terms and conditions, with notable exceptions being salary compensation and work shifts. Those significant contract items negotiated are as follows:

- Term of Agreement – January 1, 2010 through December 31, 2012.
- Cost of Living Adjustment – 2% for 2010, 90% of CPI for 2011 and 2012, no more than 4% and no less than 2%. (2% for 2010 is within the current budget.)
- Longevity – 15 years = 1% of base salary, 20+ years = 2% of base salary. (Net annual increase of longevity cost is \$5,076.)
- One year trial of 9/80 Work Schedule for Records Division (Non-Commissioned only).
- Definition of Work on Holiday (clarification of language).
- Schedule Adjustment – paid overtime for travel to and from required training (clarification of language).
- Non-Discrimination/Gender – revision to non-discrimination clause.
- Arbitration Clause – clarifying that arbitration is the sole remedy under the collective bargaining agreement.
- Agreements are retroactive to January 1, 2010.

These agreements did not come before the Public Safety Standing Committee since collective bargaining issues are exempt from public meetings and as such came before the entire City Council in a non-public meeting setting.

Mayor Slowik called for public comments but there were none.

### Council Discussion

Discussion followed about budget impact (none), Kelly days and their use, definition of a regular day off, drug testing (based on probable cause and not subject to random testing), how overtime is treated if a staff member is not available for their shift, longevity percentages, education and incentive pay. Council complimented the negotiation team for their diligence in finalizing these agreements.

**MOTION:** Councilmember Munns moved to authorize the Mayor to sign the agreement by and between the City of Oak Harbor and the Oak Harbor Police Association – Commissioned Unit for the term of January 1, 2010 through December 31, 2012. The motion was seconded by Councilmember Severns and carried unanimously.

**MOTION:** Councilmember Severns moved to authorize the Mayor to sign the agreement by and between the City of Oak Harbor and the Oak Harbor Police Association – Non-Commissioned Unit for the term of January 1, 2010 through December 31, 2012. The motion was seconded by Councilmember Palmer and carried unanimously.

### **City Administrator Comments**

City Administrator Paul Schmidt talked about upcoming meetings including the joint City Council/Marina Advisory Committee meeting on 2/18/10 and Council's retreat on 2/27/10. As presented in this evening's consent agenda, Council's 3/16/10 regular meeting will be held on 3/23/10.

### **Council Members' Comments**

Council Members gave their respective standing committee reports. Councilmember Campbell talked about recent AWC emails, stormwater efforts, and funding possibilities. Councilmember Palmer simply said, "Shop Oak Harbor." Councilmember Severns thanked the Engineering Department for taking on in-house work for the Oak Harbor Road project. Councilmember Munns talked about AWC, HB 3179 and SB 6424 that address local flexibility, and noted that Island County is the only county in Washington that made money on tourism; figures are not yet available. Councilmember Almberg talked about the Whidbey Chamber Orchestra and performances at Oak Harbor High School. Councilmember Dudley talked about the Puget Sound Blood Center and Oak Harbor Lions Club sponsorship. Blood donations are scheduled for Monday, 2/22/10 at First United Methodist Church. Mr. Dudley also noted that Councilmember Campbell had been named the Island County Republican of the Year.

### **Mayor's Comments**

Mayor Slowik thanked David Encinas, a government class student, for staying through the entire meeting. Mayor Slowik also mentioned the loss of Ms. Recker's mother-in-law. He thanked Ms. Recker for her hard work and expressed his gratitude and respect.

### **ADJOURN**

With no other business coming before the Council, Mayor Slowik adjourned the meeting at 8:30 p.m.

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Connie T. Wheeler  
City Clerk

17 Feb 2010 City of Oak Harbor - Clarification to Power Point  
Presentation 21 Jan 2010

Angie Homola – Commissioner Dist 2

The following are answers or clarification to answers provided on 21  
Jan:

Sales Taxes

*What assumption did the county make for the sales taxes in 2010?*

Per the County Budget Director and Clerk of the Board:

No increase in sales tax revenue is forecasted for 2010.  
Approximately, 10% of the County's Local Sales & Use Tax revenue  
comes from sales within Oak Harbor. About \$500,000

Response to new question: The County will conduct 1/4ly budget  
reports and is actively working on forecasting – I have asked for a 5  
year forecast which the Budget Director presented last week. With  
two scenarios, (1- a 2% cost increase per year and no augment to  
our staff, 2 – a 3-4% annual increase with modest COLA's or possible  
staff restoration, at the end of 5 years in both scenarios the county  
will have to dip into the fund reserves to the extent that cash flow will  
be a real problem.

Medical Premiums

*Expense for employees and the goal to change the medical plan*

Employer share 85% and Employee 15% based upon Group Health  
Coop (4-tier rate) for represented employees. For non-represented  
employees, Employer share 85% and Employee 15% based upon  
WCIF Value Plan (composite rate). Not 90% as I had previously  
indicated.

Commissioner District Boundaries

*When will the county next redistrict the voter boundaries?*

At the last meeting I indicate we had just completed an update. I was incorrect as this was only a precinct map update – Correct answer per the Auditor Sheilah Crider:

Congressional and Legislative redistricting will be conducted by Federal and State officials after completion of the Census. Direction to Island Co will come from the Sec of State if and when we are required to redistrict in 2011.

General Fund

*How is the 57% Law and Justice allocation of the General Fund divvied?*

Per the County Budget Director and Clerk of the Board:

**Law and Justice pie 57% of General Fund allocation by department:**

Sheriff 24%

Jail 9%

Pros Attorney 6%

Clerk 2%

Coroner 1%

Public Defense 4%

District Court 5%

Superior Court 3%

Juvenile 3%

LEOFF payments <1%

Civil Services <1%

Dog Control 1%

Subjects related to Treasurer:

Junior Taxing Districts

Per the County Budget Director and Clerk of the Board:

*Is Island Transit a Junior Taxing District? Why don't we charge a fee to JTD's for processing?*

Island Transit is a special purpose district which is commonly called a junior taxing district, which deposits its funds with the County Treasurer.

Counties are not allowed to charge back costs to Junior Taxing Districts for accounting, treasury and appraisal services. There are a few exceptions where counties are allowed to recoup costs, such as elections, special assessments tax statements, and a small charge on investment activities.

Are Tourism sales tax funds Junior Taxing Districts?

Tourism monies are specifically those funds collected as hotel motel taxes. They are divided into 2 categories and have separate administrative bodies and procedures for their allocation.

1<sup>st</sup> - 2% Lodging Excise Tax Advisory Committee – 2% of taxes collected is returned from the state to the county then divided up to appropriate jurisdiction. There is a committee to determine where the money goes.

2<sup>nd</sup> - 2% Locally charged and locally specific, (still goes to the state first then back to us) Hotel Motel tax 2% Joint Tourism Board allocates the monies – OH now keeps all but \$20,000 of this money. Per the 2009 revised interlocal agreement.

The County deposits these monies in separate County funds in order to provide a separate accounting for their use.

Real Estate Excise Taxes – answered by Anamaria Nunez Chief Deputy Treasurer

*Suggestion/question: The county should stay open or keep a staff person at the counter on Fridays to handle the deposits of REET because we are losing interest money on those deposits.*

(I do not have a copy of what she stated for the record)

County Charter Adoption Process

Per the County Budget Director and Clerk of the Board:

The state constitution, in Article XI, § 4, specifies the procedure for a county to adopt a "home rule" charter. Any county may adopt a charter. There is no minimum population requirement. There are two methods to begin the charter adoption process - initiation by the county commissioners or initiation by voter petition. Under either method, a board of freeholders is elected to draft a proposed charter, which is then submitted to a vote of all the people for adoption or rejection. (Excerpted from MRSC website)

The county once tried to establish a charter form of government and the people voted it down

In mid 1995 10% of the voters who voted in the last general election presented the BOCC with a valid petition calling for the election of a Board of Freeholders for the purpose of framing a county charter. The Special Election to elected freeholders was held along with the General Election in Nov. 1995. The voters elected the Board of Freeholders which consisted of 15 persons, with 5 persons coming from each of the 3 commissioner districts. The Board of Freeholders developed a proposed charter. In 1996 the proposed charter appeared on the ballot but was not approved by the voters.

The voters elect a board of Freeholders.

How would we obtain a County Administrator, and would it be costly?

The Board would decide to adopt an Administrator – estimated cost \$120,000 to \$140,000 (SWB +associated costs) plus any additional staff necessary to support their position.

**Why not implement expedite fees for the Auditor, Treasurer or Planning Department?**

The dollar amount for certain fees are set forth in the enabling statute, particularly with regard to the Auditor and Treasures offices. For example, the \$5.00 fee for the first pay of a document recorded with the Auditor is specifically called out in **RCW 36.18.010**

Expedite Fees for permitting was discussed by the Board there was a lot of concern that this creates and unlevel playing field and would more than likely exacerbate the problem if balancing the already meager staff.

**How do we handle the “cash flow” i.e. what happens with the 2.2 million during the year when we are waiting for the biannual property taxes to come – how do we pay our bills without dipping into the reserves? Please help me understand the difference between county and city cash flow.**

Per the County Budget Director and Clerk of the Board:

\*\*\* The following is based upon very preliminary estimates.\*\*\*\*\*

At the beginning of this year, the Current Expense fund had roughly \$5.9 mil cash. Usually the lowest cash point is during October and there should be about slightly less than \$4.0 mil cash. By end of 2010, cash should be somewhere around \$5.0 mil. These amounts do not include the additional “float” which comes from checks written on the current fund but not yet cashed, which might a couple of hundred thousand or more on a given day. However, the Treasurer invests the majority of the float to maximize interest revenue to Current Expense.

Junior Tax (cities, towns and special purpose) districts are required to deposit their cash into the County’s main bank account. Any monies

not specifically directed for investment goes into what's called the "residual". The residual cash is invested by the Treasurer. Interest earnings from the residual go into the Current Expense fund. The Treasurer does not allow junior tax districts to ride the float.

FYI

Elaine M. Marlow  
Island County Budget Director  
& Clerk of the Board of Commissioners  
Office 360-679-7397  
elainem@co.island.wa.us

# Density Bonus -- The Math

## AFFORDABLE HOUSING DENSITY BONUS REVIEW

### Cost

Unit Cost

\$226,416

### Sales Price

Median Sales Price (Market Rate)

\$264,604

Sales Price (Affordable - USDA Loan)

\$180,000

### Net

Market Rate

\$38,188

Affordable

(\$46,416)

7

# Density Bonus -- The Math

## AFFORDABLE HOUSING DENSITY BONUS REVIEW

### Example (5-acre site with R-1 zoning)

Base Number of Units	30
Market Rate Units	24
Affordable Rate Units	6
Bonus Ratio (1 Market Rate Unit: 1 Affordable Unit)	1
Bonus Units	6
Unit Cap (30% + Base)	39
Actual Bonus	6
Total Units Allowed	36

### Revenue (w/ affordable & density bonus)

Market Rate Sales Price	\$ 7,938,120
Affordable Sales Price	\$ 1,080,000
Total Sales Revenue	\$ 9,018,120
Total Costs	\$ 8,150,976
Net Revenue	\$ 867,144

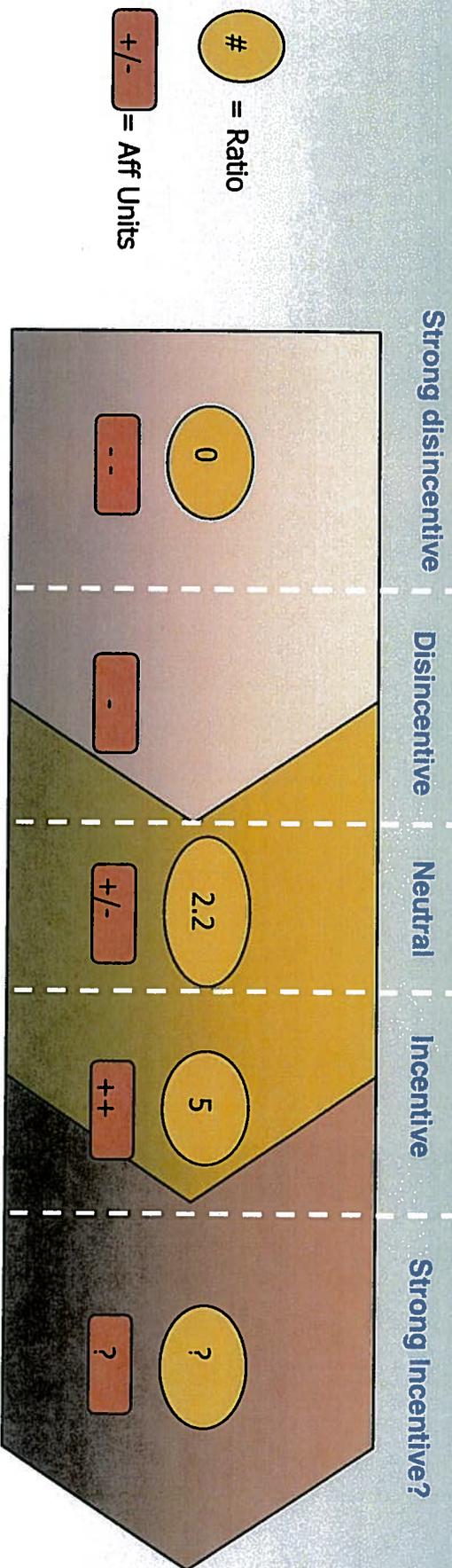
### Revenue (w/o affordable or density bonus)

Market Rate Sales Price	\$ 7,938,120
Affordable Sales Price	\$ -
Total Sales Revenue	\$ 7,938,120
Total Costs	\$ 6,792,480
Net Revenue Minus Costs	\$ 1,145,640

Revenue Difference: Market versus Affordable \$ 278,496

Additional Units Needed (Beyond 6 unit bonus)	7.3
Additional Ratio Needed (Beyond 1:1 bonus)	1.2
Break-even Ratio	2.2
Proposed Ratio	5 to 1

# Density Bonus - The Spectrum





15571-A Peterson Rd., Burlington, WA 98233 • Phone (360) 757-6916 • Fax (360) 757-0604

February 15, 2010

Mr. Eric Johnston, City Engineer  
 City of Oak Harbor  
 865 SE Barrington Drive  
 Oak Harbor, WA 98277

Mr. Johnston:

This letter is to express the Skagit/Island Counties Builders Association's (SICBA) input regarding the city of Oak Harbor's draft Stormwater Ordinance update. SICBA is a roughly 600-member association representing the voice of the local building industry. Please consider this letter as SICBA's written public input on this draft ordinance and share it with Mayor Slowik and the City Council.

For background, the typical SICBA builder-member only builds a few houses each year, and these members have limited resources to navigate the complicated and costly maze of land use and environmental regulations in Washington. This fact along with the present economy and current tight lending practices make development and building in our region particularly challenging. Because of these realities, SICBA requests as much flexibility as possible from Oak Harbor in adopting and administering the updated Oak Harbor Stormwater Code while still becoming compliant with the NPDES permit.

We thank the city for what appears to be a draft update to the Oak Harbor Stormwater Code which meets Department of Ecology mandates through the NPDES Phase II permit adoption process, but does not go beyond them in an overly onerous fashion. That being said, we have a few requests regarding the draft update.

First, SICBA urges the City whenever feasible to limit the amount of site inspections required prior to actually beginning development. We understand the amount of site inspections can depend on the type of permit being sought, however time is money, and in our present economy delays are even more detrimental to business than usual. Please strive to limit the number of site inspections prior to development as much as possible while still fulfilling your obligations.

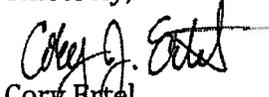
Second, SICBA also requests the city to limit and streamline the reporting requirements for Stormwater plans prior to the start of construction as much as possible while still fulfilling your obligations.



Finally, when the draft code refers to pre-development condition, SICBA has concerns about the term "pre-Euro-American settlement," which is found in item 56 towards the bottom of page 11 of the draft ordinance (page 85 of the council packet). We understand that this definition and requirement comes straight from the NPDES Phase II permit verbiage, but we would like to request as much flexibility as possible from the city in this matter. We believe the city should evaluate this matter in terms of striking an appropriate balance between environmental protection and what is economically feasible in order to not over-burden the start of potential projects.

Thank you for your work on Oak Harbor's Stormwater Code update, for your attention to our feedback and our request for flexibility for our local Oak Harbor builders and developers. If you have any questions regarding this feedback, please contact me at the SICBA office at (360) 757-6916 or via e-mail at [cory@sicba.org](mailto:cory@sicba.org).

Sincerely,



Cory Bertel  
SICBA Government Affairs Director

CC: Oak Harbor Mayor Jim Slowik  
Oak Harbor City Council

**Special Meeting  
Joint City Council and Marina Advisory Committee Meeting  
Tuesday, February 18, 2010, 6:00 p.m.  
Oak Harbor Fire Department**

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**CALL TO ORDER**

Mayor Slowik called the meeting to order at 6:00 p.m.

**IN ATTENDANCE**

Jim Slowik, Mayor

Seven Members of the Council,

Rick Almberg

James M. Campbell

Scott Dudley

Jim Palmer

Beth Munns

Danny Paggao, Mayor Pro Tem

Bob Severns

Four Members of the Marina Advisory Committee

Dave French

Rip Harbour

Al Koetje

Debbie Skinner

Paul Schmidt, City Administrator

Steve Powers, Development Services Director

Mack Funk, Harbormaster

Gerry Oliver, Civil Service Commissioner

**Welcome**

Mayor Slowik welcomed everyone attending this evening's meeting.

**Introductions**

Each Council member and Committee member talked about their backgrounds and history in the community.

**Debbie Skinner:** Ms. Skinner is a native of Oak Harbor. Her first memory of the marina was a cocktail napkin drawing done as her father and grandfather brainstormed a marina for Oak Harbor's future. Keep the marina forever.

**Rip Harbour:** Mr. Harbour is a boater and dredging is his concern.

**Dave French:** Mr. French moved to Oak Harbor from Portland, Oregon twenty years ago. He ran a marina in Portland, and has worked extensively in the marine industry. Mr. French's concern, as a sailor, is to accommodate sailboats' larger drafts. Dredging is needed.

**Al Koetje:** Ms. Skinner's father-in-law was a part of the marina when it developed. We need mutual agreement between the community and Council to keep the marina here. The marina is important to boaters and the community.

**Jim Palmer:** Mr. Palmer moved to Oak Harbor in the 1970s and kept a boat in the marina for many years. Mr. Palmer agreed with Mr. Koetje.

**Danny Paggao:** Mr. Paggao came to Oak Harbor in the 1980s with his Naval service. Mr. Paggao also served with Mr. Koetje when he was Mayor. Mr. Paggao looks forward to the marina capital project and long-term maintenance of the marina.

**Beth Munns:** Ms. Munns is also a boatowner and marina tenant. The marina is part of our namesake: we are Oak Harbor. The marina is a valuable asset and needs to be positioned to our advantage.

**Rick Alberg:** Mr. Alberg knew everyone at this evening's meeting and is also a sailor. Preserve the marina; it is a capital asset that makes a statement for the community. We need to take care of it.

**Bob Severns:** Mr. Severns is not a boatowner, but his home overlooks the marina; the marina is his front yard. He enjoys watching the marina activity. We need the marina and a better marina.

**Scott Dudley:** Mr. Dudley talked about the liquid assets of managing an investment office. The marina is our biggest asset and is key to visiting our waterfront. He looks forward to insuring that those who visit the marina can continue to come to Oak Harbor. Dredging, the City's ownership, Phase 3 and beyond, overnight moorage closer to downtown, all of these are important.

**Jim Campbell:** Mr. Campbell retired from the Navy, but was never stationed in Oak Harbor. He also worked for Lockheed-Martin while in Scotland. One of City's biggest assets is the marina. Mr. Campbell was concerned about dredging farther out the channel and encouraged everyone to think "out of the box" to find solutions.

**Paul Schmidt:** The marina is an important topic. Identity is critical to the marina.

**Mayor Slowik:** Mayor Slowik thanked everyone for taking the time to meet this evening and come to a platform to launch us into bigger and better things. Mayor Slowik noted that the meeting would not be chaired; this was a round robin meeting.

**Gerry Oliver:** Mr. Oliver was interested in seeing the common ground that Council and the Marina Committee can come to. As Councilmember Munns said, this is Oak Harbor, not Oak Tree, or Oak City.

**Byron Scubi:** Dr. Scubi has been a continuous marina tenant for 29 years. It is an important asset that needs to be preserved. Dr. Scubi's foremost concern is dredging.

**Mack Funk:** Phase 1 is coming along well. We need to be planning for future projects and what we can do.

**Steve Powers:** The gangway is in, landing floats are in, upland electrical work and in-water work is complete; piling work is being completed, and electrical is now beginning waterside with the rewire of C Dock. The marina's improvements are visible now.

Mr. Powers gave a PowerPoint presentation which is attached to these minutes as Exhibit A and covered these points:

**The Marina: Its Purpose and Organizational Structure**

- Purpose
- A Division of City government
- The Role of Staff, the Advisory Committee, City Council
- Organized as an Enterprise Fund

Comments

Comments followed about the enterprise fund and if other funding sources can support the marina (general fund can contribute monies), the progress of the electrical and if it will remain in place when the floats are replaced (yes), and that there is currently not a cohesive mix of electrical on the existing docks.

## **Public Land, Public Marina**

- Federal and State Property – Limitations on Use
- Public Access Guaranteed
- Access Fees?

### Comments

Discussion followed about ownership(s) and deeds, the lease process with DNR, and 10 years of free lease among other conditions. Discussion continued about access fees and where/how they should be imposed, use of a launch ramp fee, increased rates on the boat lift which are in place, and the difficulty in finding this type of funding source through access fees. Concern was also raised about consistency with the Shoreline Management Act, the City's codes promoting access to water and shoreline, inconsistencies with the other deeds, and the detrimental affect of limited access on the Maylor Point Trail. Use of the boat ramp and commercial customers' use of slip space is being evaluated. Discussion followed about costs which could be shouldered by the City and not just the marina's tenants, and what the City already covers in costs to support the marina. Up until this year, general fund support of the marina has been coming from the City without compensation. Trying to find the right balance is important and Council can consider funding during the upcoming budget process. Can cost values be associated with what the City provides? Increasing fees for guest moorage and raising electrical costs in guest moorage slips was also discussed. The City needs to equate what it does to accommodate public access and use of facilities. From a policy perspective, though, it might be difficult to quantify public costs. Is the City in a position to then pass along costs in each of the City's public facilities to user groups or individuals, as example, a public park, or is this part of being a public park or marina. Mayor Slowik addressed the Council: The City did establish an overhead cost to be transferred to the general fund. Council could reduce or identify that funding for the public portion during the budget process. Discussion followed about administrative costs and the City's budget in the future, matching funds out of the general fund, approaching a target through both sources of revenue, and that overhead allotments will be shown during budget presentations.

## **Redevelopment Project**

- The Adopted Program
- Cost and Funding
- Phase 1: Landing Floats and Gangway; Electrical and Water Lines
- Phase 2: Dredging
- Phase 3 and Beyond
- Marina Master and Improvement Plans

### Comments

Discussion followed about the pursuit of funding sources being restricted by the DNR lease, general obligation bonds and channel dredging, revisiting the concept of becoming a port district, and that Oak Harbor is one of only two communities statewide without a port district, with counter comments that the City would lose control over the

marina if a port district could be established. Discussion continued about federal involvement with dredging, navigation buoys' placement (USCG and NOAA), and if there is a known timeline on the loss of channel depth. Improving the inside without addressing the outside access was a concern. This may have to be part of the "beyond" plan but, at present, the City does not have a real basis for the scale of this problem. The City has analysis for what is being worked on today. That future analysis would have to be funded and it has taken some years to reach present redevelopment of the marina. The phase 2 dredging will come before the Marina Committee for the bidding process. Reid Middleton will be making recommendations in March with actual dredging in mid-July or after Labor Day to minimize disruption to marina tenants and the summer boating season. Dredging costs have been updated – closer to \$4 million now for dredging within the marina. Design work is needed and the City needs to stay consistent with state and federal permits. There are four to five companies in Puget Sound that are equipped to bid on this project. It was suggested that Mariner's Cove be contacted since they too need to dredge; combining the two projects might help with costs.

### **City Council and Marina Advisory Committee**

#### **• General Questions and Comments**

#### Comments

Discussion followed about what triggers the change in floats (not dredging but when the floats themselves are changed then triggering ambient light design needs). The DNR lease encourages removal of covered moorage and permit conditions for skylight panels along with slope improvement and light in the water. Dredging is time-sensitive with respect to permits (they do have a fixed life but are renewable on different timelines), silting, the lease, and ability to bond. Dredging seems to be the first priority. If the City does not build under the existing set of permits, then DNR would have to approve our plans; it is critical to start early. The sequence of improvements will take some assistance from the engineering world. Dredging has been boiled down to a dollars and cents discussion, but which float is more important, what is the right sequence of projects. The bidding process will come before Council and staff is pushing hard to have plans and documents in place to begin that process. Bonding capacities were discussed along with interfund loans or a combination of both, noting that phase 1 and phase 2 have used much of the marina's reserve. A separate dredging surcharge fee has also been discussed in the past. The bonding capacity was based on the new slip mix, so that is needed first, but what can be supported with the existing slip mix was also a question. Since the state owns some of this property, does the state have something to be gained by this dredging? The Department of Ecology would be concerned with access and public use, but the Department of Natural Resources would say that this is the City's problem. It was noted that the state gains 50 cents for every cubic yard that the City has to dredge. Discussion continued about the marina's rate structure and if it can support long-term funding for phase 3. The rate increase will help accrue and build \$300,000 on an annual basis to replenish reserves which could then be used for capital projects.

It was asked and noted that Council has supported staff in recognizing that the marina is a top priority for the City. Interfund loans, concern for depletion of other funds, and replenishment through bonding were discussed. Discussion returned to bid packet preparation and if a second bid packet could be prepared to extend the dredging. It was noted that the City's permits only cover the marina itself. Extended dredging could not be done without state and federal permits in place and that is a two-year process. The hard reality is it is a matter of funding, as well. In the past, the permitting process was started without knowing how to come up with future funding and sometimes that is not well-received by the community. Mayor Slowik did not think that marina tenants should pay for outside channel dredging. The City also has the downtown project and the Dock Street project to conclude along with the marina project.

Coming back to this evening's first PowerPoint slide, everything has to tie together with the waterfront as a whole.

### **Closing Remarks**

Mayor Slowik called for closing remarks: the committee felt good about support for the marina, everyone liked the marina reference as a bookend to Oak Harbor's waterfront, it is exciting to see the City come together (Maylor Point Trail, Waterfront Trail, Scenic Heights Trail), keep moving forward, and the renewed enthusiasm is much needed and appreciated. Mayor Slowik thanked everyone for attending this meeting; a sign of a new era of cooperation between City Council and the Marina Committee.

### **Adjourn**

The meeting adjourned at 7:45 p.m.

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Connie Wheeler  
City Clerk

**Exhibit A**

**City Council  
and Marina Advisory Committee  
Joint Meeting  
February 18, 2010**

# The Oak Harbor Marina



# Marina Purpose

- To administer, promote, maintain and develop the marina for the benefit of present and future city residents

# Marina Goals

- Maintain safe and accessible moorage financed through rates and user fees
- Provide a mix of uses that meets the needs of the boating public, is economically feasible and maximizes use of marina property
- Promote public access to and use of marine waters and shoreline
- Create public/private partnerships
- Participate in waterfront economic development efforts



# The Marina

- A public marina
- A division of the City government
- While obvious, at times this distinction is overlooked by public or marina customers

30

## **Marina Advisory Committee**

- Advises the Mayor and City Council concerning matters affecting the marina
- Makes recommendations for the marina master plan and marina improvement plan as requested by the Mayor

33

## Staff and City Council

- Staff is responsible for day-to-day operations of marina
- Staff works with Advisory Committee and City Council on reviewing policy matters, rates, planned improvements, etc.
- City Council is responsible for approval of codes, projects and funding mechanisms for Marina

# The Marina Fund

- An enterprise fund established by City Code
- Revenue and expenditures from fund may only be used for marina purposes

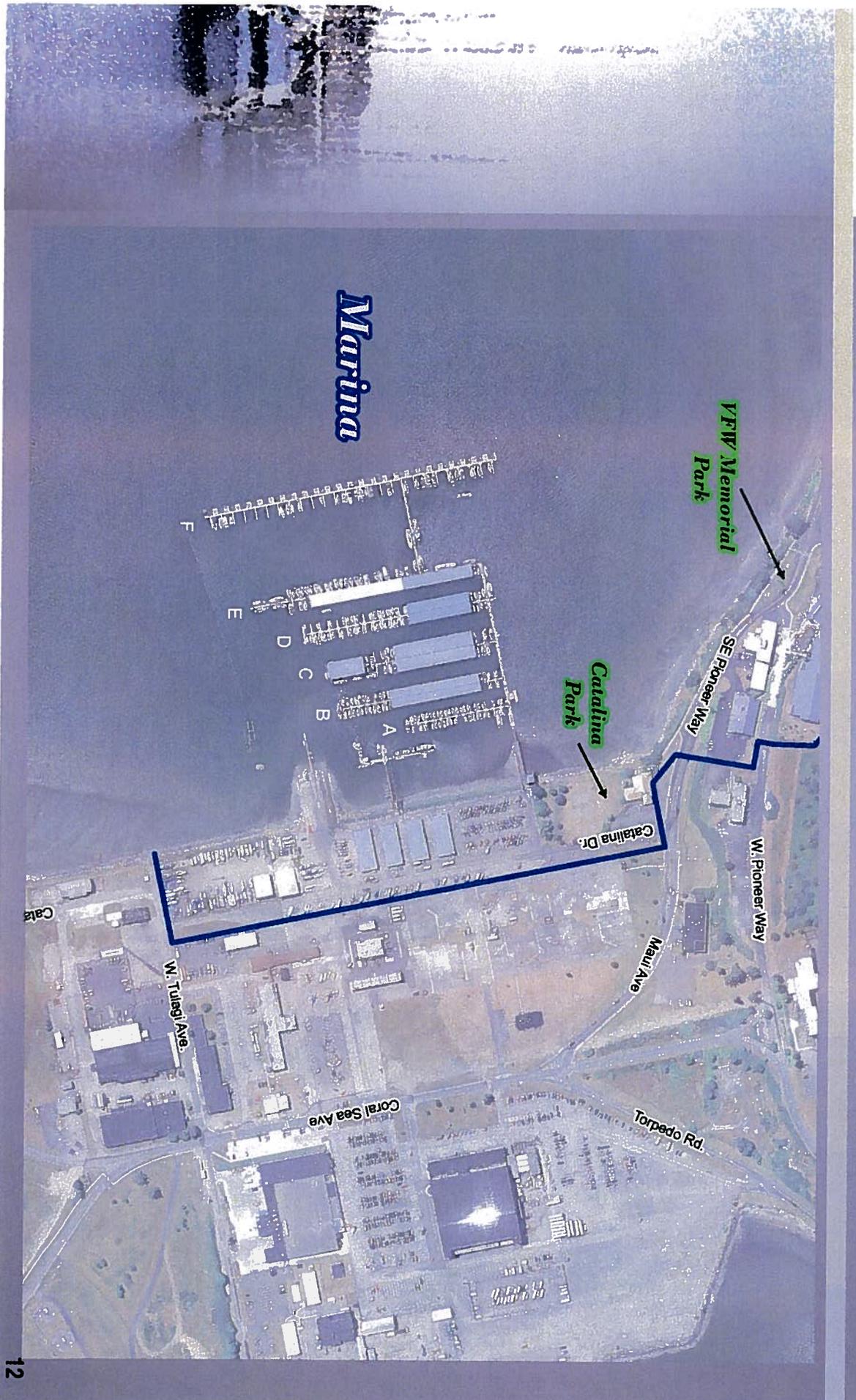
## Public Land, Public Marina

- Federal land and State tidelands
- Federal land donated to City upon condition that it be used for public recreation purposes
- City has lease with DNR for State tidelands (establishes conditions for use)

36

# Public Land, Public Marina

- Public access guaranteed
- Public access fees?





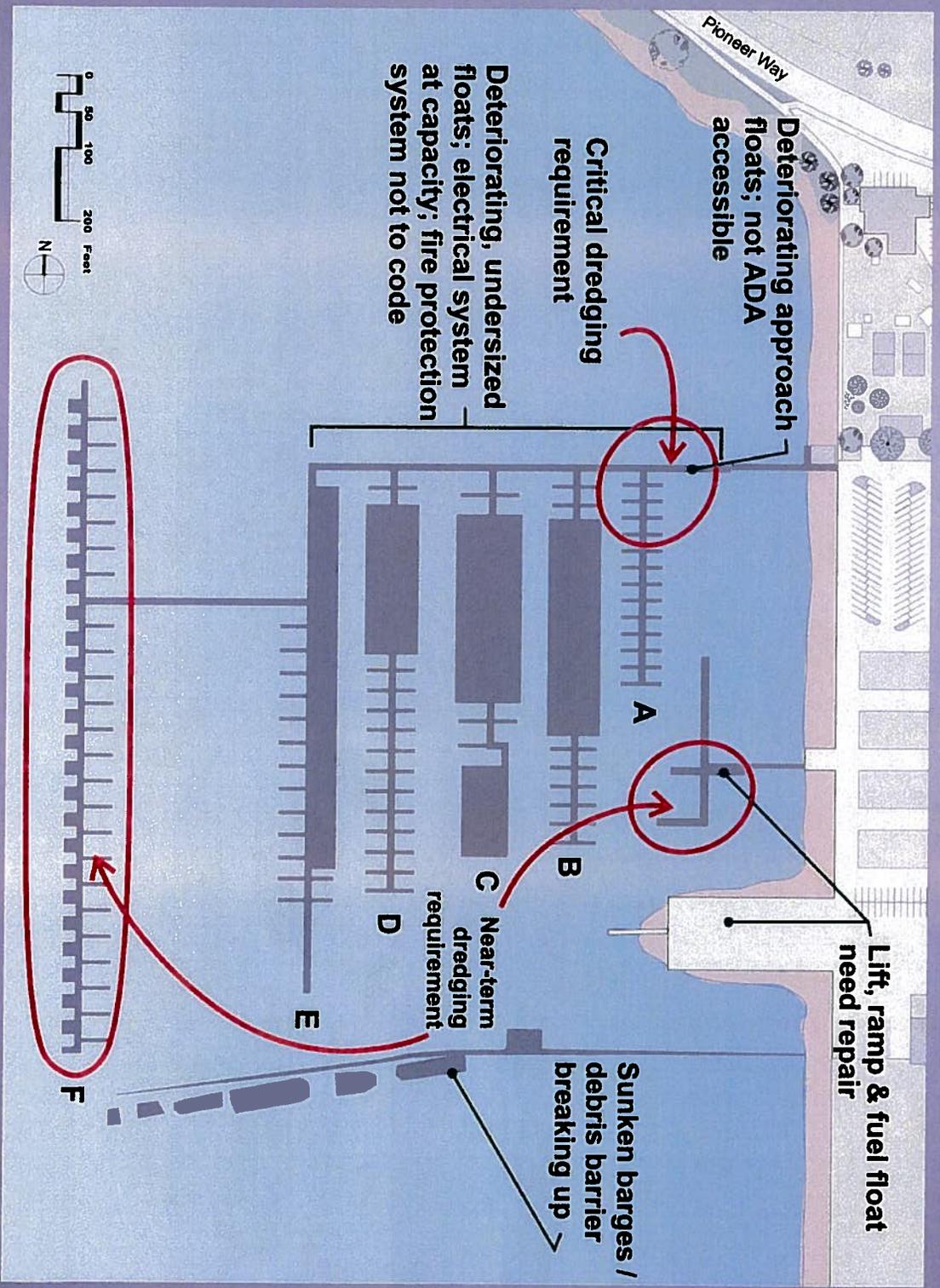
# Oak Harbor Marina



# Redevelopment Program



# In-Water Facilities Issues Summary

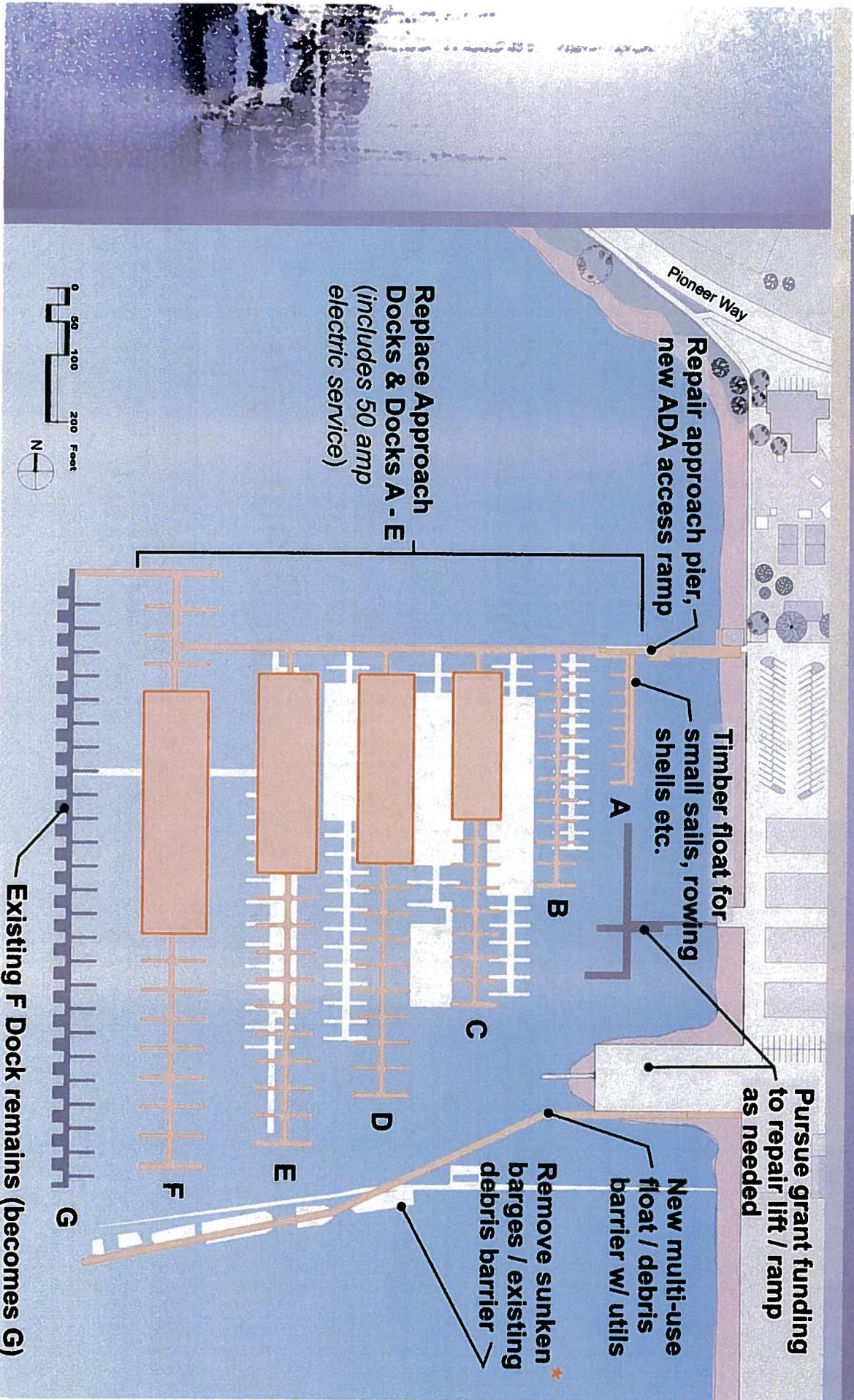


79

# Redevelopment Program

- When the marina was built in 1974 the slip sizes were right
- Now, too many small slips
- 70% of the waiting list is for moorage slips 40 feet to 50 feet
- Provide modern amenities
- Correct deficiencies
- Upland improvements, too

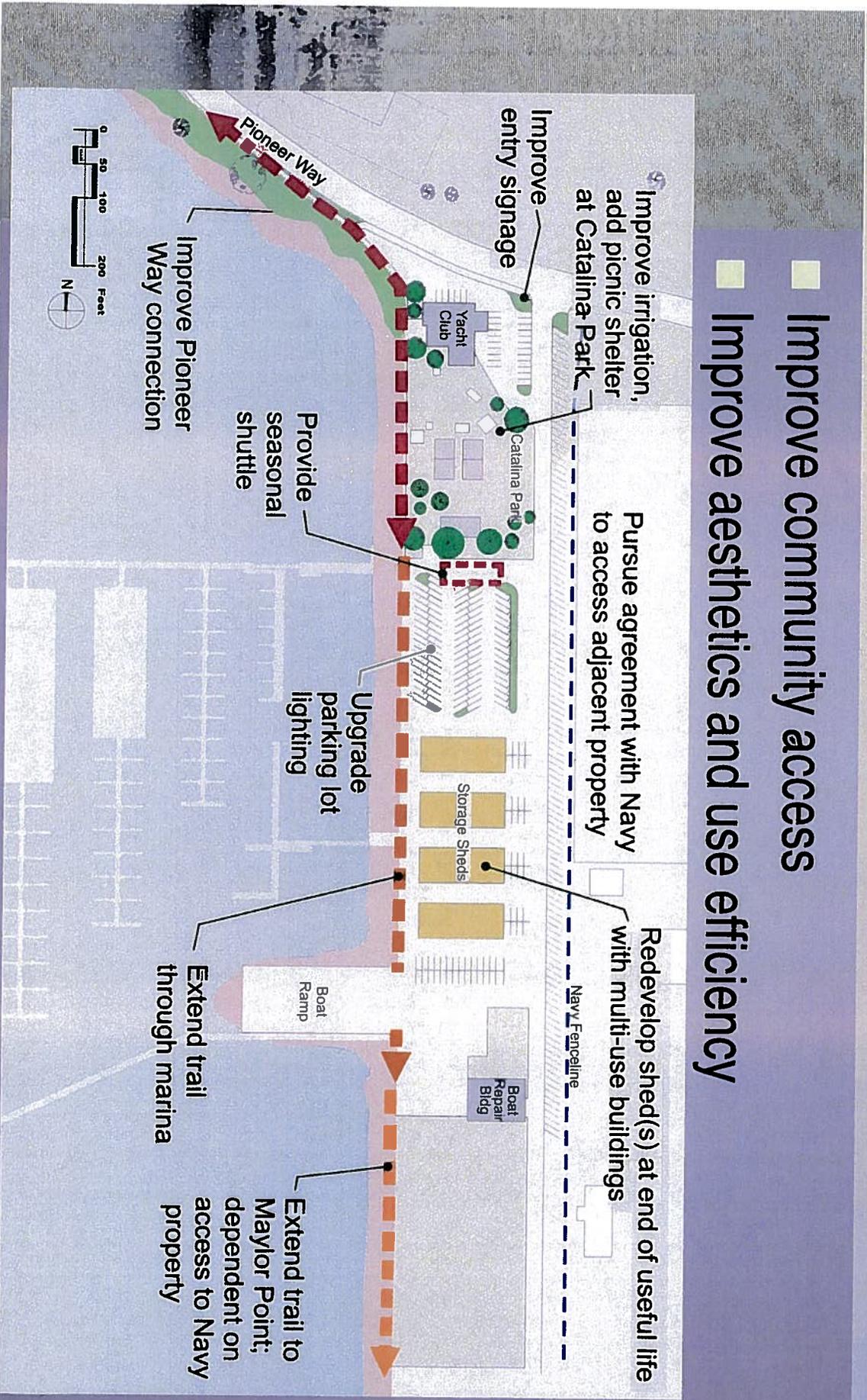
# In-Water Recommendations



JP

# Upland Recommendations

- Improve community access
- Improve aesthetics and use efficiency



75

## Cost Estimate

- \$19,300,000.00 (2006 dollars)
- Significant estimated cost has led to phased implementation

三

# Potential Funding Sources

- Moorage rates & other fees:
  - Establish reserve fund for capital projects
  - Use to support revenue bonds
- Grant funding for public use dock or public access improvements
- Park impact fees for park improvements
- Real Estate Excise Tax (REET)?

45

# Project Phases

- **Phase One:** Gangway, landing floats, electrical upgrade, C-dock electrical & waterlines
- **Phase Two:** Dredging
- **Phase Three and beyond:** ????

76

## Project Funding (to date)

- Phase One: Marina reserves
- Phase Two: Design-Marina reserves  
Dredging: TBD – staff suggested dredging surcharge

4

## Other Planning Efforts

- Related to Redevelopment Program
- Marina Master Plan
- Marina Improvement Plan

## Marina Master Plan

- Required by Marina Code
- Intended to describe the goals and vision for the marina over the next 10-year period
- The Marina Master Plan must be consistent with the City's Comprehensive Plan

## Marina Improvement Plan

- Required by Marina Code
- Lists the anticipated projects necessary for the safe and efficient operation of the marina over the subsequent five-year period
- Must include a plan for financing the projects

# The Oak Harbor Marina



# *City of Oak Harbor*

OFFICE OF THE MAYOR  
JIM SLOWIK  
MAYOR



## ***PROCLAMATION IN RECOGNITION OF***

## ***ST. PATRICK'S DAY***

***MARCH 17, 2010***

***WHEREAS***, By 1776 nearly 300,000 natives of Ireland had immigrated to the United States; and

***WHEREAS***, in 1858 Irish immigrants arrived in Oak Harbor, Washington; and

***WHEREAS***, at least eight signers of the Declaration of Independence were of Irish ancestry; and

***WHEREAS***, the Irish and their descendants have helped to enrich the quality of life in the United States and have served with distinction in all areas of American society; and

***WHEREAS***, St. Patrick's Day parades and celebrations have taken place in Oak Harbor for over 35 years.

***NOW, THEREFORE, WE***, Jim Slowik, Mayor, and Councilmembers of the City of Oak Harbor do hereby proclaim ***March 17<sup>th</sup>, 2010*** as ***St. Patrick's Day***.

Signed this 2<sup>nd</sup> day of March, 2010

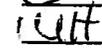
  
\_\_\_\_\_  
Jim Slowik, Mayor

**City of Oak Harbor  
City Council Agenda Bill**

Bill No. 2  
Date: March 2, 2010  
Subject: Employee Recognition

**FROM: Jim Slowik, Mayor**

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**

 Paul Schmidt, City Administrator  
 Doug Merriman, Finance Director  
 Margery Hite, City Attorney, as to form

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**PURPOSE**

To recognize two City employees for 30 years of service.

**AUTHORITY**

It is the practice of the City to recognize dedicated employees who have completed 10 years or more of service.

**SUMMARY STATEMENT**

The Mayor and City Council will recognize the following employees for their years of service with the City:

- Rhonda Haines Severns – 30 years
- Butch Reinstra – 30 years

**STANDING COMMITTEE REPORT**

None

**RECOMMENDED ACTION**

Congratulate Ms. Severns and Mr. Reinstra for completing 30 years of service.

**ATTACHMENTS**

None

**MAYOR'S COMMENTS**

None

**City of Oak Harbor  
City Council Agenda Bill**

Bill No. 3

Date: MARCH 2, 2010

Subject: PUBLIC COMMENTS

FROM: Jim Slowik, Mayor

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Jim Slowik, Mayor  
 Paul Schmidt, City Administrator  
 Doug Merriman, Finance Director  
 Margery Hite, City Attorney

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**SUMMARY STATEMENT**

City Council will accept public comments for items not otherwise on the agenda for the first 15 minutes of the Council meeting. You may also speak to any of the consent agenda items.

**City of Oak Harbor  
City Council Agenda Bill**

Agenda Bill No. 4A 4A

Date: March 2, 2010

Subject: Noise Permit – Kiwanis Club

FROM: Paul Schmidt, City Administrator *PS*

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

*[Handwritten initials]*  
*[Handwritten initials]*  
*[Handwritten initials]*

Jim Slowik, Mayor  
Doug Merriman, Finance Director  
Margery Hite, City Attorney, as to form

**PURPOSE**

The purpose of this agenda bill is to forward to City Council for review and approval a Noise Permit request received from the Oak Harbor Kiwanis Club for amplified sound associated with a Community Easter Sunrise Service event.

**AUTHORIZATION:**

Oak Harbor Municipal Code (OHMC) 5.50.040(3)(g) provisions relating to Special Events requires compliance with noise ordinance regulations and laws. OHMC 6.56.030(2)(a) requires Council approval for a noise permit for sound amplification. As this event will include amplified sound, Council approval is required.

The City Council may grant a Noise Permit to deviate from the provisions of OHMC 6.56.030 if it is determined the activity and associated noise: 1) will not disregard the rights of others, or; 2) is temporary, or; 3) the activity creating the noise constitutes a program of a temporary nature for the benefit of the entire municipality or for the benefit of a charitable purpose.

**SUMMARY STATEMENT:**

The Oak Harbor Kiwanis Club has submitted a Noise Permit request for amplified sound associated with planned entertainment at the Community Easter Sunrise Service event scheduled for April 4, 2010. The request states a small keyboard and microphone will be connected to an amplifier for use during the service.

The Application was reviewed by Fire, Police, and Public Works Departments. No conditions of approval were required for the Noise Permit.

**STANDING COMMITTEE REVIEW:**

Not required.

**RECOMMENDED ACTION:**

Grant a noise permit for amplified sound to the Oak Harbor Kiwanis Club for the Community Easter Sunrise Service.

**ATTACHMENTS:**

Special Event Permit/Noise Permit Application.  
Noise Permit.

**MAYOR'S COMMENTS:**

Noise Permit – Kiwanis Club  
March 2, 2010  
Agenda Bill - 2

1/28/10 KC



SPECIAL EVENT PERMIT/NOISE PERMIT

**APPLICATION INFORMATION:**

Please check the event type:

- Athletic Event
- Noise Permit
- Car Show
- Other
- Marina Event
- Park Event
- Parade

Name of Applicant/Organization: O.H. Kiwanis club

Person in Charge: \_\_\_\_\_ Address: \_\_\_\_\_ O.H.

Phone Number: Daytime: \_\_\_\_\_ Work \_\_\_\_\_ Email: \_\_\_\_\_

Additional Authorized Individuals: \_\_\_\_\_

Phone Number: Daytime: \_\_\_\_\_ Work: \_\_\_\_\_ Email: \_\_\_\_\_

Emergency Contact: \_\_\_\_\_

Phone Number: Daytime: \_\_\_\_\_ Work: \_\_\_\_\_ Email: \_\_\_\_\_

Type of Activity Planned (describe event):  
Community Easter Sunrise Service

Is this an event involving political or religious activity intended primarily for the communication or expression of ideas? (Please circle) YES NO

Will Participants Pay a Fee or Make a Donation? (Please circle) YES NO

Will City Services/Street Closures/Equipment be required? If so, please describe: \_\_\_\_\_

No

Date(s) of Proposed Event: April 4, 2010

Hours of Operation: 7:00 AM - 9:45 AM

Set-up Date/Time: 4/4/10 6:00 AM - 7:00 AM

Dismantling Date/Time: 4/4/10 9:45 AM

Number of Staff/Volunteers: 6

Estimated Number of Participants: 50

LOCATION/SHEET TO BE USED (describe area to be used, attach map/route plan):

area along North Side of Lagoon to the Windmill

**Special Considerations – Will there be:**

Amplified sound?  YES NO  
*(Requires a noise permit, which is granted by the City Council\*)*

Alcohol? (Please circle) YES  NO

Animals? (Please circle) YES  NO number \_\_\_\_\_ species \_\_\_\_\_

Booths/Commercial Vendors: (Please circle) YES  NO

Cooking/Food Service: (Please circle) YES  NO

Fire/Fireworks/Pyrotechnics: (Please circle) YES  NO

Mechanical Rides: (Please circle) YES  NO (If yes, requires additional permit)

Portable Restrooms: (Please circle) YES  NO How Many ? \_\_\_\_\_ Some restrooms must meet ADA requirements.

Signs: (Please circle) YES  NO

Stage: (Please circle) YES  NO

Other special considerations: \_\_\_\_\_

List any special signs/barricades/cones requested to be supplied by City. None

**\*NOISE PERMIT INFORMATION**

Oak Harbor Municipal Code Section 6.56.030 contains provisions which restrict or prohibit certain unnecessary noises, such as sound systems, loudspeakers and amplified music on any street or public place of the City.

The City Council may grant a Noise Permit to deviate from the provisions of OHMC 6.56.030 under the following circumstances if it is determined the activity and associated noise will: 1) not disregard the rights of others, or; 2) is temporary, or; 3) the activity creating the noise constitutes a program of a temporary nature for the benefit of the entire municipality or for the benefit of a charitable purpose.

To obtain a Noise Permit, please provide the activities you wish to carry out and the noise requirements of your event.

We will have one keyboard and one  
microphone to lead the Service.

A copy of OHMC Section 6.56.030 may be obtained upon request.

\*\*\*\*\*

**Public Relations:** Please state what efforts, if any, have occurred, or you intend to make, to notify residents or businesses that will likely be affected by your event. Please attach any letters of support. If permit is granted it will be the responsibility of event organizers to alert those likely to be impacted. (i.e. street closures, no parking zones, noise, etc.)

None

ATTACH COPIES OF BROCHURES, POSTERS, FLYERS, OR MAILINGS ADVERTISING THIS EVENT

**INSURANCE** – The City does not maintain insurance that will respond to claims against the applicant arising out of the use of facilities by the applicant, its members, or those attending the event. Depending on the type of event you are planning, and the activity and risk level of your group, you may be required to obtain bodily injury and property damages liability insurance in accordance with City policy, name the City as an **additional insured** on the policy, and be responsible for obtaining said insurance. After reviewing this application, the City will determine whether you must obtain liability insurance.

**HOLD HARMLESS** – Applicant/Permittee/User shall defend, indemnify and hold harmless the City of Oak Harbor, its agents, employees and officials, while acting within the scope of their duties, from all causes of action, demands and claims, including the cost of their defense, arising in favor of the organization, the organization’s employees or third parties on account of personal injuries, bodily injuries, death, or damage to property arising out of the acts or omissions of the organization, its employees or representatives, concessionaires of the event or any other person or entity, except for liability caused due to the sole negligence of the City.

Date: 1-22-10  
Signature of Applicant: [Signature]  
Organization/Title: O.H. Kiwanis Club

# ***CITY OF OAK HARBOR***

## ***NOISE PERMIT***

Name of Organization: Oak Harbor Kiwanis Club

Location of Event: Near the Windmill at Windjammer Park

Date of Event: April 4, 2010

Hours of Operation: 7:00 a.m. to 7:45 a.m.

Permitted Noise: Amplified sound associated with a keyboard and microphone

Approval Conditions: None

Date of City Council  
Approval:

Issued this      day of March, 2010.

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Karen Crouch, Special Events Coordinator

***This Noise Permit is limited to the date and time specified.***

***Please post this notice on site***

600

**City of Oak Harbor  
City Council Agenda Bill**

Bill No. CJA 4B  
Date: March 2, 2010  
Subject: 2010 Purchase of  
Radio Read Water Meters

**FROM:** Cathy Rosen, Public Works Director

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**

 Jim Slowik, Mayor  
 Paul Schmidt, City Administrator  
 Doug Merriman, Finance Director  
 Margery Hite, City Attorney, as to form

**PURPOSE:**

In May 2005, the City Council approved the purchase of a Radio Read Water Meter Reading System by Master Meter as part of an eight year program to change out all of the existing water meters in the City with radio read meters.

The Water Division is requesting authorization to purchase Model 50 DIALOG 3G Drive-by Radio Read Water Meters as a continuation of the ongoing replacement program. The radio read meters by Master Meter will be purchased under a previously approved Sole Source determination (RCW 39.04.280 (1) (a) and City Resolution #07-07), as these meters are compatible with the existing water meters and meter reading system.

**AUTHORITY:**

OHMC 2.320.120 Sole source procurement.

A contract for the purchase of materials, supplies or equipment may be awarded without complying with the bidding requirements of this chapter when the purchasing coordinator determines in writing, subject to the approval of the finance director or such other person appointed by the mayor to review the determination, after conducting a good faith review of available sources, that there is only one source for the required materials, supplies or equipment. The purchasing coordinator shall conduct negotiations, as appropriate, as to price, terms, and delivery time. A record of sole source procurements shall be maintained that lists each contractor's name, the amount and type of each contract, and a listing of the item(s) procured under each contract. Sole source determinations in excess of \$30,000 shall be made by the city council.

Funding for this purchase was authorized through the adopted/approved 2009-2010 Water Division Budget.

**SUMMARY STATEMENT:**

The Water Division is in the sixth year of the program to install radio read meters on all of the water service accounts in the City's system. Currently 88% of the water meters have been replaced by radio read meters.

The advantages of converting to a Radio Read System include:

- Reduced labor required for meter reading. When the conversion is complete and the radio read system is fully implemented, one employee will be able to read all of the meters in the City within one week. Under the current system of bi-monthly billing, it takes approximately two weeks each month for two employees to read all of the City's water meters.
- Improved water system management. Water consumption can be tracked by computer to detect unusual water consumption such as backflow (reverse flow), high water consumption, illegal water use, etc., providing a great management tool for water conservation, consumer education and backflow prevention.
- Improved customer service. System problems can be quickly identified through parameters set up in the proposed program and managed by the operator so that customers can be alerted to potential problems such as unusually high consumption that may be caused by a water leak or malfunctioning toilet. This will improve customer service by reducing wasted water and the associated costs to the customers. Under the current system, it is difficult to assist customers in identifying problems in their water system until after the water bills have been prepared every other month.
- Improved efficiency and accuracy. The reading errors that can occur when meters are read manually and input into a handheld computer will be reduced by using automated radio read.
- Enhanced ability to implement a monthly utility billing program without having to add field staff.

The approved 2009-2010 budget includes \$150,000 annually to continue implementation of the Radio Read Water Meter Program. This project is necessary to reduce long-term labor costs associated with water meter reading, improve efficiency and accuracy and provide for excellent customer service.

**STANDING COMMITTEE REPORT:**

The annual purchase of radio read water meters was presented and discussed at the February 4, 2010 Public Works and Utilities Standing Committee Meeting.

**RECOMMENDED ACTION:**

Staff recommends that City Council authorize the purchase of Model 50 DIALOG 3G Drive-by Radio Read Water Meters at a cost not to exceed \$150,000.00.

**ATTACHMENTS:**

- ◆ Capital Outlay Request Form
- ◆ Exclusive Distribution Letter from Master Meter
- ◆ Sole Source Resolution
- ◆ Request for Sole Source and Justification
- ◆ End of year 2009 radio read meter inventory summary

**MAYOR'S COMMENT:**

City of Oak Harbor  
**Capital Outlay Request Form**  
2009/2010 Budget

This form should be used to list all "Capital Outlay" requests for the 2009/2010 budget year. **A Capital Outlay has been defined as any single expenditure (improvements to buildings, equipment, and/or construction projects) in excess of \$5,000.** If the item requested does not meet this criteria, please just include the expenditure in the proper line (repair and maintenance; small tools and equipment; or office and operating supplies).

Fund/Department: 401 / Public Works Division: Water

Budget Year: 2009 X 2010 X Priority No. \_\_\_\_\_ of \_\_\_\_\_

Is this outlay a carry over from the prior year? Yes \_\_\_\_\_ No X If yes, provide a brief reason for the carry over.

---

Project Description Implementation of AMR (Automatic Meter Reading System) to facilitate switching from bi-monthly to monthly billing, and purchase of Radio Read water meters and hardware to convert outdated manual water meters in order to make meter reading more efficient and to accommodate the proposed monthly meter billing. This was identified in the City Water System Plan.

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Estimated Cost: (2009) = \$150,000  
Estimated Cost: (2010) = \$150,000 BARS Code 401.00.501.034.6300

What continuing costs will there be after project completion? Operation and maintenance

---

What is the funding source for this request? Water Fund

---

Are there any grant funds involved? Yes \_\_\_\_\_ No X If yes, then:  
Has application been made? Yes \_\_\_\_\_ No X  
Has the grant been awarded? Yes \_\_\_\_\_ No X  
What type of grant? \_\_\_\_\_  
Any matching requirements? Yes \_\_\_\_\_ No X If yes, then:  
Required match City \_\_\_\_\_ %  
What is the source of city match? \_\_\_\_\_

---

Will this project impact other departments? Yes \_\_\_\_\_ No X If yes, then:  
Describe nature and extent of impact \_\_\_\_\_

---

Will this project generate additional revenue? No If so, how much \_\_\_\_\_

Will additional personnel be required? If so, complete a *Personnel Request Form*.

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101 REGENCY PARKWAY  
MANSFIELD, TX 76063  
817-842-8000  
FAX 817-842-8100

1-5-09

To Whom It May Concern:

Ref: Exclusive Distribution

H.D. Fowler Company in the state of Washington and Oregon is currently Master Meter's exclusive distributor.

H.D. Fowler was selected as our exclusive distributor due to their branch locations and willingness to maintain inventory, which allows them to better service Master Meter customers in that area. They have made a commitment to stocking inventory for the various customers in the area and to provide on going support and the sale effort needed to grow our business. H.D. Fowler is classified as a Stocking Distributor, which means they purchase material from Master Meter at the lowest price available as compared to a Non Stocking Distributor.

Exclusive agreements are very common in our industry today due to the complexity of the products being sold. The knowledge needed to properly support a product line such as water meters and electronics is essential to servicing our customers. Working exclusively with one distributor in an area makes it easier to properly track the movement of product and is critical to our ability to respond when a problem occurs.

Many times problems occur when a distributor who is not authorized to sell in a particular area ships or sells product to customers outside their exclusive area. Our past experience dealing with multiple distributors in an area has lead us to working exclusively with distributors like H.D Fowler.

Please feel free to contact me if you should have any question. Master Meter and H.D. Fowler Company look forward to having the opportunity to work with you and thank you for your business.

Regards,

Ronnie Veach  
Vice President  
Master Meter

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DECLARING HD FOWLER COMPANY A SOLE SOURCE FOR PURPOSES OF PURCHASING MODEL DS DIALOG 3G DRIVE-BY RADIO READ WATER METERS.

WHEREAS, the City is interested in purchasing certain property described in Exhibit "A" hereto attached; and

WHEREAS, after investigation, it is determined that items specified in Exhibit "A" are only reasonably obtainable from HD Fowler Company, PO Box 180, Bellevue, Washington 98008-0180; now, therefore

BE IT RESOLVED by the City Council of the City of Oak Harbor as follows:

1. That the supplier above-named is the sole source supplier of the property identified in Exhibit "A" hereto attached;
2. That the City is authorized to purchase the same without proceeding to secure competitive bids.

PASSED and approved by the City Council this 2nd day of March, 2010.

THE CITY OF OAK HARBOR

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

## ORDER CONFIRMATION

Customer:  
CITY OF OAK HARBOR  
1400 NE 16th Ave

OAK HARBOR WA 98277-4605

Project:

Customer Reference:

Order No :03295813  
Order Date :02/23/10  
Due Date :02/23/10  
Ord Writer :GARRETT FELTON  
Warehouse :Bellingham Warehouse  
Salesperson :Wade Bergley  
Carrier :OUR TRUCK

Line #	Order qty	B/O qty	UoM	Item/ Description	Unit Price	Extended Price	T x
----- METERS							
1	550	550	EA	MMMJ23CF3GDS 5/8" X 3/4" MJ WATER METER 3GDS CUBIC FEET MASTER METER BOTTOM LOAD, FROST PROOF, UC39	218.910	120,400.50	Y
2	25	25	EA	MMMJ44CF3GDS 1" MASTER METER MJ WATER METER 3GDS , CUBIC FEET BOTTOM LOAD, FROST PROOF, UC39	293.540	7,338.50	Y
3	10	10	EA	MMMJ66CF3GDS 1-1/2" MASTER METER 3GDS WATER METER, CUBIC FEET , FLANGED, UC39	455.600	4,556.00	Y
4	5	5	EA	MMMJ77CF3GDS 2" MASTER METER 3GDS WATER METER, CUBIC FEET , FLANGED, UC39	561.500	2,807.50	Y

Sub Total 135,102.50  
Freight  
Tax 1,753.92  
Grand Total 146,856.42



**REQUEST FOR SOLE SOURCE**

To: City Council

From: Cathy Rosen / Public Works/Water Division  
Name of Department Head Department/Division

Subject: Sole Source Request for the Purchase Of: Model 50 Dialog 3G Drive By Radio Read System

Requested Supplier: HD Fowler Company

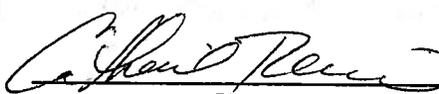
Cost Estimate: Not to Exceed \$150,000.00

Sole source purchases are defined as clearly and legitimately limited to a single supplier. Sole source purchases are normally not allowed except when based upon strong technological ground such as operational compatibility with existing equipment and related parts or upon a clearly unique and cost effective feature requirement. The use of sole source purchases shall be limited only to those specific instances which are totally justified to satisfy compatibility or technical performance needs.

**STATEMENT OF NEED:**

My department's recommendation for sole source is based upon an objective review of the product/service required and appears to be in the best interest of the City. I know of no conflict of interest on my part or personal involvement in any way with this request. No gratuities, favors or compromising action have taken place. Neither has my personal familiarity with particular brands, types of equipment, materials or firms been a deciding influence on my request to sole source this purchase when there are other known suppliers to exist.

Refer to the attached sole source justification as prepared by our department, to the attached review of available products/services and to my completed Purchase Requisition.

<b>Requestor</b>  Signature 2-10-10 Date	<b>Department Head</b>  Signature 2-10-10 Date
---	--

<b>Finance Director</b>  Signature / Date	<b>City Administrator</b>  Signature / Date
---	---

## **SOLE SOURCE JUSTIFICATION**

**Requisition Item:** Model 50 Dialog 3G Drive By Radio Read System

---

**Requisition Number:** 8465

**1. Please describe the item and its function:**

This is the fourth year that we have implemented this model of water meter. The Dialog 50 3G Drive-By Radio Read System is the only compatible system that will mesh with the City's existing hand held Touch Read and billing system. This technology allows staff to read water meters with a wand instead of getting out of the vehicle and lifting up the lid to read the meter. This system is efficient and has been a great asset to the City thus far.

**2. This is a sole source\* because:**

- sole provide of a licensed or patented good or service
- sole provider of items that are compatible with existing equipment, inventory, systems, programs or services
- sole provider of goods and services for which the City has established a standard"
- sole provider of factory-authorized warranty service sole provider of goods or services that will meet the specialized needs of the City or perform the intended function (please detail below or in an attachment)
- the vendor/distributor is a holder of a used item that would represent good value and is advantageous to the City (please attach information on market price survey, availability, etc.)

**3. What necessary features does this vendor provide which are not available from other vendors?**

*Please be specific.* HD Fowler Company is the only licensed distributor in Washington State for the Dialog 50 3G Drive-By Radio Read System.

**4. What steps were taken to verify that these features are not available elsewhere?**

The City has previously used this procedure when securing our last master meters. Steps were taken to call the other competitors, but no one has this system. The vendors are listed below.

1. Invensys Systems-not compatible with existing hardware and software.
2. Badger Meter Company-not compatible with existing hardware and software.
3. Hersey Meter Company-not compatible with existing hardware and software.

*\*Sole Source: only one vendor possesses the unique and singularly available capability to meet the requirement of the solicitation. Procurements of items for which the City has established a standard by designating a brand or manufacturer or by pre-approving via a testing shall be competitively bid if there is more than one vendor of the item.*

**END OF YEAR 2009 RADIO READ METER  
INVENTORY SUMMARY**

Total 5/8" water meters =	5,146
Total 5/8" 3G water meters =	4,737
	-----
Remaining =	409 (92% completed)
Total 1" water meters =	219
Total 1" 3G water meters =	141
	-----
Remaining =	78 (64% completed)
Total 1.5" water meters =	124
Total 1.5" 3G water meters =	35
	-----
Remaining =	89 (28% completed)
Total 2" water meters =	103
Total 2" 3G water meters =	25
	-----
Remaining =	78 (24% completed)
Total 3" water meters =	12
Total 3" 3G water meters =	3
	-----
Remaining =	9 (25% completed)
Total 4" water meters =	7
Total 4" 3G water meters =	1
	-----
Remaining =	6 (14% completed)
<b>Totals:</b>	
<b>Total water meters =</b>	<b>5,611</b>
<b>Total 3G water meters =</b>	<b>4,942</b>
	-----
<b>Remaining =</b>	<b>669 (88% complete)</b>

**City of Oak Harbor  
City Council Agenda Bill**

Bill No. 5  
Date: March 2, 2010  
Subject: Subdivision Code Update Project

**FROM:** Steve Powers, Development Services Director *SP*

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**

*JS* Jim Slowik, Mayor  
*PS* Paul Schmidt, City Administrator  
*DM* Doug Merriman, Finance Director  
*MH* Margery Hite, City Attorney, as to form

**PURPOSE**

This agenda bill presents amendments to the Oak Harbor Municipal Code (OHMC) Chapter 19.31 (Planned Residential Developments) and Title 21 (Subdivisions) for the City Council's final consideration and action.

**AUTHORITY**

Amendments to land use codes are Review Process V Decisions per Chapter 18.20. Under this process, the Planning Commission is required to form a recommendation on code amendments. Final approval authority rests with City Council. Additionally, RCW 36.70.A.040 gives the city "legislative body" the authority to adopt development regulations.

**DISCUSSION**

The City Council opened a public hearing on the proposed amendments on February 2, 2010. In this agenda bill, staff summarizes and responds to those questions and items raised by Council at that meeting.

**Narrow Streets**

Much of the post-presentation discussion at the February 2, 2010 meeting centered around provisions in the draft code to allow for narrower streets in residential areas. This new narrow street design, if adopted, would allow a 28-foot pavement section with parking on one side. Questions were raised by Council about how the proposed narrow street design would affect parking needs in new subdivisions. Staff submits the following additional points (in no particular order) for Council consideration and to further clarify this issue.

- The narrow street section is one of two choices. Applicants may also choose a wide street section with thirty-six (36) feet of pavement and parking on both sides.
- Narrower street sections are already in demand in Oak Harbor and have been approved using the subdivision waiver process. The proposed code standardizes a narrower street section, which should lead to design consistency and should help reduce the processing time for subdivision applications.
- Staff performed a parking survey. The results of that survey showed that there is, on average, one (1) on-street parking space being used for every three (3) housing units.

- Given the results of the survey, and to allow room for peak demand, the proposed code requires applicants to provide one (1) public parking space (either on-street, or in a common parking area) for every two (2) housing units. Staff believes this ratio will provide sufficient parking. The ratio can be changed in the future if evidence indicates that a different standard should apply.
- Narrow streets should cost less for the City to maintain. Since wide streets have a large portion of unused or seldom used area, they are expensive for the City to maintain with few benefits.

One other item related to parking restrictions was raised during the February 2<sup>nd</sup> Council meeting: the aesthetics of 'no parking signs.' The comment was made that it would be desirable to find an aesthetically pleasing way to post 'no parking signs' where they are required. Generally speaking, these types of regulatory signs are governed by the Manual for Uniform Traffic Control Devices (MUTCD). This manual provides very little flexibility as to the design of signs. However, staff will look for creative ways to implement 'no parking' zones as part of the subdivision review process.

### **Fencing Around Stormwater Ponds**

The draft code discourages, but does not prohibit, fencing around stormwater ponds. Fences are required for ponds where side slopes are 3:1 or steeper. The State of Washington, Department of Ecology (DOE) uses the same standard to determine whether fences around ponds are required and also discourages the use of fences where slopes are flatter than 3:1. Thus, the draft code takes the same position on fences as is recommended by DOE. The 3:1 threshold for determining when fences are required is also commonly used throughout the country.

Pond safety is obviously a top priority for the City. Staff believes that using the 3:1 threshold for determining when fences are required, provides a well-balanced, well-researched standard for pond safety, while also taking into account aesthetic concerns for the design of these ponds.

### **Street Patterns and Crime**

The draft code will require a grid, or modified grid street pattern in all new subdivisions to increase connections for all travel modes. At the February 2, 2010 meeting, a question was raised about the relationship between grid street systems and crime. Staff looked into this issue and found there have been a fair number of studies completed both in the United States and the United Kingdom on this topic. To summarize those studies very briefly, the results are inconclusive as to how street patterns affect crime. Since crime is affected by a whole host of factors (income, number and type of commercial uses in an area, number and type of residential uses in an area, etc.) it is difficult to isolate the effect of street patterns on crime. Thus, there is no clear policy direction from these studies.

### **Planned Residential Development: Affordable Housing Density Bonus**

One of those issues raised by Council was affordable housing density bonuses. That particular item was discussed at the February 16, 2010 Council Meeting. The draft code has been updated to include an affordable housing density bonus in the Planned Residential Development Code as directed by Council (a bonus of five additional market rate units for every one affordable units included in the project). The revision is shown on page 5 of 14 of the Chapter 19.31, Planned Residential Developments ordinance.

### **SUMMARY STATEMENT**

The Subdivision Code Update project represents more than two years of work by the Planning Commission and staff. The purpose of the code update project was to improve the livability and reduce environmental impacts of new neighborhoods and to make the code itself more readable. During the life of the project key concepts supporting livability and sustainability were identified and incorporated in the code, a substantial public involvement process was undertaken and a subdivision design manual was produced. The Public Works and Governmental Services Standing Committees were briefed several times on the project. The City Council opened their public hearing on February 2<sup>nd</sup> and continued it to February 16<sup>th</sup> and March 2<sup>nd</sup>. Assuming no additional discussion items arise, staff recommends the City Council close the public hearing and approve amendments to the Planned Residential Development and Subdivision Codes and approve the new Subdivision Design Manual.

### **RECOMMENDED ACTION**

1. Close public hearing
2. Adopt draft ordinance with amendments to Chapter 19.31, Planned Residential Developments
3. Adopt draft ordinance with amendments to Title 21, Subdivisions
4. Adopt resolution approving the Subdivision Design Manual

### **ATTACHMENTS**

1. Draft ordinance with amendments to Chapter 19.31, Planned Residential Developments
2. Draft ordinance with amendments to Title 21, Subdivisions
3. Subdivision Design Manual
4. Resolution

### **MAYOR'S COMMENTS**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE REPEALING CHAPTER 19.31 OF THE OAK HARBOR MUNICIPAL CODE ENTITLED "PLANNED RESIDENTIAL DEVELOPMENTS" AND ADOPTING A NEW CHAPTER 19.31 "PLANNED RESIDENTIAL DEVELOPMENTS" TO ESTABLISH NEW REVIEW CRITERIA AND DESIGN STANDARDS INTENDED TO MITIGATE IMPACTS FROM REDUCED LOT SIZES AND / OR SETBACKS, REQUIRE THAT OPEN SPACE BE VISIBLE, USEABLE AND ACCESSIBLE AND SIMPLIFY THE DEVELOPMENT REVIEW PROCESS.**

WHEREAS, the City of Oak Harbor acknowledges that its Comprehensive Plan land use goals 2, 4, 11, 19; land use policies 2(a), 2(b), 11(d), 14(c), 19(c), 19(e); urban design goals 4 and 5; urban design policy 4(a); transportation policy 5(c); open space goal 1; open space polices 1(d) and 1(i); housing policy 1(g), utilities policies 5(b) and 5(d) direct it to: encourage planned residential development with performance based standards, consider view corridors when planning for development, preserve community character through quality design, encourage private and public preservation of undeveloped open space, encourage a sense of community through development of a spectrum of housing types, allow neighborhood scale services that are compatible with residential areas, create a balanced community that mixes residential and non-residential uses, encourage the retention of open space in new development, provide adequate parks, playgrounds and other open spaces, design intersections that have adequate safety for pedestrians and bicyclists, allow provisions in development regulations for inclusionary affordable housing and density bonus performance standards, continue to support energy efficiency by encouraging low impact sustainable development through site designs and;

WHEREAS, the City recognizes that there is a high probability of negative effects to human health over long periods of time resulting from inadequate pedestrian and bicycle infrastructure and that provision of a higher-level of pedestrian and bike facilities will promote better physical health for the citizens of Oak Harbor and,

WHEREAS, City of Oak Harbor staff conducted public involvement efforts to relay information and receive input on the proposed code updates including eleven (11), publicly-noticed planning commission Meetings from April 22, 2008 to August 25, 2009 to discuss these code updates and,

WHEREAS, City of Oak Harbor staff conducted a series of "Roundtable Meetings" with local stakeholders including real estate industry representatives and the Oak Harbor Rotary Club on April 9, 2008, May 7, 2008, and May 14, 2008 and;

WHEREAS City of Oak Harbor staff briefed the Oak Harbor Parks Board at a publicly-noticed meeting on March 10, 2008 and;

WHEREAS City of Oak Harbor staff established an internet blog site which provided on-going information about the code updates and invited public input, including an online

survey questionnaire throughout the project and;

WHEREAS City of Oak Harbor staff briefed the Oak Harbor Public Works Standing Committee on the project at a publicly-noticed meetings on September 3, 2009 and October 1, 2009 and,

WHEREAS City of Oak Harbor staff briefed the Oak Harbor Governmental Services Standing Committee on the project at publicly-noticed meetings on July 14, 2008, September 14, 2009, and October 12, 2009 and,

WHEREAS City of Oak Harbor staff invited the public to a total of twenty-four (24) separate "Coffee House Discussions" at a local coffee shop from July 14, 2008 to September 18, 2008 and,

WHEREAS City of Oak Harbor staff sent a letter to a list of two hundred-fifty (250) stakeholders on March 12, 2008 inviting them to participate in the code update process and,

WHEREAS City of Oak Harbor staff sent a letter to a list of fifty (50) interested stakeholders on May 8, 2009 inviting them to participate in the code update process.

NOW, THEREFORE

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

**Section One.** Oak Harbor Municipal Code Chapter 19.31 entitled "Planned Residential Developments" last amended by Ordinance 1221 in 2000 is hereby repealed in its entirety.

**Section Two.** A new Chapter 19.31 of the Oak Harbor Municipal Code is hereby adopted to contain the following chapters:

**Chapter 19.31  
PLANNED RESIDENTIAL DEVELOPMENTS**

**Sections:**

- 19.31.010 Purpose and intent.**
- 19.31.020 Applicability of PRD standards.**
- 19.31.030 Definitions.**
- 19.31.040 Permissive variations in requirements.**
- 19.31.050 General sale of lots.**
- 19.31.060 Planned residential development conformity.**
- 19.31.070 Permitted uses in PRDs.**
- 19.31.080 Secondary use limitations.**
- 19.31.090 Density.**

Chapter 19.31, Planned Residential Developments

Ordinance

Page 2 of 14

- 19.31.100 Open space – general requirements.
- 19.31.110 Open space – active areas.
- 19.31.120 Open space –passive areas.
- 19.31.130 Dedication and maintenance of common facilities.
- 19.31.140 PRD Perimeter.
- 19.31.150 Application required.
- 19.31.160 Combined applications.
- 19.31.170 PRD review criteria.
- 19.31.180 PRD development plan.
- 19.31.190 PRD development plan – Phased developments.
- 19.31.200 Preliminary development plan – Staff recommendation.
- 19.31.210 PRD development plan – Planning commission review.
- 19.31.220 PRD development plan – Planning commission recommendation.
- 19.31.230 PRD development plan – Council decision.
- 19.31.240 Mitigation agreement.
- 19.31.250 Compliance with approved PRD development plan.
- 19.31.260 Mapping.
- 19.31.270 Revocation.
- 19.31.280 Modifications.
- 19.31.290 Termination of a PRD.
- 19.31.300 Extension of time for construction.
- 19.31.310 Limitation on resubmission.
- 19.31.320 Judicial Review.

**19.31.010 Purpose and intent.**

The Planned Residential Development (“PRD”) regulations offer applicants regulatory flexibility in return for higher quality site and architectural design with the intent of encouraging the design of more complete and sustainable neighborhood environments consistent with Oak Harbor’s Comprehensive Plan. The PRD regulations allow and promote design flexibility, pedestrian-oriented development, interconnectivity among uses, sensitivity to the natural environment and natural features, and the coordination of development with adequacy of public facilities.

**19.31.020 Applicability of PRD Standards.**

- (1) An application for PRD may be submitted for any residentially zoned (R1, R2, R3 and/or R4) parcel(s) of land within Oak Harbor. The decision of whether to submit the PRD is the applicant’s choice.
- (2) The director may determine that a PRD may be submitted for a subdivision or short subdivision of land, if the proposed development can not meet the standards in OHMC Titles 19 and/or 21 OHMC.

**19.31.030 Definitions.**

Words used in the present tense shall include the future tense; the future tense shall include the present tense. The singular shall include the plural, the plural shall include the singular. The words “may” and “should” are permissive; “shall” is mandatory.

- (1) “Secondary use” means a non-residential use located within a PRD.
- (2) “Town center” means a consolidated area within a PRD which contains secondary uses (commercial, office, and / or mixed-uses), primarily intended to serve the residents of the PRD.

- (3) "Gross area" means the total area contained within the boundaries of a proposed PRD.

**19.31.040 Permissive variations in requirements.**

- (1) In considering a proposed planned residential development project, the approval thereof may involve variation in the regulations, requirements and standards of the zone in which the project is located including the general design standards and residential design standards of OHMC Title 21 OHMC. Variations from the standards and requirements of this Chapter (19.31) are not permitted.
- (2) The applicant shall bear the burden of supporting any change in requirements by demonstrating compliance with the review criteria contained in section 19.31.170 of this chapter.
- (3) The city may increase any requirement necessary to make the project conform to the purpose and intent of this code, provided that a connection has been made between the impact of the development and the required mitigation.
- (4) Other than the specific standards which are requested to be varied from, PRD applications shall otherwise comply with all relevant standards of the Oak Harbor Municipal Code , including those in Title 19 (Zoning) and Title 21 (Subdivisions).

**19.31.050 Sale of lots.**

Lots in a platted PRD may be sold to separate owners and according to the separate lots as shown in the plat filed and approved in connection therewith. No sale shall be permitted which subdivides a lot in such a manner as will create a new lot line, except as provided in Title 21 OHMC.

**19.31.060 Planned residential development conformity.**

As of the date of adoption of this chapter, all existing, legally established planned residential developments (PRDs), shall be deemed conforming uses under this chapter.

**19.31.070 Permitted uses in PRDs.**

The following uses are permitted by right in PRDs.

- (1) Those uses permitted as of right in the underlying zone;
- (2) As a secondary use, and subject to the limitations of the Oak Harbor Municipal Code;
- (a) Grocery stores;
  - (b) Drug stores;
  - (c) Salons / barber shops;
  - (d) Restaurants
  - (e) Uses generally considered accessory to the primary residential use of the PRD, such as club houses, parking areas, open spaces, utilities and public facilities.
  - (f) Motor vehicle or boat storage for residents of the PRD;
  - (g) Conditional uses as provided in the underlying zoning;
  - (h) Home occupations as provided in the underlying zoning; and,
  - (i) Other, unlisted, similar or related uses, provided the planning commission makes a recommendation and the city council determines that:
    - (i) The use does not conflict with the intent of this chapter or policies of the comprehensive plan;
    - (ii) The use is appropriate to the size and scale of the residential development and primarily serves the residents of the PRD. Secondary uses which have a regional or city-wide customer base are not appropriate for PRDs.

- (iii) Traffic impacts from the proposed secondary use will not have a negative impact on surrounding residential neighborhoods in terms of quantity of traffic and circulation patterns.

**19.31.080 Secondary use limitations.**

To ensure they are compatible with primary residential uses, secondary uses shall conform to this section in addition to the standards in 19.31.070. Secondary uses are also subject to site plan review procedures contained in Chapter 19.48 OHMC and shall be integrated in the PRD application as it was recommended by the planning commission and approved by the city council and are subject to the following additional standards:

- (1) The gross floor area of all proposed secondary uses shall not exceed ten percent (10%) of the gross floor area of the development;
- (2) All secondary uses shall be architecturally compatible with residential uses in the PRD in terms of mass, scale, height, and exterior materials.
- (3) Secondary uses shall be located in a "town center" apart from the residential uses, but easily accessible to the residential uses.
- (4) Building permits or occupancy permits for such uses shall not be issued until one-half (1/2) of the total project is completed unless otherwise approved by the city council.

**19.31.090 Density.**

Density in a PRD is regulated by the density standards of the underlying zone. Density bonuses may be permitted under the provisions laid out in this section:

- (1) Increases in density as defined for each of the following may be permitted, up to a maximum of thirty percent (30%) over that permitted in the underlying zone. Bonus densities are intended to provide the incentive to encourage the development of affordable housing, provide additional public amenities or preserve valuable natural or cultural resources and features. The satisfaction of any of the bonus density criteria specified is considered to be in the public interest and worthy of a bonus density:
  - (a) Additional open space – one percent (1%) increase in density for each one percent (1%) increase in open space over the minimum required under 19.31.100 OHMC. Open space design must conform to the requirements of 19.31.110 and 19.31.120 OHMC.
  - (b) Provision of qualified affordable housing units as defined in 19.08.695, or lots dedicated for use in affordable housing projects. For every ~~one~~ two (2) units of affordable housing provided, applicants are allowed ~~five~~ one (5) additional units of market-rate housing. For purposes of density bonuses pursuant to this section, the total of market-rate and affordable units may not exceed thirty percent (30%) of the density otherwise allowed in the zone. The continued affordability of the units must be secured through registration of restrictive covenants on title, or other permanent measure.
  - (c) The following example is offered to show how the density bonus for affordable housing is calculated.
    - (i) A project which is five (5) acres in size and is zoned R1 (maximum of six (6) units per gross acre) is allowed a total of thirty (30) units under the R1 zone;
    - (ii) This same project proposes that six (6) of the thirty (30) units are affordable units with the remainder twenty-four (24) being market rate units;
    - (iii) Density bonus for affordable housing = number of affordable units

~~divided multiplied by two (2) five (5) or, six (6) affordable units / (2) x (5) = three (3) thirty (30) additional market-rate units, except that the total density bonus cannot exceed thirty percent (30%) of the maximum base density or nine (9) additional units;~~

- (iv) Total units allowed with density bonus = Maximum density allowed by zone (thirty (30) units) + density bonus (~~three (3) nine (9)~~ additional market-rate units) = ~~thirty three (33) thirty-nine (39)~~ units.
- (c) Preservation of a scenic vista corridor within and off the site – up to ten percent (10%) increase;
- (d) Public access to common open space, or natural waterbodies – up to twenty percent (20%) increase;
- (e) Use of Low Impact Development techniques. The density bonus shall be proportional to the ratio of total stormwater runoff from the site which is treated by LID techniques, up to a maximum of twenty percent (20%).
- (2) Density increase may be granted if the applicant satisfactorily demonstrates the following standards have been met:
- (a) All applicable PRD and subdivision design standards have been met, exempting those that have been modified through the PRD process;
- (b) Building design and site layout with the proposed density increase does not significantly change the characteristics of the neighborhood streetscapes from what would be the case if the bonus was not granted.
- (3) For any PRD located in more than one (1) zone, the residential density allowed shall be determined by totaling the number of dwelling units allowed within each of the separate zones according to the density regulations of that zone.
- (a) The total residential density shall apply to the entire area of the proposal.
- (b) For any PRD located in more than one (1) zone, the permitted percentage of coverage by buildings and structures allowed shall be determined by calculating the percentage of coverage allowed upon the area for each separate zone and averaging it across the entire project.

#### **19.31.100 Open space – General requirements.**

Common open space shall be provided for use as recreational, park or environmental amenity for the collective enjoyment by occupants of the PRD project, and designed as follows:

- (1) Common open space shall comprise at least ten percent (10%) of the gross area of the PRD;
- (2) Common open space shall not include public or private streets, driveways, buffers, screens, perimeter landscaping, parking areas or the required or provided yards for buildings or structures.
- (3) Common open space shall meet the requirements of sections 19.31.110 and 19.31.120 OHMC.

#### **19.31.110 Open space – Active areas.**

The following standards apply to the provision and design of active open spaces in PRDs:

- (1) A minimum of fifty percent (50%) of all required open space in a PRD shall be “active” open space. Active open space provides opportunities for physical activity to residents of the PRD. Active open space must meet the following requirements:
- (a) Be a minimum of five thousand (5,000) square feet in size to be counted toward the minimum ten percent (10%) common open space requirement;

- (i) The space must also have a minimum width of fifty feet (50') and depth of ninety feet (90').
  - (ii) Have a minimum of forty feet (40') of frontage on a public street.
- (2) Shall contain such accessory or complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the project and shall include at a minimum:
- (a) Pedestrian-oriented lighting;
  - (b) Seating;
  - (c) Signage indicating what the operational hours and rules for the use of the open space;
  - (d) Trash can(s); and
  - (e) An activity center such as children's play structure, tennis court(s), basketball court(s), walking / bicycling path(s) or a trail-head kiosk at the entrance of a trail system. There are other types of activity centers other than those listed here which can be proposed by applicants. All proposed activity centers shall provide exercise opportunities for residents of the PRD. Unimproved, grass fields do not count as activity centers.
- (3) Active open spaces must be visible and accessible to users and not hidden behind residential lots.
- (4) Active open spaces must have pedestrian connections to both sides of a residential block on which they are located.
- (5) All active open spaces shall be privately-owned and maintained by the homeowners association in accordance with the requirements of 19.31.130 OHMC.
- (6) Trails can count as active open space provided they meet minimum design requirements specified in the Parks, Recreation and Open Space Plan.
- (7) Fifty percent (50%) of stormwater ponds may count as open space within the PRD. However, no more than twenty-five percent (25%) of the required ten percent (10%) common open space in a PRD may be stormwater pond. Ponds which are counted toward open space requirements must meet a high level of design and be an amenity to residents and must have all of the following characteristics:
- (a) Be a "wet-pond" not a "dry-pond."
  - (b) Be surrounded by a trail or be located adjacent to another active open space.
  - (c) Children's play structures may not be located closer than one hundred fifty (150) feet to a stormwater pond.
  - (d) The pond must be curvilinear in shape not rectangular.
  - (e) Only thirty percent (30%) of the circumference of the pond may contain berming.
  - (f) The inside slope of the pond shall be three to one (3:1) or flatter.
  - (g) Gravel and asphalt shall not be used for pond access.
  - (h) No fencing shall be provided around the pond.
  - (i) The applicant shall place appropriate signage near the pond which says that "This pond is for stormwater detention and/or treatment purposes. Swimming or fishing or other recreational activities are prohibited."

**19.31.120 Open space – Passive areas.**

Passive open space is "non-active" open space which preserves natural areas and provides scenic amenities to a PRD. Passive open space shall meet the following minimum requirements:

- (1) Passive open space may be no more than fifty percent (50%) of the total required open space in PRDs.
- (2) Preserved natural areas, such as wetlands, streams, and woodlands may count as passive open space.

- (3) Passive open space may include open fields and landscaped areas which are held in common by the homeowner's association, but which do not contain any other improvements.
- (4) Passive open spaces shall be maintained in conformance with section 19.31.130.

**19.31.130 Dedication and maintenance of common facilities.**

Whenever private open space, including private parks or playgrounds are to be provided, the city council shall require that an association of owners or tenants of the PRD be organized under the laws of the state of Washington, which shall adopt such articles of incorporation and bylaws and adopt, impose and record such declaration of covenants and restrictions on such open space and/or common areas that are acceptable to the City.

Said association shall be formed and continued for the purpose of maintaining such open space. Such an association, if required, may undertake other functions. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessments levied to adequately maintain said open space for the purposes intended. The period of existence of such association shall be not less than twenty (20) years and it shall continue thereafter and until the members terminate it. Provisions shall be made by the association for the maintenance or disposition of such open space upon any termination of the arrangement hereinabove provided for. If the association of homeowners subsequently disbands, the property owners within the boundaries of the originally approved PRD are responsible for maintenance of all common facilities.

**19.31.140 PRD Perimeter.**

The perimeter of the PRD shall be designed so as to minimize architectural or land use incompatibility of the PRD on adjacent properties and, conversely, to minimize undesirable impact of adjacent land use and development characteristics on the PRD. A building setback of twenty (20) feet shall apply to all exterior boundary lines of the project.

**19.31.150 Application required.**

An application for approval of a proposed PRD shall be made to the Director upon forms furnished by the city. Application shall be made by the owner or owners of the parcel or parcels intended to be developed as a unit or their duly authorized agent or agents. Authorization from all owners within the PRD project boundaries is required.

**19.31.160 Combined applications.**

The approval of a subdivision shall be required of all projects which involve or contemplate the subdivision of land in a PRD and the procedures set forth in OHMC Title 21 shall be followed concurrently.

**19.31.170 PRD review criteria.**

The city (staff, planning commission and city council) shall base its review of the proposed PRD upon the following criteria:

- (1) Aside from the specific regulations, requirements or standards proposed to be varied, the project otherwise meets the requirements of the Oak Harbor Municipal Code;
- (2) Critical areas should be preserved and incorporated into the open space of the PRD. Buffer averaging and buffer enhancements shall qualify as preservation if such is

- recommended in an approved critical areas report;
- (3) If smaller lot sizes and dimensions or decreased setbacks are proposed from what is required by the underlying zoning, buildings on these lots must meet requirements (a) to (c) below or requirement (d), or requirement (e):
    - (a) Garage walls facing the street must be no closer than the wall containing the main entrance, or to the edge of a covered porch or deck if provided.
    - (b) A garage door wall which faces the street must not be more than one-half (1/2) of the façade width.
    - (c) The main entrance must be prominent, easily visible and directly accessible from the street frontage.
    - (d) No two (2) adjacent buildings on the same side of the street may have the same front setback. Setbacks must alternate from building to building. Minimum front setback variation must be two feet (2') or greater.
    - (e) Residential buildings are accessed from an alley at the rear of the lots.
  - (4) If non-residential uses are included in the PRD, such uses shall be easily accessible to pedestrians meaning that primary building entrances are oriented to the street and setback no more than ten feet (10') from the property line or a six-foot (6') wide pedestrian path is included connecting the nearest public sidewalk to the primary entrance of the secondary use.
  - (5) Ten percent (10%) common open space is provided which complies with sections 19.31.110 through 19.31.130 OHMC.
  - (6) The PRD shall comply with all of the following adopted standards:
    - (a) The requirements of Title 21 Subdivisions. Variations from the requirements in Title 21 may be requested and reviewed as part of the PRD application. Other than the specific standards being varied from PRDs must meet all applicable standards of Title 21, including the general design standards (Chapter 21.50) and the residential design standards (Chapter 21.60).
    - (b) The standards and requirements of Chapter 19.31 Planned Residential Developments. If there is a conflict between the standards of this chapter and the standards in Title 21, the standards in this chapter shall take precedence.
    - (c) The Oak Harbor Comprehensive Plan policies.
    - (d) The Design Guidelines and Regulations, if applicable.
    - (e) All other standards adopted by the City of Oak Harbor, including engineering details and drawings.
  - (7) Applicants must meet either subsection (a) or (b) below:
    - (a) Enhanced design which includes one (1) or more of the following on each building within the development:
      - (i) A variety of exterior building materials such as brick, stucco, stone, and wood used as primary siding or as accent materials on front facades or,
      - (ii) Building articulation (offsetting walls, inclusion of windows, changes in material types) on side and rear walls of buildings or,
      - (iii) Side or rear loaded garages or,
      - (iv) Other applicant proposed building design enhancements.
    - (b) Optional site design elements which includes one (1) or more of the following:
      - (i) Low impact development stormwater techniques are employed on the site.
      - (ii) Ten percent (10%) or more of units within the development are "qualified affordable housing" as defined by 19.08.695.
      - (iii) Inclusion of a mix of residential and non-residential uses within the development.
      - (iv) Fifteen percent (15%) or more of the gross area is open space.

- (v) The project will not only preserve, but enhance or rehabilitate the functions and values of a critical area of the site, such as significant woodlands, wildlife habitats, streams or wetlands, subject to the recommendations in an approved critical areas report.

**19.31.180 PRD development plan – Filing requirements.**

The applicant shall file with the director a PRD Development Plan. If an application for subdivision is submitted concurrently, the plat document required as part of subdivision shall be a separate plan sheet from the PRD Development Plan and shall include the requirements in Title 21. The PRD Development Plan shall including the following:

- (1) A legal description of the site and plot plan indicating location of all existing and proposed adjacent streets, private rights-of-way and easements;
- (2) Ten (10) copies of the proposed site plan and/or drawings. Additional copies of the application may be required at the time the PRD Development Plan is routed to planning commission or city council for review. The PRD Development Plan shall include the following information:
  - (a) Individual trees over twelve inches (12”) in trunk diameter measured four feet (4’) above the base of the trunk in areas to be developed or otherwise disturbed;
  - (b) Proposed finished grades of the property with all drainage features;
  - (c) Location of all proposed structures together with the usage to be contained therein and approximate location of all entrances thereto and heights, and gross floor area thereof;
  - (d) Code required side, rear and front building setbacks;
  - (e) The building envelope for each lot, which is the portion of the lot excluding the building setbacks.
  - (f) Location and nature of vehicular, pedestrian and bicycle circulation features within the site and adjacent streets and alleys;
  - (g) The extent, location, arrangement, and proposed improvements of all off-street parking and loading facilities;
  - (h) The extent, location, arrangement and proposed improvements of all open space, landscaping, fences and walls;
  - (i) Architectural elevation drawings of all building types (single-family, multifamily, rowhouses, etc.) and all subtypes (single-family – model 1, single-family model 2, etc.) and sketches demonstrating the planning and character of the proposed development;
  - (j) Number of units proposed by type;
  - (k) Proposed lot, tract and easement boundaries;
  - (l) Open space calculations for all areas which are proposed to meet the ten percent common (10%) open space requirement. Calculations shall be divided between active and passive open space. Open spaces which are proposed to be included in the open space calculations must be denoted on the plan;
  - (m) Density calculations for the property including any bonuses requested by the applicant; and
  - (n) All other calculations or information as applicable based on the PRD review criteria.
- (3) Proposed conditions, covenants and restrictions including continuous maintenance provisions for the project; and
- (4) A text describing conditions or features which cannot be adequately displayed on maps or drawings.

**19.31.190 PRD development plan – Phased developments.**

Development of the project may be phased, in which case each complete phase may be processed separately. A map showing all property owned or controlled by the proponent which is contiguous to the development site or which is within the area determined by the director to be relevant for comprehensive planning and environmental assessment purposes, together with a conceptual plan of said properties, shall be submitted with the application for the first phase. The conceptual plan shall conform to the purposes of this title and shall be used by the city to review all phases of the development.

**19.31.200 PRD development plan – Staff recommendation.**

After receiving the PRD Development Plan, the director shall route the same to all appropriate city departments, and each department shall submit comments and recommendations to the director. After receiving such information from the city departments, the director shall present recommendations and conclusions before the planning commission at the public hearing for the PRD Development Plan.

**19.31.210 PRD development plan – Planning commission review.**

- (1) The PRD Development Plan shall be considered at a public hearing before the planning commission.
- (2) Upon receipt of the PRD Development Plan, the planning commission shall examine such plan and determine whether it conforms to all applicable criteria and standards.
- (3) In the event the planning commission determines that the development plan does not conform to these criteria and standards, they may require such changes in the proposed project or impose such conditions of approval as are, in its judgment, necessary to ensure conformity.
- (4) The planning commission shall review the project to determine if it is consistent with the criteria in section 19.31.170 OHMC.

**19.31.220 PRD development plan – Planning commission recommendation.**

Planning commission shall recommend approval as submitted, approval with conditions or denial. The recommendation of the planning commission shall be forwarded to the city council for consideration at the earliest possible date at a regularly scheduled meeting of the council.

**19.31.230 PRD development plan – Council decision.**

The council shall hold a closed-record meeting to consider the application. Council shall make one (1) of the following decisions: approval as submitted, approval with conditions or denial. Council decisions on PRD permits shall be final unless appealed to the Island County Superior Court in accordance with RCW 36.70C.

**19.31.240 Mitigation agreement.**

The applicant shall provide for methods to mitigate development impacts as set forth in Title 20 OHMC. Any fees voluntarily proposed or required as mitigation to such development impacts shall be made prior to the issuance of any development permits.

**19.31.250 Compliance with approved PRD development plan.**

- (1) All lots or other divisions of a subdivided PRD shall remain subject to compliance with the PRD Development Plan regardless of the fact of subdivision under Title 21 OHMC or subsequent conveyance of such individual lots or divisions, unless a minor or major

- modification has been approved.
- (2) The building official shall only issue building permits and certificates of occupancy for buildings and structures which conform with the approved PRD Development Plan for the PRD and with all other applicable city ordinances, regulations, rezone, annexation and development agreements.
  - (3) The construction and development of all the open spaces and recreation facilities of each project phase must be completed or bonded before any certificate of occupancy will be issued for a unit or building within that phase.

**19.31.260 Mapping.**

Whenever a PRD permit has been granted, the boundary of the PRD shall be indicated on the zoning map of the city of Oak Harbor as "subdistrict PRD."

**19.31.270 Revocation.**

In the event of a failure to comply with the approved plan or any prescribed condition of approval, including failure to comply with the phased development schedule, city council may, after notice and hearing, revoke the PRD permit.

**19.31.280 Modifications.**

Requests for modifications of a previously approved PRD Development Plans shall be made in writing and shall be submitted to the development services department in the manner and form prescribed by the director. Minor modifications may be approved by the director.

- (1) Modifications shall be deemed minor if the proposal does not change any of the following:
  - (a) Land use;
  - (b) Density, number of dwelling units or lots;
  - (c) General location or number of access points;
  - (d) The general design characteristics (location, size, elements contained within) of open space areas. In no case shall the amount of open space be less than ten percent (10%) of the gross site area. However, the director shall not approve less open space under a minor modification if such open space has been provided for density bonuses in accordance with 19.31.090 OHMC.
  - (e) The amount of required or conditionally approved parking;
  - (f) The general height of structures. However height of one (1) structure may be modified through a minor modification, provided the height does not exceed 35 feet.
  - (g) The total lineal feet and dimensions of pedestrian/bicycle facilities by more than ten percent (10%). Locations of pedestrian/bicycle facilities may be considered a minor modification.
- (2) Major modifications are any changes to the approved PRD Development Plan which do not qualify as minor changes as defined in this section. Major modifications to the PRD Development Plan shall be reviewed by the planning commission under the same process as outlined under OHMC 19.31.200 through 19.31.230.

**19.31.290 Termination of a PRD.**

- (1) Construction shall be started within five (5) years following city council approval of the PRD Development Plan. If a preliminary plat has been reviewed and approved concurrently with the PRD Development Plan, then the two (2) documents shall

terminate at the same time and all permits and approvals issued pursuant to such authorization shall expire and be null and void; termination for a concurrently approved PRD Development Plan and associated preliminary plat shall be five (5) years from the date of city council approval. If construction has been commenced but the work has been abandoned for a period of one (1) year or more, and if no extension of time has been granted as provided in 19.31.300 OHMC, the authorization granted for the PRD project shall terminate and all permits and approvals issued pursuant to such authorization shall expire and be null and void.

**19.31.300 Extension of time for construction.**

- (1) For good cause shown, the city council, in its discretion, may grant an extension of time for a maximum of one (1) year for commencement or continuation of construction subsequent to approval of the preliminary plat which accompanies the PRD Development Plan.
- (2) Application for extension must be made in writing to the City at least sixty (60) days prior to the termination of the approved PRD plan.

**19.31.310 Limitation on resubmission.**

Whenever an application for a PRD permit has been denied, no application using the same area or any portion thereof shall be filed by the same applicant within one (1) year after the date of denial unless there is a change to the PRD Development Plan which more closely meets the provisions of the Oak Harbor Municipal Code.

**19.31.320 Judicial review.**

Any legal action to review a decision of the city council or planning commission under this title shall be filed in Island County superior court within twenty-one (21) days of the decision, notwithstanding the effective date of any ordinance passed or proposed to effectuate said decision.

**Section Three. Severability and Savings Clause**

- (1) If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.
- (2) Deletion or amendment of provisions from the Oak Harbor Municipal Code shall not terminate any obligation to the City already vested or incurred thereunder.

**Section Four. Effective Date.** This Ordinance shall be in full force and effect (5) five days after its publication as required by law.

PASSED by the City Council this \_\_\_ day of \_\_\_\_\_ 2010.

CITY OF OAK HARBOR

Approved ( ) \_\_\_\_\_  
Vetoed ( ) Jim Slowik, Mayor

\_\_\_\_\_  
Date

ATTEST:

Approved as to Form:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

Published: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REPEALING TITLE 21 OF THE OAK HARBOR MUNICIPAL CODE AND ADOPTING A NEW TITLE 21 ENTITLED "SUBDIVISIONS" REGULATING THE DEVELOPMENT OF SUBDIVISIONS TO CREATE MORE PEDESTRIAN-FRIENDLY NEIGHBORHOODS, PERMIT NARROW STREET SECTIONS, REQUIRE STREET TREES AND REQUIRE LANDSCAPING AROUND STORMWATER PONDS WITHIN NEW RESIDENTIAL SUBDIVISIONS FOR THE PURPOSES OF ADDRESSING THE ECOLOGICAL AND AESTHETIC IMPACTS OF THESE DEVELOPMENTS.

WHEREAS, the City of Oak Harbor acknowledges that its Comprehensive Plan in land use goals 3, and 4; land use policies 1(a), 3(b), 11(a), and 16(e); urban design policies 1(e) and 2(c); transportation goals 3, 4 and 5; transportation policies 1(i), 5(a), 5(b), 5(c), and 5(e); and environmental policy 5(d) direct the city to create a pedestrian-friendly atmosphere, protect and manage the urban forest, preserve community character through high quality design, create a mix of housing types within the price range of young families and seniors, provide safe and convenient trails for walking and bicycling, give priority to tree planting and retention for buffers along arterial streets, encourage greater bicycle use, require retention and planting of trees with new development and substantial redevelopment projects and,

WHEREAS, the City recognizes that there is a high probability of negative effects to human health over long periods of time resulting from inadequate pedestrian and bicycle infrastructure and that provision of a higher-level of pedestrian and bike facilities will promote better physical health for the citizens of Oak Harbor and;

WHEREAS, City of Oak Harbor staff conducted public involvement efforts to relay information and receive input on the proposed code updates including eleven (11) publicly-noticed planning commission Meetings from April 22, 2008 to August 25, 2009 and;

WHEREAS, City of Oak Harbor staff conducted a series of "Roundtable Meetings" with local stakeholders including real estate industry representatives and the Oak Harbor Rotary Club on April 9, 2008, May 7, 2008, and May 14, 2008 and;

WHEREAS City of Oak Harbor staff briefed the Oak Harbor Parks Board at a publicly-noticed meeting on March 10, 2008 and;

WHEREAS City of Oak Harbor staff established an internet blog site which provided on-going information about the code updates and invited public input, including an online survey questionnaire throughout the code update project and;

WHEREAS City of Oak Harbor staff briefed the Oak Harbor Public Works Standing Committee on the project at publicly-noticed meetings on September 3, 2009 and October 1, 2009 and;

WHEREAS City of Oak Harbor staff briefed the Oak Harbor Governmental Services Standing Committee on the project at publicly-noticed meetings on July 14, 2008, September 14, 2009, and October 12, 2009 and;

WHEREAS City of Oak Harbor staff invited the public to twenty-four (24) separate "Coffee House Discussions" at a local coffee shop from July 14, 2008 to September 18, 2008 to discuss

the subdivision code update project and;

WHEREAS City of Oak Harbor staff sent a letter to a list of two hundred fifty (250) stakeholders on March 12, 2008 inviting them to participate in the code update process and;

WHEREAS City of Oak Harbor staff sent a letter to a list of fifty (50) interested stakeholders on May 8, 2009 inviting them to participate in the code update process.

NOW, THEREFORE

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

**Section One.** Oak Harbor Municipal Code Title 21 entitled "Subdivisions" last amended by Ordinances 1317 in 2002 and by 1284 in 2001 is hereby repealed in its entirety.

**Section Two.** A new Title 21 of the Oak Harbor Municipal Code is hereby adopted to contain the following chapters:

**Title 21  
SUBDIVISIONS**

**Chapters:**

<b>21.10</b>	<b>General Provisions</b>
<b>21.20</b>	<b>Preliminary Plats</b>
<b>21.30</b>	<b>Construction Plans</b>
<b>21.40</b>	<b>Final Plats</b>
<b>21.50</b>	<b>General Design Standards</b>
<b>21.60</b>	<b>Residential Design Standards</b>
<b>21.70</b>	<b>Short Subdivisions</b>
<b>21.80</b>	<b>Binding Site Plans</b>
<b>21.90</b>	<b>Penalty</b>

**Section Three.** A new Chapter 21.10 of the Oak Harbor Municipal Code entitled “General Provisions” is hereby adopted to read as follows:

**Chapter 21.10  
GENERAL PROVISIONS**

**Sections:**

- 21.10.010 Purpose.**
- 21.10.020 Applicability.**
- 21.10.030 Administration.**
- 21.10.040 City standards.**
- 21.10.050 Consent to access.**
- 21.10.060 Monuments.**
- 21.10.070 Definitions.**

**21.10.010 Purpose.**

This title shall be known as the “Subdivision Ordinance of the City of Oak Harbor, Washington.” The purpose of this title is to regulate the subdivision of land and to promote the public health, safety and general welfare in accordance with the standards established by the state in Chapter 58.17 RCW as now or hererafter amended and the city and to:

- (1) Provide for the expeditious review and approval of proposed land divisions which comply with this title, the Oak Harbor zoning ordinance, other city plans, policies and land use controls, and Chapter 58.17 RCW;
- (2) Promote safe and convenient traffic circulation;
- (3) Facilitate adequate provision for water, sewerage, drainage, parks and recreational areas, sites for schools and school grounds, and other public requirements;
- (4) Provide for proper ingress and egress;
- (5) Adequately provide for the housing and commercial needs of the citizens of the state and city;
- (6) Require uniform monumenting of land divisions and conveyance by accurate legal description;
- (7) Provide for convenient and safe pedestrian and bicycle movement;
- (8) Promote the integration of new residential neighborhoods with developed areas of the community;
- (9) Encourage environmentally sound Low Impact Development techniques to manage stormwater;
- (10) Facilitate development that is aesthetically appealing and appropriate for the community; and
- (11) Implement the goals, objectives and policies of the Oak Harbor Comprehensive Plan.

**21.10.020 Applicability.**

- (1) The provisions of this title shall apply to all division of land within the corporate limits of the City of Oak Harbor except as expressly stated in this title.
- (2) Division of land into nine (9) or less lots shall be in compliance with the regulations and standards governing “short subdivision” set out in Chapter 21.70 of this title unless the binding site plan procedures of Chapter 21.80 are being followed. Division of land into ten (10) or more lots shall comply with regulations and standards pertaining to “Subdivisions” contained herein and must follow the preliminary and final procedures hereafter set forth or, if applicable, binding site plan processes.
- (3) Sale of land is prohibited unless it is a duly platted parcel of land or lot or is a tract of

record prior to September 16, 1980, or is a parcel of land approved under the short subdivision provisions.

- (4) The provisions of the subdivision ordinance shall not apply to:
- (a) Cemeteries and other burial plats while used for that purpose;
  - (b) Divisions of land into lots or tracts each of which is one hundred twenty-eighth (1/128<sup>th</sup>) of a section of land or larger, or five (5) acres or larger if the land is not capable of description as a fraction of a section of land;
  - (c) Divisions made by testamentary provisions, or the laws of descent;
  - (d) Divisions of land into lots or tracts classified for industrial or commercial use when the city council has approved a binding site plan for the use of the land in accordance with Chapter 21.80 of this title;
  - (e) A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the city council has approved a binding site plan for the use of the land in accordance with Chapter 21.80 of this title;
  - (f) A division made for the purpose of alteration by adjusting boundary lines between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum lot size requirements for width and area as specified in the underlying zoning;
  - (g) Divisions of land into lots or tracts if:
    - (i) Such division is the result of subjecting a portion of a parcel or tract of land to either Chapters 64.32 or 64.34 RCW subsequent to the recording of a binding site plan for all such land;
    - (ii) The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one (1) or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest;
    - (iii) The city council has approved the binding site plan for all such land;
    - (iv) Such approved binding site plan is recorded in Island County;
  - (h) A division for the purpose of leasing land for facilities providing personal wireless services, as defined in Chapter 58.17.040 RCW, while used for that purpose.
    - (i) A division of land into lots or tracts of less than three (3) acres that is recorded in accordance with Chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities as defined in Chapter 58.17 RCW. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of the Oak Harbor Municipal Code. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers.
- (5) Land which the city council may find to be unsuitable or inappropriate for subdivision due to flooding, inadequate drainage, excessive slope, rock formations, high ground water, or other features likely to be harmful to the safety and general health and welfare of the future residents shall not be subdivided unless adequate corrective methods are provided and approved by city council.

#### **21.10.030 Administration.**

The director of development services, referred to in this title as "director" is delegated and assigned the administrative and coordinating responsibilities contained in this title pursuant to Title 21 Amendments

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Chapter 58.17 RCW. All applications for land division approval under this title shall be submitted to the development services department. In cases where an environmental impact statement is required under the provisions of the State Environmental Policy Act (SEPA – Chapter 43.21C RCW), the department shall not be considered to be in receipt of an application, for the purpose of complying with time limitations established by this title, until the date of issuance of a final environmental impact statement.

**21.10.040 City standards.**

In addition to compliance with this title, all subdivisions shall adhere to all applicable adopted City standards and regulations including, but not limited to, the Comprehensive Plan, the Sewer Comprehensive Plan, the Water System Plan, and the Comprehensive Stormwater Drainage Plan, and the street and utility standards of the city which are on file with the city clerk.

**21.10.050 Consent to access.**

Persons applying for land division or lot line adjustment approval under this title shall permit free access to the land subject to the application to all agencies considering the proposal for the period of time extending from the time of application to the time of final action.

**21.10.060 Monuments.**

Concrete monuments shall be set at controlling corners of the subdivision, at all points where the street lines intersect the exterior boundaries of the subdivision, at controlling corners and points of curvature in each street, and at all street intersections. All surveys shall be of third order accuracy. The use of state plane coordinates is required.

All other lot corners shall be marked with a permanent suitable metal marker not less than three-eighths inch (3/8<sup>th</sup>) in diameter and eighteen inches (18”) long and driven flush with the finished grade.

**21.10.070 Definitions.**

Words used in the present tense shall include the future tense; the future tense shall include the present tense. The singular shall include the plural; the plural shall include the singular. The words “may” and “should” are permissive; “shall” is mandatory.

- (1) “Alley” means a public or private right-of-way, a minimum of twenty (20) feet in width, which affords a secondary access to abutting property.
- (2) “Block” means a group of lots, tracts, or parcels surrounded by public rights-of-way or easements for pedestrian/bike travel.
- (3) “Block length” means the perimeter distance around a block, divided by two (2).
- (4) “Binding site plan” means a drawing to a scale specified by Chapter 21.80 OHMC which:
  - (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations;
  - (b) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the city; and
  - (c) Contains provisions requiring development to be in conformity with the site plan.
- (5) “Building” means any structure used or intended for supporting or sheltering a continuous use.
- (6) “Building setback line” means a line parallel to the front property line in front of which no structure shall be erected. The location of such line shall be determined from the regulations of the zoning ordinance of the city.
- (7) “City” means the city of Oak Harbor.
- (8) “City engineer” means the duly appointed engineer for the city.

- (9) "City finance director" means the duly appointed treasurer and finance director for the city.
- (10) "Comprehensive plan" means the coordinated land use policy statement of the City adopted pursuant to 36.70A.030(4) RCW.
- (11) "Controlling corner" means all angle points of the perimeter of a subdivision or separate divisions of a subdivision.
- (12) "Council" means the city council of the city.
- (13) "County assessor" means the duly elected county assessor for the county.
- (14) "County auditor" means the duly elected county auditor for the county.
- (15) "County engineer" means the duly appointed county engineer for the county.
- (16) "County treasurer" means the duly elected county treasurer for the county.
- (17) "Dedication" means the deliberate appropriation of land by an owner for any general and public use, reserving to him/her no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final or short plat showing the dedication thereon and the acceptance by the public shall be evidenced by the approval of such plat for filing by the City.
- (18) "Director" means the duly appointed director of development services for the city.
- (19) "Engineer" means a registered professional engineer licensed to practice engineering in the State of Washington.
- (20) "Grid street pattern" means a street layout characterized by rectangular blocks and four-way intersections with streets meeting at right angles. This street pattern is also characterized by no or very few dead-ends.
- (21) "Modified grid street pattern" means a street layout characterized by rectangular blocks. This street pattern is distinguished from a grid street pattern by a mix of three-way and four-way intersections with streets meeting at right angles.
- (22) "Health department" means the county department of health.
- (23) "Low impact development" or "LID" means a stormwater management strategy that emphasizes conservation and use of existing natural site features integrated with distributed, small-scale stormwater controls to more closely mimic natural hydrologic patterns in residential, commercial, and industrial settings.
- (24) "Lot" means a fractional part of subdivided land having fixed boundaries being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include "plots" and "parcels."
  - (a) "Corner lot" means a lot which abuts on two (2) or more intersecting streets;
  - (b) "Interior lot" means a lot which has frontage on one (1) street only;
  - (c) "Through lot" means a lot other than a corner lot abutting more than one (1) street.
- (25) "Metes and bounds" means a description of real property which starts at a known point of beginning and describes the bearings and distances of the lines forming the boundaries of the property, and is completed when the description returns to the point of beginning.
- (26) "Mid-block connection" is a thoroughfare connecting two (2) sides of a residential block, usually located near the middle of said block and intended for pedestrian and bicycle use.
- (27) "Monument" means an object used to permanently mark a surveyed location. The size, shape and design of the monument is to be in accordance with standards specified by the city engineer.
- (28) "Open space" means a portion of land excluding building sites and parking areas which is designated and maintained as an area for leisure, recreation and other activities normally carried on outdoors. Open space may include greenbelt and recreational areas.
- (29) "Pavement width" means the actual paved surface measured from edge to edge of streets or alley road surface.

- (30) "Pipe stem lots," also called a "panhandle" lot, is defined as a parcel of land which resembles a rectangle with a lot taken out of a corner or corners leaving the remainder with considerably less width on the front lot line than the width at the rear of the parcel.
- (31) "Planning commission," also referred to as "the commission," means the appointed planning commission of the city.
- (32) "Plat" means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.
- (a) "Preliminary plat" means a neat and accurately scaled drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements, which shall furnish a basis for the approval or disapproval of the subdivision. (b) "Final plat" means the final drawing of the subdivision and dedication prepared for recording with the county auditor and containing all elements and requirements in Chapter 58.17 RCW and the Oak Harbor Municipal Code.
- (c) "Redivision" means a map or representation of a subdivision showing thereon the division of a tract or parcel of platted land into two (2) or more lots, blocks, streets, and alleys or other divisions and dedications.
- (d) "Short plat" means the map or representation of a short subdivision.
- (33) "Plat certificate" means a title report by a title insurance company certifying the ownership, deed restrictions, covenants, etc., of the land being subdivided.
- (34) "Right-of-way" or "R/W" means a strip of land deeded or dedicated to the city for street, utility and/or drainage purposes.
- (35) "Short Subdivision" means the division or redivision of land into nine (9) or less lots, tracts, parcels, or divisions for the purpose of sale or lease.
- (36) "Street" means a dedicated and accepted public right-of-way for vehicular traffic. The word "street" includes the words "road, drive, boulevard or way."
- (a) "Arterial street" means an existing or proposed roadway designated as a "Principal" or "Minor" arterial within the Transportation Element of the Comprehensive Plan.
- (b) "Collector street" means an existing or proposed roadway designated as a "Collector" or "Collector, Industrial" in the Transportation Element of the Comprehensive Plan.
- (c) "Cul-de-sac" means a turnaround at the termination of a dead-end street designed in such a manner as to provide for the safe and convenient reversal of traffic movement.
- (d) "Dead-end street" means a local street whose continuation is not required by the city for access to adjoining properties. For the purposes of this title, "eyebrow" or "crescent" turn-arounds are not considered to be dead-ends.
- (e) "Local or minor access street" means a street providing vehicular access to abutting properties.
- (f) "Private street" means a privately owned right-of-way which provides access for up to nine (9) residential units and meets the requirements of this title.
- (g) "Shared drive" means a privately owned right-of-way for vehicular access for a maximum of four (4) residential units and meets the requirements of this title.
- (37) "Street and utility standards of the city" shall consist of the requirements contained in the standard drawings and documents as specified by the city engineer which are on file with the city clerk.
- (38) "Subdivider" means any person, firm or corporation who subdivides or develops any land deemed to be a subdivision.
- (39) "Subdivision" means the division or redivision of land into ten (10) or more lots, tracts,

parcels, sites or divisions for the purpose of sale or lease and includes all resubdivision of land.

- (40) "Surveyor" means a registered professional land surveyor licensed to practice surveying in the State of Washington.
- (41) "Tract" is a non-buildable unit of land created by a subdivision, short subdivision, deed, or other instrument recorded with the appropriate county recorder. Tracts are usually held in common by the owners of an organization, such as a home owner's association, for common benefit and are not required to meet minimum lot size and dimensional requirements of the applicable zone.

**Section Four.** A new Chapter 21.20 of the Oak Harbor Municipal Code entitled "Preliminary Plats" is hereby adopted to read as follows:

**Chapter 21.20  
PRELIMINARY PLATS**

**Sections:**

- 21.20.010 Purpose and Applicability.**
- 21.20.020 Process for preliminary plat.**
- 21.20.030 Application and submission requirements.**
- 21.20.040 Prints, application and fee submittal.**
- 21.20.050 Review procedures.**
- 21.20.060 Dedications.**
- 21.20.070 Planning commission public hearing.**
- 21.20.080 City council decision.**
- 21.20.090 Effect of approval.**

**21.20.010 Purpose and Applicability.**

The purposes of a preliminary plat (preliminary subdivision) application is to:

- (1) Accept public comment on the proposed plat application in accordance with the public participation goals and policies of the comprehensive plan and;
- (2) Review the proposed division of land for conformance with the comprehensive plan, zoning standards contained in Title 19 OHMC and design standards of this title including, but not limited to, lot size, setbacks and density prior to submittal of detailed construction plans and drawings under the provisions of Chapter 21.30 OHMC.

A preliminary plat shall be required when division of land into ten (10) or more lots, tracts, or parcels is proposed for which a binding site plan process is not being followed.

**21.20.020 Application and submission requirements.**

- (1) The preliminary plat shall be prepared, stamped and signed by a licensed land surveyor.
- (2) The preparer shall, by placing his or her signature and seal upon the face of the plat, certify that all information is portrayed accurately and that the proposed subdivision complies with the standards and requirements of this title, the Oak Harbor zoning ordinance, and any other applicable land use and development controls.
- (3) The preliminary plat must be prepared in accordance with the following minimum requirements:
  - (a) The preliminary plat shall be reproducible;
  - (b) All geographic information portrayed by the preliminary plat shall be accurate, legible, and drawn to an engineering (decimal) scale;
  - (c) The horizontal scale of a preliminary plat shall be one hundred (100) feet or fewer to the inch, except that the vicinity sketch and typical street cross sections may be drawn to any other appropriate scale; and
  - (d) A preliminary plat shall be twenty-four (24) inches by thirty-six (36) inches in size, and if more than one (1) sheet is needed, each sheet shall be numbered consecutively and an index sheet showing the entire property and orienting the other sheets, at any appropriate scale, shall be provided.
- (4) The preliminary plat must include the following information:
  - (a) Name of proposed plat;
  - (b) Name, address and phone number of the subdivider (owner) and the name, address and phone number and seal of the surveyor preparing the plat;

- (c) An accurate and complete legal description of the area being platted;
  - (d) All parcels of land intended to be dedicated or temporarily reserved for public use and the conditions attached thereto shall be accurately indicated;
  - (e) The lines and names of all streets and other public ways, pedestrian/bike connections, parks, playgrounds and easements intended to be dedicated for public use and/or common areas granted for use of inhabitants of the subdivision;
  - (f) There shall be a vicinity sketch at a scale of not more than eight hundred (800) feet to the inch showing the proposed plat in relation to surrounding land. All platted or public rights-of-way for a distance of at least a quarter mile shall be shown, and additional area shall be illustrated, if necessary, to show connecting streets or arterials;
  - (g) Monuments found and established during the preliminary survey;
  - (h) Names and addresses of all land owners contiguous to the proposed plat;
  - (i) Present zoning classification on and adjacent to the proposed plat;
  - (j) Date, scale, north arrow and lot lines; and
  - (k) All mapped information shall be prepared in a neat and legible manner.
- (5) On a separate sheet of paper from the preliminary plat map, a site plan showing the following:
- (a) Name of plat;
  - (b) Topography of the area with a maximum five-foot (5') contour intervals;
  - (c) City datum shall be used;
  - (d) Location of all utilities and sizing of existing and proposed public utilities, including but not limited to fire hydrants, water, sewer, storm drains, electricity, gas, telephone and cablevision lines, mail boxes; and
  - (e) Existing structures and natural features and all proposed and existing improvements within and adjoining the proposed subdivision as required by the design standards contained in Chapters 21.50 and 21.60 OHMC.
- (6) A landscape plan showing all of the following:
- (a) All buffers, screening, tree retention areas, fences and hedges required by Chapter 19.46 OHMC;
  - (b) Landscaping around stormwater ponds as required by this title;
  - (c) Any landscaping required in the public right-of-way or pedestrian/bicycle connections, including location, type and spacing of street trees; and
  - (d) Locations of light fixtures in pedestrian/bike connections and along all streets;
- (7) An environmental checklist and review fee shall be required in accordance with city ordinance upon the submittal of a preliminary plat;
- (8) A copy of any deed restrictions or protective covenants existing or proposed; and
- (9) Any additional materials, supporting documentation, and fees necessary to fulfill the requirements of other applicable municipal standards defined in the Oak Harbor Municipal Code.

**21.20.030 Prints, application and fee submittal.**

The preliminary plat application number of prints and applicable fees shall be as set forth on forms provided by the development services department.

**21.20.040 Review procedures.**

- (1) Preliminary subdivision approval shall be a Type IV review process as outlined in OHMC Chapter 18.20.
- (2) Upon receipt of the proposed preliminary plat application and determination of "fully completed" status, the director shall distribute it to each of the following for their review

and comments as applicable:

- (a) City administrator or such other person as designated by the mayor;
  - (b) City engineer;
  - (c) Fire chief;
  - (d) Police chief;
  - (e) Public works superintendent;
  - (f) City park board;
  - (g) Island County planning department;
  - (h) Oak Harbor school district;
  - (i) Post office;
  - (j) Public and private utilities (such as power and natural gas), telephone, cable TV, telecommunications providers holding franchises in Oak Harbor; and
  - (k) Other agencies designated by the mayor.
- (3) For purposes of this section, the term "fully completed," as used in RCW 58.17.033, is the same as "Technically Complete" as defined and referenced in OHMC 18.20.350.
- (4) The director shall prepare and give notice of the time, location and purpose of the hearing to the following agencies, if applicable:
- (a) Department of Transportation if the preliminary plat is adjacent to the right-of-way of a state highway or within two (2) miles of the boundary of a state or municipal airport; and
  - (b) The county if the preliminary plat abuts the city limits.

**21.20.050 Dedications.**

- (1) Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed in conformity with RCW 82.02.050 through 82.02.090 may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property. The city shall not, as a condition to the approval of any subdivision, require a release from damages to be procured from other property owners.
- (2) If the preliminary plat includes a dedication of a public park with an area of less than two (2) acres and the donor has designated that the park be named in honor of a deceased individual of good character, the city shall adopt the designated name.

**21.20.060 Planning commission public hearing.**

- (1) Notice shall be provided of a public hearing before the planning commission.
- (a) The director shall set a public hearing before the planning commission on the preliminary plat application.
  - (b) The director shall publish notice of the hearing not less than fifteen (15) days prior to the hearing date in a newspaper of general circulation in the area where the real property which is proposed to be subdivided is located.
  - (c) The director shall also give special notice of the hearing to landowners of adjacent real property located within three hundred (300) feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, special notice shall also be given to landowners of real property any portion of the boundaries of which are adjacent to real property owned by the owner of the real property

- proposed to be subdivided.
- (d) All hearing notices shall include a description of the location of the proposed subdivision. The description may be in the form of either a vicinity location sketch or a written description other than a legal description.
- (2) The planning commission shall consider the preliminary plat application and make a recommendation to the city council whether to approve or disapprove the proposed subdivision.
- (a) The public hearing shall be an open record hearing where testimony and evidence shall be taken subject to the rules of procedure of the planning commission.
  - (b) The applicant shall be given an opportunity to testify and produce evidence in support of the preliminary plat application.
  - (c) Members of the public shall also be allowed to testify and to produce evidence.
  - (d) The planning commission shall review the application to determine whether the proposed subdivision conforms to the city's comprehensive plan, zoning code, and other planning documents adopted by the city council.
  - (e) The planning commission shall enter written finding of fact and conclusions concerning the proposed subdivision and include them in the recommendations to the city council.
  - (f) The recommendations of the planning commission shall be transmitted to the city council within fourteen (14) days of action by the planning commission.

**21.20.070 City council decision.**

- (1) The preliminary plat application shall be placed on the agenda for the next regular city council meeting not less than one (1) week after the city council's receipt of the planning commission recommendations.
- (2) Consideration of the application by the city council shall be a closed record proceeding. The city council shall make its determination whether to approve or disapprove the application based on the record created before the planning commission and the planning commission's recommendations.
- (3) The city council shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication(s). It shall make written findings:
  - (a) Whether appropriate provisions have been made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.
  - (b) Whether the public use and interest will be served by the platting of the subdivision and dedication(s).
  - (c) The city council may approve or disapprove the application by resolution, which shall include the written findings required in paragraph (3) of this section. The city council may condition approval of the preliminary plat upon actions to meet the requirements of paragraph (3) of this section. The city council may not require a release from damages to be procured from other property owners as a condition of preliminary plat approval.
  - (d) The city council decision shall be made within ninety (90) days of the date of the director's determination that the application is fully completed, excluding those excepted time periods specified in RCW 58.17.140, unless the applicant consents in writing to an extension of the time period for decision.

**21.20.080 Effect of approval.**

- (1) Approval of the preliminary plat by the city council shall constitute approval for the applicant to develop construction plans and specifications for facilities and improvements, as required, in strict conformance with the approved preliminary plat, street and utility standards adopted by the city, and any special conditions required by the council.
- (2) Permission shall not be granted for installation of required improvements until all construction plans and specifications have been approved in writing by the city engineer.
- (3) Time for performance. Except as provided for in 21.40.020, construction shall be completed within five (5) years of the date of the city council resolution approving the preliminary plat or the preliminary plat approval shall terminate and all permits and approvals issued pursuant to such authorization shall expire and be null and void. If construction has been commenced but the work has been abandoned for a period of one (1) year or more, and if no extension of time has been granted as provided in 21.40.020 OHMC, the authorization granted for the preliminary plat shall terminate and all permits and approvals issued pursuant to such authorization shall expire and be null and void.

**Section Five.** A new Chapter 21.30 of the Oak Harbor Municipal Code entitled “Construction Plans” is hereby adopted to read as follows:

**Chapter 21.30  
CONSTRUCTION PLANS**

**Sections:**

**21.30.010 Purpose and Applicability.**

**21.30.020 Construction plans – Engineering Review.**

**21.30.010 Purpose and Applicability.**

The purpose of construction plans is to document that the specific construction details for all public and private improvements such as, but not limited to streets, sewer, water, storm sewer, pedestrian/bike connections, landscape strips, and sidewalks, required as part of preliminary plat or short subdivision approval, and ensure that they will be built according to City standards.

Construction plans are required of all projects which seek to divide land and create parcels, tracts, or lots through the subdivision or short subdivision process.

**21.30.020 Construction plans – Engineering Review.**

- (1) Following approval of the preliminary plat or short subdivision by the city council, if the subdivider wishes to proceed with the subdivision, he or she shall submit to the city engineer the applicable plan and other review fees as set out in this title and the city’s fee schedule, and three (3) complete sets of construction plans and specifications (sheet size twenty-four (24) inches by thirty-six (36) inches) prepared by an engineer registered in the State of Washington showing all improvements as required by the city council in granting the preliminary plat. Such plans must be submitted and approved by the city engineer prior to beginning any grading work on the site.
- (2) All construction plans and specifications shall be in conformance with the city street and utility standards. The city engineer shall approve, conditionally approve, or disapprove the submitted plans according to the timelines established in Chapter 18.20 OHMC. The subdivider shall indicate, either on the plans or by separate document, the engineer retained to provide certification of all improvements. Approval shall expire five (5) years from the date of initial preliminary plat approval.
- (3) After the city engineer has approved the construction plans and specifications, the subdivider may then proceed as follows:
  - (a) Prior to the submission of a final plat for approval, all streets, alleys, sidewalks, pedestrian/bike connections, landscaping, storm drainage, utilities, monumentation, street lights, trees, and any other improvements specified in this title shall be installed and completed by the subdivider to the satisfaction of the city engineer and in conformance with this chapter;
  - (b) The subdivider’s engineer shall provide “as-built” drawings of all city-maintained streets and utility improvements related to the subdivision. As-built drawings shall be submitted to and approved by the city engineer prior to acceptance of public improvements;
  - (c) A performance bond in the amount of one hundred-twelve percent (112%) of the cost to construct required and uninstalled improvements may be posted in lieu of the complete installation of improvements, provided that such bond is recommended by the city engineer. All deferred improvements shall be completed within two (2) years from the date a bond has been accepted or the

- city will use securities to complete. The performance bond shall specify exactly what improvements are included, accompanied by a time schedule for completion. In lieu of the performance bond, the developer may provide for other security approved by the city council at the next regularly scheduled council meeting following the city engineer's approval of construction plans;
- (d) The subdivider shall promptly proceed with the completion of the guaranteed improvements. If, in the opinion of the city engineer, the subdivider has not proceeded toward the prompt completion of the bonded improvements, he may cause the bond or other security to be updated with new estimates of cost on all incomplete improvements and all increased cost estimates shall be passed on to the bond or other security. If these increased costs are not accepted by the security, then the city shall foreclose on the bond or other security. In any event, all bonded improvements must be completed within the period specified in the bond, or the bond shall be forfeited and the city will undertake the installation and completion of all improvements with the bond;
  - (e) Water, sanitary sewer and storm sewer connections to private property will not be allowed until preliminary approval of all public utility installations has been made by the city engineer. Prior to the acceptance of public improvements, the subdivider shall submit to the city engineer a permanent reproducible mylar of the original construction drawings, said mylar corrected to indicate all as-built information together with a certification by the developer's engineer certifying the accuracy of said as-built information, and conformance of the installation with the approved plans/specifications and all city requirements. In addition to the mylar, one (1) electronic copy and two (2) sets of prints shall be provided;
  - (f) Before acceptance of the improvements by the city council of the city of Oak Harbor, a maintenance bond or other security acceptable to the city shall be posted by the developer jointly obligating the developer, or some other party acceptable to the city, and a security, acceptable to the city guaranteeing these improvements from any defects caused by faulty workmanship, materials or design or combination thereof for a period of two (2) years from the date of written acceptance of the improvements. The amount of bond or other security requested shall be determined by the city engineer, but in no event shall the amount be less than ten percent (10%) of the cost of the improvements; and
  - (g) The city engineer shall be responsible for approving all engineering drawings, the final inspection and acceptance of all subdivision improvements. A reasonable fee to cover the cost to the city of inspecting and reviewing the construction plans shall be billed to the developer. The fee shall be the cost to the city per hour of employee time spent inspecting and reviewing construction plans. This fee shall be paid in full prior to formal acceptance of the improvements by the city council.

**Section Six.** A new Chapter 21.40 of the Oak Harbor Municipal Code entitled "Final Plats" is hereby adopted to read as follows:

**Chapter 21.40  
FINAL PLATS**

**Sections:**

- 21.40.010 Purpose and Applicability.**
- 21.40.020 Timeline for submittal of final plat and extensions for completion of improvements.**
- 21.40.030 Application requirements.**
- 21.40.040 Prescribed form.**
- 21.40.050 Review and approval process.**
- 21.40.060 Filing – Copies.**

**21.40.010 Purpose and Applicability.**

Final plats are final drawings of the subdivision and dedication prepared for filing with the county auditor in accordance with Chapter 58.17 RCW and county and city ordinances. Final plats are required for any land division which uses the subdivision process to create lots, parcels or tracts. Final plats are not required to be submitted for binding site plans.

**21.40.020 Timeline for submittal of final plat and extensions for completion of improvements.**

- (1) Final plat approval is a Type IV review process, in accordance with Chapter 18.20 of the OHMC.
- (2) An application for final plat approval shall be submitted to the director within five (5) years of the preliminary plat approval and when either:
  - (a) The subdivider has completed and has received approval of the construction and installation of all improvements; or
  - (b) The subdivider has submitted an approved performance bond in lieu thereof.
- (3) The city council may grant a time extension for completion of the requirements for preliminary plat for a maximum of one (1) year. Said extension shall be conditioned upon:
  - (a) The plat meeting all subdivision requirements which are in effect at the time the extension is granted; and
  - (b) Upon a showing that the applicant has attempted in good faith to submit the final plat within the five (5)-year period.

**21.40.030 Application requirements.**

- (1) The application for the final plat shall include all of the following:
  - (a) A reasonable application processing fee in accordance with RCW 82.02.020 to cover the cost of processing the application as set out in the City's Comprehensive Permit Fee List;
  - (b) The final plat map meeting the requirements of 58.17 RCW, including certifications, dedications and title reports. Every plat containing a dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.
  - (c) A recordable survey and surveyor's signature meeting the requirements of Chapter 58.09 RCW and RCW 58.17.250.

- (d) The subdivider's engineer shall provide cost information for construction and installation of all improvements including but not limited to the following:
  - (i) Water Mains and Appurtenances. Total cost by size and number of feet and the cost of any other associated improvement by item, including water services;
  - (ii) Storm Drains. Total cost by size and number of feet;
  - (iii) Sanitary Sewer. Total cost by size and number of feet;
  - (iv) Streets. Total cost by size and number of feet;
  - (v) Pedestrian/bike connections. Total cost by size and number of feet;
  - (vi) Landscaping, including street trees. Total cost;
  - (vii) Other on or off-site improvements as required.
- (2) The application and number of prints as set forth on the application of the final plat shall be submitted to the director along with the original signed by the owner and registered land surveyor.

**21.40.040 Prescribed form.**

The final plat shall be submitted to the director in the form and manner prescribed in this section. The prescribed form described in this section also applies to short subdivision maps.

- (1) Form.
  - (a) The final plat, containing all the information specified in this chapter, shall be prepared in a neat and legible manner in permanent drawing ink or equivalent on mylar film or better. Applicant shall also submit an electronic copy to the city of the approved final plat. All documents, maps, survey calculations and notes shall contain the name of the subdivision, the name(s) of the subdivider(s), and the name of the registered land surveyor responsible to the subdivider(s) and;
  - (b) The plat map shall be eighteen inches (18") by twenty-four inches (24") with a one-half-inch (1/2") border on the top, bottom, and right hand margins and a two-and-one-half-inch (2 1/2") border on the left hand or binding margin.
- (2) Specific Requirements. The final plat shall clearly show the following information:
  - (a) The lines and names of all streets and other public ways, pedestrian/bike connections, parks, playgrounds and easements intended to be dedicated for public use and/or common areas granted for use of inhabitants of the subdivision;
  - (b) The lines and names of all existing or platted streets or other public ways, pedestrian/bike connections, parks, playgrounds and easements adjacent to the subdivision, including municipal boundaries, township lines, and section lines;
  - (c) The lengths and bearings of all straight lines, curve radii, curve delta, arcs and semitangents (where appropriate) of all curves;
  - (d) All bearings and dimensions along the lines of each lot together with any other data necessary for the location of any lot lines in the field. All bearings shall be referenced to the Washington Coordinate Systems, North Zone;
  - (e) All easements and associated restrictions and maintenance provisions;
  - (f) Building setbacks;
  - (g) Tracts or areas set aside for environmental protection, tree retention, community open space, common access or any other restricted use with associated restrictions and maintenance provisions clearly defined;
  - (h) The area of all lots and tracts expressed in square feet;
  - (i) Suitable primary control points, approved by the city engineer, on descriptions and ties to such control points, to which all dimensions, angles, bearings and similar data given on the plat shall be referred;
  - (j) The location of all permanent monuments;
  - (k) The names of all subdivisions immediately adjacent thereto;

- (l) The date, north arrow, scale, datum plane, and date of survey;
  - (m) The boundary of the tract with the courses and distances marked thereon as determined by a field survey made by a registered land surveyor of the state;
  - (n) A vicinity sketch map of approximately 800 feet to the inch;
  - (o) Street names; and
  - (p) The stamp and signature of a surveyor licensed in the State of Washington.
- (3) All linear dimensions shall be given in feet and decimals of a foot to the nearest hundredth (1/100<sup>th</sup>).
  - (4) The scale of the final plat will be one-hundred (100) feet to the inch, or as approved by the director.
  - (5) If the plat constitutes a replat, the lots, blocks, streets, etc., of the original plat shall be shown by dotted lines in their proper positions relative to the new arrangement of the plat, the new plat being clearly shown in solid lines so as to avoid ambiguity.
  - (6) Document Forms. All final plats shall contain the elements listed in Chapter 58.17.160 RCW. In addition, the final plat shall contain the legal description of the subdivision and easement provision, a dedication, acknowledgments, and other statements, in substantially the form as follows:
    - (a) Easements (Sample Utility Easement)

An easement is reserved for and granted to (the names of all the utilities, public and private, serving the area) and their respective successors and assigns under and upon the exterior ten (10) feet of front boundary lines of all lots and tracts, in which to install, lay, construct, renew, operate, maintain and remove utility systems, lines, fixtures and appurtenances attached thereto, for the purpose of providing utility services to the subdivision and other property, together with the right to enter upon the lots and tracts at all times for the purposes stated, with the understanding that any grantee shall be responsible for all unnecessary damage it causes to any real property owner in the subdivision by exercise of rights and privileges herein granted.

(b) Dedication (By Individuals).

Know All Men by these Presents that we, the undersigned owners in the fee simple or contract purchaser and mortgage holder of the land hereby platted, hereby declare this plat and dedicate to the use of the public forever all streets and avenues shown thereon and use thereof for all public purposes not inconsistent with the use thereof for public highway purposes; also the right to make all necessary slopes for cuts and fills upon the lots and blocks shown on this plat in the original reasonable grading of the streets and avenues shown hereon. This subdivision has been made with our free consent and in accordance with our desires.

IN WITNESS WHEREOF we have hereunto set our hands and seals this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
 \_\_\_\_\_

(c) Dedication (By Corporation).

Know All Men by these Presents that the \_\_\_\_\_, Inc., a state corporation, owner in the fee simple or contract purchaser and mortgage holder of the land hereby platted, declares this plat and dedicates to the use of the public forever, the streets and avenues shown hereon and the use thereof for all public purposes consistent with the use thereof for public highway purposes together with the right to make all necessary slopes for cuts and fills upon the lots and blocks shown hereon in the original reasonable grading of all such streets and avenues shown hereon. This subdivision has been made with our free consent and in accordance with our desires.

IN WITNESS WHEREOF, the said corporation has caused its corporate name to be

hereunto subscribed and its corporate seal to be hereunto affixed this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_, Inc.

By \_\_\_\_\_

By \_\_\_\_\_

(d) Acknowledgment (By Individuals).

State of \_\_\_\_\_, County of \_\_\_\_\_, I certify that I know or have satisfactory evidence that \_\_\_\_\_ signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

WITNESS my hand and official seal the day and year first above written.

Notary Public in and for the State of \_\_\_\_\_

residing at \_\_\_\_\_

My Appointment Expires \_\_\_\_\_

(e) Acknowledgment (By Corporations).

State of \_\_\_\_\_, County of \_\_\_\_\_. I certify that I know or have satisfactory evidence that \_\_\_\_\_ signed this instrument, on oath stating that (he/she) was authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ (type of authority, e.g., officer, trustee, etc.) of \_\_\_\_\_ (name of party on behalf of whom instrument was executed) to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

IN WITNESS WHEREOF I have set my hand and affixed by official seal the day and year above written.

Notary Public in and for the State of \_\_\_\_\_

residing at \_\_\_\_\_

My Appointment Expires \_\_\_\_\_

(f) Surveyor's Certificate.

I hereby certify that the plat of \_\_\_\_\_ is based upon a complete and actual survey and subdivision of Section \_\_\_\_, Township \_\_\_\_, Range \_\_\_\_ East W.M.; that the courses and distances are shown correctly thereon; that the monuments have been set and the lot and block corners staked correctly on the ground; and that I have fully complied with the provisions of the statutes and platting regulations. \_\_\_\_\_

Certificate No. \_\_\_\_\_

Expiration \_\_\_\_\_

Date \_\_\_\_\_

(g) City engineer Approval.

I hereby certify that this final plat is consistent with all applicable city improvement standards and requirements in force on the date of preliminary plat approval, examined and approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

City engineer

(h) City Council Approval.

Approved by the Council of the City of Oak Harbor, Washington this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

Attest:

\_\_\_\_\_

Clerk Mayor

(i) City Finance Director Approval.

I hereby certify that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged.

This day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_

City Finance Director

(j) County Treasurer Approval.

This is to certify that all taxes heretofore levied and which have become a lien upon the lands herein described, have been fully paid and discharged, according to the records of my office, up to and including the year of \_\_\_\_\_.

(k) County Auditor.

Filed for at the request of \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, and recorded in Volume \_\_\_\_ of Plats, page(s) \_\_\_\_\_, Records of Island County, Washington.

\_\_\_\_\_

County Auditor

- (l) The final plat shall be accompanied by a computer check of the boundaries, street centerlines, lots, blocks and lot areas.
- (m) All documents submitted under this section shall contain the name of the subdivision and the name and address of the subdivider.

(7) Waivers of claims of damages for damages to adjacent land pursuant to RCW 58.17.165 may be required where the City accepts a street or avenue as part of final plat approval.

**21.40.050 Review and approval process.**

- (1) The director shall forward the final plat application to the city council if;
  - (a) The application is in order; and,
  - (b) Improvements are constructed in a satisfactory manner and approved by the city engineer or a bond or other security acceptable to the city engineer has been satisfactorily posted for deferred improvements.
- (2) The recommendations of the director regarding the final plat shall be forwarded to the mayor for placement upon city council agenda.
- (3) After receipt of the recommendation on any final plat, the city council shall consider the final plat at a public meeting.

**21.40.060 Filing – Copies.**

- (1) If approved, the subdivider shall file the final plat with the county auditor within 30 working days after approval by the city council. If the final plat has not been recorded within the above specified timeframe, the city resolution adopting the final plat will automatically become null and void.
- (2) The subdivider shall furnish the director with one (1) permanent reproducible copy, mylar or better quality, of the final plat including all recording data and covenants. Paper and electronic copies shall be supplied within five (5) days of the approval.

**Section Seven.** A new Chapter 21.50 of the Oak Harbor Municipal Code entitled entitled “General Design Standards” is hereby adopted to read as follows:

**Chapter 21.50  
GENERAL DESIGN STANDARDS**

**Sections:**

- 21.50.010 Purpose.**
- 21.50.020 Applicability.**
- 21.50.030 Relationship to other plans required by this title.**
- 21.50.040 Waiver of requirements – Procedure.**
- 21.50.050 General improvement standards.**
- 21.50.060 Streets – Access requirements.**
- 21.50.070 Streets – Required improvements.**
- 21.50.080 Streets – Relationship to adjoining development.**
- 21.50.090 Alleys.**
- 21.50.100 Lot Dimensions.**

**21.50.010. Purpose.**

The design standards in this chapter implement the goals and policies of the Oak Harbor Comprehensive Plan for the division of land within city boundaries into lots, tracts, and parcels, as well as set requirements for the design and provision of public infrastructure needed to serve land divisions.

**21.50.020. Applicability.**

The general design standards in this chapter apply to all divisions of land within the City of Oak Harbor, including binding site plans, short subdivisions, and subdivisions.

**21.50.030 Relationship to other plans required by this title.**

All improvements required by this chapter for land divisions must be shown on the preliminary plat site plan, short subdivision map, or the binding site plan map, as applicable.

**21.50.040 Waiver of requirements - Procedure.**

- (1) Any subdivider can make application for a waiver from one (1) or more of the design standards contained in this chapter provided the request is received concurrently with the proposed subdivision, short subdivision, binding site plan or dedication. In addition, the waiver process described in this section may be used to vary from the residential design standards in Chapter 21.60. A waiver shall be granted only upon a finding that strict compliance with the provisions for subdivision, short subdivision, binding site plan or dedication would cause unusual and unnecessary hardship on the subdivider due to the following:
  - (a) Because of the size of the tract to be subdivided; or,
  - (b) Its topography; or,
  - (c) The condition or nature of adjoining areas; or,
  - (d) The existence of unusual physical conditions.
- (2) No waiver shall be granted which allows a subdivision, short subdivision or binding site plan, which is not in the public interest as identified in RCW 58.17.010 et seq.
- (3) Subdivision waivers are a Type IV review process, as described in Chapter 18.20 of the OHMC and shall accompany and be processed with the preliminary plat, short subdivision, binding site plan or boundary line adjustment application.

- (4) Such conditions may be required which may achieve, insofar as practicable, the objectives of the requirements for which a waiver is authorized.
- (5) Application for an Adjustment or Waiver from the Local Residential Street designs contained in Table 21.50 -1 shall be processed in accordance with the provisions of section 21.60.070 and 21.60.080 OHMC, not the provisions of this section.

**21.50.050 General improvement standards.**

The standards of this section shall apply generally throughout the city of Oak Harbor.

- (1) A water distribution system, including fire hydrants, shall provide domestic water service and fire protection to each lot. Said system shall conform to the city's comprehensive water plan, established policy and state requirements. Fire hydrant type and location shall be subject to the review and approval of the fire chief or his designee. Water mains and distribution systems shall be installed as shown on construction plans approved by the city engineer pursuant to Chapter 21.30 OHMC
- (2) Sewer mains shall be installed as shown on drawings approved by the city engineer and shall conform to the city's comprehensive sewer plan. When required, sewer mains, manholes, lift stations and force mains shall be installed in all subdivisions prior to any water service being connected to any improvements. Service connections shall be provided to each lot.
- (3) Drainage:
  - (a) All drainage in and through the subdivision shall be the responsibility of the subdivider.
  - (b) The subdivider may divert or enclose the natural drainage in his subdivision after providing a drainage system approved by the city engineer. The subdivider shall bear all costs associated with diverting or enclosing natural drainage and such alterations shall comply with Title 20 OHMC.
  - (c) All drainage within street rights-of-way must be contained in underground pipes and culverts except where permitted in gutters, or where Low Impact Development ("LID") stormwater management facilities are approved by the city;
  - (d) Where required, the subdivider shall design and install storm drain detention or infiltration systems.
  - (e) Alternate drainage structures, facilities and conveyances, such as LID techniques, may be acceptable where soil conditions permit, subject to approval by the city engineer.
  - (f) For maintenance purposes, all storm water detention or treatment facilities shall be placed in a tract, unless located within a public right-of-way.
- (4) Streets:
  - (a) Paved streets, sidewalks, landscape strips and concrete curbs and gutters shall be required on all dedicated street rights-of-way in all subdivisions, unless an alternative design has been approved in accordance with section 21.60.070 and 21.60.080. LID alternatives such as permeable surfacing and on-site stormwater management facilities are encouraged where site and soil conditions make these feasible alternatives. All improvements shall be constructed in conformance with city street and utility standards and, when applicable, the "LID Technical Manual for Puget Sound" (Puget Sound Action Team, January, 2005 edition).
  - (b) The improvements shall be made from intersection to intersection, intersection to subdivision boundary, or from subdivision boundary to subdivision boundary.
  - (c) All streets, roads and alleys shall be graded to their full width so that pavement and sidewalks can be constructed on the same plane. Before grading is started, the entire right-of-way area shall be cleared of all stumps, roots, brush and other

- objectionable materials, and all trees not intended for preservation.
- (d) On streets where a proposed subdivision adjoins an existing subdivision or existing street dedication and the existing subdivision or existing street dedication does not meet city standards, the subdivider shall, as a minimum, be responsible for installing paved streets, sidewalks, curbs, gutters, landscape strips, street trees, monuments, sanitary and storm sewers, street lights, water mains, and street name signs on both sides of all streets within the subdivision and on one (1) side on streets around the perimeter of the proposed subdivision. Any partial street improvements required on the perimeter of a subdivision shall be designed to allow for two-way vehicular traffic where reasonably necessary as a direct result of the creation of the subdivision.
  - (5) Alleys shall be constructed to the standards indicated in Table 21.50 – 1.
  - (6) Sidewalks:
    - (a) Sidewalks shall be installed on both sides of all streets, along dead-end streets and around cul-de-sacs. No physical obstructions such as poles, fire hydrants, utility boxes, utility vaults, or mailboxes shall be constructed in the sidewalk or overhang the sidewalk from zero to eight (8) feet above grade. Sidewalks shall be a minimum of five (5) feet wide and four (4) inches thick. Where rolled curb has been approved by the city engineer, all sidewalks adjacent will be a minimum thickness of six (6) inches.
    - (b) All sidewalks shall be completed prior to an occupancy permit being granted for any new building.
  - (7) Other Utilities:
    - (a) Street light standards and fixtures shall be provided to supply adequate lighting for the safety and convenience of the public.
    - (b) Franchise utilities shall be installed to provide electricity, natural gas, telephone, television/internet cable, and other services to the platted area. Said utilities shall be restricted to underground installation.
    - (c) All utilities (water, sewer, and electrical, and if available, gas, TV cable, and internet cable) shall be installed to the property line prior to acceptance of the public improvements.
  - (8) The subdivider shall install street name signs and traffic control signs and/or improvements and devices other than traffic signals to the satisfaction of the city engineer. The city may install such signs and devices at the expense of the subdivider.
  - (9) All utilities except water, sewer and storm sewer will be installed behind the sidewalk.

**21.50.060 Streets - Access requirements.**

- (1) Each lot in a subdivision or short subdivision must have access to a public street or road. This requirement does not apply to lots created through a binding site plan. Alternatively, access may be by private access easement within a residential short subdivision in accordance with the requirements of sections 21.60.120 – through 21.60.140 of this title. In the case of lots intended for use by single-family residences, no more than one (1) driveway access is permitted for each lot, except as authorized by the city engineer.
- (2) Whenever a proposed lot created through land divisions abuts two (2) or more streets of a different functional classification, access to the lot must be from the street with the lowest functional classification. Provided, that access may be from the street with the highest functional classification if it is determined by the city engineer that access from the street with the lower functional classification is impractical or impossible due to:
  - (a) Existing site conditions;
  - (b) Existing structures; and/or
  - (c) Topography or critical areas constraints of the site.

**21.50.070 Streets - Required Improvements.**

(1) Table 21.50 – 1 gives the minimum required dimensional standards for each functional street type listed in the Transportation Element of the Oak Harbor Comprehensive Plan. All public rights-of-way proposed within subdivisions, short subdivisions or binding site plans must conform to the requirements in Table 21.50 – 1, unless an alternative Local Residential Street design has been approved in accordance with section 21.60.070 or 21.60.080.

<b>Table 21.50 – 1. Required Street Improvements</b>					
<b>Street Type</b>	<b>Right-of-way width *</b>	<b>Face of curb to-face of curb width</b>	<b>Sidewalk width each side</b>	<b>Landscape strip width each side</b>	<b>Bike lane width each side</b>
Principal Arterial, 4-lane	97 - 105 feet	52 feet without bike lanes, 60 feet with bike lanes. Landscaped median is 12 feet.	8 feet	12 feet	4 feet.
Minor Arterial, 2-lane	80 feet	47 feet, with 11 foot center turn-lane	5 feet	10.5 feet	5 feet
Minor Arterial, Industrial (enterprise area)	60 feet	38 feet	none	6 feet (bioswale)	4 feet
Collector w/ bike lanes	66 feet	48 feet	5 feet	3 feet	5 feet
Collector, Industrial	50 feet	26 feet	none	6 feet (bioswale)	4 feet, one side
Local, Residential - Narrow	50 ft	28 feet with one parking lane. Or 28 feet including two 4-foot bike lanes and no parking	5 feet	5 feet	4 feet, optional
Local Residential, Wide	60 feet	36 feet parking on both sides. Or 36 feet with parking on one side and 4-foot bike	5 feet	5 feet	4 feet, optional.

|||

		lanes on both sides.			
Alley	20	19 feet.***	none		none

\* All street types include a 6-inch strip at the outside edge of the physical improvements, but within the right-of-way, with the exception of the "Minor Arterial, Industrial" which has a 1-foot strip on the outside edge of right-of-way and the "Collector, Industrial" which has a 4 foot strip on the outside edge of right-of-way

\*\* All streets include 6-inch curbs not shown in the dimensions above, with the exception of alleys which do not have curbs.

\*\*\*16-foot width pavement sections may be approved on alleys with permission from the city engineer.

- (2) Where landscape strips are required on Local Residential streets within the public right-of-way, they are to be maintained by the property owner whose property is adjacent to the landscape strip. Such landscape strips shall contain one hundred percent (100%) groundcover in the form of drought-tolerant grass or turf.
- (3) Intersection spacing of less than one hundred twenty five feet (125') is not allowed.
- (4) For land division of commercial or industrial property, dead-end streets may be permitted where the proposed dead-end street will not adversely affect the traffic flow and circulation within the area. Dead-end streets shall terminate in a turnaround approved by the city engineer. The maximum allowable length is for dead-end streets is four hundred feet (400'), measured from the center of intersection to the dead-end terminus. Requirements for dead-end streets in residential subdivisions or short subdivisions are contained in OHMC section 21.60.110.
- (5) All public roads shall also meet the requirements Title 11 OHMC.

**21.50.080 Streets - Relationship to adjoining development.**

The standards in this section address pedestrian, vehicular and bicycle traffic flow on a site as it relates to surrounding sites. These provisions create continuous, multimodal connections across properties and developments of different ownership. In so doing, these standards facilitate the efficient and safe movement of pedestrians, bicycles and vehicles, giving each mode multiple route choices from origins to destinations.

- (1) Streets, sidewalks, pedestrian or bike paths, shall be linked within and between neighborhoods to create a continuous and interconnected network of roads and pathways;
- (2) Local Streets, Arterials and Collectors shall be extended to the boundary of the development, unless an exceptional circumstance of topography, critical areas or existing development prohibits the extension. Provided, that if an adjacent property has a reasonable likelihood of redeveloping in the future, the director may require a street stub. Streets that end within a subdivision which will be extended in the future must be designed at least 200 feet beyond the limits of the subdivision and shall be shown on the preliminary plat document.
- (3) The location of all Principal Arterials, Minor Arterials, and Collectors must conform to the Transportation Element of the Oak Harbor Comprehensive Plan;
- (4) All streets dedicated shall be full-width except along the boundary lines of the plat. Half-width streets may be permitted along the boundaries of a development upon approval of a final plat and in compliance with 21.50.050(4) OHMC where reasonably necessary as a direct result of the creation of the subdivision. MAY NEED TO BE REVISED PENDING MARGERY'S COMMENTS.
- (5) The number of intersecting streets with Principal or Minor arterials shall be held to a minimum.
- (6) Increased right-of-way requirements: the city engineer may require that street widths be increased from the minimum width in Table 21.50 - 1 to provide for traffic movement, to reduce or eliminate traffic congestion and for safety reasons.

**21.50.090 Alleys.**

Alleys provide secondary access to an abutting property. Alleys may be considered as a design solution to provide vehicular or service access to residential, commercial and industrial properties according to the following provisions:

- (1) When alleys are proposed, they may be publicly dedicated and maintained or privately owned and maintained. All alleys which are dead-ends and do not provide a through connection to the other side of the block shall be privately owned and maintained.
- (2) The dimensions of alleys must conform to Table 21.50 – 1.
- (3) Alleys may be required by the city engineer as a design solution to serve residential properties which front on Arterials and Collectors and to minimize the number of driveway accesses on these streets. Alleys may also be required by the city engineer in commercial and industrial areas.
- (4) Where private alleys are proposed, access and utility easements for residential areas may be permitted in lieu of public dedication. All utility easements shall contain access provisions for purpose of public utility maintenance.

**21.50.100 Lot Dimensions.**

The following requirements address the size and shape of lots created as part of subdivisions or short subdivisions and are intended to create a well-ordered and efficient arrangement of lots.

- (1) Every lot shall have a minimum width of sixty feet (60') at the building line. All lots which do not have a width of sixty feet (60') at the setback line as referenced under the applicable zoning ordinance shall indicate on the face of the final plat the location of said building line.
- (2) The size, shape, and orientation of lots shall meet the minimum area and width requirements of the applicable zoning classification and shall be appropriate for the type of development and use contemplated.
- (4) Generally, the depth of the lot should not be more than three (3) times the width of the lot.
- (5) All lots shall have a minimum frontage of thirty feet (30') on a public street unless access from a shared drive or private street has been approved in accordance with the requirements of 21.60.120 through 21.60.140.
- (6) Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines, and no more than twenty (20) degrees from perpendicular to the front property line with which it intersects.
- (7) Side and rear lot lines shall be straight, or composed of straight line elements.
- (8) All lot corners in subdivisions and short subdivisions at intersections of dedicated public rights-of-way shall have a minimum radius of fifteen feet (15').

**Section Eight.** A new Chapter 21.60 of the Oak Harbor Municipal Code entitled “Residential Design” is hereby adopted to read as follows:

**Chapter 21.60  
RESIDENTIAL DESIGN STANDARDS**

**Sections:**

- 21.60.010 Purpose.**
- 21.60.020 Applicability.**
- 21.60.030 Relationship to other plans required by this title.**
- 21.60.040 Blocks – Configuration.**
- 21.60.050 Blocks – Size.**
- 21.60.060 Local residential streets - Alternative designs.**
- 21.60.070 Local residential streets – Adjustment application for alternative designs.**
- 21.60.080 Local residential streets – Waiver application for alternative designs.**
- 21.60.090 Local residential streets - Submittal requirements for alternative street designs.**
- 21.60.100 Local residential streets – Layout.**
- 21.60.110 Local residential streets - Limitations on dead-ends.**
- 21.60.120 Access easements – When allowed.**
- 21.60.130 Access easements – Design.**
- 21.60.140 Access easements - Utility services.**
- 21.60.150 Street trees – Requirement.**
- 21.60.160 Street trees – Species.**
- 21.60.170 Street trees – Maintenance and protection.**
- 21.60.180 Landscape buffer – Requirement.**
- 21.60.190 Landscape buffer – Design.**
- 21.60.200 Landscape buffer – Maintenance and protection.**
- 21.60.210 Pedestrian/bike connections – When required.**
- 21.60.220 Pedestrian/bike connections – Design.**
- 21.60.230 Pedestrian/bike connections – Safety.**
- 21.60.240 Pedestrian/bike connections – Maintenance and Protection.**
- 21.60.250 Stormwater ponds –Location and design.**
- 21.60.260 Stormwater ponds – Required landscaping.**

**21.60.010 Purpose.**

The following design criteria address the street, block and lot layout, landscaping and aesthetic design of residential subdivisions and short subdivisions and are intended to create attractive and safe neighborhoods and networks for pedestrians, bikes and vehicular travel within Oak Harbor. The criteria promote “walkable” neighborhoods which contribute to the efficient and comfortable movement of pedestrians, within Oak Harbor, and a reduction in the growth of vehicle trips, in accordance with the comprehensive plan policies.

**21.60.020 Applicability.**

The design standards contained in this chapter shall apply to all residential subdivisions or short subdivisions of land within the City of Oak Harbor, unless stated otherwise and are in addition to the general design standards of OHMC Chapter 21.50. These standards do not apply to the division of land for commercial or industrial use.

**21.60.030 Relationship to other plans required by this title.**

All improvements required by this chapter for land divisions must be shown on the preliminary plat site plan, or short subdivision map, as applicable.

**21.60.040 Blocks – Configuration.**

- (1) Blocks shall be deep enough to allow two (2) tiers of lots, except where:
  - (a) There is an abutting Principal or Minor Arterial defined in the Transportation Element of the Comprehensive Plan;
  - (b) The location and extent of environmental constraints prevents a two-tiered lot arrangement;
  - (c) Unusual shape or small size of the lot prevents a two-tiered lot arrangement;
  - (d) A single-tiered lot arrangement may be permitted on the boundary of a residential subdivision or short subdivision bordering existing non-residential development.
  - (e) Prior to approval of a single-tier lot configuration based on exceptions (a), (b) or (c), the proponent has demonstrated to the city that a different layout or provision of an alley system is not feasible.

**21.60.050 Blocks – Size.**

- (1) Blocks shall be a maximum of eight hundred (800) feet in length, as defined in 21.10,
- (2) Blocks may be up to a maximum of one thousand feet (1,000') in length provided:
  - (a) The applicant has demonstrated, through written materials, drawings, and illustrations, submitted as part of the plat application, that an exceptional circumstance exists. Exceptional circumstances are steep topography (exceeding 10%), a critical area designated in the comprehensive plan or delineated in a critical areas report; and
  - (b) An alternative block pattern is proposed which achieves the purpose of this chapter; and,
  - (c) A mid-block pedestrian/bike connection conforming to the design standards of this chapter are provided for all blocks over eight hundred feet (800') in length.

**21.60.060 Local residential streets - Alternative designs.**

- (1) The following process for reviewing alternative street designs applies to Local Residential streets only. The City has a two-tiered process for reviewing alternative Local Residential street designs which do not meet the requirements in Table 21.50 - 1:
  - (a) In the first tier, applicants for residential subdivisions may request to vary from the standard designs in Table 21.50-1 for Local Residential streets. Such requests must continue to provide all of the essential elements listed in 21.60.070. These types of alterations are reviewed administratively through an "Adjustment" application under a Review Process II.
  - (b) In the second tier, applicants may propose unique Local Residential street designs which eliminate one (1) or more of the essential elements found in 21.60.070 under a Review Process IV which shall be reviewed by planning commission at the time the preliminary plat is reviewed.

**21.60.070 Local residential streets - Adjustment application for alternative designs.**

- (1) The director may at the request of an applicant, allow adjustments under a Type II Review process to the Local Residential Street sections specified in Table 21.50 - 1 "Required Street Improvement Standards" in residential subdivisions. If an adjustment is requested, it must meet both provisions (a) and (b) below.
  - (a) All of the "essential elements" continue to be provided in the street design.

Essential elements are:

- (i) Pedestrian facilities must be provided on both sides of the street. Pedestrian facilities must be a minimum of five (5) feet in width, but need to be either concrete (pervious or impervious) or hard-packed gravel. However, hard-packed gravel surfaces may only be provided adjacent to critical areas, and shall not be provided adjacent to residential lots.
  - (ii) Adequate public parking is provided. In place of on-street parallel parking lanes, applicants for residential subdivisions may provide public parking in the form of head-in parking, diagonal parking, parking courts, or parking in side alleys. A minimum of one (1) public parking space per two (2) residential units in the subdivision must be provided, whether or not parking is provided in on-street parallel spots, or an alternative design (parking courts, parking alleys, etc.) or a combination. Public parking spaces must meet the parking space size and access requirements specified in 19.44.110 OHMC, with the exception of on-street parallel spaces which shall be eight feet (8') in width by twenty feet (20') in length. The public parking spaces must be interspersed throughout the subdivision or short subdivision and within convenient walking distance to all units.
  - (iii) A landscaping element which has a total dimension of ten (10) feet in width. The landscape element may be one (1) or more landscape strips located within the street section. No single landscape strip may be less than three (3) feet in width. Low Impact Development (LID) bio-retention and stormwater treatment facilities qualify as landscaping elements as long as they are located within the public right-of-way.
  - (iv) Two (2), minimum ten (10) foot wide travel lanes.
- (b) A narrative is provided which describes how the proposed design will meet all of the following:
- (i) How the proposed street section will provide an equal or better street design for vehicles and pedestrians.
  - (ii) The proposed design will not compromise vehicle or pedestrian safety,
  - (iii) Public utilities, such as storm, sewer and water can continue to be provided, as necessary to serve the development.
  - (iv) All comprehensive plan designated vehicular and pedestrian connections will continue to be provided.

**21.60.080 Local residential streets – Waiver application for alternative designs.**

- (1) Applicants for residential subdivisions or short subdivisions may also propose alternative Local Residential Street designs which do not contain all of the essential elements listed in section 21.60.070 above. The waiver will be reviewed by the planning commission under a Type IV review as specified in OHMC 18.20.260 and must be reviewed concurrently with the preliminary plat application.
- (2) If an applicant is proposing to eliminate one (1) or more essential elements listed in 21.60.070 through the waiver process, all of the criteria for Adjustment contained 21.60.070(1)(b) must be met. In addition, applicants must meet criteria (a), (b), and (c) below and also meet either criteria (d) or criteria (e).
  - (a) There are unique site conditions (topography, critical areas or size and / or shape of the site) not common to other residential sites, which necessitate street designs that do not have all of the essential elements listed in 21.60.070(1)(a),
  - (b) Essential elements which have been eliminated from the street design are

unnecessary either from a functional (pedestrian or automobile movement) or safety standpoint,

- (c) Essential elements are not being eliminated solely for applicant convenience and,
- (d) The applicant proposes to offset the loss of the essential element by replacing it with another element (i.e. bike lanes in place of landscaping) within the street section or
- (e) The unique site conditions limit the applicant's ability to provide either the essential elements listed in 21.60.070 OHMC or any replacement elements referenced in (d) above.

**21.60.090 Local residential streets – Submittal requirements for alternative street designs.**

- (1) Requests for alternative Local Residential Street designs, either under the Adjustment or Waiver processes must be received from the applicant at the time of preliminary plat submittal and must contain the following:
  - (a) Section drawings prepared by an engineer certified in the State of Washington that clearly illustrates the proposed street improvements.
  - (b) Written rationale for requesting to vary from the Local Residential Street improvements which meets all of the criteria in 21.60.070(1)(b) (if Adjustment or Waiver is pursued) and the criteria in 21.60.080(2) (if Waiver is pursued).

**21.60.100 Local residential streets – Layout.**

- (1) The street pattern utilized for short subdivisions and subdivisions shall be a grid or modified grid, with four or three-way intersections designed at right angles. Blocks shall be rectilinear. The grid or modified grid street pattern may be adjusted to a curvilinear street pattern where the following factors are present on site:
  - (a) Infeasible due to steep topography (exceeding 10 percent) or presence of critical areas designated in the comprehensive plan; or delineated in a critical areas report in accordance with the requirements of Title 20 OHMC of this code, and/or
  - (b) Substantial improvements exist on adjacent properties which inhibit a grid or modified grid pattern and/or
  - (c) In lieu of the requirement for a grid or modified grid street pattern, alley access is an acceptable street pattern, in accordance with the requirements of 21.50.090.

**21.60.110 Local residential streets – Limitations on dead-ends.**

Dead-end streets may only be permitted in residential subdivisions or short subdivisions by the city engineer where, due to demonstrable physical constraints, no future connection to a larger street pattern is physically possible.

- (1) Dead-end streets shall only be allowed where:
  - (a) There exists an exceptional circumstance of steep topography (exceeding 10 percent), a critical area identified in the Comprehensive Plan or delineated in a critical areas report, or existing development which prohibits a stub street or connection to the adjacent property;
  - (b) The street length for the dead-end as measured from the intersection to the terminus is no longer than 400 feet;
  - (c) The design of the dead-end turn-around has been approved by the city engineer and the Fire Department. Oak Harbor encourages alternative dead-end designs which reduce stormwater impacts and use less space. Dead-end designs shall meet minimum turning radius requirements for appropriate design vehicles.

- (d) A pedestrian/bike connection has been provided for connectivity or future connectivity at the terminus of the dead-end constructed to the standards in 21.60.210 through 21.60.240; or
- (e) A temporary turn-around may be approved when connections to adjacent properties cannot be extended at the time of development, but will be provided in the future and such temporary turn-around is required for emergency vehicles.

**21.60.120 Access Easements – When allowed.**

- (1) The City may, at the request of the applicant and as permitted by the Oak Harbor zoning code, allow access to residential lots created through a short subdivision by alternative means in the form of shared drives and private streets. The purpose of the provisions in sections 21.60.120 through 21.60.140 is to optimize the opportunity for efficient and compatible use of land and infrastructure within city limits and where full public street improvements are not needed to serve the development. Alternative access may be provided when the applicant demonstrates that all of the following criteria have been met as part of the short subdivision application:
  - (a) Public utilities can be accommodated in the access easement or other easements on the site;
  - (b) The access easement will not compromise, pedestrian, bicyclist, or vehicular safety and will provide for efficient traffic movement within the short subdivision and connecting to the surrounding circulation system;
  - (c) A public street is not necessary to provide access to a future developable area.
  - (d) A site contains steep topography (exceeding 10 percent) or a critical area(s), and the use of an access easement would reduce impacts to those areas. If a site contains steep topography or critical areas, criteria (a) through (c) must continue to be met; and
  - (e) The access easement must conform to the requirements of the Transportation Element of the Comprehensive Plan, OHMC section 21.60.130, and all other relevant street and utility standards as adopted by the city which are on file with the city clerk.

**21.60.130 Access Easements – Design.**

- (1) Shared drives and private streets shall, at a minimum, be constructed to the following standards:

<b>Table 21.60 – 1 Access Easement Dimensions</b>		
<b>Feature</b>	<b>Shared Drives</b>	<b>Private Streets</b>
Pavement width	Minimum 16 feet for up to 2 units, or 20 feet for 3 or more units.	Minimum 20 feet
Sidewalk	N/A	5 feet, one side only
On- street parking	N/A	Optional. If provided, parallel parking must be 8 feet wide. The public parking requirements from OHMC 21.60.070 must be met.
Maximum length	150 feet	400 feet
Turnaround required?	N/A	Yes, if more than 150 feet in length, or as required by the city engineer.

- (2) Shared drives may be created which access a total of four (4) residential units in any combination of single-family detached units and / or duplex units.
  - (a) Shared drives may be connected to private streets as long as the total number of units served by the private street does not exceed nine (9).
- (3) Private streets may be created which access a total of nine (9) residential units in any combination of single-family detached units and / or duplex units.
  - (a) Where a private street intersects a public street, signage shall be placed at the entrance to the private street indicating that the street is private and is not maintained by the City of Oak Harbor.
- (4) All land divisions with more than nine (9) residential units accessing the same street must provide public streets that meet the configurations described in Table 21.50 – 1.

**21.60.140 Access Easements – Utility services.**

A maximum of two (2) lots can be served by private utility side services within an easement, unless the city engineer determines that a public utility main is necessary for adequate area service. Three (3) or more lots served within an easement will require public utilities.

**21.60.150 Street Trees – Requirement.**

Street trees shall be required along both sides of Local Residential Streets. The purpose of street trees is to improve the visual quality of streets, improve the pedestrian environment, and provide the environmental benefits of improved air quality, reduced stormwater impacts, and reduced heat-island effects associated with large paved areas.

**21.60.160 Street Trees – Species**

The following standards shall apply to the installation of street trees on any Local Residential Street containing landscape strips within a subdivision or short subdivision

- (1) Street trees of a species specified in 21.60 - 2, shall be planted in the designated landscape strip within the public right-of-way, with a maximum spacing of thirty feet (30') along frontage for all divisions of land and on both sides of any public street. Landscape strip minimum dimensions are contained in Table 21.60 – 2;
- (2) At the time of planting, all street trees shall be a species listed in Table 21.60 - 2 “Street Tree Species” or as otherwise approved by the director.
- (3) The following table identifies tree species acceptable to the City of Oak Harbor.

<b>Table 21.60 – 2. Street Tree Species</b>	
<b>Species</b>	<b>Characteristics</b>
Armstrong Maple	Common deciduous landscape tree. Fast growing, typically 40 feet with brilliant fall color. May be appropriate in a native setting.
Red Sunset Maple	Common deciduous landscape tree. Fast growing, typically to 40 feet with brilliant fall color. May be appropriate in a native setting.
Paper Bark Maple <i>Acer Griseum</i>	Small, compact tree appropriate as a street tree.
Japanese Hornbeam <i>Carpinus Japonica</i>	Deciduous tree, mid-size, compact tree recommended for street tree use.
Lavelle Hawthorne <i>Crataegus Lavelle</i>	Appropriate for street tree use.
Little Leaf Linden <i>Tilia Cordata</i>	Small deciduous tree reaching height of 30 feet. Tolerant of urban conditions.

Autumn Brilliance Serviceberry <i>Amelanchier Arborea</i>	Slow growing, small compact tree.
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**21.60.170 Street Trees – Maintenance and protection.**

To protect their function, define management responsibilities, and protect the health of the street trees, the following language shall be placed on face of the plat:

Street trees planted in the designated landscape strip along the frontage of all lots, in accordance with the approved landscape plan associated with the residential plat of \_\_\_\_\_, shall be maintained by the property owners of lots directly adjacent to the location of the street trees. The replacement of street trees for those that have died is the responsibility of the adjacent property owners. The location and tree species for replacement street trees must be in conformance with the approved landscape plan for the plat or as approved by the director and shall not obstruct the travel lane or parking stalls at full maturity. If property owners do not maintain street trees, the City of Oak Harbor may choose to maintain these trees and invoice the adjacent property owner for the cost of the work.

**21.60.180 Landscape buffer – Requirement.**

A landscaped buffer shall be required along all Minor Arterial roads for a width of at least twenty-five feet (25') abutting all standard residential subdivisions. The purpose of the landscape buffer is to minimize the impact of the roads on adjacent residential uses, encourage tree preservation and planting, and to create visually attractive corridors along these roadways. The landscape buffer shall be established as a separate tract on the face of the plat. The provisions in this section and 21.60.190 and 21.60.200 OHMC do not apply to short subdivisions.

**21.60.190 Landscape buffer - Design.**

The landscape buffer may incorporate either natural vegetation, applicant proposed vegetation or a combination of both. The purpose of the following requirements is to provide a “complete” buffer which contains overstory, understory and groundcover vegetation.

- (1) The Landscape Buffer shall include the following landscaping:
  - (a) Trees planted thirty feet (30') on center along the entire length of the edge closest to the arterial road, and no closer than ten feet (10') from this edge of the buffer to avoid conflicts with the required utility easement.
  - (b) Shrubs and bushes to provide ninety percent (90%) cover of the buffer area within two (2) years; drought-tolerant, low-maintenance varieties are required.
  - (c) Sufficient shrubs and bushes to provide a continuous four-foot (4') high visual screen of the arterial road from within the land division. The plantings must not restrict site distance at intersections.
  - (d) In addition to the street trees identified in (a), throughout the entire buffer area a mix of deciduous and coniferous trees, of a species determined suitable by the City of Oak Harbor, shall be provided at a planting density of at least one (1) tree for every four hundred (400) square feet of the buffer area.
  - (e) All required plantings in the buffer shall avoid conflicts with public utilities and the species shall be selected to avoid root damage to sidewalks, streets and curbing.
- (2) Those areas of the landscape buffer where suitable natural vegetation of understory and ground cover and healthy stands of trees not prone to wind throw or blow down after adjacent areas have been cleared, may be retained as substitute for the required landscaping in (1) provided:

- (a) Trees are planted as in accordance with (1)(a);
- (b) Evergreen ground cover is present in accordance with (1)(b);
- (c) Screening is present in accordance with (1)(c); and,
- (d) The minimum number of trees are present in accordance with (1)(d).
- (e) Trees which pose a safety hazard from wind-throw, as determined by an arborist, must be removed.

**21.60.200 Landscape buffer – Maintenance and protection.**

To protect their function, define management responsibilities, and protect the health of the landscape buffers, the following language shall be placed on face of the plat:

- (1) Tract(s) \_\_\_\_\_, are set aside as landscape buffers. No vehicular access to the adjacent roadway is permitted through the tract(s) to protect vegetation and planting areas for their environmental and aesthetic value to the community; and
- (2) Maintenance of Tract(s) \_\_\_\_\_ shall be the responsibility of the home owners association and not the City of Oak Harbor. If the association disbands, maintenance responsibility for Tract(s) defaults to the individual lot owners within the boundaries of the originally approved residential subdivision. If the landscape buffer is not maintained, the City of Oak Harbor may choose to impose a fee structure or invoice the property owners within the boundaries of the originally approved residential plat to maintain landscape buffers.
- (3) All vegetation shall be maintained to preserve the health of the buffer plantings and to maintain the landscaping in a manner that conforms to the original landscape and maintenance plans associated with the residential plat approval, including replacement of dead or diseased plantings.
- (4) Trees deemed to be a hazard by a professional arborist certified in the State of Washington may be removed, subject to approval by the City of Oak Harbor. Removed trees must be replaced. The city reserves the right to exempt the requirement for an Arborist's assessment if the tree is obviously a hazard, diseased, or dead.
- (5) No dumping of vegetation or debris is allowed in buffer tract(s).
- (6) No structures are allowed in buffer tract(s).

**21.60.210 Pedestrian/bike connections – When required.**

Pedestrian/bike connections shall be integrated into the design of subdivisions to enhance the connectivity throughout the plat. They should generally be placed in locations shown in the Comprehensive Plan. The applicant shall install pedestrian/bike connections in subdivisions and short subdivisions in any of the following circumstances:

- (1) Sidewalks shall be provided along both sides of public streets in accordance with Table 21.50 - 1, unless an adjustment or waiver is requested in accordance with code section 21.60.070 or 21.60.080 OHMC.
- (2) If the pedestrian/bike connection is necessary to provide non-circuitous pedestrian and/or bike access to a park, open space, or activity center within or adjacent to the subdivision;
- (3) Mid-block pedestrian/bike connections for blocks that are over eight hundred feet (800') long;
- (4) Pedestrian/bike connections shall be provided to all adjacent uses at no greater than eight hundred-foot (800') intervals. The location of these connections must be coordinated between property owners. Specific connections to adjacent uses may be waived if:
  - (a) The applicant has exhibited through written materials, drawings, and illustrations, submitted as part of the plat application, that this is impractical or unsafe due to:
    - (i) Existence of an exceptional circumstance. Exceptional circumstances are steep topography (exceeding 10 percent), critical areas designated in the

comprehensive plan or delineated in a critical areas report or existing development.

- (ii) The land use characteristics of the adjacent use or potential use as determined by the Comprehensive Plan Land Use Designation; or
- (b) An alternative connection to a bordering street can provide a non-circuitous route to the adjacent use; and
- (c) An easement or dedication for future connection is provided to properties which have a reasonable likelihood of redeveloping as determined by the director.

**21.60.220 Pedestrian/bike connections – Design.**

This section provides the minimum design requirements for pedestrian/bike connections which are required by section 21.60.210. Sidewalks do not need to meet the standards specified in this section. Pedestrian/bike connections which meet the design standards in this section and the safety standards in 21.60.230 may be counted as active open space in planned residential developments.

- (1) Pedestrian/bike connections shall be built to the following standards:
  - (a) Be constructed within an easement twenty feet (20') wide,
  - (b) The pedestrian/bike connection itself shall be either concrete or asphalt (pervious or impervious) and be a minimum of ten feet (10') wide;
  - (c) Hard-packed gravel may be used for walkway surface in areas adjacent to critical areas designated in the comprehensive plan or delineated through a critical areas report;
  - (d) A landscape strip of five (5) feet shall be provided on either side with one hundred percent (100%) ground cover and deciduous trees planted at a maximum thirty-foot (30') intervals with no less than two (2) trees on each side of the pedestrian bike connection. Ground cover shall be low-maintenance, drought tolerant varieties. Bark mulch and wood chips are not allowed in landscaped areas adjacent to the pedestrian/bike connection;
- (2) Fencing along pedestrian connections shall comply with Chapter 19.46 OHMC and shall not be constructed of chain link, plastic, or vinyl strips.
- (3) Lots should front on the pedestrian/bike connection, where possible, to provide visual access and safety of these facilities. The sides of lots may be located along pedestrian/bike connections, however, this is a less preferable option, since fencing is required to separate the pedestrian/bike connection from areas on private lots such as side and rear yards. If lots front on pedestrian/bike connections, secondary access to these lots may be provided from an alley.
- (4) All pedestrian/bike connections required by this code must be publicly accessible either by way of easement or through public dedication:
  - (a) The city may choose not to accept dedication of pedestrian/bike connections at its discretion; and
  - (b) All pedestrian/bike connections must be designed to city standards contained in sections 21.60.220 and 21.60.230.
- (5) Continuous pedestrian/bike connections shall be provided by aligning with street ends, other pedestrian/bike facilities, and connecting destinations or trails.
- (6) All trails proposed as part of subdivisions or short subdivisions shall be designed in accordance with the Parks, Recreation and Open Space Plan.

**21.60.230 Pedestrian/bike connections - Safety.**

The following safety requirements apply to all pedestrian/bike connections in subdivisions and short subdivisions with the exception of sidewalks:

- (1) Visibility.
  - (a) Users shall have clear vision from one (1) end to of the connection to the other;
  - (b) Plantings shall provide clear visibility from the ground up to thirty inches (30") above grade;
  - (c) In natural or critical areas with existing vegetation, sight lines for pedestrian and bike safety may vary if:
    - (i) The protection required of the critical area by other OHMC or other applicable regulations prohibits the pedestrian/bike connection design from meeting this requirement
- (3) The entire length of the pedestrian/bike connection must be well lit. Bollard lighting must be used with number of lights and spacing of light fixtures shown on the preliminary plat landscape plan.
- (4) Bollard lighting is required at pedestrian/bike connection entrances;
- (5) Signage directing users to the pedestrian/bike connection and appropriate use is required at all entrances;
- (6) The intersections of pedestrian/bike connections with arterial streets shall provide a ten foot by ten foot (10' x 10') visibility triangle to promote clear vision into the pedestrian/bike connection.
- (7) Mid-block connections which cross more than one (1) residential block and intersect streets, must meet the following safety requirements:
  - (a) Adequate site distance for vehicles to see pedestrians and bikes and come to a complete stop;
  - (b) Signage from both directions, warning motorists of the pedestrian/bike crossing;
  - (c) At a minimum, painted striping must be provided to delineate the crosswalk. Applicants are encouraged to use crossing designs which include different materials, such as pavers or pavement patterns, or rumble strips to warn motorists of the crossing. Raised crosswalks may also be provided.
  - (d) Staggered bollards at all intersections of mid-block crossings and the public right-of-way must be provided. If safety measures cannot be provided to ensure adequate pedestrian/bike safety, the mid-block crossing may be required at a different location or the city engineer may require additional design features to ensure safety of the facility.

**21.60.240 Pedestrian/bike connections – Maintenance and protection.**

- (1) Pedestrian/bike connections and trails shall be maintained by an association of home owners. If the pedestrian/bike connection is part of the city-wide trail system, the city will maintain the connection.
- (2) Language detailing the purpose, maintenance responsibilities of the home owners' association, and design standards for these facilities must be placed on the face of the plat.
- (3) If these facilities are not adequately maintained to allow safe pedestrian and bicycle passage and/or landscaping is overgrown or in a state of decline, the City may choose to maintain the facility and bill the homeowner's association for the cost.

**21.60.250 Stormwater ponds - Location and design.**

Stormwater ponds shall be located and designed with consideration to aesthetics and to incorporate the facility as an amenity to the subdivision or short subdivision with features such as landscaping and natural building materials. The provisions in this section apply to all subdivisions and short subdivisions proposed within Oak Harbor. The following design requirements shall apply to the location and design of stormwater ponds.

- (1) To create the visual effect of larger open space areas, stormwater facilities shall be located near open spaces, unless site conditions or topography do not allow.
- (2) Structural materials utilized within stormwater pond design must have regard for natural aesthetic principles defined as follows:
  - (a) All structural elements of ponds shall utilize stone or other natural material that have decorative finishes. Acceptable pond materials are brick, natural stone, gabions and architectural blocks. Concrete is an acceptable material, subject to the standards of (b) below.
  - (b) Use of concrete in stormwater ponds shall be limited to the following finish types:
    - (i) Relief or architectural detail
    - (ii) Fractured finish
    - (iii) Exposed aggregate
    - (iv) Cast in patterns or textures
 In addition, when concrete is used as a pond material, it shall be screened by planting to reduce the visual impact of these facilities.
  - (c) The use of Ecology block and synthetic stone veneers in pond construction is prohibited.
  - (d) All masonry in contact with pond water must be designed to withstand spalling. Poured pond materials shall be placed above the wet zone.
- (3) To limit the need for safety fencing resulting from steep slopes, stormwater facilities shall be designed with shallow internal slopes (recommend 3:1 or flatter), whenever feasible. If safety fencing is required it must:
  - (a) Be decorative or ornamental in nature. Gray, galvanized, chain-link fencing, chain-link fencing with slats or wood-plank fencing is not permitted. Vinyl clad chain-link fencing of green, brown or black color is acceptable if screened by plantings;
  - (b) For safety reasons, fencing must not completely limit visibility to the pond; and
  - (c) Ponds shall be designed such that safety fencing is not required on more than two (2) sides of the pond or fifty percent (50%) of the circumference, whichever is less.

**21.60.260 Stormwater pond - Landscaping.**

Landscaping shall be required for all stormwater ponds within subdivisions and short plats. The purpose of the landscaping is to improve visual quality. The following standards shall apply to the landscaping for stormwater ponds:

- (1) A landscape plan that meets the standards of this section and the DOE (Department of Ecology) Stormwater Manual shall be designed by a Landscape Architect certified in the State of Washington and submitted as part of the preliminary plat or the preliminary application.
- (2) A perimeter landscape area, a minimum ten (10) feet wide, is required adjacent to all stormwater ponds and shall be placed in a tract owned and maintained by an association of homeowners. This area shall be delineated on the face of the plat and associated landscape plan. The perimeter landscape area shall include:
  - (a) Evergreen ground cover, shrubs and bushes, to provide one hundred percent (100%) cover of the perimeter area within two (2) years. Native species and low-maintenance varieties are preferred;
  - (b) A mix of evergreen and deciduous trees to provide visual interest with a planting density of at least one (1) tree for every two hundred-fifty (250) square feet of landscape perimeter.
  - (c) Existing vegetation may be used to fulfill the landscaping requirements.

However, all trees which pose a safety hazard and are subject to wind-throw must be removed.

- (d) Trails or pedestrian paths are allowed near the pond, provided that the side slopes of the pond are 3:1 or flatter or safety fencing is provided around the pond. If a trail or pedestrian path is included around the stormwater facility, the area outside the trail or pedestrian path, but within the 10-foot landscape area must have one hundred percent groundcover within two (2) years.
- (3) All landscaping for stormwater ponds shall be placed in a tract and maintained according to industry standards by a homeowner's association. If stormwater ponds are not maintained by the homeowner's association to provide for the necessary minimum treatment/detention functions and the pond tract, including landscaping, is not being maintained, the City may choose to perform necessary maintenance of the facility and bill the homeowner's association for the cost.
- (4) Any landscaping provided shall be above the freeboard water level.

**Section Nine.** A new Chapter 21.70 of the Oak Harbor Municipal Code entitled "Short Subdivisions" is hereby adopted to read as follows:

**Chapter 21.70  
SHORT SUBDIVISIONS**

**Sections:**

- 21.70.010 Purpose and Applicability**
- 21.70.020 Administration.**
- 21.70.030 Exemptions.**
- 21.70.040 Procedure.**
- 21.70.050 Additional application requirements.**
- 21.70.060 Design standards and required improvements.**
- 21.70.070 Resubdivision.**
- 21.70.080 Boundary line adjustment.**
- 21.70.090 Filing of short plat and/or boundary line adjustment.**

**21.70.010 Purpose and Applicability**

The purpose of the provisions in this chapter is to regulate the subdivision of land into nine (9) or less lots for residential, commercial or industrial use. General provisions of this title, including Chapters 21.10, 21.50, 21.60 OHMC, shall apply to land division hereunder.

**21.70.020 Administration.**

The director or designee is authorized and directed to administer the provisions of this chapter and shall be granted the authority to approve or disapprove proposed short subdivisions in accordance with this chapter.

**21.70.030 Exemptions.**

The provisions of this chapter shall not apply to categories of land exempted under 58.17.040 RCW, as now or hereafter amended.

**21.70.040 Procedure.**

- (1) Short subdivisions shall be processed under a Type II review process, in accordance with OHMC 18.20.
- (2) All applications for short subdivisions shall be submitted to the director and the fee, as established in OHMC 3.64.500, shall be paid by the applicant prior to processing.
- (3) Inquiry shall be made into the public use and interest proposed to be served by the establishment of the short subdivision. The director shall make written findings and shall determine:
  - (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, pedestrian/bike connections, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds; and
  - (b) Consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and
  - (c) Ensure that the proposed design meets the general design standards and the residential design standards (if applicable) of Title 21 OHMC; and
  - (d) Consider the characteristics of the proposal and its conformance to the policies of the Oak Harbor Comprehensive Plan; and

- (f) Whether the public interest will be served by the subdivision and dedication.
- (4) A proposed short subdivision shall be approved if the director makes written findings that each of the items in (3) have been met.

**21.70.050 Application requirements.**

The application for short subdivisions shall include the following:

- (1) Five (5) copies of an application for short subdivision shall be filed with the director. The application shall contain the following information:
  - (a) Date, address and telephone number of the subdivider;
  - (b) Legal description of the property to be subdivided;
  - (c) The location of the nearest public street and utilities;
  - (d) A statement, under oath, that the tract has not been subdivided within the last five (5) years except by an approved subdivision; and
  - (e) A title certificate for the property issued by a title insurance company.
- (2) A registered land surveyor shall stake the corners of each lot on the ground and prepare a map of the property drawn in ink upon one (1) or more sheets of mylar.
  - (a) The map shall be to scale not less than 100 feet to the inch, and north shall be indicated;
  - (b) The boundary lines of the tract to be short platted and the interior lot lines, and relationship to adjacent properties;
  - (c) Length and bearing of the boundary lines and lot lines. The map shall be referenced to the state plan coordinate system;
  - (d) Location of monuments or evidence used as ties to establish the boundaries;
  - (e) Location and dimensions of all easements and/or streets within or adjoining the short plat, and applicable city or county file numbers;
  - (f) A certification by the land surveyor stating that all requirements of this title have been complied with; and
  - (g) Certificates as required by city and county.
- (3) In addition to the items listed in subsections (1) and (2) above, the short subdivision map shall including all of the requirements listed in section 21.40.040 OHMC for final plats, as to prescribed form.

**21.70.060 Design standards and required improvements.**

- (1) The short subdivision shall meet the following design standards and have the required improvements:
  - (a) Short subdivisions shall be consistent with the General Design Standards and the Residential Design Standards contained in Chapters 21.50 and 21.60 OHMC.
  - (b) Short subdivisions shall be in accordance with the Oak Harbor development regulations and comprehensive plan in effect at the time of application.
- (2) As a condition to approving the plat, the director may require the subdivider to install, or bond to install, the following improvements. Such condition must appear on the face of the approved short plat document. The director may allow the improvements to be installed at a later date, but they must be installed before any building can be issued a certificate of occupancy:
  - (a) City water, storm sewer;
  - (b) Roadway, curb, gutter and sidewalk; and
  - (c) All required improvements shall conform to the applicable provisions of this title.

**21.70.070 Resubdivision.**

Land contained within a short subdivision may not be further divided in any manner within a

period of five (5) years from date of approval without filing a final plat, except that when the short plat contains fewer than four (4) parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five (5)-year period to create up to a total of four (4) lots within the original short plat boundaries.

**21.70.080 Boundary line adjustment.**

The adjustment of boundary lines may be approved by the director if an application is filed along with the information required by OHMC 21.70.060(1) and (2), and where no new lot is created thereby or where no lot is reduced in size below the minimum square footage and street frontage required, by the applicable zoning control and the subdivision ordinance.

**21.70.090 Filing of short plat and/or boundary line adjustment.**

The subdivider shall file the approved short plat and/or boundary line adjustment and shall furnish the city with one (1) permanent reproducible copy, mylar or better quality, of the short plat or boundary line adjustment including all recording data within thirty (30) days after approval by the director or the approval shall be deemed null and void.

**Section Ten.** Chapter 21.80 of the Oak Harbor Municipal Code is hereby readopted to read as follows:

**Chapter 21.80  
BINDING SITE PLANS**

**Sections:**

<b>21.80.005</b>	<b>Title.</b>
<b>21.80.010</b>	<b>Binding site plans allowed.</b>
<b>21.80.020</b>	<b>Division of property.</b>
<b>21.80.025</b>	<b>Condominium binding site plan.</b>
<b>21.80.030</b>	<b>Effect.</b>
<b>21.80.040</b>	<b>Application.</b>
<b>21.80.050</b>	<b>Procedure upon application.</b>
<b>21.80.060</b>	<b>Requirements for a binding site plan map.</b>
<b>21.80.070</b>	<b>Certifications required.</b>
<b>21.80.080</b>	<b>Title report.</b>
<b>21.80.090</b>	<b>Survey required.</b>
<b>21.80.100</b>	<b>Approval procedure.</b>
<b>21.80.110</b>	<b>Recording requirements.</b>
<b>21.80.120</b>	<b>Development requirements.</b>
<b>21.80.130</b>	<b>Standards for review of commercial binding site plan.</b>
<b>21.80.140</b>	<b>Standards for binding site plans for condominium developments regulated by Chapter 64.32 RCW.</b>
<b>21.80.150</b>	<b>Performance guarantee requirements.</b>
<b>21.80.160</b>	<b>Warranty requirements for acceptance of final improvements.</b>
<b>21.80.170</b>	<b>Survey required.</b>
<b>21.80.180</b>	<b>Dedication – Warranty deed.</b>
<b>21.80.200</b>	<b>Modification.</b>
<b>21.80.300</b>	<b>Appeals to the hearing examiner.</b>
<b>21.80.400</b>	<b>Enforcement.</b>

**21.80.005 Title.**

This chapter shall be entitled "Binding Site Plans."

**21.80.010 Binding site plans allowed.**

It is provided that, as an alternative to subdivision or short subdivision requirements under this title, divisions of land may be completed by binding site plans for classes of property specified in OHMC 21.80.020(1) through (4).

**21.80.020 Division of property.**

Division of property by binding site plans may only be used for the following:

- (1) Divisions of land into lots classified for industrial or commercial use;
- (2) A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land so long as the site plan complies with all applicable mobile home park regulations and the zoning code;
- (3) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot which contains insufficient area and dimension to meet minimum requirements for width and area for a building site; and
- (4) A division of land subject to Chapter 64.32 RCW as now in effect or hereafter amended

so long as the site plan complies with the standards for condominium division under OHMC 21.80.140.

**21.80.025 Condominium binding site plan.**

Divisions of land into lots or tracts if:

- (1) A binding site plan may be used to divide property without proceeding through division by subdivision or short subdivision when the land or a portion of it is subject to either Chapter 64.32 or 64.34 RCW when the following conditions are met:
  - (a) The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one (1) or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest;
  - (b) The city has approved a binding site plan for all such land;
  - (c) Such approved binding site plan is recorded in the county or counties in which such land is located; and
  - (d) The binding site plan contains thereon the following statement:

All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one (1) or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein.

- (2) The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either Chapter 64.32 or 64.34 RCW.
- (3) The binding site plan for condominiums shall be deemed approved if:
  - (a) Done in connection with the final approval of a subdivision plan or planned unit development with respect to all of such lands;
  - (b) Done in connection with the issuance of a building permit or final certificate of occupancy.

**21.80.030 Effect.**

Upon approval and recording of a binding site plan, any and all sale or leases of lots within the property covered by the site plan shall be in accordance with the binding site plan. Such lot lines as are shown on the binding site plan shall be lot lines for setback purposes under the zoning code in effect at the time the issue of setbacks is to be determined.

**21.80.040 Application.**

An applicant for site plan approval under Chapter 19.48 OHMC may at the time of application for site plan review also request that the site plan be processed as a binding site plan to allow the division of property into separate tracts, lots or parcels.

**21.80.050 Procedure upon application.**

At the same time or after obtaining site plan approval, the applicant shall submit a preliminary binding site map meeting the requirements of this chapter and the standards for development as set out in Chapter 21.50 OHMC.

**21.80.060 Requirements for a binding site plan map.**

The applicant shall submit two (2) exact duplicate binding site plan maps meeting the following requirements. The final binding site plan shall be drawn on mylar drafting film having dimensions of 18 inches by 24 inches and must include the following:

- (1) The name of the binding site plan;
- (2) Legal description of the entire parcel;
- (3) The date, scale and north arrow;
- (4) Boundary lines, right-of-way for streets, easements and property lines of lots and other sites with accurate bearings, dimensions or angles and arcs, and of all curve data;
- (5) Names and right-of-way widths of all streets within the parcel and immediately adjacent to the parcel. Street names shall be consistent with the names of existing adjacent streets;
- (6) Number of each lot and each block;
- (7) Reference to covenants, joint use, access easements, or other agreements either to be filed separately or on the binding site plan must be referenced on the binding site plan;
- (8) Zoning setback lines and building envelope sites where applicable;
- (9) Location, dimensions and purpose of any easements, noting if the easements are private or public;
- (10) Location and description of monuments and all lot corners set and found;
- (11) Datum elevations and primary control points approved by the engineering department. Descriptions and ties to all control points shall be shown with dimensions, angles, and bearings;
- (12) A dedicatory statement acknowledging public and private dedications and grants;
- (13) Parking areas, general circulation, and landscaping area where applicable;
- (14) Proposed use and location of building with dimensions where applicable;
- (15) Loading areas where applicable;
- (16) Utilities; and
- (17) Other restriction and requirements as deemed necessary by the city.

**21.80.070 Certifications required.**

- (1) A certificate is required giving a full and correct description of all lands divided as they appear on the binding site plan, including a statement that the division has been made with the free consent and in accordance with the desires of the owners. If the binding site plan is subject to a dedication, the certificate or a separate written instrument shall also contain the dedication of all streets and other areas to the public, to an individual or individuals, religious society or societies or to any corporation, public or private as shown on the binding site plan and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of the road. The certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the land divided and recorded as part of the final binding site plan.
- (2) A certification by a licensed surveyor is required, licensed in the state, that the binding site plan survey is accurate and conforms to the provisions of these regulations and state law.

**21.80.080 Title report.**

All binding site plans shall be accompanied by a title company certification (current within 30 days from filing of the binding site plan) confirming that the title of the lands as described and shown on the binding site plan are in the name of the owner(s) signing the binding site plan.

**21.80.090 Survey required.**

A survey must be performed for every binding site plan by or under the supervision of a state of Washington registered land surveyor.

**21.80.100 Approval procedure.**

- (1) Binding site plan approval shall be a Type II review process.
- (2) As part of or after site plan review as provided under OHMC Title 19, applicants for final binding site plan approval shall file the required documents meeting all the requirements of this chapter with the development services department.
- (3) The director shall review the final binding site plan and circulate it to other city departments to determine whether the requirements of this chapter and preliminary approval have been met.
- (4) If the director and city engineer determine that the requirements are met, they shall approve and sign the binding site plan.
- (5) If either the director or the city engineer determine that the requirements have not been met, the final binding site plan shall be returned to the applicant for modification, correction, or other action as may be required for approval.
- (6) If the conditions have been met, the director and city engineer shall inscribe and execute their written approval on the face of the binding site plan.

**21.80.110 Recording requirements.**

- (1) When the city finds that the binding site plan proposed for final approval meets all the conditions of final approval, then the applicant shall take both original mylar binding site plan maps to the Island County auditor. One (1) of the originals of said binding site plan shall be recorded with the Island County auditor. The other will be stamped by the auditor and forthwith returned to Oak Harbor. In addition, the applicant will furnish the city with one (1) paper copy of the mylar recorded by the auditor. In addition, one (1) paper copy shall be furnished by the applicant to the Island County assessor.
- (2) The applicant must provide the city with proof of proper filing and recording before the binding site plan becomes valid. This proof shall include a certification by the applicant and the surveyor certifying that the binding site plan has not been altered between the time it was approved for recordation and the time of actual recordation by the Island County auditor.

**21.80.120 Development requirements.**

All development must be in conformance with the recorded binding site plan.

**21.80.130 Standards for review of commercial binding site plan.**

The following standards shall apply to commercial binding site plans:

- (1) Division lines between lots in commercial binding site plans shall be considered lot lines under Oak Harbor zoning code.
- (2) Each such tract or lot created by such binding site plan shall have one (1) designated front lot line and one (1) rear lot line including those which have no street frontage.
- (3) All tracts, parcels and lots created by a binding site plan shall be burdened by an approved maintenance agreement maintaining access to the various lots, tracts and parcels and for the cost of maintaining landscaping and other common areas.
- (4) When any lot, tract or parcel is created without 30 feet of street frontage, easements shall be given to the city allowing access for police, fire, public and private utilities along the access roads to each tract, lot or parcel.
- (5) If the city elects, the city shall be granted a power to maintain the access easements and

file liens on the property for collection of the costs incurred in maintaining such way. The power to maintain such access ways shall impose no duty on the city to maintain the access way.

- (6) The binding site plan shall contain a provision that the owner's failure to keep the fire access lanes open and maintained may subject the property to being abated as a nuisance and the city may terminate occupancy of such properties until the access easement ways are adequately maintained.
- (7) Freestanding signage may be off of the tract, parcel or lot where the business is located as long as sign requirements are met within the area encompassed by the binding site plan.
- (8) Sufficient parking for each use must be located on the lot where the use is located or joint parking agreements must be recorded by the owners for the area of the binding site plan. Prior to building permit approval, parking agreements will be reviewed by the director.
- (9) Landscaping requirements will be met for each phase of the binding site plan. Landscaping requirements may be met for an area of one (1) or more lots as long as a joint maintenance agreement is recorded or included in declaration of covenants.

**21.80.140 Standards for binding site plans for condominium developments regulated by Chapter 64.32 RCW.**

Development standards for condominiums including residential units or structures shall meet either the standards set out in subsection (1) or (2) of this section:

- (1) All lots and development shall meet the minimum requirements of this title as now in effect or hereafter amended. Phase or lot lines shall be used as lot lines for setback purposes under the zoning code.
- (2) Condominiums may be developed in phases where ownership of the property is unitary but all structures may not be completed at the same time or differing lenders finance separate structures or areas of the property. The following conditions shall apply to phased condominiums:
  - (a) All areas not within the building envelope are subject to joint use and are burdened by a joint obligation to maintain any and all access ways. The city shall have no obligation to maintain such access ways.
  - (b) The city of Oak Harbor shall have an easement for access along and over access ways and parking areas to allow police, building, fire and utility department personnel to inspect and observe such property, buildings and activities on the property as well as for providing emergency and law enforcement services and easements for utilities over and under such access ways.
  - (c) Reciprocal easements for parking shall be provided to all tenants and owners.
  - (d) The developer has submitted a binding schedule for completion of all phases.
  - (e) Phase lines must be treated as lot lines for setback purposes under the zoning code unless the property owner will place a covenant on the binding site plan that the setback area for built phases, contained in all unbuilt phases, shall become common areas and owned by the owners of existing units in the built portions of the condominium upon the expiration of the completion schedule described in subsection (2) of this section.
  - (f) All public improvements are guaranteed by bond or other security satisfactory to the city engineer or his designee.
  - (g) All built phases in a condominium binding site plan shall have joint and several obligation to maintain landscaping through covenants or easements or both to assure that the responsibility is shared among the various owners.

**21.80.150 Performance guarantee requirements.**

- (1) In lieu of completing the required public improvements prior to approval of the binding site plan, the applicant may request final approval, subject to the approval of a suitable guarantee. The guarantee must be in a form acceptable to the city and in an amount commensurate with improvements to be completed. The amount of the guarantee is established at 100 percent of the cost of the city having to construct the improvements plus 20 percent for contingency. The guarantee amount will require yearly review by the city and the applicant will be required to revise the guarantee amount to reflect current inflation rate. Based on the revised amount, the applicant will resubmit suitable guarantee to the city. Also, the guarantee will be restricted as far as the amount of permissible time in which the improvements must be completed. If not a regular surety bond from an acceptable state approved surety, the guarantee must be in a form acceptable to the city attorney.
- (2) Guarantee funds will not be released by the city unless approval has been received from all applicable departments that are responsible for acceptance and/or maintenance of such improvements. Partial releases will not be allowed.
- (3) All improvements begun by the applicant must be completed. Once the applicant has begun making improvements, the applicant shall not be eligible for submitting a guarantee to the city to cover the incomplete improvements.
- (4) Public improvements must be in place at time of certificate of occupancy or acceptable assurances for completion with a temporary certificate of occupancy.

**21.80.160 Warranty requirements for acceptance of final improvements.**

At the time of final acceptance of the improvements, the applicant shall provide to the city a one-

- (1) year warranty guarantee at 10 percent of the established final cost of the public and/or off-site improvements which must be acceptable to the city.

**21.80.170 Survey required.**

- (1) The survey required must be conducted by or under the supervision of a Washington State registered land surveyor. The surveyor shall certify on the binding site plan that it is a true and correct representation of the lands actually surveyed and the survey was done in accordance with city and state law.
- (2) In all binding site plans, lot corner survey pins must be set before final approval can be granted.
- (3) In all binding site plans, perimeter monuments must be set before final approval can be granted.
- (4) In all binding site plans, control monuments must be set before final acceptance of public improvements. Performance guarantees must include the installation of all control monuments. Control monuments must be installed in accordance with city design and construction standards.
- (5) In all binding site plans, where final approval is to be granted by the acceptance of a performance guarantee, lot corner and perimeter monuments must be set. The performance guarantee must include the resetting of any monument that has been lost during construction of public improvements.

**21.80.180 Dedication – Warranty deed.**

Any dedication, donation or grant as shown on a binding site plan shall be considered a statutory warranty deed to the grantee for the use intended.

**21.80.200 Modification.**

- (1) Any applicant can request and make application to the city requesting a modification of

up to five percent (5%) from a requirement of OHMC 21.80.130 or 21.80.140 or OHMC Title 19.

- (2) Such request for modification shall be considered by the director as an administrative decision.
- (3) The modification shall not be granted by the director until the following facts have been established:
  - (a) There are exceptional circumstances of conditions such as: locations of existing structures, lot configuration, topographic or unique physical features that apply to the subject property which prohibit the applicant from meeting the standards of this chapter;
  - (b) The authorization of the modification or variation will not be detrimental to the public welfare or injurious to property in the vicinity or zone in which the property is located;
  - (c) A hardship would be incurred by the applicant if he/she complied with the strict application of the regulations;
  - (d) Landscaping requirements are not thereby reduced.

**21.80.300 Appeals to the hearing examiner.**

- (1) An appeal of the decision relating to the binding site plan shall be made to the hearing examiner.
- (2) The written appeal shall include a detailed explanation stating the reason for the appeal. The decision of the hearing examiner shall be the final action.

**21.80.400 Enforcement.**

The auditor shall refuse to accept for recording any binding site plan which does not bear the verification of approval as defined by this chapter. The city attorney is authorized to prosecute violation of this chapter and to commence actions to restrain and enjoin a violation of this chapter and compel compliance with the provisions of this chapter. The costs of such action shall be taxed against the violator.

**Section Eleven.** Chapter 21.90 of the Oak Harbor Municipal Code is hereby readopted to read as follows:

**Chapter 21.90**

**PENALTY**

**Sections:**

**21.90.010 Violation – Nuisance declared.**

**21.90.020 Penalty.**

**21.90.030 Provisions not exclusive.**

**21.90.010 Violation – Nuisance declared.**

Any violation of the provisions of this chapter constitutes a public nuisance which the city can abate by an action in Island County superior court. The cost of such action shall be taxed against the violator.

**21.90.020 Penalty.**

- (1) Any knowing or intentional violation of this provision of the title shall be a gross misdemeanor punishable by a fine of up to \$5,000 or a jail sentence of one (1) year in jail or both such fine and jail time.
- (2) Any other violation of this title shall be a civil infraction with a maximum penalty of \$250.00.

**21.90.030 Provisions not exclusive.**

Penalty and enforcement provisions in this chapter are not exclusive and the city may pursue any remedy or relief authorized by law or equity.

**Section Twelve. Severability and Savings Clause**

- (1) If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.
- (2) Deletion or amendment of provisions from the Oak Harbor Municipal Code shall not terminate any obligation to the City already vested or incurred thereunder.

**Section Thirteen. Effective Date.** This Ordinance shall be in full force and effect (5) five days after its publication as required by law.

PASSED by the City Council this \_\_\_ day of \_\_\_\_\_ 2010.

CITY OF OAK HARBOR

Approved	( )	_____
Vetoed	( )	Jim Slowik, Mayor

\_\_\_\_\_  
Date

ATTEST:

Approved as to Form:

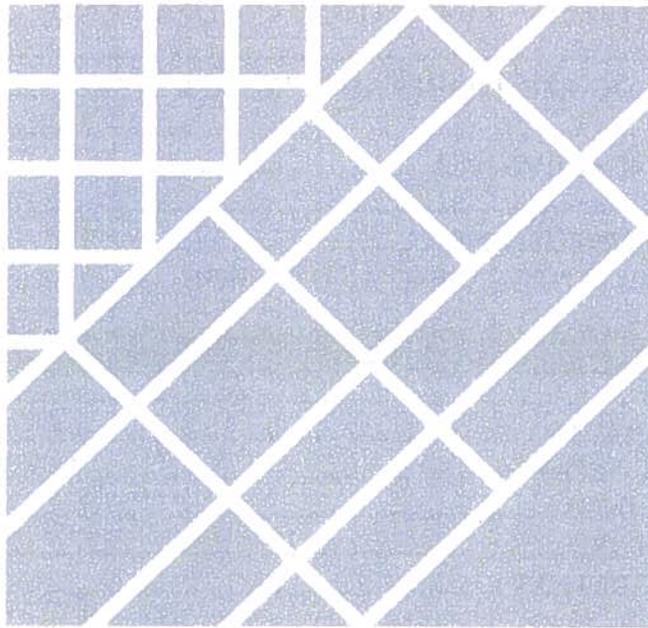
\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

Published: \_\_\_\_\_

# CITY OF OAK HARBOR

## SUBDIVISION DESIGN MANUAL



NOVEMBER, 2009



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# Introduction

## What is the Subdivision Design Manual?

Since Oak Harbor was incorporated in 1889, the growth and evolution of the city has been influenced by the way land has been subdivided and developed. The community's streets and block patterns; open spaces and parks; sidewalks and trails; have all resulted to a great extent from incremental changes through the subdivision of land.

In 2009, the City updated Chapter 19.31 and Title 21 of the Oak Harbor Municipal Code dealing with Planned Residential Developments (PRDs) and Subdivisions. The three principle goals of the code updates were: 1) to make residential developments more sustainable, 2) to improve the community's livability; and 3) to develop regulations that were easy to understand and administer. The design standards embodied in the code update achieve the first two goals through regulations that address such aspects of subdivision layout as block length, pedestrian connections, and open space design. By presenting these regulations with specificity in the Code, and providing the illustrations, photographs, and descriptions in this Subdivision Design Manual, the third goal is met.

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**THE SUBDIVISION DESIGN MANUAL IS A VISUAL AND GRAPHIC EXPLANATION OF THE CODE**

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### Purpose of the Design Manual

The Subdivision Design Manual is a visual and graphic explanation of the code. It's purpose is to illustrate not regulate.

## SUSTAINABILITY



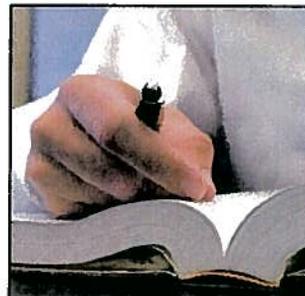
THE ABILITY OF NEW SUBDIVISION DEVELOPMENT TO MAINTAIN THE ENVIRONMENTAL FUNCTIONS PRESENT ON A PARTICULAR PIECE OF LAND.

## LIVABILITY



THE ABILITY OF NEW SUBDIVISIONS TO DEVELOP IN SUCH A WAY THAT THEY ARE CONTEXTUALLY SENSITIVE TO THE EXISTING PATTERNS OF THE BUILT ENVIRONMENT AND FACILITATE HEALTHY LIFESTYLES, ACTIVITIES, AND USES.

## READABILITY



THE FORMATTING OF THE SUBDIVISION REGULATIONS, AS PRESENTED IN THE MUNICIPAL CODE AND SUBDIVISION DESIGN MANUAL, IN SUCH A WAY THAT THEY ARE EASILY UNDERSTOOD BY THE COMMUNITY, CITY STAFF, COUNCIL, PLANNING COMMISSION AND APPLICANTS ALIKE.

# Introduction Cont'd...

The Subdivision Design Manual is a guide for applicants and the community which illustrates the design concepts embodied in the code.

The Subdivision Design Manual is the beginning of a conversation about high quality design in residential subdivisions and PRDs in Oak Harbor. Because this document does not hold regulatory authority, nor is a policy statement of the City, it may be updated administratively by City staff as refinements are identified through the review of subdivisions or through conversations with applicants and the community. For the complete code requirements or language please refer to the Oak Harbor Municipal Code. In the case of a conflict between this document and the Oak Harbor Municipal Code, the code shall prevail.

## How to use this document

This document is divided into two basic parts: the first part is "Subdivisions" which illustrates the design concepts pertaining to residential subdivisions and the second is "PRDs" which illustrates the design regulations in the PRD code. Within each of these parts, the Subdivision Design Manual is organized by design concept (streets, street trees, pedestrian connections etc.). Because the design requirements for subdivisions in Title 21 of the code also apply to PRDs, applicants for a PRD will want to be aware of the subdivision design concepts illustrated herein. For this reason, the design manual discusses the subdivision design elements first, even though the PRD chapter of the code (19.31) occurs before Title 21 (Subdivisions).

## Design Concept Page Example

**Name of Design Concept**

**Design Section**

**Explanation of Design Concept?**

**Code Reference**

**Alleys**

**Of IMC Reference: 21.50.090**

**What are Alleys?**

An alley is a right-of-way no greater than 30 feet in width that allows secondary vehicular access to residential, commercial, and industrial property. Alleys may either be publicly dedicated and maintained or privately owned and maintained.

The code now encourages using alleys in residential subdivisions for their design and access benefits. Alleys help minimize the number of driveway accesses onto arterials and collectors and preserve the functionality of these streets. Perhaps more importantly, alley "hide" vehicular access, placing it behind the building and emphasizing the more attractive features of a building's architecture, such as porches and front entrances (Figure 21).

**Benefits of Alleys**

- PEDESTRIAN-ORIENTED DESIGN
- INCREASED SAFETY BY REDUCING DRIVEWAY CONNECTIONS ON ARTERIALS
- PRIVATE VEHICULAR ACCESS

**Bulleed List of Benefits for each Design concept**

**Examples of Alleys**

**Figure 20**  
Aerial photo showing alley-loaded single-family homes and town-homes in a subdivision

**Figure 21**  
Houses that emphasize the front facade architecture. Garages are in the rear of the house accessed from

**Figure 22**  
Example of an alley with lighting and fencing

**Summary of Code Requirements**

- Alleys that end in dead-ends shall be privately owned and maintained.
- Right-of-way width shall be 20'; with 10' paved
- If a private alley is proposed, access and utility easements are required in lieu of public dedication

**Quick Reference of Summarized Code**

**Graphics Illustrating Concept**

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# Introduction Cont'd...

Within the document, each design concept has its own section with a title, explanation, summary of requirements, and graphics illustrating these concepts.

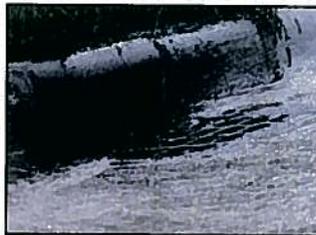
- **What is *Design Concept X*?** This section defines the particular design concept and describes what that concept is intended to do. For instance, if the design concept is narrow streets, then this section will describe what narrow streets are and what narrow streets are intended to do.
- **Summary of Code Requirements.** This section provides a bulleted list of code requirements for quick reference for readers. A complete list of requirements is contained in the code itself.
- **Benefits of *Design Concept X*.** This section names a few of the community benefits of the particular design concept in question and helps answer the question "why is design concept X a 'good' idea?"
- **Examples of *Design Concept X*.** This section is the graphic illustrations of each design concept and the code requirements associated with each design concept. Also shown in this section are examples of less-than-desirable design so that applicants and the community can understand what the design concept is and is not intended to look like.

## CONCEPT



In this example, the design concept is narrow streets. Narrow streets reduce or eliminate on-street parking in favor of adding in landscape strips, increasing sidewalk widths or adding bike lanes.

## BENEFITS



One benefit of narrow streets is they are intended to reduce the amount of pavement thereby further reducing the amount of stormwater pollution and also the public infrastructure and funds needed to treat it.

## EXAMPLES



Narrow streets allow more amenities within the right-of-way such as room for sidewalks and landscape strips. This picture shows sidewalks and landscaping along the street.

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# SUBDIVISION DESIGN ELEMENTS

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CITY OF OAK HARBOR

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# Local Residential Streets - Narrow Section

OHMC Reference: Table 21.50-1

## What is a Narrow Street Section?

A narrow street is one that is 28 feet in width measuring from face-of-curb to face-of-curb. Wide streets are 36 feet in width measuring from face-of-curb to face-of-curb. The code now offers a choice in residential street design, between a narrow street or a wide street.

The options for a narrow street section are either on-street parking on one side or two 4' bike lanes and no parking. The options for a wide street allow for parking on both sides or parking on one side and 4' bike lanes on both sides. Applicants may also propose designs which vary from the standard sections through an "Adjustment" process (See *Alternative Street Design*).

More often than not, there is an excess of on-street parking in residential subdivisions. Some of the excess parking can be made better use of in the form of landscape strips or wider sidewalks. The intent of providing a narrow street design is to reduce stormwater impacts, and lower costs to the City and applicants.

## BENEFITS OF NARROW STREETS

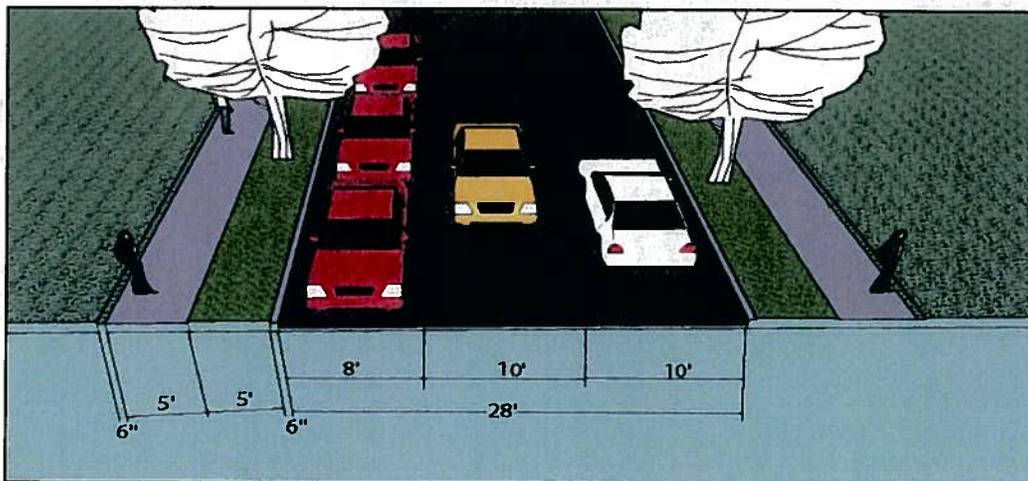
- INCREASED SUSTAINABILITY, THROUGH REDUCED STORMWATER RUNOFF
- GREATER DESIGN FLEXIBILITY FOR APPLICANTS
- REDUCTION IN HARD SURFACE MAINTENANCE COSTS

## Summary of Code Requirements

Table 21.50 - 1 requires the following essential elements for a narrow street:

- Two 10' travel lanes and either an 8' parking lane or two 4' bike lanes for a total of 28' from face-of-curb to face-of-curb width (Figure 1)
- 5' wide sidewalk and 5' wide landscape strip on each side of the street (Figure 1)
- 50' right-of-way width

## Example of Narrow Streets



**Figure 1 - Rendering showing a narrow street section with two 10' travel lanes and one 8' lane of on-street parking. Landscape strips and sidewalks are on both sides of the street.**

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## Local Residential Streets - Wide Section

OHMC Reference: Table 21.50-1

### What is a Wide Street Section?

A wide street is one that is 36 feet in width measuring from face-of-curb to face-of-curb. Narrow streets are 28 feet in width measuring from face-of-curb to face-of-curb. The code now offers a choice in residential street design, between a narrow street or a wide street.

The design options for a wide street allow for parking on both sides or parking on one side and 4' bike lanes on both sides. Applicants may also propose designs which vary from the standard sections through an "Adjustment" process (See *Alternative Street Designs*).

The intent behind providing a wide street is to offer a choice in residential street design. Wide street sections allow more on-street parking to be made available to residents and visitors.

### BENEFITS OF WIDE STREETS

- ON-STREET PARKING ON BOTH SIDES OF THE STREET
- POTENTIAL FOR ON-STREET VEHICLE PARKING AND BIKE LANES WITHIN THE SAME STREET SECTION

### Summary of Code Requirements

Table 21.50 - 1 requires the following essential elements for wide streets:

- Two 10' travel lanes and either two 8' parking lanes or an 8' parking lane on one side and 4' bike lanes on both sides for a total of 36' from face-of-curb to face-of-curb width (Figure 2)
- 5' wide sidewalk/path and 5' wide landscape strip on each side of the street (Figure 2)
- 60' right-of-way width (Figure 2)

### Example of Wide Streets

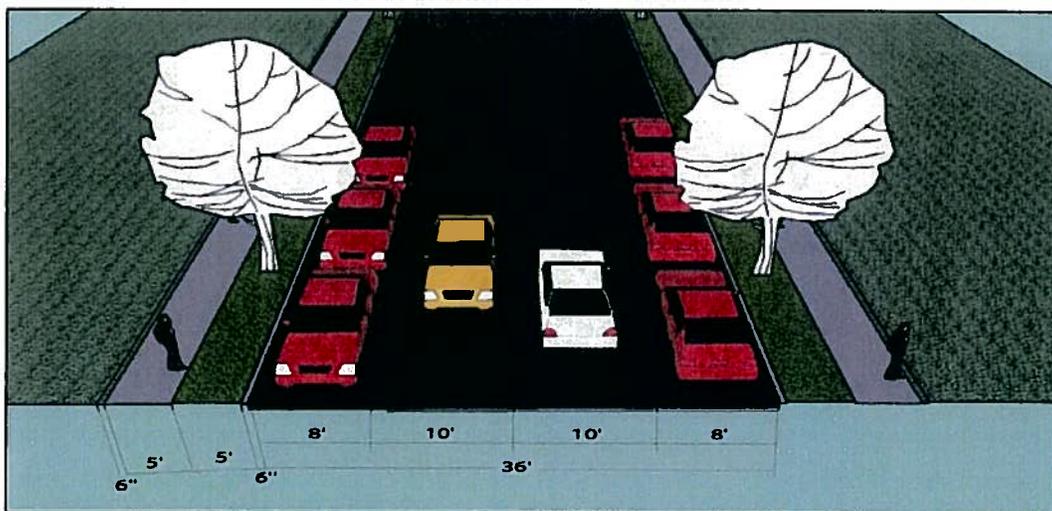


Figure 2 - Wide street section with two 10' travel lanes and two 8' lanes of on-street parking. Landscape strips and sidewalks measuring 5' each on both sides of the street.

# Alternative Street Design

OHMC Reference: 21.60.060  
- 21.60.090

## What is Alternative Street Design?

The City of Oak Harbor recognizes that there are ways to design a street different from the code specified standard while continuing to meet circulation and urban design objectives. Therefore, the City has created a process for reviewing alternative street designs for Local Residential streets which do not meet the narrow or wide standard specified in Table 21.50-1. The review of alternative designs may be through an adjustment (processed administratively) or a waiver (processed in a Planning Commission public hearing, with the final decision made by City Council).

Adjustments are for alternative street designs which have all of the essential street elements, but vary from the prescribed placement or dimension of the elements. Essential elements are pedestrian facilities on both sides of a street, adequate parking, a landscaping element, and two travel lanes.

The intent is to foster those proposed designs that will provide an equal or better street design for vehicles and pedestrians without compromising safety or functionality. If the proposed design does not include one or more of the essential elements it cannot be reviewed administratively and must be a formal waiver to be reviewed by the Planning Commission and City Council under a Type IV review process.

## Summary of Code Requirements

- Applicants may request to vary from the standard design listed in Table 21.50-1 for a Local Residential street section.
- Requests may be reviewed administratively through an adjustment application or,
- Requests that do not contain one or more of the essential elements shall fall under a Type IV waiver process reviewed by Planning Commission.
- Requests to vary must be made at the time of Preliminary Plat or PRD review.

### BENEFITS OF ALTERNATIVE STREET DESIGN

- FLEXIBILITY IN DESIGN WHILE MEETING SAFETY & FUNCTIONALITY STANDARDS
- STREET DESIGN WHICH COMPLEMENTS NEIGHBORHOOD AESTHETICS

## Examples of Alternative Street Designs



*Figure 3 - An example of a street design requiring an adjustment because it has all essential elements but uses a center landscape strip.*

Source: [www.pedbikeimages.org](http://www.pedbikeimages.org)  
Dan Burden



*Figure 4 - An example of a street requiring a waiver because it does not have two of the essential elements; landscaping strips and two 10' wide travel lanes. It is a one-way street instead with landscaping outside of the ROW.*

## Alternative Parking Designs

OHMC Reference: 21.60.070(1)(a)(ii)

### What is an Alternative Parking Design?

An alternative parking design is public parking which is located off-street in residential subdivisions. Parking may be provided in the form of head-in parking, diagonal parking, parking courts, or parking in side alleys.

Providing sufficient parking to meet the needs and activities of the residents and visitors of a subdivision is essential. These designs provide applicants the flexibility to locate required public parking in off-street locations. Alternative parking designs are necessary when on-street parking is eliminated due to narrower street sections, narrow lots or a combination of the two.

Alternative parking design is considered an "Adjustment" request per OHMC 21.60.070 which is a Type II review process and would usually be part of a request for an alternative street design which eliminates or reduces on-street parking.

### Summary of Code Requirements

- 1 public parking space per 2 residential units must be provided.
- Parking spaces must meet size and access specifications of OHMC 19.44.110.
- Public parking spaces must be interspersed throughout the subdivision.
- Public parking spaces must be within convenient walking distance to all units.

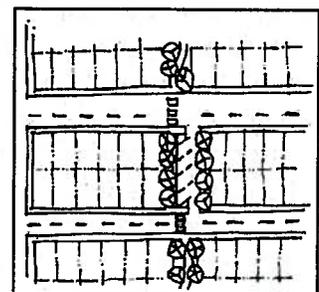
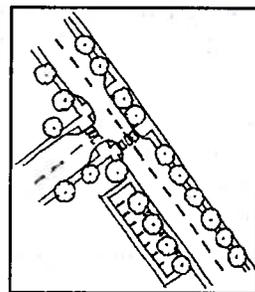
### BENEFITS OF ALTERNATIVE PARKING DESIGNS

- FLEXIBILITY IN THE PLACEMENT OF PARKING, CREATING BETTER DESIGNED NEIGHBORHOODS
- PROXIMITY TO ALL RESIDENTIAL UNITS
- EMPHASIS ON EFFICIENT PARKING ARRANGEMENTS

### Examples of Alternative Parking Designs



**Figure 5 -** Parking court at the end of a cul-de-sac that provides approximately 8 off-street parking spaces.



**Figure 6 -** Examples of alternative public parking designs. A parking court is illustrated on the left and parking in side alleys on the right.

# Local Residential Streets - Grid or Modified Grid

OHMC Reference: 21.60.100

## What is a Grid or Modified Grid Street Pattern?

Code section 21.60.100 requires that residential streets assume a grid or modified grid pattern. A street pattern that is a grid means that blocks are rectilinear in shape and all intersections are four-way. A modified grid is a grid system that also contains rectilinear blocks but intersections can be either three-way or four-way stops (Figure 7). A grid or modified grid street pattern must be used for subdivisions or short subdivisions.

The grid (or modified grid) pattern increases the number of connections and, therefore, route options for all travel modes, which is especially important for pedestrians and bicycles. Grid street patterns encourage walking and bicycling and reduce reliance on automobiles resulting in less environmental impacts as compared to curvilinear street patterns (Figure 8).

## Summary of Code Requirements

- A grid or modified grid pattern must be used for all local residential streets (Figure 7).
- Blocks shall be rectilinear.
- A curvilinear street pattern (Figure 8) may only be used when the site contains the following factors per 21.60.100:
  - a. Steep topography or critical areas are present on-site.
  - b. Improvements on adjacent properties inhibit a connection.

### BENEFITS OF A GRID OR MODIFIED GRID STREET PATTERN

- GREATER CONNECTIVITY
- WALKABILITY / BIKABILITY
- EFFICIENCY IN LAND USE

### Examples of Grid Street Patterns

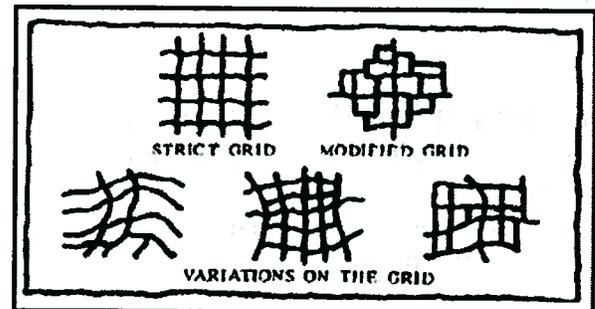


Figure 7 - Strict grid, modified grid and variations on the grid are all acceptable street layout alternatives in the code.

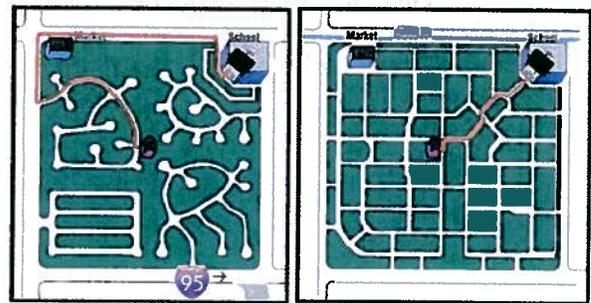


Figure 8 - Example of the difference in connectivity between a grid and a curvilinear street pattern. Connectivity is especially important for bicycles and pedestrians.

# Local Residential Streets – Limitations on Dead-Ends

OHMC Reference: 21.60.110

## What are the Limitations for Dead-End Streets?

By its nature, a dead-end street does not connect with adjacent development. Cul-de-sacs, are the most common type of dead-ends in residential subdivisions. The code limits the number of dead-ends to exceptional circumstances of steep topography, critical areas, and existing development.

By reducing the number of dead-end streets in subdivisions, more route options can be offered to vehicles, pedestrians, and bicycles thereby reducing trip length and encouraging walking and biking. Walking and biking have positive effects on the environment and personal health. The resulting subdivisions, therefore, are not “islands unto themselves,” but are connected to adjacent uses.

## Summary of Code Requirements

- Dead-ends are restricted to the following instances:
  - a. Steep topography or critical areas present on-site.
  - a. Dead-end is no longer than 400’.
  - b. An alternative turn-around design is approved by the City Engineer and Fire Department.
  - c. A pedestrian/bike connection has been provided at the end of the dead-end.
  - d. Dead-ends may be allowed when they are temporary and a future connection is planned.

**BENEFITS OF LIMITS ON DEAD-END STREETS**

- GREATER CONNECTIVITY
- REDUCES CONGESTION ON COLLECTORS AND ARTERIALS
- WALKABILITY/BIKABILITY

## Examples of Dead-End Streets and Dead End Alternative Designs



**Figure 9 -** *Subdivision with extensive dead end design that prohibits connections and accessibility across land uses.*



**Figure 10 -** *This graphic of the street system in Oak Harbor shows the prevalence of dead-end streets denoted by a red dot.*

# Local Residential Streets – Limitations on Dead-Ends

OHMC Reference: 21.60.110

## Examples of Dead-End Streets and Dead End Alternative Designs

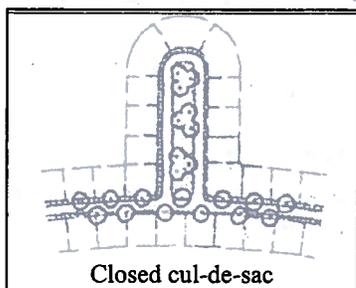


Figure 11- Example of a closed cul-de-sac with a landscape strip in the center.

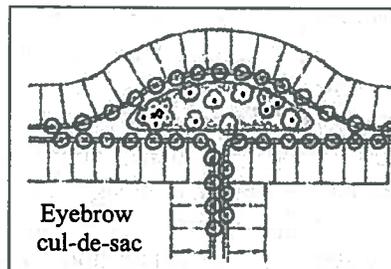


Figure 12- Example of an eyebrow cul-de-sac that provides a landscape island and sufficient access to all lots.

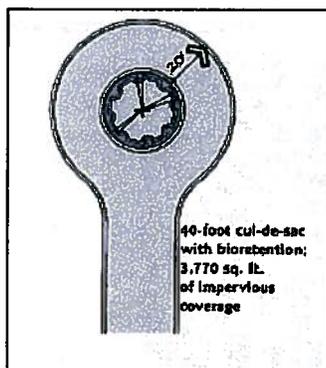


Figure 13- Cul-de-sac with a landscape island that also doubles as a bioretention facility.

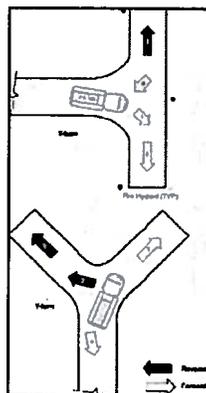


Figure 14- Examples of a "Y" turnaround and a "T" turnaround.

Source: Occupational Safety and Health Administration, Fire Service Features of Buildings and Fire Protection Systems, 3256-2006.

# Alleys

OHMC Reference: 21.50.090

## What are Alleys?

An alley is a right-of-way that allows secondary vehicular access to residential, commercial, and industrial property. Alleys may either be publicly dedicated and maintained or privately owned and maintained.

The code now encourages using alleys in residential subdivisions for their design and access benefits. Alleys help minimize the number of driveway accesses onto arterials and collectors and preserve the functionality of these streets. Perhaps more importantly, alleys “hide” vehicular access, placing it behind the building and emphasizing the more attractive features of a building’s architecture, such as porches and front entrances (Figure 16).

### BENEFITS OF ALLEYS

- PEDESTRIAN-ORIENTED DESIGN
- INCREASED SAFETY BY REDUCING DRIVEWAY CONFLICTS ON ARTERIALS AND COLLECTORS
- IMPROVED SERVICE ACCESS

### Examples of Alleys



**Figure 15 -** Aerial photo showing alley-loaded single-family homes and town-homes in a subdivision.



**Figure 16** Houses that emphasize the front facade architecture. Garages are in the rear of the house accessed from an alley.

## Summary of Code Requirements

- Alleys that end in dead-ends shall be privately owned and maintained.
- Right-of-way width shall be a minimum of 20'; with 19' paved.
- If a private alley is proposed, access and utility easements are required in lieu of public dedication.



**Figure 17** Example of an alley with light-ing and fencing.

# Access Easements - Shared Drives and Private Streets

OHMC Reference: 21.60.120  
21.60.130

## What are Shared Drives & Private Streets?

A shared drive is a privately owned right-of-way for vehicular access for a maximum of four residential units. A private street is also a privately owned right-of-way, but it allows vehicular access for up to nine residential units. The code allows for access to residential lots in a short subdivision by way of a shared drive or private street when full street improvements are not needed to serve the development.

The purpose of the new provisions is to optimize the opportunity for efficient and compatible use of infill parcels where full public street improvements are not needed to serve the development (Figure 18).

## Summary of Code Requirements

- Only allowed through short subdivision and when public streets are not necessary.
- Must meet the design requirements in Table 21.60 - 1.
  - a. Shared Drives - minimum of 16' for 2 units or 20' for 3 or 4 units.
  - b. Private Streets - minimum of 20', 5' side walk on one side, maximum length of 400', turn-around required if more than 150' in length.
- The total number of units served by a private street must not exceed nine. No more than 4 units may be served by a shared drive.

**BENEFITS OF SHARED DRIVES AND PRIVATE STREETS**

- ENCOURAGES EFFICIENT INFILL DEVELOPMENT
- REDUCED MAINTENANCE COSTS FOR THE CITY

## Examples of Shared Drives and Private Streets

**Figure 18 -** The above graphics illustrate how access by private streets or shared drive (right) can create better lot arrangements than requiring access from public right-of-way (left).

# Lot Dimensions

OHMC Reference: 21.50.100

## Minimum Lot Dimensions

Section 21.50.100 sets minimum size and shape requirements for lots in order to create well-ordered and efficient subdivisions and avoid highly irregular lot sizes and shapes (Figure 21). Orderly lots promote efficient delivery of public services such as water, sewer, and roads.

## Summary of Code Requirements

- Minimum lot width of 60' at the building line (Figure 19).
- Depth of the lot should not be more than 3x the width of the lot (Figure 19).
- Lots must meet the minimum dimensional requirements for the zoning district they are located in.
- All lots shall have 30' of frontage onto a public or private street (Figure 19).
- Side lot lines should be at right angles to street lines or radial to curved streets.
- Side and rear lot lines shall be straight, not curved.
- All lot corners that intersect public right-of-way shall have a minimum radius of 15'.

## BENEFITS OF LOT ARRANGEMENT

- AVOID IRREGULAR LOT SIZES AND SHAPES
- PROMOTES MORE UNIFORM PROPERTY VALUE
- ORDERLY AND EFFICIENT DELIVERY OF PUBLIC INFRASTRUCTURE

## Examples of Lot Requirements

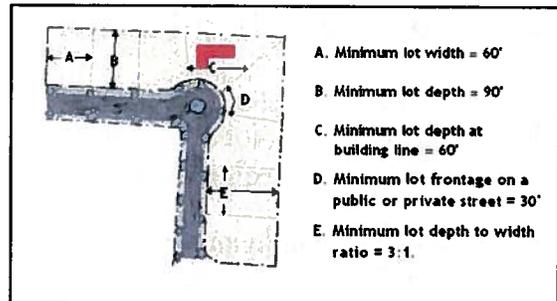


Figure 19 – Graphic depicting 30' minimum frontage, 60' at bldg line, and minimum lot depth and width requirements.

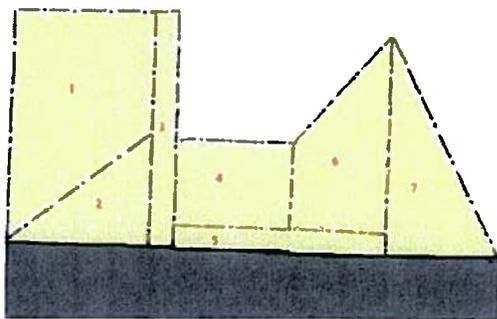


Figure 20  
Graphic depicting irregular shaped and sized lots.

1. Lot has no street frontage, creating access and utility service difficulties
2. Acute angles make much of this lot unbuildable
3. Lot is too narrow to be buildable
4. Lot is land-locked, creating utility and access difficulties
5. Lot is not deep enough to be buildable
6. Lot is land-locked, creating utility and access difficulties
7. Acute angles make much of this lot unbuildable

# Block Size & Configuration

OHMC Reference: 21.60.040  
21.60.050

## What is a Block?

A block is a group of lots, tracts, or parcels surrounded on at least three sides by public rights-of-way or easements for pedestrian travel (Figure 22). Block length is defined as being the perimeter distance around a block, divided by two. Block length in the code is limited to 800'. All blocks over 800' require mid-block pedestrian/bike connections.

Suburban development over time has resulted in some subdivisions containing very long blocks (Figure 23). When these are connected with other large blocks in adjacent developments they create "super blocks" (Figure 21). Both long blocks and super blocks tend to be an impediment to pedestrians and bicycles, making it less likely that someone will walk or bike to their destination. Setting a maximum block length helps to promote walkable/bikeable neighborhoods. In the example below (Figure 21), the distance between the blue dots, or the red dots is short, but the walking distance is very long due to the oddly shaped blocks.



**Figure 21 - Example of super blocks which create navigational challenges for pedestrians and bikes. Because of these oddly shaped blocks, the traditional measurement of a block (intersection-to-intersection, in green) is inadequate whereas the walking distance in yellow is very long. The new definition (perimeter distance divided by two) takes into account walking distance.**

The new definition (perimeter distance divided by two) takes into account walking distance.

## Summary of Code Requirements

- Blocks shall be deep enough to provide two tiers of lots unless otherwise exempt per OHMC 21.60.040.
- Blocks shall be a maximum of 800' in length.
- Blocks may be up to 1000' in length provided they have a mid-block connection and exceptional circumstances (topography, critical areas, adjacent development.).

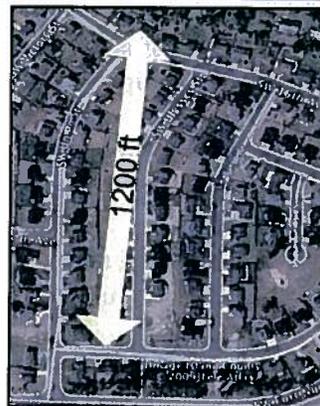
## BENEFITS OF REGULATIONS FOR BLOCK SIZE AND SHAPE

- IMPROVED OPPORTUNITIES FOR ACTIVE TRANSPORTATION OPTIONS, WHICH HELP IMPROVE COMMUNITY HEALTH.
- SUBDIVISIONS CONSISTENT WITH THE COMMUNITY'S HISTORIC DEVELOPMENT PATTERNS.
- ENCOURAGES GREEN FORMS OF TRANSPORTATION

## Examples of Blocks



**Figure 22 - The outline shows a block as defined in the code being surrounded on at least 3 sides by public rights-of-way.**



**Figure 23 - Example of a long block that doesn't provide easements or pedestrian access to break up the length of the block. Such a long block inhibits connectivity and discourages walking.**

# Corridor Buffers

OHMC Reference: 21.60.180  
 - 21.60.200

## What is a Corridor Buffer?

The code requires a corridor buffer of at least 25' in width along all Minor Arterial roads abutting residential subdivisions (Figure 24). A corridor buffer is a dedicated tract that may incorporate either natural vegetation, applicant proposed vegetation, or both. The purpose of the corridor buffer is to minimize the impact of the roads on adjacent residential uses, encourage tree preservation and planting, and to create visually attractive corridors along these roadways. The combination of required trees and supplemental plantings should create a continuous screen that is sufficient to buffer residences from the adjacent roadway.

In cases where windthrow after clearing may affect existing trees, hazardous trees must be removed (Figure 26) and new trees planted to achieve a density of 1 tree per 400 sq. ft. (Figure 26).

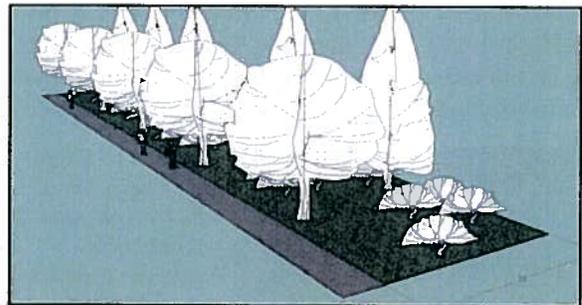
## BENEFITS OF CORRIDOR BUFFERS

- SEPARATES AND SCREENS RESIDENTIAL PROPERTIES FROM ADJACENT ROADS
- A WAY TO PRESERVE EXISTING TREES
- AESTHETICALLY ENHANCES ROAD CORRIDORS

## Examples of Corridor Buffers



**Figure 25 -**  
*Example of a landscape buffer containing a mix of understory and overstory vegetation.*



**Figure 25 -** *Rendering illustrating what a 25' corridor buffer may look like at maturity. Buffers should be designed to include shrubs that provide understory and screening.*

## Summary of Code Requirements

- Corridor buffers are not required in short subdivisions.
- Corridor buffers shall be designated as a separate tract on the face of the plat and maintenance responsibilities are assigned to homeowner's associations.
- Buffers shall contain overstory, understory, and groundcover vegetation, with a tree density of 1 tree per 400 sq. ft.
- Natural vegetation not prone to wind throw or blow down may be retained in conjunction with OHMC 21.60.190(1).
- Buffers shall contain 100% groundcover.



**Figure 26 -**  
*Photo of an undesirable corridor buffer.*

## Pedestrian / Bike Connections

OHMC Reference: 21.60.210  
 - 21.60.240

### What is a Pedestrian/Bike Connection?

A pedestrian/bike connection is a through fare intended for pedestrian and bicycle travel connecting adjacent or public uses, recreational or open space, and activity centers.

The code requires pedestrian/bike connections in the middle of blocks over 800' in length, if a trail or connection is shown on the Comprehensive Plan that affects the subject site, and to all adjacent uses. Mid-block connections that cross more than one block and intersect streets must meet the specific design and safety features of the code (Figure 31).

The pedestrian/bike connections will lead to more route options for these modes, making it more likely that people will choose to walk and bike either for recreational purposes or for work trips. The prevalence of walking/biking facilities has a direct connection to people's physical activity and health. The standard designs of these facilities will ensure a high level of design and consistency across facilities promoting walking and biking.

### Summary of Code Requirements

#### *When Connections are Required*

- If a pedestrian/bike connection or trail is shown on the Comprehensive Plan.
- If it is necessary to provide a non-circuitous access to a park, open space, activity center, or adjacent subdivision.
- Required for blocks that are over 800' long; also called "mid-block" connections.
- To all adjacent uses at no greater than 800' intervals.

### Summary of Code Requirements

#### *Design*

- The code requires that the standard design of the pedestrian/bike connection be a 10' wide path, with 5' wide landscape strips on either side and 6' high fencing (Figure 27).

### BENEFITS OF PEDESTRIAN/BIKE CONNECTIONS

- ADDITIONAL ROUTE OPTIONS
- CONNECTS ADJACENT USES
- PROVIDES ACCESS FOR SCHOOL-AGED AND POPULATIONS WITHOUT CARS.

### Examples of Pedestrian/Bike Connections

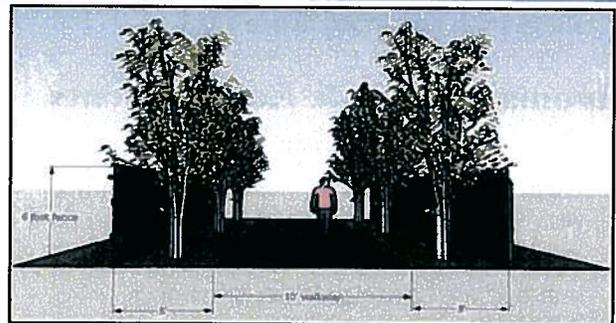


Figure 27 - Rendering showing the standard design of a pedestrian/bike connection. The design incorporates a 10' walkway, 5' landscaping on either side, and fencing.



Figure 28 - Example of homes fronting on a pedestrian connection..

## Pedestrian / Bike Connections Cont'd...

OHMC Reference: 21.60.210  
- 21.60.240

### Summary of Code Requirements

#### *Design Cont'd...*

- Connections shall be within a 20' wide easement.
- Residential lots are encouraged to front on pedestrian connections (Figure 28)
- The connection shall be either concrete or asphalt and a minimum width of 10'.
- A landscape strip of 5' shall be provided on either side with 100% ground cover and deciduous trees planted at 30' intervals. There shall be no less than 2 trees on each side of the connection.
- Fencing limited to 6' in height is required along the edge of all residential lots adjacent to a connection.
- All connections must be publicly accessible by way of easement or public dedication.
- All trails shall be designed per the Parks, Recreation and Open Space Plan.



**Figure 29**  
*Picture of single-family houses adjacent to a mid-block pedestrian / bicycle connection.*

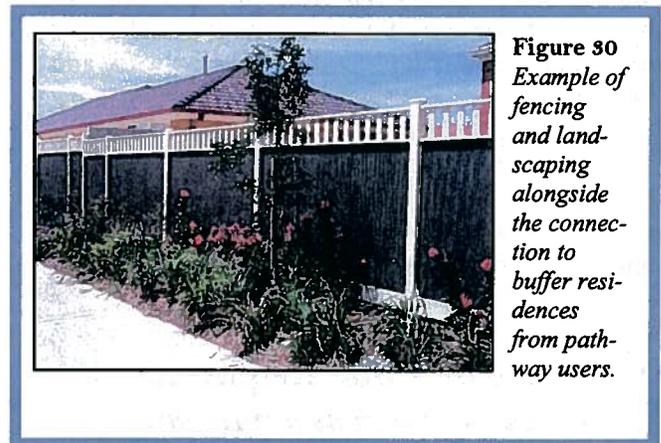
### Summary of Code Requirements

#### *Safety*

- Clear visibility for the length of the connection. Must be able to see from end-to-end.
- Downward directed lighting along the path and bollard lighting at the entrances.
- Signage at entrances.
- A 10' taper at the intersections of the connections and streets for clear vision.

#### *Mid-block connections*

- Adequate site distance for stopping must be provided.
- Signage warning of a crossing.
- Crosswalk delineation (Figure 31).
- Staggered bollards at all intersections of crossings and rights-of-way.

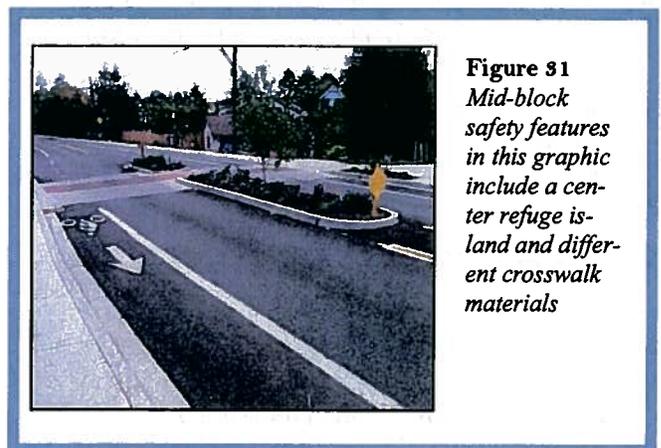


**Figure 30**  
*Example of fencing and landscaping alongside the connection to buffer residences from path-way users.*

### Summary of Code Requirements

#### *Maintenance*

- Connections shall be maintained by HOA's.
- Responsibility and maintenance designation must be on the face of the plat.



**Figure 31**  
*Mid-block safety features in this graphic include a center refuge island and different crosswalk materials*

# Stormwater Pond Landscaping & Design

OHMC Reference: 21.50.250 - 21.60.250

## What is a Stormwater Pond?

Stormwater ponds have important functions our community including flood protection for property and pollutant removal to protect our waterways. These ponds and their associated infrastructure, which can include above ground swales, have the potential to take up large tracts of land and negatively impact the visual quality of our neighborhoods. To manage these potential impacts, design regulations have been adopted to require specific landscape treatments that make these facilities more visually appealing while also maintaining their important functions.

Stormwater ponds should look attractive, rather than functional. To do this, the code requires that ponds be landscaped and regulated to the types of material used for the pond. Stormwater ponds can be improved by locating them near open space and using natural materials to incorporate them as much as possible as an amenity of the neighborhood.

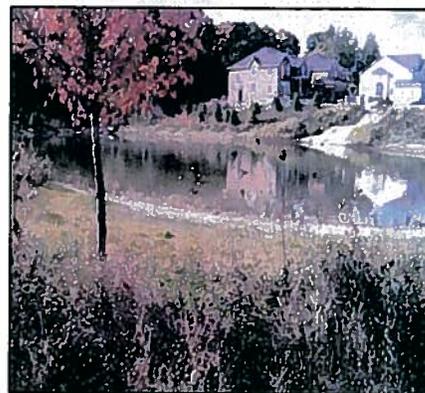
## Summary of Code Requirements

- Shall be located near open space where possible to create the visual effect of larger open spaces.
- Pond materials shall utilize natural materials such as brick, stone, gabions, and architectural blocks.
- All masonry in contact with the pond water must be designed to withstand spalling.
- Stormwater ponds shall be designed with shallow internal slopes (3:1 or flatter) whenever feasible.
- A perimeter landscape area of a minimum of 10' in width is required around all stormwater ponds.
- Vegetation shall provide 100% groundcover within 2 years.
- A mix of evergreen and deciduous trees with a planting density of 1 tree per 250 sq. ft.
- The pond area and surrounding landscape shall be placed in a tract to be owned and maintained by the homeowners association.

## BENEFITS OF STORMWATER POND LANDSCAPING & DESIGN

- IMPROVED AESTHETICS OF STORMWATER FACILITIES
- LIMIT THE NEED FOR SAFETY FENCING AROUND STORMWATER PONDS
- OPPORTUNITIES TO INTEGRATE STORMWATER PONDS INTO THE OPEN SPACE AND TRAILS SYSTEM WITHIN THE COMMUNITY.

## Examples of Stormwater Ponds



**Figure 32 -** Photo illustrating a stormwater pond of high quality design because it looks like a natural feature, includes landscaping, and is an amenity to the neighborhood.



**Figure 33 -** Example of a stormwater pond that is poorly designed as it is lacking aesthetic appeal.

# Stormwater Pond Landscaping & Design

OHMC Reference: 21.50.250 - 21.60.250

## Summary of Code Requirements Cont'd...

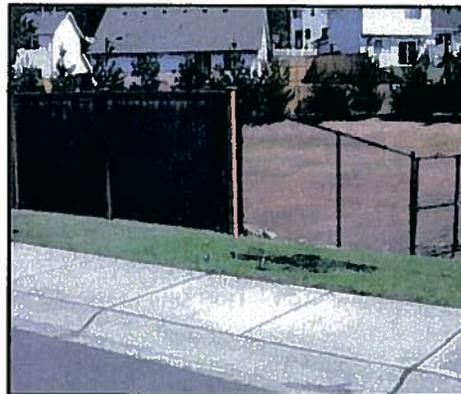
- A landscape plan shall be submitted for the pond.
- To avoid the use of plain, smooth concrete, architectural detail, fractured finishes, exposed aggregate or cast-in patterns or textures shall be used.



**Figure 34**  
*Pond using plain, smooth concrete blocks, rather than attractive material. Landscaping is also sparse around the perimeter.*



**Figure 35**  
*Landscaped perimeter around pond with mix of ground-cover plants and shrubs.*



**Figure 36**  
*Fencing that is designed to allow visual access to the pond.*

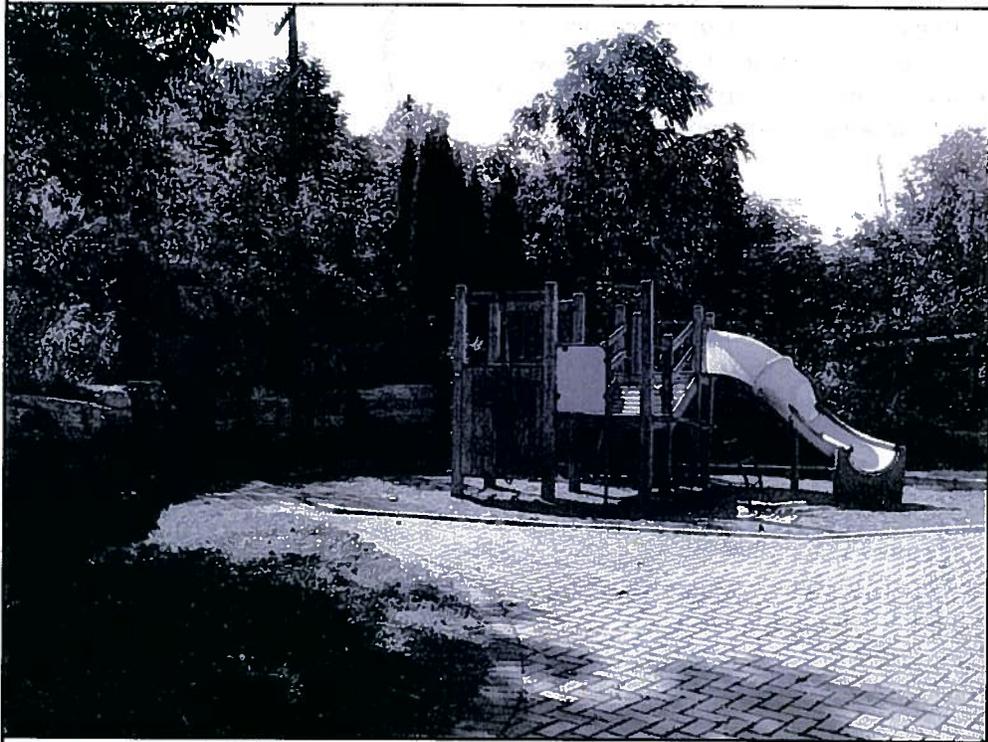


**Figure 37**  
*Example of an exposed aggregate wall. This is illustrative of materials that may be used in pond design.*



**Figure 38**  
*Example of a pond that is made into a neighborhood amenity and includes a trail.*

## PRD DESIGN ELEMENTS



2009

CITY OF OAK HARBOR

# Open Space - Active

OHMC Reference: 19.31.120

## What is Active Open Space?

Planned residential developments (PRD) are required to have 10% of the gross site area devoted to open space. This open space is divided between “passive” open space and “active” open space. Half of all common open space must be active open space. Active open space provides opportunities for physical activity for residents of a PRD in contrast to passive open space that preserves natural areas and scenic amenities.

The code intends that active open space be visible, useable, and accessible to residents of PRDs. Staff analysis done in 2008 shows that some open spaces in Oak Harbor lack these qualities. In response to this, the code now requires that more amenities be provided within active open space in the form of an activity center, benches, lighting, and trash receptacles.

## Summary of Code Requirements

- 50% of all open space shall be active.
- An activity center (play structures, tennis courts, basketball courts, etc.) must be provided (Figure 39).
- Must be accessible via a pedestrian connection. (Figure 39).
- Pedestrian-oriented lighting (Figure 39).
- Minimum size of 5,000 sq. ft. (Figures 43 and 45).
- Minimum width of 50’ and depth of 90’ (Figure 43).
- Minimum street frontage of 40’.
- Seating (Figure 41).
- Signage.
- Trash receptacle(s) (Figure 44).

### BENEFITS OF ACTIVE OPEN SPACES

- RECREATIONAL OPPORTUNITIES
- PROMOTES HEALTHY LIFESTYLES
- HIGH QUALITY NEIGHBORHOOD DESIGN

## Examples of Active Open Space Design



*Active open space providing several of the code elements such as lighting, pedestrian connections, and a play structure.*

**Figure 39**



*Active open space with several play structures and covered seating provided for pedestrians.*

**Figure 40**

# Open Space - Active Cont'd...

OHMC Reference: 19.31.120



**Figure 41**  
*Seating provided in an open space for people to rest, read, or watch the activity around them.*



**Figure 42**  
*Up to 50% of stormwater ponds may count as open space within a PRD, provided it meets the requirements of 19.31.120(8).*



**Figure 43**  
*Active open space that is highly visible and accessible, because it has street frontage and a pedestrian connection.*



**Figure 44**  
*Trash receptacle in open space that is of high quality design.*



**Figure 45**  
*Example of minimum open space size in comparison to residential lot dimensions.*

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## Non-Dominant Garages

OHMC Reference: 19.31.190(3)(a-c)

### What are Non-Dominant Garages?

PRD's allow applicants the flexibility to vary from zoning standards. Applicants commonly request smaller lots and reduced setbacks in PRDs. On these lots, garages can become the focal point of the subdivision, leading to poor urban design and auto-dominated, rather than people-centric, design. The PRD criteria in 19.31.190 therefore, emphasize the front entrances of residential buildings, which are more attractive than the garage. This regulation is meant to refocus the residential streetscape on quality design and pedestrian-scaled architecture.

### Summary of Code Requirements

If smaller lot sizes or decreased setbacks are proposed from what is required by the underlying zoning, buildings on these lots must meet requirements (a) to (c) below or requirement (d), or requirement (e):

- (a) **Garage walls facing the street must be no closer than the wall containing the main entrance, or to the edge of a covered porch or deck if provided.**
- (b) **A garage facing the street must not be more than one-half of the façade length.**
- (c) The main entrance must be prominent, easily visible and directly accessible from the street frontage.
- (d) No two adjacent buildings on the same side of the street may have the same front setback. Setbacks must alternate from building to building. Minimum front setback variation must be two feet or greater.
- (e) Residential buildings are accessed from an alley at the rear of the lots.

### BENEFITS OF NON-DOMINANT GARAGES

- IMPROVED, PEDESTRIAN-ORIENTED STREETScape.
- SENSE OF PLACE
- MORE EYES ON THE STREET, HELPING PROMOTE SAFETY

### Examples of Garage Architecture



Figure 46 - Example of projecting garage.



Figure 47 - Example of non-dominant garage architecture.

## Alternating Front Setbacks

OHMC Reference: 19.31.190(3)(d)

### Why Vary the Setbacks?

On residential street frontages where houses have the same front setback; unbroken "strings" of houses can occur (Figure 50). The monotonous look of residential streetscapes can be reduced by varying the setback of homes. The problem is especially exacerbated in small lot developments, as is typical in PRDs.

### Summary of Code Requirements

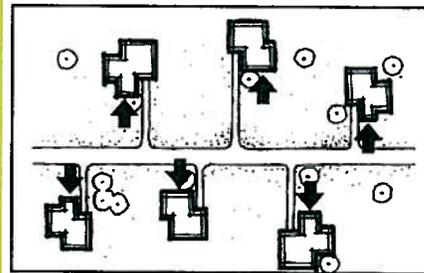
If smaller lot sizes or decreased setbacks are proposed from what is required by the underlying zoning as part of a PRD, buildings on these lots must meet requirements (a) to (c) below or requirement (d), or requirement (e):

- (a) Garage walls facing the street must be no closer than the wall containing the main entrance, or to the edge of a covered porch or deck if provided.
- (b) A garage facing the street must not be more than one-half of the façade length.
- (c) The main entrance must be prominent, easily visible and directly accessible from the street frontage.
- (d) **No two adjacent buildings on the same side of the street may have the same front setback. Setbacks must alternate from building to building. Minimum front setback variation must be two feet or greater.**
- (e) Residential buildings are accessed from an alley at the rear of the lots.

### BENEFITS OF ALTERNATING BUILDING SETBACKS

- CREATES AN INDIVIDUAL FEEL TO EACH HOME ON THE BLOCK
- MITIGATES THE MONOTONOUS, UNBROKEN STRING OF HOUSES
- IMPROVES THE AESTHETIC QUALITY OF STREETSCAPES

### Examples of Alternating Building Setbacks



**Figure 48**  
*Neighborhood with varying front setbacks giving the residence and street more visual interest.*



**Figure 49**  
*Neighborhood where all of the houses are set back at the same distance and lacks visual interest and character.*

## Alley Loaded Buildings

OHMC Reference: 19.31.190(3)(e)  
19.31.190(7)(c)

### What is the benefit of a Side or Rear Loaded Garage?

In cases where a smaller lot size than that of the underlying zone is used via the PRD process, an alley or rear garage may be required. Residences which can be accessed by a garage on the side or rear of the building are preferred to those that contain a garage on the front because it enhances the pedestrian streetscape and tucks the garage into a space that is less prominent. As lot sizes decrease, the dominance of garages becomes more pronounced.

Alleys also bring safety value in that they eliminate traffic conflicts when people back out of their driveways onto public roads and sidewalks.

### Summary of Code Requirements

If smaller lot sizes and dimensions or decreased setbacks are proposed from what is required by the underlying zoning, buildings on these lots must meet requirements (a) to (c) (see previous page) or requirement (d) (see previous page), or requirement (e):

- (a) Garage walls facing the street must be no closer than the wall containing the main entrance, or to the edge of a covered porch or deck if provided.
- (b) A garage facing the street must not be more than one-half of the façade length.
- (c) The main entrance must be prominent, easily visible and directly accessible from the street frontage.
- (d) No two adjacent buildings on the same side of the street may have the same front setback. Setbacks must alternate from building to building. Minimum front setback variation must be two feet or greater.
- (e) **Residential buildings are accessed from an alley at the rear of the lots.**

### BENEFITS OF ALLEY LOADED BUILDINGS

- REDUCES TRAFFIC CONFLICTS CREATED FROM BACKING OUT OF DRIVEWAYS ONTO PUBLIC STREETS
- PRODUCES A HIGHER QUALITY STREETScape WHICH EMPHASIZES PEDESTRIAN-ORIENTED DESIGN

### Examples of Alley Loaded Buildings



**Figure 50**  
*Garages at the rear of buildings accessed by an alley.*



**Figure 51** - *Garages are hidden on alley-loaded homes.*

## Enhanced Design

OHMC Reference: 19.31.190(7)

### What is Enhanced Design?

PRD's are required to meet either the criteria for enhanced design (summarized below in code requirements) or the criteria for optional site design elements per 19.31.190(8). Enhanced design is building design with articulation and visual distinction. It can occur through a variety of methods ranging from changing and varying the materials used on the exterior to de-emphasizing garages on residences.

Enhanced design works in conjunction with alternating setbacks, non-dominating garages, and alley loaded buildings to create visually interesting residential design. Collectively, they address the problem of monotonous neighborhood designs that are built without any distinguishing characteristics.

### Summary of Code Requirements

Enhanced design is met through the following:

- A variety of exterior building materials such as brick, stucco, stone, and wood used as primary siding or as accent materials on front facades (Figure 52) or;
- Building articulation ( offsetting walls, inclusion of windows, changes in material types) on side and rear walls of buildings (Figure 54).
- Side or rear loaded garages.
- Other applicant proposed building design elements.

### BENEFITS OF SUPERIOR ARCHITECTURE

- ENCOURAGES QUALITY NEIGHBORHOOD DESIGN
- HELPS CREATE A SENSE OF PLACE FOR RESIDENTS
- PROMOTES PEDESTRIAN ORIENTED DESIGN

### Examples of Superior Architecture



*Example of houses displaying superior architecture, through use of different materials and colors.*

**Figure 52**



**Figure 53**

*Example of architecture with no distinguishing features (at left) and architecture using different exterior building materials, changes in color, and offsetting building walls (at right).*



**Figure 54**

## Critical Area Integration

### How do you integrate a critical area into a PRD?

OHMC Reference: 19.31.130  
19.31.190(2), 19.31.190(8)(e)

A critical area is an ecologically sensitive area that provides a variety of valuable and beneficial biological and physical functions that benefit the city and its residents. "Critical areas" include any of the following areas or ecosystems: critical aquifer recharge areas, fish and wildlife habitat conservation areas, geologically hazardous areas, garry oak trees, and wetlands.

When a critical area is located on a development site, it is often overlooked as a potential asset to the development and is instead regarded as a burden that development often tries to build around. The intent behind the code is to approach preserving critical areas with a different frame of mind and utilize them as an asset of the subdivision by making them a feature, rather than an after-thought.

### Summary of Code Requirements

- Critical areas shall be preserved and incorporated into the open space of the PRD.
- Preserved natural areas, such as wetlands, streams, and woodlands may count as passive open space.
- *Optional Criteria:* The project will not only preserve, but enhance or rehabilitate the functions and values of a critical area of the site, such as significant woodlands, wildlife habitats, streams or wetlands, subject to the recommendations in an approved critical areas report.

### BENEFITS OF CRITICAL AREA INTEGRATION

- PROVIDES IMPORTANT HABITAT AND BIOLOGICAL FUNCTIONS FOR NATURAL SYSTEMS
- OFFERS ENVIRONMENTAL EDUCATIONAL OPPORTUNITIES FOR ADULTS, CHILDREN, AND GROUPS
- MAKES ENVIRONMENTAL FEATURE PART OF THE NEIGHBORHOOD, NOT AN AF-

### Examples of Critical Area Integration



Figure 54 - Example of critical area that is integrated rather than shoved in a corner.

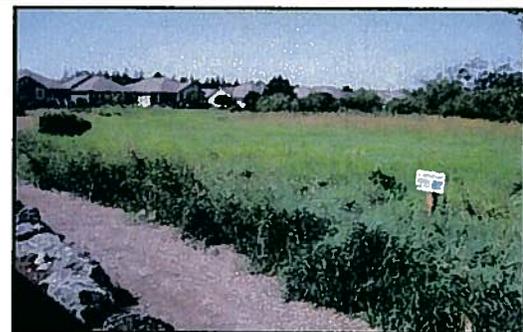


Figure 55 - Example of critical area with an adjacent pedestrian trail.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY OF OAK HARBOR ADOPTING A SUBDIVISION DESIGN MANUAL.

WHEREAS, the Oak Harbor City Council conducted public hearings on February 2, and February 16, 2010 and adopted revised subdivision and planned residential development codes; and

WHEREAS, on the same dates the City Council was presented a Subdivision Design Manual which is a visual and graphic representation of the new codes; and

WHEREAS, the approval of this manual will provide staff a guide to be used with applicants and the community to illustrate the design concepts embodied in the code; and

WHEREAS, the City Council recognizes that from time to time minor revisions to this manual will be necessary and the Director of Development Services is authorized to make minor revisions to this manual from time to time as he deems appropriate;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Oak Harbor that the Subdivision Design Manual attached hereto as Exhibit A is hereby adopted.

PASSED by the City Council this 2nd day of March 2010.

THE CITY OF OAK HARBOR

\_\_\_\_\_  
Jim Slowik  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Margery Hite  
City Attorney

**City of Oak Harbor  
City Council Agenda Bill**

Bill No. 6  
Date: March 2, 2010  
Subject: Developer's Reimbursement  
Agreement-Preliminary Approval

**FROM: Cathy Rosen, Public Works Director  
Eric Johnston, City Engineer**

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**

 Jim Slowik, Mayor  
 Paul Schmidt, City Administrator  
 Doug Merriman, Finance Director  
 Margery Hite, City Attorney, as to form

**PURPOSE**

This agenda bill requests and recommends preliminary approval of a developer's reimbursement agreement for extension of City sewer associated with the Palm Funeral Home project. The preliminary approval is limited to the design of the improvements and does not cover the cost or the apportionment of those costs.

**AUTHORITY**

Chapter 18.35 of the Oak Harbor Municipal Code, a copy of which is attached, allows for the City Council to authorize contracts with owners of real estate for the construction of sanitary sewers and other improvements to allow for reimbursement to the owners as future connections are made to the improvements. Reimbursement agreements, or latecomers agreements, are not mandatory but are instead authorized solely at the Council's discretion.

**SUMMARY STATEMENT**

The Palm Funeral Home project, located on NE 16<sup>th</sup> Avenue, received short plat and site plan approval from the City in June 2009. The project includes the construction of a new funeral home and site development improvements for a second, vacant parcel created with the approved short plat.

As required by the OHMC and the conditions of approval from the hearing examiner, a number of public improvements need to be completed by the developer. These improvements include sidewalks, street improvements, storm drainage and extension of the sanitary sewer main. The sanitary sewer main is required, in accordance with OHMC 14.03.060(2)(a): "to provide and pay the cost of a sanitary sewer main designed extension to the boundary of property from the nearest connection point and on those properties adjacent to public streets the owner must provide sewer service the full length of the property adjacent to the street frontage connecting from the OHSS sewer line. In meeting this requirement the developer will be required to extend City sewer in front of the neighboring parcel to the west of the Palm Funeral Home project. Once completed,

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the sewer main will make City sewer available to not only the neighboring parcel to the west but also to the parcel on the North side of NE 16<sup>th</sup> Avenue.

Attached is an aerial photograph showing the project location and the benefiting properties. As the extension of the sewer will potentially benefit properties not currently served by City sewer, the project becomes eligible for application for a developers reimbursement agreement.

The project proponent has completed the necessary application forms for the developer's reimbursement agreement. The project is eligible for the reimbursement agreement.

A reimbursement agreement between the City and a developer is an agreement where the City will collect an assessment from properties benefiting from but who did not contribute to the initial construction of public improvements. With this proposed agreement, if the property to the west or to the north of the project site connects to the City sewer main, an assessment for the construction cost is paid to the City. If a final agreement is eventually approved, the City would send a reimbursement to the developer. It is worth noting that properties connecting to City utilities and specifically City sewer, are required to pay the pro rata cost of construction regardless of the existence of the reimbursement agreement as prescribed in OHMC 14.12 (copy attached). Payment of this so called delayed benefit charge is in addition to any other connection charge. If a reimbursement agreement does not exist, then the City retains 100% of the delayed benefit charge. If a reimbursement agreement does exist, then the City collects the assessment established by a latecomers agreement and deducts a fee of 7% for collection costs in accordance with OHMC 18.35.025.

As outlined in OHMC 18.35.091, an applicant ordinarily must seek preliminary approval of a reimbursement agreement by the City Council. Since the benefited property owners are entitled to notice and a hearing on the amount of latecomer reimbursement that will be levied upon connection, preliminary approval of the reimbursement agreement is limited to the design of the improvements. In granting preliminary approval of a developer's reimbursement agreement, the Council is indicating that the proposed improvements are consistent with City codes and comprehensive utility plans. Council approval of the cost of the improvement, apportionment methodology and the necessary public hearings occurs during final consideration of the reimbursement agreement after the improvements are completed.

The City is not required to enter into reimbursement agreements. The language of the code, specifically Section 18.35.010, indicates that, "The City Council may authorize a contract..." In part the preliminary approval gives some indication to the applicant that the City will consider a reimbursement agreement upon completion, however, acceptance of the reimbursement agreement is solely at the discretion of the City Council. By accepting or granting preliminary approval, the City Council is in no way promising or guaranteeing any reimbursement to the developer. A final latecomers agreement, if approved by the City Council, is necessary before the reimbursement agreement becomes binding.

### **STANDING COMMITTEE REPORT**

This item was presented to the Public Works Standing Committee on February 4, 2010.

**RECOMMENDED ACTION**

A motion authorizing the Mayor to sign the attached preliminary approval, for design only, of a latecomers agreement for the Palm Funeral Home sewer extension.

**ATTACHMENTS**

OHMC 18.35

Aerial photo of improvements

OHMC 14.12

Latecomers Agreement

Exhibit A - Legal Description

Exhibit B - Design of New Facilities

Exhibit C - List of Affected Properties

Exhibit D - Engineer's Estimate

**MAYOR'S COMMENTS**

## Chapter 18.35

WATER AND SEWER FACILITIES  
REIMBURSEMENT AGREEMENTS

## Sections:

- 18.35.010 Contract authorization.
- 18.35.020 Fees – Application.
- 18.35.025 Collection fees.
- 18.35.030 Meeting – Notice.
- 18.35.040 Assessment methods.
- 18.35.050 Project costs to be examined.
- 18.35.060 Approval and acceptance of facilities by city – City ownership of property or easement required.
- 18.35.070 Approval and acceptance of facilities by city – Rates, costs.
- 18.35.080 Owner's pro rata share of cost to which he did not contribute.
- 18.35.090 City reserves right to enter into contract – Time limit.
- 18.35.091 Preliminary approval.
- 18.35.095 Conveyance of system improvements.
- 18.35.097 No appeal.
- 18.35.100 Recording costs, etc., to be paid by owner.

**18.35.010 Contract authorization.**

(1) The city council may authorize a contract between the city of Oak Harbor with the owner of real estate for the construction of storm, sanitary or combination sewers, pumping stations and disposal plants, water mains, hydrants, reservoirs and appurtenances, hereafter called "water or sewer facilities" within their boundaries or within 10 miles from their corporate limits connecting with the public water, sewer or storm drainage system to serve the area in which the real estate of such owner is located, and to provide for a period of not to exceed 15 years for the reimbursement of such owners and their assigns by any owner of real estate who did not contribute to the original cost of such water, sewer or storm drainage facilities and who subsequently tap into or use the same for a fair pro rata share of the cost of the construction of said water or sewer facilities, including not only those directly connected thereto, but also uses connected to laterals or branches connecting thereto, subject to such reasonable rules and regulations as the city council may provide or contract together with interest on such said pro rata share if authorized by the city council.

(2) To the extent it may require in the performance of such contract, the city may install such water or sewer facilities in and along the county

streets in the area to be served subject to the county's right to control said streets as set out under RCW 35.91.020 as now in effect or hereafter amended.

(3) Such contract shall not be effective as to any owner of real estate not a party thereto unless such contract has been recorded in the county auditor's office.

(4) The contract shall be recorded within 30 days of authorization. (Ord. 1370 § 2, 2004; Ord. 739 § 1, 1986. Formerly 13.44.010).

**18.35.020 Fees – Application.**

(1) The application fee shall be \$150.00. In addition, the city shall charge an additional \$50.00 per hour for engineering and other professional work in excess of three hours spent on reviewing the project. The fee shall be paid before council action and shall be nonrefundable.

(2) The city engineer shall provide forms for application, model contract and easement provisions, and other forms for applications. (Ord. 1370 § 3, 2004; Ord. 1064 § 1, 1996; Ord. 739 § 2, 1986. Formerly 13.44.020).

**18.35.025 Collection fees.**

The city shall charge a fee of seven percent of the moneys collected as latecomers fees for costs of collecting the reimbursed amounts. (Ord. 1370 § 4, 2004; Ord. 1064 § 2, 1996. Formerly 13.44.025).

**18.35.030 Meeting – Notice.**

(1) Prior to approval of such a contract, the city council shall hold a public meeting to consider the matter. Owners of properties to be affected shall be given notice of such public meeting at least 10 days in advance of the public meeting.

(2) Notice shall be by mail to property owners as listed in the records of the Island County treasurer. Notice by mail shall be presumed complete three days after mailing. In addition, notice shall be posted in the area to be affected and at the offices of the city of Oak Harbor.

(3) The owner of the real estate contracting with the city shall make and mail the notices specified and shall make an affidavit of mailing to assure notice is complete and file the same with the city. (Ord. 1370 § 5, 2004; Ord. 739 § 3, 1986. Formerly 13.44.030).

**18.35.040 Assessment methods.**

The city council may authorize use of any method of assessment permitted by law for local improvement district assessment including but not

### 18.35.050

limited to the front-foot method and square-foot method. (Ord. 1370 § 6, 2004; Ord. 739 § 4, 1986. Formerly 13.44.040).

### 18.35.050 Project costs to be examined.

The project and costs of such project shall be examined by the city engineer prior to acceptance by the city and the report therein shall be made to the city council. (Ord. 1370 § 7, 2004; Ord. 739 § 5, 1986. Formerly 13.44.050).

### 18.35.060 Approval and acceptance of facilities by city – City ownership of property or easement required.

All water or sewer facilities to be accepted must be located on city-owned property or the city must have easements therefor adequate to allow the city to operate, maintain, demolish, reconstruct, improve or expand the water or sewer facilities. Easements must provide that the city has no duty to replace or repair facilities built in the easement areas except parking surfaces and/or lawn turf. (Ord. 1370 § 8, 2004; Ord. 739 § 6, 1986. Formerly 13.44.060).

### 18.35.070 Approval and acceptance of facilities by city – Rates, costs.

Upon the completion of water, sewer or storm drainage facilities pursuant to the reimbursement agreement authorized by this chapter, the city council of the city of Oak Harbor shall be authorized to approve their construction and accept the same as facilities of the city and to charge for their use such water or sewer rates as the city may be authorized by law to establish, and if any such water, sewer or storm drainage facilities are so approved and accepted, all further maintenance and operation costs of said water or sewer lines and facilities shall be borne by the city. (Ord. 1370 § 9, 2004; Ord. 739 § 7, 1986. Formerly 13.44.070).

### 18.35.080 Owner's pro rata share of cost to which he did not contribute.

Whenever the cost, or any part thereof, of any water or sewer improvement, whether local or general, is or will be assessed against the owners of real estate and such water or sewer improvement will be connected into or will make use of contracted water or sewer facilities constructed under the provisions of this chapter and to the cost of which such owners, or any of them, did not contribute, there shall be included in the engineer's estimate before the hearing on any such improvement, separately itemized, and in such assessments, a sum equal to the amount provided in or computed

from such contract as the fair pro rata share due from such owners upon and for such contracted water or sewer facilities. (Ord. 1370 § 10, 2004; Ord. 739 § 8, 1986. Formerly 13.44.080).

### 18.35.090 City reserves right to enter into contract – Time limit.

Nothing in this chapter shall be construed as requiring the city to enter into such contracts or deny the ability of the city to enter into such a contract after a facility is built so long as such is done within 60 days of acceptance of the facility by the city. (Ord. 1370 § 11, 2004; Ord. 739 § 9, 1986. Formerly 13.44.090).

### 18.35.091 Preliminary approval.

Except in extraordinary circumstances, a developer shall seek preliminary approval by the city council of a reimbursement agreement prior to construction of system facilities. Such preliminary approval would approve design but not cover approval of the improvements constructed or costs of construction. It may cover apportionment method or the application of the apportionment method to the benefited properties if notice is given to affected property owners before the decision on these issues is made or per this chapter. (Ord. 1370 § 12, 2004).

### 18.35.095 Conveyance of system improvements.

Reimbursement agreements under this chapter are subject to the owner conveying full title to all improvements and necessary real property, public easements and rights-of-way. Such improvements, easements and rights-of-way shall be free of all encumbrances, liens, mortgages or deeds of trust. (Ord. 1370 § 13, 2004).

### 18.35.097 No appeal.

There is no administrative appeal of decisions under this chapter. (Ord. 1370 § 14, 2004).

### 18.35.100 Recording costs, etc., to be paid by owner.

The owner of the real estate with whom the contract is executed shall pay all costs of recording the notice of such contract and assessment with the Island County auditor's office as are required by law. (Ord. 1370 § 15, 2004; Ord. 739 § 10, 1986. Formerly 13.44.100).

Affected Property:  
R13325-033-0450  
Patricia Cohen et al c/o  
Jacob Cohen  
P.O. Box 889  
Oak Harbor, WA 98277

Approximate Location of  
Existing Sewer Manhole

End Sewer Extension

588 LF 8" Sewer Main Along NE 16th Ave

Affected Property:  
R13336-485-0180  
Mathew G. Boyeson  
1741 NE 16th Ave.  
Oak Harbor, WA 98277

Affected Property (Applicant):  
R13336-508-0480  
Mike Foreman  
2613 Willow Wren Dr.  
North Las Vegas, NV 89084

No Scale

## Chapter 14.12

## DELAYED BENEFIT CHARGES

## Sections:

- 14.12.010 Computation of charges – Installment payment.  
 14.12.020 Special connection charges – Payment.  
 14.12.030 Special connection charges – Computation.

**14.12.010 Computation of charges – Installment payment.**

In addition to sewer connection permit fees required by this title, there is imposed upon properties which have previously not been assessed, been charged, or borne an equitable share of the cost of the city's lateral sewage system, a special connection charge which shall be paid prior to connection to the city sewer system as follows:

(1) If the property in question abuts a lateral covered by an active "late-comer's agreement," the special connection charge will be as provided in said agreement.

(2) If the property in question is not covered by a "late-comer's agreement," then the special connection charge shall be computed under OHMC 14.12.030. (Ord. 951 § 16, 1993; Ord. 512 § 9, 1978; Ord. 119 § 1, 1957).

**14.12.020 Special connection charges – Payment.**

Special connection charges less than \$500.00 shall be paid in cash at the time of, and as a condition of, the issuance of the city's sanitary side sewer connection permit. Special connection charges exceeding \$500.00 or more may be paid by installment contract over a period not to exceed three years, with interest at nine percent per year computed annually on the unpaid balance. Such contracts shall provide for a down payment of 25 percent of the total connection charge, payable upon execution of such contract and for the payment of the balance in three equal annual payments plus interest payable on January 1st of each succeeding year. Such contracts shall provide that any unpaid balance may be paid in full in any year of the contract period; shall describe the property served by the sewer; and shall be acknowledged by the property owner and recorded in the office of the county auditor at the expense of the property owner. Delinquent payment under such installment contract shall be a lien upon the described properties provided in RCW 35.67.200 and enforceable in accordance with RCW 35.67.220 through 35.67.280; and

as an additional and concurrent method of enforcing a lien, the water services to such property may be cut off in accordance with RCW 35.67.290 until the delinquent installments are paid. Upon full payment of the contract, the city shall execute and deliver the property owner a release of such lien. (Ord. 512 § 10, 1978).

**14.12.030 Special connection charges – Computation.**

The special connection charge imposed by OHMC 14.12.010(2) shall be paid into the sewer fund and shall be computed as follows:

(1) The number of units of property frontage to be served by the sewer, determined in the manner prescribed in RCW 35.44.030 and 35.44.040 for determining assessable units of frontage or by such other method or combination of methods of computing assessments which may be deemed to more fairly reflect the special benefits to the property being assessed as authorized by RCW 35.44.047, shall be multiplied by the local improvement assessment per unit of frontage or half the actual construction costs for the lateral sewer involved.

(2) If construction costs are not available for the specific sewer line for which the connection is being requested, the city engineer is authorized to compute and establish the average local improvement assessment cost paid by property owners or average costs for developer extensions for lateral sewers completed and accepted by the city during the current year, which average assessment or developer extension cost shall be used by him in computing the special connection charge imposed by OHMC 14.12.010(2). (Ord. 951 § 17, 1993; Ord. 512 § 11, 1978).

**Preliminary Approval of an  
Agreement to Build Public Utility Facilities  
with Provision for Reimbursement by Subsequent Connections  
(Latecomers Agreement)**

This preliminary agreement is entered into by the City of Oak Harbor (City), a municipal corporation, and N.U.B., LLC (Owner), the owner of certain property (property) described in Exhibit "A" which is located in the area where the public facilities below described are located and which will be benefited thereby. For the purposes of complying with OHMC 18.35.091, the parties enter into this preliminary agreement approving the design of the improvements described in Exhibit "B". This preliminary approval does not approve the improvements constructed or the costs of construction which may be the subject of a final latecomers agreement application.

1. The Owner agrees to construct the public utility facilities described in Exhibit "B" which are needed to serve the Owner's property but since the same are also public facilities to which other properties might be connected directly or by laterals, the Owner plans to seek final approval of a latecomers agreement for possible reimbursement of some of the costs of construction at a later date. This preliminary approval is a necessary pre-condition of a final latecomers agreement under Oak Harbor Municipal Code.
2. In exchange for construction of the public utility facilities described in Exhibit "B" built to design and construction specifications approved by the City Engineer, the final latecomers agreement may impose latecomer charges as a condition of connecting to such facilities. It is anticipated that the connection fee (referred to as latecomer charges) will be calculated on a front foot and/or unit basis for the properties listed in Exhibit "C" (benefited properties) if such property actually connects. The City, however, makes no promise as to approval of a final latecomers agreement, the properties which will actually be included in a final latecomers agreement, the apportionment formula which will be used, or the amount to be charged. In addition, there are no assurances by the City, its officials or employees that the City will require connection to this proposed system.
3. Since the improvements to be made are to be public utility facilities, the Oak Harbor City Engineer shall have authority to stop work whenever necessary to insure the proper execution of the proposed public facilities and services in accordance with the approved plans, specifications and conditions. Unless approved by the City Engineer, changes to plans or construction may affect the obligation of the City to complete a final latecomers agreement.
4. The applicant will furnish the City duplicate invoices of all materials installed, sizes, quantities, suppliers and costs. All materials will be new.
5. Construction costs will be accounted for in a manner approved by the City Engineer.

6. In accordance with OHMC 18.35.020, the application fee shall be One Hundred Fifty Dollars (\$150.00). In addition, the City shall charge an additional Fifty Dollars (\$50.00) per hour for engineering and other professional work in excess of three (3) hours spent on reviewing the project. The fee shall be paid before the City Council action and shall be nonrefundable. Pursuant to OHMC 18.35.025, the City shall charge a collection fee of seven percent (7%) of the moneys collected as latecomers fees for costs of collection.
7. Where a new main is required to furnish adequate sanitary sewer to the property to be served by the extension, the applicant will be required to either install this feeder main or, if the City deems it feasible to install such feeder main, a connection charge will be made to cover this proportionate share of the City's cost of installing such main.
8. If the applicant requests the City staff to make the connection to the City System, an additional fee will be charged.
9. Upon final acceptance and approval of a final latecomers agreement by the City Council, the Owner will have responsibility to transfer ownership of the public facilities constructed and relinquish any further claim to the facilities constructed so that such public facilities shall be subject to the control, use and operation of the City of Oak Harbor which may apply thereto all regulations, conditions of service, and make such charges therefor as the City deems reasonable and proper. A valid copy of any easement required to transfer ownership of the facilities shall be delivered to the City and accompany the application for a final latecomers agreement.
10. The proposed benefited properties which may become subject to the latecomers agreement are set out in Exhibit "C" (a list of properties, together with tax parcel numbers), hereto attached and made a part of this by reference.
11. When the work is completed and the extension accepted by the City, any final latecomers agreement will include a determination of the cost per connection. The preliminary Engineer's Cost Estimate is shown in Exhibit "D". Final cost of connections will be based on the actual final costs of the construction which will be determined at the completion of the work.
12. After construction is completed and if final approval is granted, it is anticipated that whenever a service connection is made to any extension covered by this agreement, the City Engineer would assess the proportionate share of the cost of the extension that should be paid by the benefited property to be served by the connection and reimburse that cost, less a seven percent (7%) collection fee, to the Owner. It shall be the Owner's duty to notify the City, in writing, of any change of address.
13. No refund shall be collected for any property owned by the Owner and abutting on the proposed extension.



## EXHIBIT A

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### LEGAL DESCRIPTION

SITUATE IN THE COUNTY OF ISLAND, STATE OF WASHINGTON:

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 33 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36, SAID POINT BEING A DISTANCE OF 390.0 FEET SOUTH OF THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 36;  
THENCE NORTH ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 390.0 FEET, TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 36;  
THENCE SOUTH 89°03' WEST, ALONG THE NORTH LINE OF SAID SECTION 36, A DISTANCE OF 380.0 FEET;  
THENCE SOUTH, PARALLEL WITH THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 155.0 FEET;  
THENCE SOUTHEASTERLY, IN A STRAIGHT LINE, A DISTANCE OF 247 FEET, MORE OR LESS, TO A POINT LYING SOUTH 89°03' WEST, A DISTANCE OF 303.0 FEET FROM THE POINT OF BEGINNING;  
THENCE EASTERLY ALONG SAID LINE 303.0 FEET TO THE POINT OF BEGINNING;

EXCEPT THAT PORTION LYING EAST OF THE FOLLOWING DESCRIBED LINE AS DESCRIBED IN THREE-PARTY BOUNDARY LINE AGREEMENT RECORDED SEPTEMBER 16, 1987 UNDER AUDITOR'S FILE NO. 87012732 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

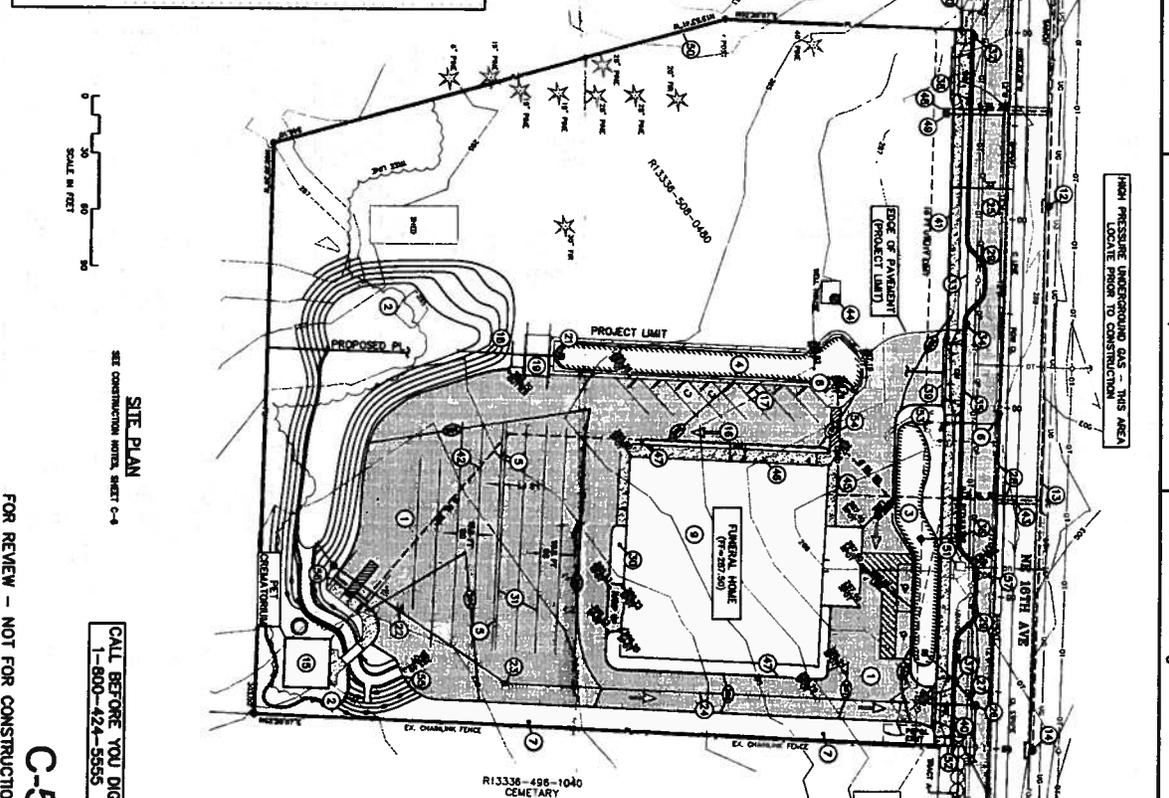
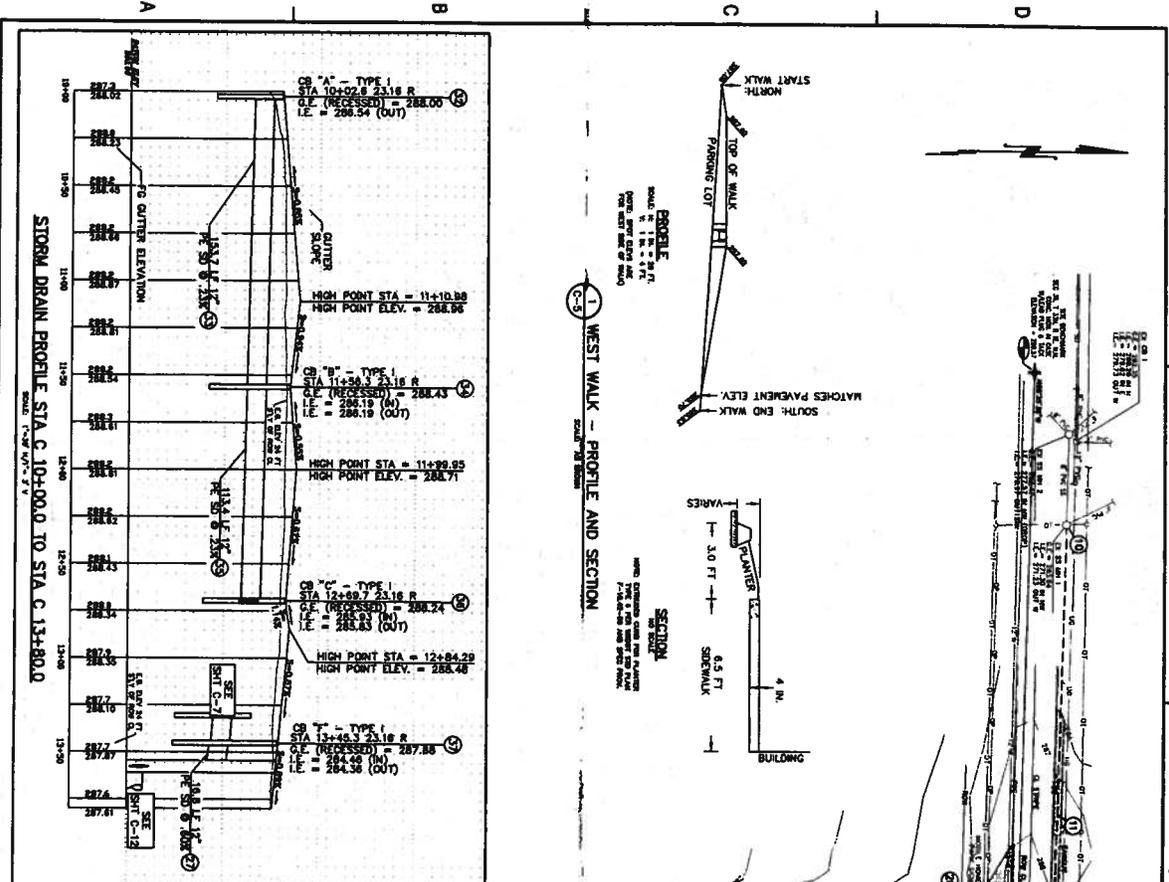
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 36;  
THENCE SOUTH 88°35'38" EAST ALONG THE NORTH LINE THEREOF, A DISTANCE OF 667.70 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 36, AND THE TRUE POINT OF BEGINNING;  
THENCE SOUTH 02°20'07" WEST PARALLEL WITH THE WEST LINE OF SAID SECTION 36, A DISTANCE OF 678.13 FEET TO THE NORTH LINE OF THE PLAT OF THE UPLANDS WEST, DIVISION NO. 1, AS RECORDED IN VOLUME 12 OF PLATS, PAGE 4, RECORDS OF ISLAND COUNTY, AND SOUTHERLY TERMINUS OF HEREIN DESCRIBED LINE.

ALSO EXCEPT THAT PORTION AS DEEDED TO ISLAND COUNTY FOR ROAD BY DEED RECORDED MARCH 28, 1955 UNDER AUDITOR'S FILE NO. 97977.

END OF EXHIBIT A

L38887





**C-5**

**FOR REVIEW - NOT FOR CONSTRUCTION**

CALL BEFORE YOU DIG  
1-800-424-5555

SEE CONSTRUCTION NOTES SHEET C-4

NO.	DATE	DESCRIPTION
1	10/14/08	ISSUED FOR CITY REVIEW
2	11/13/08	ISSUED FOR CITY REVIEW
3	11/13/08	ISSUED FOR CITY REVIEW
4	11/13/08	ISSUED FOR CITY REVIEW
5	11/13/08	ISSUED FOR CITY REVIEW
6	11/13/08	ISSUED FOR CITY REVIEW
7	11/13/08	ISSUED FOR CITY REVIEW
8	11/13/08	ISSUED FOR CITY REVIEW
9	11/13/08	ISSUED FOR CITY REVIEW
10	11/13/08	ISSUED FOR CITY REVIEW

**PALM FUNERAL HOME  
FOR N.U.B. LLC**

**CIVIL / SITE PLAN**

**Cane Engineering**  
231 E. Burlington Dr.  
Oak Harbor, WA 98277  
Tel: 360-776-6615  
Fax: 360-479-9966

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Exhibit C

	Parcel #	Physical Address	Owner	Mailing address	Participant in original cost of construction
Benefiting property	R13336-485-0180	1741 NE 16th Avenue, Oak Harbor, WA 98277	Mathew G. Boyeson	1741 NE 16th Avenue, Oak Harbor, WA 98277	NO
Benefiting property	R13325-033-0450	33490 SR-20 Oak Harbor, Wa 98277	Patricia Cohen et al c/o Jacob Cohen	PO Box 889 Oak Harbor, WA 98277	NO
Benefiting property	R1336-511-0360	1801 NE 16th Avenue, Oak Harbor, WA 98277	L.V.E, LLC	3078 Goldie Road, Suite C, Oak Harbor, WA 98277	YES
Applicant for DRA	R13336-508-0550	1811 NE 16th Avenue, Oak Harbor, WA 98277	N.U.B, LLC	3078 Goldie Road, Suite C, Oak Harbor, WA 98277	YES

100

Exhibit C

# Exhibit D

<b>PALM FUNERAL HOME</b> <b>8-Inch Sanitary Sewer in NE 16th Ave</b> <b>Preliminary Cost Estimate to Construct</b>						
Qc:ps    May 19, 2009						
ITEM No.	DESCRIPTION (WSDOT Std Item No.)	UNIT	QUANTITY	UNIT PRICE	TOTAL	CALCULATION NOTES
1	Mobilization (0001)	LS	1	\$14,500.00	\$14,500.00	~10% of Total
2	Removing Asphalt Conc. Pavement (0120)	SY	177	7.00	1,239.00	1,800 SF Est. Per Plan @ 3 In. Deep @ 150 PCF (Sawcut is Incidental)
3	Testing Sewer Pipe (3152)	LF	588	3.00	1,764.00	Length Per Plan
4	PVC Sanitary Sewer Pipe 8 In. Diam. (3767)	LF	588	65.00	38,220.00	Length Per Plan
5	Bank Run Gravel for Trench Backfill (3815)	CY	1220	12.00	14,640.00	14 Ft Deep X 4 Ft Wide
6	Crushed Surfacing Top Course (5120)	TN	123	29.00	3,567.00	6 Ft Wide X 0.5 Ft Deep @ 140 PCF
7	Commercial HMA (5875)	TN	30	200.00	6,000.00	1,800 SF Est. Per Plan @ 3 In. Deep @ 150 PCF
8	Erosion/ Water Pollution Control (6490)	EST	1.00	500.00	500.00	Estimate
9	Flaggers and Spotters (6980)	HR	96	40.00	3,840.00	6 Days @ 16 Hrs Per Day
10	Structure Excavation Class B Incl. Haul (7006)	CY	1394	8.00	11,152.00	16 Ft Deep X 4 Ft Wide
11	Shoring or Extra Excavation Class B (7008)	SF	9408	1.50	14,112.00	16 Ft Deep X 588 Ft Long
12	Manhole 48 In. Diam. Type I (7360)	EA	2	3,100.00	6,200.00	Plan Count
13	Manhole Additional Height 48 In. Diam. (7369)	LF	10	150.00	1,500.00	5 Ft Addl Depth Per Manhole
14	Construction Surveying ()	LS	1	2,500.00	<u>2,500.00</u>	Estimate
	Sub-Total				\$119,734.00	
	Sales Tax (8.4%)				10,057.66	
	Engineering Design, Permits (12%)	LS	1	15,575.00	<u>15,575.00</u>	
	<b>TOTAL</b>				<b>\$145,366.65</b>	
Notes:						
For Unit Costs See Calc Sheets in File						

**City of Oak Harbor  
City Council Agenda Bill**

Bill No. 7  
Date: March 2, 2010  
Subject: Public Hearing – Fourth Quarter  
Report to City Council, Elements  
Nightclub

**FROM:** Rick Wallace  
Chief of Police

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**

 Jim Slowik, Mayor  
 Paul Schmidt, City Administrator  
 Doug Merriman, Finance Director  
 Margery Hite, City Attorney, as to form

**PURPOSE**

This is an investigative report to the City Council regarding activities at Elements Nightclub during the fourth quarter of 2009 required pursuant to City Council direction.

**AUTHORITY**

**5.22.045 License conditions.**

- (3) *The chief of police shall report to the city council the result of his investigation and make recommendations concerning any conditions that should be placed upon the nightclub license to reduce noise, traffic or other similar public health and safety impacts. Allowable conditions may include, but are not limited to, restrictions upon the hours of operation, structural improvements to the premises to reduce noise impacts on neighboring uses, limitations on the numbers of patrons at any one time, landscaping or other screening, and requirements for traffic control. Periodic review of the efficacy of the imposed conditions may also be a condition of the nightclub license.*

**5.22.090 Revision of license conditions.** *The city council also reserves to itself the power to revise the conditions of the nightclub license upon information received indicating that the existing conditions are not sufficient to mitigate the noise, traffic and public health and safety impacts associated with the nightclub business location. A revision proceeding shall be initiated by an investigative report by the chief of police, fire chief, building official or other city official.*

*In the event that such investigative report is filed, the license holder shall be sent a copy of the complaint and/or report and provided at least 10 days' notice of a hearing to determine whether the conditions of the license shall be modified. At a public hearing before the city council, the license holder shall have the opportunity to respond to the investigative report, and to present any evidence in opposition to a modification of conditions. The city council shall base any change in conditions on the license upon noise, traffic or other similar public health and safety impacts. In no event shall the expressive content of any music, singing or dancing be the basis for denial of a nightclub license or any conditions placed thereon. The decision of the city council, after a public hearing on the proposed change in conditions, shall be final.*

### **SUMMARY STATEMENT**

During the April 7, 2009 Oak Harbor City Council Meeting, following the Council's approval of the Nightclub License for Elements and as part of the conditions attached to the Nightclub License, the Council directed the Police Chief to issue a quarterly report on any activities that may be in violation of the conditions of the license. This report includes information on all calls for police service to that business but pays specific attention to the calls for service that may pertain to the conditions of the Elements Nightclub License as set by the Council.

### **STANDING COMMITTEE REPORT**

This report was brought before the Public Safety Standing Committee on February 18, 2010.

### **RECOMMENDED ACTION**

1. This report is for purposes of the scheduled revision hearing pursuant to OHMC 5.22.090. However, the recommendation is to maintain the existing license conditions, as they are "sufficient to mitigate the noise, traffic and public health and safety impacts associated with Elements Nightclub."
2. A motion is also suggested to:
  - A. Modify the reporting requirements to annual reports only.
  - Or,
  - B. Modify the reporting requirements to provide that no further quarterly reports are required.

### **ATTACHMENTS**

2009 Fourth Quarter Investigative Report.  
2009 Third Quarter Investigative Report.

### **MAYOR'S COMMENTS**

## **Fourth Quarter 2009 Report to the City Council Elements Nightclub License**

On April 7, 2009 the Oak Harbor City Council approved the issuance of a Nightclub License for Elements nightclub. In addition to the conditions attached to the license, the Council also directed the Chief of Police to present a quarterly report on any calls for police service occurring at Elements.

The following report includes all calls for service to or from the Elements nightclub during October, November and December 2009.

In the fourth quarter of 2009 there were a total of 10 calls for police service. Five of those calls have no significant bearing on this issue and should not be viewed as having a negative connotation towards the nightclub as these types of calls for police service could occur at any business or private residence. The remaining five calls for service do pertain to the license conditions and are described as follows:

### **Assault Complaints (Inside the business)**

- (1) Complaint Taken – Female victim assaulted by female suspect. The officers were unable to locate the suspect.

### **Disorderly Conduct Complaints (2 total- 1 Occurred in the business- the other was unfounded)**

- (1) Settled by Contact – Employees called regarding a customer who was refusing to leave. Subject left prior to officers' arrival.
- (1) Unfounded - Anonymous call reporting disorderly subject at location, Officer could not find any type of disturbance or problem.

### **DUI – (In the area of the business)**

- (1) Arrest – Employee reported a possible DUI leaving location. Driver located and arrested.

### **Minor Frequenting Tavern – (Inside the business)**

- (1) Unfounded – Anonymous phone report of minors in the business. Officers were unable to locate any minors inside.

**SUMMARY**

This quarter showed a significant reduction in the number of calls for police service to this establishment.

Respectfully Submitted,

Richard W. Wallace  
Chief of Police  
Oak Harbor Police Department  
February 5, 2010

## **Third Quarter 2009 Report to the City Council Elements Nightclub License**

On April 7, 2009 the Oak Harbor City Council approved the issuance of a Nightclub License for Elements nightclub. In addition to the conditions attached to the license, the Council also directed the Chief of Police to present a quarterly report on any calls for police service occurring at the Elements.

The following report includes all calls for service to or from the Elements nightclub during July, August and September 2009.

In the third quarter of 2009 there were a total of 40 calls for police service. Ten of those calls have no significant bearing on this issue and should not be viewed as having a negative connotation towards the nightclub as these types of calls for police service could occur at any business or private residence. The remaining 30 calls for service do pertain to the license conditions and are described as follows:

### **Assault Complaints (7 total - 5 in the parking lot – 2 inside the business)**

- (2) Arrest – In both incidents assaults did occur with one person arrested in each case.
- (1) Unfounded – No assault occurred.
- (2) Information Only Complaints – One victim reported was assaulted by unknown subject then refused to cooperate with officers. One victim reported was assaulted then changed his statement denying he was assaulted.
- (2) Settled by Contact – Both cases involved business employees thinking that a fight was starting. These two situations were properly handled by Security Staff prior to arrival of officers.

### **Disorderly Conduct Complaints (1 total- Occurred in the parking lot)**

- (1) Gone on Arrival - Verbal argument – properly handled by the security staff but this person was gone upon the officers arrival.

### **Theft (1 total - Inside the building)**

- (1) Unfounded – Victim claimed he was owed the money he had lost while gambling.

**DUI – (1 - In the area of the business)**

- (1) Gone on arrival – No further information was available to the responding officers.

**Noise – (20 – All in the parking lot – All at closing time)**

- (10) Information Only or Settled by Contact – In these ten incidents there probably was a violation of the City's Noise Ordinance at the time of the complaint but the officers reported that the Security staff responded quickly and effectively to mitigate the noise.
- (2) Gone on Arrival - the officers were delayed in their response by other pending calls but there was no noise or violation upon their arrival.
- (8) Unfounded - Officers were in the parking lot area prior to and at the time of these complaints and there were no violations of the noise ordinance occurring.

## **SUMMARY**

While there is always room for improvement, on the whole, it appears that the management and staff of Elements are doing an effective job of adhering to the license conditions ordered by the City Council. **While 30 complaints is a fairly large number and improvement in preventing these types of complaints does need to occur**, as noted in the report, there was not a single case reported where the officers felt they could have taken action as a violation of the license conditions. Additionally, the officers reported that the business had more than the required number of designated security personnel working during the required times but especially near closing time.

Respectfully Submitted,

Richard W. Wallace  
Chief of Police  
Oak Harbor Police Department  
October 26, 2009

**City of Oak Harbor  
City Council Agenda Bill**

**Bill No.**

8

**Date:**

March 2, 2010

**Subject:**

Public Hearing and Final  
Consideration, Speed Limit  
Ordinance

**FROM:** Cathy Rosen, Public Works Director  
Eric Johnston, City Engineer

**INITIALED AS APPROVED FOR  
SUBMITTAL TO THE COUNCIL BY:**



Jim Slowik, Mayor

Paul Schmidt, City Administrator

Doug Merriman, Finance Director

Margery Hite, City Attorney, approved as to form

**PURPOSE**

The purpose of this agenda bill is for final consideration of proposed changes to Chapter 10.08 of the Oak Harbor Municipal Code related to speed limits. The changes are largely related to changes in city limit boundaries resulting from annexations over the last several years. Also included is a reduction of the speed limit along Heller Street and N Oak Harbor Street for consistency and safety.

**AUTHORITY**

The City is given authority through Washington State Law to regulate speed limits in City streets within prescribed guidelines provided that said speed regulations are based engineering studies and recommendations.

***WAC 308-330-270 - Local authority - Authority.***

*After an engineering and traffic investigation by the traffic engineer, the local authority may by resolution:*

- 1. Decrease maximum speed limits pursuant to RCW 46.61.415;*
- 2. Increase maximum speed limits pursuant to RCW 46.61.415;*
- 3. Determine and declare the maximum speed limits on arterial highways pursuant to RCW 46.61.415.*

***RCW 46.61.415 - When local authorities may alter maximum limits.***

- 1. Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under RCW 46.61.400 or 46.61.440 is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which
  - a) Decreases the limit at intersections; or*
  - b) Increases the limit but not to more than sixty miles per hour; or*
  - c) Decreases the limit but not to less than twenty miles per hour.**

2. *Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under RCW 46.61.400(2) but shall not exceed sixty miles per hour.*

### **SUMMARY STATEMENT**

Speed limits along public roadways are established by ordinance to provide the maximum safe speed along the roadway. Speed limits are required by state law to be based on the engineering studies and recommendations of the traffic engineer. Washington Administrative Code (WAC) designates the City Engineer as the traffic engineer in the City of Oak Harbor. The engineering recommendations related to speed limits are based on an analysis that considers the vertical and horizontal alignment, traffic volume, measured vehicle speeds, roadway classification, the number access points and intersections as well as other factors.

#### **Heller Street Speed Limit Reduction**

Currently, the speed limit on SW Heller Street is 40 mph, from SW Swantown Avenue to a point 528 feet south of W Whidbey Avenue, where the speed limit changes to 35 mph to a point 750 feet north of W Whidbey Avenue, where the speed limit returns to 40 mph until the north City limit boundary at NW Crosby Avenue. There is also a 20 mph speed limit when the school zone lights are scheduled to flash between NW 2<sup>nd</sup> Avenue to just south of NW 5<sup>th</sup> Avenue, which includes both a portion of the existing 35 mph and the 40 mph speed limit boundaries. The Oak Harbor Police Department has raised concerns related to the difficulty of enforcement resulting from the multiple speed zones.

The City Engineer has conducted a traffic study of the speeds on SW and NW Heller Street and has considered the vertical alignment, the number of access points, traffic volumes as well as other factors. Based on this information it is recommended that the speed limit on Heller Street be reduced to 35 mph from Swantown Avenue to north City limits. The proposed changes to OHMC 10.08 reflect this recommendation.

#### **Oak Harbor Street Speed Limit Reduction**

Currently, the speed limit on Oak Harbor Street is 30 mph, from SE 3<sup>rd</sup> Avenue to NE 7<sup>th</sup> Avenue. Between NE 7<sup>th</sup> Avenue and north City limits the speed limit increases to 35 mph.

The City Engineer has conducted a traffic study of the speeds on N Oak Harbor Street and has considered the vertical alignment, the number of access points, traffic volumes as well as other factors. Based on this information it is recommended that the speed limit on N Oak Harbor Street be reduced to 30 mph from NE 7<sup>th</sup> Avenue to north City limits. The proposed changes to OHMC 10.08 reflect this recommendation.

#### **Other Changes**

Over the years, portions county roads and the SR-20 have been annexed into the City of Oak Harbor however the speed limit code has not been kept current with the changes in jurisdictional

boundaries. In some cases speed limit signs were moved concurrent with the relocation of City limits signs however the speed limit code was not changed. The proposed revisions OHMC 10.08 as shown the attached ordinance reflect the current City of Oak Harbor jurisdictional boundaries and the currently posted speed limits. These changes are needed for consistency and enforceability of the ordinance however these changes will not alter the existing speed limits as currently posted.

**Recommendation**

It is the recommendation of the City Engineer to lower the speed limit on Heller Street to 35 mph, to lower the speed limit on N Oak Harbor Street to 30 mph, and to further modify OHMC 10.08 to reflect current City limits as proposed in the attached draft ordinance.

If approved by the Council, the speed limit signs on Heller Street and Oak Harbor Street will be revised in accordance with the standards contained in the Manual on Uniform Traffic Control Devices as required by Washington State Law. Staff will coordinate with law enforcement agencies and Island County Public Works staff on the appropriate sign revisions.

**STANDING COMMITTEE REPORT**

This item was presented to the Public Works Standing Committee at the October 1, 2009 meeting and the Public Safety Standing Committee at the January 21, 2010 meeting.

**RECOMMENDED ACTION**

- 1) Conduct a public hearing.
- 2) A motion adopting the amendments and new sections to OHMC 10.08 related to speed limits as shown in the attached draft ordinance.

**ATTACHMENTS**

Draft ordinance

**MAYOR'S COMMENTS:**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF OAK HARBOR ESTABLISHING NEW SPEED LIMITS, AMENDING OAK HARBOR MUNICIPAL CODE CHAPTER 10.08 "SPEED LIMITS," SECTIONS 10.08.010, 10.08.020, 10.08.030, 10.08.040, 10.08.070 AND ADDING A NEW SECTION 10.08.050 REGARDING SCHOOL ZONES

**Section One.** Oak Harbor Municipal Code Chapter 10.08, last amended by Ordinance 1090 in 1997, is hereby amended to read as follows:

**SPEED LIMITS**

Sections:

- 10.08.010 Speed limits on SR 20.
- 10.08.020 Forty miles per hour. Speed limit on portion of S.W. Heller Street and N.W. Heller Street.
- 10.08.030 Thirty-five miles per hour.
- 10.08.040 Thirty miles per hour.
- 10.08.050 School Zones.
- 10.08.060 Signage.
- 10.08.070 Violation of OHMC 10.08.010, 10.08.020, 10.08.030, and 10.08.040 and 10.08.050.

**10.08.010 Speed limits on SR 20.**

- (1) The speed limit along SR 20 from the city limits south corporate limits on SR 20 to 400 200 feet west of S.W. Barlow Street is established as 40 miles per hour;
- (2) The speed limit along SR 20 from a point 40 200 feet west of S.W. Barlow Street to 500 feet north of S.W. 6th Avenue is established as 30 miles per hour;
- (3) The speed limit along SR 20 from a point 500 feet north of S.W. 6th Avenue to 1700 feet north of N.E. 16<sup>th</sup> Avenue the north corporate limits of the city is established as 40 miles per hour.
- (4) The speed limit along SR 20 from a point 1700 feet north of N.E. 16<sup>th</sup> Avenue to the north corporate city limits on SR 20 is established as 50 miles per hour.

**10.08.020 Forty miles per hour. Speed limit on portion of S. W. Heller Street and N. W. Heller Street.**

The maximum speed limit on the following described street is established at 40 miles per hour: The motor vehicle speed limit on that portion of S. W. Heller Street from S. W. Swantown Avenue to Whidbey Avenue and N. W. Heller Street from W. Whidbey Avenue north to city limits of the city of Oak Harbor is established as 40 miles per hour. Ord. 1090 §2m 1997; Ord. 949 §1, 1993; Ord. 829 §, 1989).

N.E. Regatta Drive from Crescent Harbor Road to SR 20.

**10.08.030 Thirty-five miles per hour.**

The maximum speed limit on the following described streets is established at 35 miles per hour:

- (1) N.E. Goldie Street from SR 20 to city limits;
- (2) N.E. 16th Avenue from SR 20 to N.E. Goldie Street;

- (3) N.W. Crosby Avenue from N. Oak Harbor Street to city limits;
- ~~(4) N. Oak Harbor Street from N. E. 7th Avenue to north city limits;~~
- (54) N.E. 7th Avenue from SR 20 to N. Oak Harbor Street;
- ~~(65) S.W. Swantown Avenue from SR 20 to Fairway Lane. S. W. Heller Street;~~
- ~~(76) S.W. and N.W. Heller Street from S.W. Swantown Avenue to N.W. Crosby Avenue. a point 528 feet south of the centerline intersection of W. Whidbey Avenue to a point 750 feet north of said intersection;~~
- (87) S.W. Fort Nugent Avenue from west city limits to S.W. Swantown Avenue;
- (98) S.W. Scenic Heights Street from S.W. Balda Street south city limits to SR 20;
- ~~(109) S.W. Balda Street from S.W. Scenic Heights Street to city limits.~~

**10.08.040 Thirty miles per hour.**

The maximum speed limit on the following described streets is established at 30 miles per hour:

- (1) N.E. and S.E. Midway Boulevard from SR 20 ~~and S. E. Midway Boulevard south of Whidbey Avenue~~ to S.E. Pioneer Way.; ~~except where school zones are posted;~~
- (2) S.E. Pioneer Way from S.E. Midway Boulevard to S.E. Regatta Drive;
- (3) S.E. Bayshore Drive from S.E. Midway Boulevard to S.E. City Beach Street;
- (4) S. and N. Oak Harbor ~~and N. Oak Harbor Street north of its intersection with SR 20;~~ from S.E. 3<sup>rd</sup> Avenue to city limits.
- (5) All of W. Whidbey Avenue and E. Whidbey Avenue, from N.W. Heller Street to N.E. Regatta Drive. except designated school zones.
- (6) S.E. ~~Regatta Drive~~ and N.E. Regatta Drive from S.E. Pioneer Way to Crescent Harbor Road; ~~except for designated school zones. ;~~
- (7) W. Loerland Drive from N.W. Heller Street to west city limits;
- ~~(8) N.E. 16<sup>th</sup> Avenue from SR 20 to N.E. Regatta Drive.~~

**10.08.050 School Zones.**

Designated School Zones shall be 20 miles per hour.

**10.08.060 Signage.**

Each of the speed zones designated in the chapter shall be signed in the manner designated by the city engineer.

**10.08.070 Violation of OHMC 10.08.010, 10.08.020, 10.08.030, and 10.08.040 and 10.08.050.**

Violation of the speed zones established under this chapter shall be punishable as an infraction as specified in the Model Traffic Ordinance as now in effect or as hereafter amended.

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

**Section Three. Effective Date.** This ordinance shall take effect five days after publication provided that the changes in speed limits provided herein shall not take effect until appropriate signs giving notice thereof are erected and further provided that the speed limit established in OHMC 10.08.010 (4) herein shall not take effect until approved by the Washington State Secretary of Transportation.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

THE CITY OF OAK HARBOR

Approved ( )  
Vetoed ( )

\_\_\_\_\_  
Jim Slowik, Mayor

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Connie Wheeler, City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

Published: \_\_\_\_\_

**City of Oak Harbor  
City Council Agenda Bill**

Date: 9  
March 2, 2010  
Subject: 2010 Comprehensive Plan  
Amendments – Annual Docket

**FROM:** Steve Powers *SP*  
Development Services Director

**INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:**

*[Signature]* Jim Slowik, Mayor  
*[Signature]* Paul Schmidt, City Administrator  
*[Signature]* Doug Merriman, Finance Director  
*[Signature]* Margery Hite, City Attorney, as to form

**PURPOSE:**

This agenda bill presents the 2010 Comprehensive Plan Amendment docket. The 2010 docket includes a review of the Urban Growth Area (UGA) capacity, three Land Use Map amendment proposals and the annual update to the Capital Improvements Plan.

**AUTHORITY:**

The City is required by the Growth Management Act (GMA) to adopt a Comprehensive Plan and to review and revise it (if necessary) pursuant to RCW 36.70A.130. Oak Harbor Municipal Code (OHMC) Chapter 18.15, Comprehensive Plan Amendment Process, prescribes the process for considering amendments. OHMC 18.15.040(8) requires the City Council to conduct a public hearing, review the preliminary docket and, after such review and deliberation, establish an annual docket before March 31<sup>st</sup> of each year.

**BACKGROUND:**

On December 15, 2009 the City Council adopted a new chapter to the Oak Harbor Municipal Code: Chapter 18.15, Comprehensive Plan Amendment Process. The new code put into place a formalized process for reviewing and selecting proposals to amend the Comprehensive Plan. This process is known as the docket process. Items for the docket are compiled with input from the public (sponsored amendments), staff, the Planning Commission and City Council. The docket review and approval process involves public notification of those items under consideration, a review of the proposals against established criteria and recommendations or actions taken in a public hearing setting.

Since the new code was adopted in December 2009, this year's proposal generating process was somewhat abbreviated. It is anticipated that in future years the discussion of potential amendment topics will begin in July or August with the Planning Commission and City Council. Proposals can also be generated from the joint meeting between the Planning Commission and the City Council that is planned annually to occur around September/October.

**PROCESS:**

The process for this year's Comprehensive Plan Amendments was initiated in October 2009 through the publishing of a call for applications in the City's newspaper of record (the Whidbey News Times). The Whidbey News Times also included an article regarding the amendments in its November 4, 2009 edition. In accordance with OHMC 18.15.040(2) legal notice of the application period was published on October 31, 2009 and on November 21, 2009 informing the public of the process and the application deadline of December 1, 2009. However, no sponsored applications were received.

Though no sponsored amendment applications were received, there are amendments to consider in 2010. The proposed 2010 docket includes two mandated amendments and three City-initiated Comprehensive Plan Land Use Map changes. The mandated amendments are the UGA capacity analysis (City mandate) and the annual update to the Capital Improvements Plan (GMA mandate). The three City-initiated Land Use Map amendments are for City-owned properties.

**PROPOSED AMENDMENTS:**

**UGA Capacity Analysis**

The proposed docket includes determining the remaining capacity of the current UGA boundary. This is a precursor to any recommendations for changes to the UGA boundary. The analysis proposed as part of the 2010 docket will not result in an amendment to the Comprehensive Plan but will set the stage to explore UGA options in 2011 and eventual changes (if needed) in 2012.

The capacity analysis will look at all land uses within the UGA using data that is maintained by the County such as parcel and assessor information. The City is creating a geographical information database using this data provided by the County. The methodology used to determine the capacity is straightforward. The process will determine the area of all land uses within the UGA and then deduct the areas that are developed, areas that are not developable (critical areas, natural areas, etc.), areas needed for public facilities, and areas that are not likely develop in the next 20 years. The remaining land should provide the area of developable/buildable lands from which capacity can be determined based on densities provided in the Comprehensive Plan.

As simple and rational as the process may seem, there are many assumptions that will be required to complete the analysis. For example: What is developable land? What properties are considered under-developed and redevelopable? Should properties that are already subdivided, but not fully built out, be considered undeveloped? Staff will work with the Planning Commission on refining these assumptions as the analysis progresses.

Ultimately it is the County that has the authority to make changes to the UGA boundary. Therefore, City staff will share information on our assumptions and process with County staff periodically to keep them updated on the analysis. The goal is to work with the County to adopt changes to the UGA, if needed, in 2012 with the GMA mandated update to the Comprehensive Plan.

## **Land Use Changes**

Staff recommends that three City-owned properties be considered for Land Use Map amendments in 2010. These properties are listed below:

- R13210-527-3480 Scenic Heights Trailhead - from Low Density Residential to Public Facilities

This property was acquired using Conservation Futures Funds with the intent to develop it into a trailhead site for the Freund Marsh and Waterfront Trail. Since the property is designated for Low Density Residential, the trailhead would be considered a conditional use on the property. It would be beneficial and appropriate to change the designation to reflect its intended long term use.

- R14437-231-3630 – North Water Reservoir Site near Gun Club Road –from Planned Business Park to Public Facilities.

This 5 acre tract is located north and east of Gun Club Road and is the proposed site for a water reservoir. The property is currently designated as Planned Business Park. It would be appropriate to change the land use designation to Public Facilities to reflect the intended use.

- R13325-500-2250 – SE corner of SR 20 and Fakkema Road –from Auto/Industrial Commercial to Open Space.

This property is known as the Boyer property. The land was jointly purchased by the City, County and Navy in 2006. The intent of the purchase was to limit the development potential of this land since it was located in the Accident Potential Zone for aircraft operating out of NASWI Ault Field. The Park, Recreation and Open Space Plan adopted in 2009 recommends developing this property into an oak tree grove. Changing the land use designation to Open Space will pave the way for implementation of a natural area on this property. If the oak grove concept proved impractical it would still be appropriate to designate the property as 'Open Space' to accurately describe its public ownership and reduced development potential.

## **Capital Improvements Plan**

This is an annual update to the Capital Improvements Plan. Sections of the Plan are updated to reflect the most recent and accurate project information available. This normally includes updates to reflect consistency with the Transportation Improvement Plan (TIP), updated revenues and expenditure provided by the Finance Department and any changes to project schedules or cost.

## **REVIEW CRITERIA:**

The recently adopted OHMC Chapter 18.15 provides the criteria for reviewing the proposed amendments on the docket. The table below evaluates the proposed projects against the criteria provided in OHMC 18.15.070(2). The criteria were designed to evaluate a wide variety of amendments and therefore they may not all apply to each of

the proposals on the 2010 docket. Please note that since all the Land Use Map amendments are initiated by the City they have been grouped together for consideration.

Criteria provided in OHMC 18.15.070 (2)	Capital Improvements Plan	UGA Capacity Analysis	Land Use Changes
(a) The proposed amendments are consistent with Growth Management Act and the Countywide Planning Policies.	✓Yes Mandated (RCW 36.70A.130)	✓Yes Mandated (City Comp. Plan)	Not applicable – (Discretionary)
(b) The proposal does not appear to contradict other elements, goals and policies within the Comprehensive Plan.	No contradictions	No contradictions	No contradictions
(c) The proposal will implement or further existing goals and policies in the Comprehensive Plan.	✓Yes Updates will keep the Comprehensive Plan in compliance with GMA	✓Yes Updates will keep the Comprehensive Plan in compliance with GMA	✓Yes Will bring consistency between Land Use (Comprehensive Plan) and Zoning (Development Regulations)
(d) The proposal would correct an inconsistency within or make a clarification to a provision of the Comprehensive Plan.	N/A	N/A	✓Yes The intent is for the Comprehensive Plan Land Use Map to reflect the long term use of the property
(e) The proposed amendments have been clearly defined to determine a fairly accurate scope of work.	✓Yes	✓Yes	✓Yes
(f) The proposed amendments respond to an expressed desire by the community.	N/A	N/A	N/A
(g) The public interest would be best served by considering the proposal in the current year.	✓Yes	✓Yes	✓Yes The public interest will be served by considering land use designations consistent with the proposed long term uses for the properties.

The preliminary docket does not include any proposals that are inconsistent with the criteria established in OHMC 18.15.070 (2).

**PLANNING COMMISSION:**

The amendments were compiled as a preliminary docket for review and recommendation by the Planning Commission. The Planning Commission conducted a public hearing on January 26, 2010 and recommended approval of the docket as presented.

**STANDING COMMITTEE REPORT:**

The Governmental Services Standing Committee reviewed the docket for the 2010 Comprehensive Plan Amendments on February 9, 2010.

**RECOMMENDED ACTION:**

1. Conduct the public hearing.
2. Approve the proposed 2010 Comprehensive Plan Amendment docket and adopt Resolution 10-04.

**ATTACHMENTS:**

Resolution 10-04 adopting the annual docket for the 2010 Comprehensive Plan Amendments

RESOLUTION NO. 10-04

A RESOLUTION ADOPTING THE DOCKET FOR THE 2010 COMPREHENSIVE PLAN AMENDMENTS

WHEREAS, the City of Oak Harbor first adopted a Comprehensive Plan consistent with the requirements of the Washington State Growth Management Act (Chapter 36.70A RCW) in 1995 by Ordinance 1027, and adopted amendments to the plan in 1997 by Ordinance 1100, in 1998 by Ordinance 1161, in 2000 by Ordinance 1215, in 2001 by Ordinance 1287, in 2003 by Ordinance 1340, in 2004 by Ordinance 1396, in 2005 by Ordinance 1439, in 2007 by Ordinance 1488, in 2008 by Ordinance 1542, in 2009 by Ordinance 1564; and

WHEREAS, THE CITY OF OAK HARBOR, in the public interest, may adopt amendments or revisions to the Comprehensive Plan no more frequently than once per year in accordance with the State of Washington Growth Management Act RCW 36.70A.130(2); and

WHEREAS, the City of Oak Harbor in accordance with RCW 36.70A.130 is desirous of establishing a schedule and process to review and amend the Comprehensive Plan; and

WHEREAS, the City of Oak Harbor adopted Ordinance 1565 that establishes the process and schedule by which amendments to the Comprehensive Plan are submitted, processed and acted upon; and

WHEREAS, the City of Oak Harbor in accordance with RCW 36.70A.140 is desirous of ensuring early and continuous public participation in the Comprehensive Plan amendment process and wishes to adopt a public participation program; and

WHEREAS, the preliminary docket was advertised along with the Planning Commission agenda in the local newspaper of general circulation on January 6, 2010 in accordance with OHMC 18.15.040 (6); and

WHEREAS, the Planning Commission conducted a public hearing on January 26, 2010, reviewing the preliminary docket against the criteria established in OHMC 18.15.070(2) and determined it to be consistent with said criteria and recommended approval of the docket as presented; and

WHEREAS, the City Council conducted a public hearing on March 2, 2010, reviewing the preliminary docket against the criteria established in OHMC 18.15.070(2) and determined it to be consistent with said criteria and approved the docket as presented; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oak Harbor that the docket presented below is adopted as the annual docket for the 2010 Comprehensive Plan Amendments

**Docket - 2010 Comprehensive Plan Amendments**

Amendments	Type of Amendment	Priority as per OHMC 18.15
<u>Capital Improvements Plan update</u> Annual update to the projects list, revenues and expenditure.	Mandated RCW 36.70A.130	Priority A
<u>UGA Capacity Analysis</u> Analysis to determine the capacity within the existing UGA. The analysis will to provide information on existing capacity and will not include recommendation or proposals to changes in the UGA boundary.	Mandated City Comp. Plan	Priority A
<u>R13210-527-3480 – Scenic Heights Trailhead site - Land Use Map change from Low Density Residential to Public Facilities</u>	Discretionary (City Owned)	Priority C
<u>R14437-231-3630 – Water Reservoir Site near Gun Club Road – Land Use Map change from Planned Business Park to Public Facilities</u>	Discretionary (City Owned)	Priority C
<u>R13325-500-2250, R13325-470-2250, R13325-444-2200 – SE corner of SR 20 and Fakkema Road – Land Use Map change from Auto/Industrial Commercial to Open Space</u>	Discretionary (City Owned)	Priority C

PASSED and approved by the City Council this 2<sup>nd</sup> day of March, 2010.

THE CITY OF OAK HARBOR

\_\_\_\_\_  
Jim Slowik  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Margery Hite  
City Attorney

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