City of Oak Harbor
City Council Meeting

Agenda for

November 16, 2010
6:00 p.m.

Oak Harbor City Council
REGULAR MEETING
6:00 p.m.
Tuesday, November 16, 2010

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 Gerhardt, Seventh Day Adventist

ROLL CALL

MINUTES

NON-ACTION COUNCIL ITEMS:

1. Public Comments.

COUNCIL CONSIDERATION AND ACTION ON THE FOLLOWING MATTERS:

2. Consent Agenda:

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a. Contract Award – Public Defense Services – Full Case Load.

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b. Contract Award - Public Defense Services – Partial Case Load.

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c. Contract Renewal – Public Defense Administration – Jack Kerr.

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d. Appointments – Personnel Appeals Board.

Page 140

e. Council requests Lodging Tax Advisory Committee Recommendations – begins the 45-day approval process.

f. Approval of Accounts Payable Vouchers (Pay Bills).

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3. Public Hearing and Final Consideration/Passage of the Budget Ordinance.

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4. Public Hearing – Pioneer Way – Shoreline Substantial Development Conditional Use Permit.

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5. Authorization for Call to Artists – Pioneer Way Improvement Project.

6. ~~Authorization to Advertise for Bids – Pioneer Way~~. ***This agenda item has been moved to City Council's December 7, 2010 Meeting.***

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7. Marin Annexation.
8. City Administrator's Comments.
9. Council Members' Comments.
   - Standing Committee Reports
10. Mayor's Comments.

ADJOURN

"Avoiding danger is no safer in the long run than outright exposure. Life is either a daring adventure, or nothing."
- Helen Keller

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.

City Council Meeting
Wednesday, November 3, 2010, 6:00 p.m.
City Hall – Council Chambers

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

INVOCATION Russell Schlecht, Living Word

ROLL CALL

Mayor Jim Slowik
Seven Members of the Council,
Rick Almberg
Jim Campbell
Scott Dudley
Beth Munns
Jim Palmer
Danny Paggao, Mayor Pro Tem
Bob Severns

Paul Schmidt, City Administrator
Margery Hite, City Attorney
Doug Merriman, Finance Director
Steve Powers, Development Services Director
Cathy Rosen, Public Works Director
Eric Johnston, City Engineer
Rick Wallace, Chief of Police
Mark Soptich, Fire Chief
Ray Merrill, Battalion Chief
Mike McIntyre, Senior Services Director
Mack Funk, Harbormaster

MINUTES
MOTION: **Councilmember Campbell moved to approve the 10/14/10 Budget Workshop and the 10/19/10 Regular Meeting minutes. The motion was seconded by Councilmember Palmer. Councilmembers Almberg, Campbell, Dudley, Palmer and Paggao voted in favor of the motion. Councilmembers Munns and Severns abstained from the vote since they had not been present for the regular meeting. The motion carried.**

NON-ACTION COUNCIL ITEMS
Annual Presentation by the Greater Oak Harbor Chamber of Commerce
Jill Johnson, Executive Director of the Chamber of Commerce introduced the Chamber Board President, Paul Neumiller, and Abbie Martin, the Chamber's graphic design and new recruitment coordinator. Ms. Johnson presented a PowerPoint and profit and loss sheet which are attached to these minutes as Exhibit A.

Council Discussion
Discussion followed about the amount of funding from the City and County, staff and volunteer hours, the Chamber's mortgage payment and payoff, niche marketing for active and retired military, and positive feedback to the Chamber for their work on branding and marketing Oak Harbor and Oak Harbor's lifestyle.

Mayor Slowik thanked Ms. Johnson for this presentation.

Public Comments

Ross Peterson,168 NW Captain Court, Oak Harbor. Mr. Peterson spoke with concern regarding a neighbor's calls to the police complaining about Mr. Peterson's cats, another neighbor's wind chimes, a truck parked with a bumper over the sidewalk, and generally felt that this neighbor is a nuisance and neighborhood problem. He asked for help from the City. Mayor Slowik redirected his concerns to Chief of Police, Rick Wallace.

Mel Vance, PO Box 2882, Oak Harbor. Mr. Vance spoke in support of and appreciation for Police, Fire, and Emergency Medical Services personnel in remembrance of the one year anniversary of the shooting death of Seattle PD officer Timothy Brenton.

Ron Hancock, Oak Harbor Fire Department. Mr. Hancock spoke in support of Harbor Pride and their support toward showcasing Oak Harbor's Naval and civilian history as Pioneer Way is improved. The City's history should reflect in its downtown core. Partnering with Harbor Pride, enlarged photographs of Oak Harbor's history could be displayed in the windows of vacant commercial space on Pioneer Way.

Sharon Nicholson, 2861 N. Heller Road, Oak Harbor. Ms. Nicholson presented the enlarged photographs (enlarging was donated by Walgreens) picturing the Johnson, Zylstra, Ronhaar, and Koetje families. Kristi Jensen has approved their use in downtown storefront windows, and Ms. Nicholson would like to have the enlargements professionally mounted on backboard. Mayor Slowik thanked Ms. Nicholson for bringing these photos and this idea to the community.

Helen Chatfield-Weeks, 1415 SE 9th, Oak Harbor. Speaking as the editor of Navy League's Quarter Deck newsletter, the Quarter Deck has received a 3rd place award from the National Navy League. There is tremendous competition for this award and Oak Harbor's Area Council is honored to have received this recognition.

Martha Yount, 364 NE Ronhaar, Oak Harbor. Ms. Yount spoke on behalf of the PBY Memorial Foundation and invited everyone to visit the PBY Memorial Office and Display between 11:00 a.m. and 5:00 p.m., Thursdays, Fridays, and Saturdays.

Robyn Kolaitis, 2141 SW Dillard Lane, Oak Harbor. Ms. Kolaitis spoke with concern about the Public Works Standing Committee meeting notes. A copy of her comments are attached to these minutes as Exhibit B.

Melissa Duffy, 665 SE Glencoe, Oak Harbor. Ms. Duffy spoke as a Harbor Pride member, ornithologist, and native plant specialist in support of the Chamber's presentation and asked that promotional activities also link to birdwatching and native plant walks. She spoke in support of promoting Oak Harbor's Naval history which is a unique legacy. The library has expressed interest in MP3 players which could be rented for walking tours. Incorporate these ideas into tourism promotion.

With no other comments coming forth, Mayor Slowik closed public comments at 6:45 p.m.

COUNCIL CONSIDERATION AND ACTION ON THE FOLLOWING MATTERS

Consent Agenda

A. Approval of Accounts Payable Vouchers (Pay Bills)

MOTION: Councilmember Palmer moved to approve Consent Agenda Item A paying accounts payable check numbers 143451 – 143452 in the amount of $47,636.38, payroll check numbers 94201 – 94234 in the amount of $625,760.50, and payroll check numbers 94235 – 94257 in the amount of $42,569.51. The motion was seconded by Councilmember Campbell and carried unanimously.

Public Hearing and Final Consideration – Ordinance, Property Tax Increase for 2011

Finance Director Doug Merriman presented this agenda bill and ordinance required to establish the property tax levy rate for the City of Oak Harbor for 2011. Under RCW 84.55.005(1) and RCW 84.55.005(2)(c), the City may increase the collection of property tax revenues by the lower of 1% or the rate of inflation as set by the Implicit Price Deflator (IPD) as published by the Bureau of Economic Analysis (BEA). The IPD measurement to be utilized for 2011 is 1.539. Accordingly, the proposed property tax increase is 1%. The PowerPoint presentation is attached to these minutes as Exhibit C.

Mayor Slowik opened the public hearing at 7:15 p.m.

Mel Vance, P.O. Box 2882, Oak Harbor. Mr. Vance spoke in support of the 1% property tax increase and asked that banked capacity be considered. Mr. Vance also spoke about the state's revenue losses.

With no other comments coming forth, Mayor Slowik closed the public hearing at 7:17 p.m.

Council Discussion

Discussion followed about the City's reserves, carryover funds, the benefit of the 1%, the impact on Oak Harbor's citizens, Council leadership, and maintaining the level of services to the community. Discussion continued about the loss of employees' COLA (addressed through personnel policies), collective bargaining units' COLA, erosion of reserves, Marina bonding (the Marina is an enterprise fund), and how bonding is obtained. Discussion followed regarding economists' growth forecasts, if there are any other sources for revenue enhancement, an explanation of the Implicit Price Deflator (IPD) and Consumer Price Index (CPI) and the differences between them. Discussion returned to slide 44 (page 13 of the attached PowerPoint handout) titled, "What is the Cost over a Year?" which shows the bond payoff and that Oak Harbor's citizens will actually pay less this year as a result of that payoff. Discussion returned to Council leadership, potential effects from not approving the 1%, if there are other opportunities to reduce expenditures, and long-term projects. Discussion followed about the bond payoff and amount saved from that payoff and where those funds will go (reserves, general fund), the $37,459.84 increase if the property tax levy is approved, if there is a substantial need to justify this levy, the percentage rate for the City's reserves,

utility rates and utility taxes, and recurring revenue sources and how the general fund is used as non-discretionary revenue.

MOTION: **Councilmember Munns moved to pass the ordinance setting the 2011 property tax levy at 1% over the actual levy certified in 2010. The motion was seconded by Councilmember Almberg.**

Continued Discussion

Discussion continued about the distribution of general funds, public safety, the ordinance approving ¼% for art (in lieu of facility charges) to achieve a consistent cash flow for arts projects without a nexus, continued discussion about the City's long-term projects, necessary improvements needed because of aging infrastructure, the intersection of revenues and expenditures and the challenge of correcting these graph lines. Discussion followed about the liquor initiatives' defeat and keeping these revenues, and how property tax dollars can be spent if they are undedicated funds.

VOTE ON THE MOTION: **Councilmembers Almberg, Munns, Palmer, Paggao and Severns voted in favor of the motion. Councilmembers Campbell and Dudley opposed. The motion carried.**

Ordinance – Personnel Appeals Board

Human Resources Manager Jessica Neill Hoyson presented this agenda bill and ordinance which proposed a clarification of the City's method of dealing with employee appeals of disciplinary actions. The internal grievance process is currently established through the policies of the Personnel Manual. This grievance process addresses appeals from supervisory and department-level discipline decisions within the City before a City employment decision is final. In addition, it is important that the City also provide an administrative "post-deprivation" appeals process after a final City decision so that an efficient and independent review can be provided without recourse to Superior Court. Traditionally, the Personnel Advisory Board filled this function on an *ad hoc* basis but without authority under City code. Under current City code provisions, the Personnel Advisory Board is only authorized to act in an advisory capacity, rather than as an independent decision-making body. The proposed changes to the current code will clarify that the Personnel Appeals Board functions as an independent administrative review body. Since this is a housekeeping amendment to conform the language of the code with the actual personnel practices of the City, it will not significantly change existing practices. On the other hand, it makes clear that this remedy is available to employees and must be utilized before recourse may be had to the courts. In the event that any of the pending issues lead to a grievance and appeal, the approval of this ordinance would obviate any questions about the availability of a post-deprivation administrative remedy, thus saving the City from the potential expense of a trial de novo.

Mayor Slowik called for public comments but there were none.

Council Discussion
Discussion followed about the available positions on the present Personnel Advisory Board, personnel policies and the disciplinary resolution process, employees' rights, and the Personnel Appeals Board's rules as set out in Section Two, 2.34.070 (2) of the proposed ordinance. Discussion continued about employees' recourse beyond the Personnel Appeals Board (Superior Court), and that the scope of the appeal is limited to the record produced at the Appeals Board level. Board members are recommended by the Mayor to Council for approval; the City is the appointing authority. Appeals Board appointments will come before City Council on November 16, 2010. Recognition of past board members was also requested.

MOTION: **Councilmember Munns moved to adopt the proposed ordinance clarifying procedures and basis to appeal disciplinary action. The motion was seconded by Councilmember Severns.**

Continued Discussion
Discussion continued about the use of the Appeals Board or court system and the emergency nature of this ordinance as presented during the October 19, 2010 Council meeting.

VOTE ON THE MOTION: **Councilmembers Almberg, Campbell, Munns, Paggao, and Severns voted in favor of the motion. Councilmember Dudley opposed and Councilmember Palmer abstained from the vote. The motion carried.**

Public Hearing – 2011 – 2012 Budget and Department Presentations
The purpose of this agenda bill was to provide information on the remaining departmental budget presentations and the Finance Director's presentation for the 2011 – 2012 budget. This evening's public hearing allows the adoption of the final budget to occur before the first Monday in December as required by RCW 35A.34.100. On June 15, 2010, a public hearing was held to present the 2011 – 2012 revenue projections, which were the basis for the initial financial structuring of the City's 2011 – 2012 biennial budget. On September 29, 2010, a workshop was conducted for City Council and video taped for the public to hear presentations by the Public Works Department for 2011 and 2012 preliminary operating and capital budgets. On October 14, 2010, the same workshop format was conducted with presentations by the Chief of Police, Fire Chief, and Finance Director to provide budget information primarily on the general fund. It was stated in that presentation that further preliminary budget information would be forthcoming at this particular City Council meeting to finish remaining general fund presentations.

Development Services Director Steve Powers presented PowerPoint presentations and budget summary reports for Development Services, the Oak Harbor Marina, and Oak Harbor Senior Center. Harbormaster Mack Funk and Senior Services Director Mike McIntyre were also present. The presentations are attached to the minutes as Exhibit D, Exhibit E, and Exhibit F, respectively. Mr. Powers noted that the budget is continuing to evolve.

Mayor Slowik opened the public hearing at 8:45 p.m.

Development Services
There were no public comments on the Development Services Department.

Senior Center
Mel Vance, P.O. Box 2882, Oak Harbor. Mr. Vance spoke with concern about the reduction in revenue from the County and if there would be any possibility of finding grant funds to keep Caregiver's Cove open. It is a desperately needed program and invaluable for individual caregivers.

There were no other comments.

Council Discussion
Discussion followed about reserved and unreserved funds for the Senior Center and how monies were set aside some years ago toward building a reserve, fund balances, and the reduction in the County's contribution. Discussion continued regarding the number of clients being served by Caregiver's Cove, (13 clients), and the difficulty with increasing client numbers in spite of marketing this service. Caregiver's Cove is searching for private funding and the service won't be immediately stopped. The pending HVAC needs at the Senior Center will be met by funds that Mr. McIntyre has set aside over the last two years. It is Council's discretion to fund the amount for Caregiver's Cove from the general fund, but that was not seen as a viable alternative. The building's use, contracted through Island Thrift, can be expanded if Caregiver's Cove cannot be funded.

Oak Harbor Marina
There were no public comments about the Oak Harbor Marina.

Council Discussion
Discussion followed about redemption of the long-term debt and a new bond issue, the start of the Marina's dredging project (to begin 11/19/10 after meeting with the Corps of Engineers on 11/18/10; the Corps is responsible for dredging permits), and completion of in-water work by 2/15/2011.

City Attorney's Office
City Attorney Margery Hite led the PowerPoint presentation attached to these minutes as Exhibit G.

There were no public comments.

Council Discussion
Discussion followed about Legal Department staff time for the Civil Services Commission, medical needs and medical care for inmates, the drop in budget numbers from 2009 to 2010, 2011 to 2012, which are a result of lease renegotiation, bond payoff, probation, and jail services contracts.

Finance Director Presentation
Mr. Merriman presented the budget projections, to date, which are attached to these minutes as Exhibit H. This is still a working document but Mr. Merriman noted the changes in the last page of the attachment. The imbalance has been reduced for 2011 to $58,115 and for 2012 to $258,867. Both years are still under review for further reductions to reach a balanced budget for each year.

There were no public comments or Council questions.

Mayor Slowik closed the public hearing at 9:35 p.m.

MOTION: **Councilmember Palmer moved to set November 16, 2010 for public hearing and adoption of the final City budget for 2011 – 2012. The motion was seconded by Councilmember Campbell and carried unanimously.**

City Administrator's Comments
City Administrator Paul Schmidt talked about upcoming meetings including AWC's CLAC conference on February 16th and 17th (leaving for the conference on February 15th), and the National League of Cities conference slated for March 12th – March 16th.

Council Members' Comments
Any standing committee reports were presented along with upcoming standing committee meeting dates, the MS Fundraiser was mentioned, Trick or Treat on Pioneer Way and Trunk or Treat were complimented, AWC's Board will convene on November 16th to finalize AWC's legislative recommendations, and the Naval Aviation Centennial will be an important date for the City's participation. Veteran's Day will be an event held at the high school with lots of musical groups and bands; a wonderful free program.

Mayor's Comments
Mayor Slowik recognized Kelly Kellogg whose artwork is displayed in Council Chambers.

ADJOURN
With no other business coming before the City Council, Mayor Slowik adjourned the meeting at 9:45 p.m.

_____
Connie T. Wheeler
City Clerk

4:55 PM

10/28/10

Accrual Basis

Exhibit A

Greater Oak Harbor
Profit & Loss
January through September 2010

				Jan - Sep 10
Income				
REVENUE- INTEREST INCOME				
Interest			118.43	
Total REVENUE- INTEREST INCOME				118.43
REVENUE-FUNDRAISING				45,244.66
REVENUE-MEMBERSHIP				
New Members				
Associate members		142.50		
New Members - Other		9,613.75		
Total New Members			9,756.25	
Renewals				
Declined renewals		(8,588.79)		
Renewals - Other		61,231.25		
Total Renewals			52,642.46	
Trade for Services			(1,656.06)	
Value Added Program			10,105.82	
Total REVENUE-MEMBERSHIP				70,848.47
REVENUE-PROG & SERVICES				
Advertising Opportunities				
Directory Listing		290.00		
Discount cards				
Local/Indoc	900.00			
Total Discount cards		900.00		
Indoc bags		210.00		
Lists & Labels		220.00		
Newsletter				
Back Page Color Ads	187.50			
Color Ads	100.00			
Inserts	850.00			
Total Newsletter		1,137.50		
Advertising Opportunities - Other		275.00		
Total Advertising Opportunities			3,032.50	
Annual Banquet				
Live Auction Item		150.00		
Sponsor		1,000.00		
Table Decor raffle		830.00		
Annual Banquet - Other		5,011.75		
Total Annual Banquet			6,991.75	
Business Expo				
Raffle ticket sales		282.00		
Sponsorship		1,000.00		
Table & Setup fees		1,015.00		
Total Business Expo			2,297.00	
Luncheons				
Display table		200.00		
Door Prize Donations		1,352.00		
Luncheon sponsor		1,765.00		
Screen Ads		10.00		
Luncheons - Other		11,884.34		
Total Luncheons			15,211.34	
Misc Inc				
Donations		593.67		
Misc Inc - Other		2,347.11		
Total Misc Inc			2,940.78	
Parnership w/Schools				

10

4:55 PM

10/28/10

Accrual Basis

Greater Oak Harbor
Profit & Loss
January through September 2010

					Jan - Sep 10
Expense			(22.00)		
Total Parnership w/Schools				(22.00)	
Special Programs					
Comedy Night					
Sponsor	1,000.00				
Ticket sales	2,650.00				
Comedy Night - Other	(4.00)				
Total Comedy Night		3,646.00			
Oh Fit					
Space Fee	80.00				
Oh Fit - Other	40.00				
Total Oh Fit		120.00			
OHsterfest		1,650.00			
Retail Therapy		225.00			
Tuesdays on the Town		965.70			
Total Special Programs			6,606.70		
VIC Building					
Rental		575.00			
Total VIC Building				575.00	
Total REVENUE-PROG & SERVICES					37,633.07
REVENUE-SPECIAL EVENTS					
4th of July					
4th July Sponsorship		1,200.00			
Fundraisers					
Desert Auction	1,805.00				
Fireworks donations	4,281.97				
Fireworks Spnsorship	2,100.00				
Fireworks Sponsor of the Day	5,800.00				
Holler for a dollar	54.00				
Fundraisers - Other	(119.50)				
Total Fundraisers		13,921.47			
Parade Fees		1,350.00			
Vendor Booths		6,913.25			
4th of July - Other		10.00			
Total 4th of July			23,394.72		
Holland Happening					
HH Sponsorship		4,950.00			
Canal Race		755.00			
Community Booths		800.00			
Food Vendors		3,725.00			
Parade Fee		1,120.00			
Tee Shirts/wholesale		30.00			
Tiles		620.00			
Tulips		445.00			
Vendor Booths		14,283.50			
Wooden Shoes		1,588.00			
Total Holland Happening			28,316.50		
Military Support					
Support Troops BBQ		259.15			
Total Military Support				259.15	
REVENUE-SPECIAL EVENTS - Other				1,045.00	
Total REVENUE-SPECIAL EVENTS					53,015.37
REVENUE-TOURISM					
City 2%				55,311.00	
City Promotion 2%				5,334.00	

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Greater Oak Harbor
Profit & Loss
January through September 2010

			Jan - Sep 10
County 2%		14,953.36	
Discount cards			
City Visitors	525.00		
Sports card	600.00		
Total Discount cards		1,125.00	
WOW Rental		194.75	
Total REVENUE-TOURISM			76,918.11
Total Income			283,778.11
Expense			
EXPENSES-ALL STAFF			
Employee Benefit-Cell Phone pkg		1,003.84	
Health Benefits		5,640.38	
Payroll Expense			
Gross Wages	108,740.20		
Payroll Tax Expenses	9,964.73		
Total Payroll Expense		118,704.93	
Staff Development		1,217.33	
Travel/Mileage		658.12	
EXPENSES-ALL STAFF - Other		35.71	
Total EXPENSES-ALL STAFF			127,260.31
EXPENSES-BUSINESS/G&A			
Bank Charges/VISA		1,350.38	
Board Development		172.44	
Building			
Land lease(split)	820.00		
Total Building		820.00	
Copier Lease		1,118.95	
Dues & Subscriptions		285.00	
Insurance, Liability		1,011.54	
Licenses, Fees, Permits		92.50	
Maintenance/Repairs		727.35	
Miscellaneous		58.38	
Office Supplies		1,109.12	
Postage / General			
postage machine	453.35		
Postage / General - Other	822.25		
Total Postage / General		1,275.60	
Printing		752.34	
Technology		999.91	
Telephone		1,308.72	
Utilities		3,320.16	
EXPENSES-BUSINESS/G&A - Other		737.05	
Total EXPENSES-BUSINESS/G&A			15,139.44
EXPENSES-PROGRAMS & SERVICES			
Advertising/Marketing			
Discount cards			
Local/Relocation	638.00		
Discount cards - Other	120.00		
Total Discount cards		758.00	
ICT meals		362.96	
Public Relations		2,209.93	
Social Media Content Stategy		5,334.00	
Tourism Program/Program Promoti		119.38	
Website		581.26	
Advertising/Marketing - Other		3,112.84	
Total Advertising/Marketing		12,478.37	

Greater Oak Harbor
Profit & Loss
January through September 2010

				Jan - Sep 10
Annual Banquet				5,078.05
Annual Board Retreat				107.61
Bad Debt				715.00
Business Expo				
Expo advertising			507.32	
Expo Expenses			1,782.57	
Total Business Expo				2,289.89
Cash/Set-up/Change				0.00
Luncheons				
Audio/Visual			1,000.00	
Meals			3,300.00	
Luncheons - Other			5,424.00	
Total Luncheons				9,724.00
Membership				
Plaques and Awards			857.91	
Recruitment & Incentive			735.83	
Retention/Circle of 10			32.52	
Value Added Program			16.31	
Membership - Other			1,032.52	
Total Membership				2,675.09
Newsletter				
Postage			1,937.01	
Total Newsletter				1,937.01
Retail Promotions				760.61
Special Program Expense				
Comedy Night exp				
Comedian		900.00		
Facility Fees		411.00		
Promotion		400.00		
Comedy Night exp - Other		348.09		
Total Comedy Night exp			2,059.09	
Special Program Expense - Other			13.20	
Total Special Program Expense				2,072.29
Total EXPENSES-PROGRAMS & SERVICES				37,837.92
EXPENSES-SPECIAL EVENTS				
4th of July				
Advertising			1,791.37	
Carnival Exp				
Carnival License		200.00		
Total Carnival Exp			200.00	
Fireworks			15,050.00	
Fireworks Fundraisers			2,073.18	
Parade Exp			535.88	
Signage			734.04	
Supplies			460.84	
4th of July - Other			102.97	
Total 4th of July				20,948.28
Holland Happening				
Advertising			2,553.32	
Canal Race				
Shoes		1,218.75		
Canal Race - Other		160.00		
Total Canal Race			1,378.75	
Carnival			497.68	
Communications			140.22	
Contract Manager			6,000.00	

Greater Oak Harbor
Profit & Loss
January through September 2010

			Jan - Sep 10	
Entertainment				
Performers		1,647.27		
Stage		1,664.36		
Entertainment - Other		100.00		
Total Entertainment			3,411.63	
Operation Exp			337.09	
Parade			143.91	
Porta Potties			3,675.00	
Postage			415.44	
security			750.00	
Shoemaker			708.75	
Signage			2,174.00	
Supplies			285.27	
Tee Shirts			1,235.39	
Tiles			788.00	
Tulips			346.48	
Vendor Booths			41.48	
Vendors			190.50	
Holland Happening - Other			266.33	
Total Holland Happening				25,339.24
Military Support				693.54
Total EXPENSES-SPECIAL EVENTS				46,981.06
EXPENSES-TOURISM				
Advertising/Marketing				
Billboard		6,450.00		
City promotion		1,774.73		
IC Tourism reimburse		(91.20)		
Island County				
ICT lunches	405.36			
Island County - Other	37.00			
Total Island County		442.36		
Public Relations		93.07		
Social Media		2,666.00		
Tourism Advertising/Program Pro		7,206.92		
Website		116.28		
Advertising/Marketing - Other		1,734.35		
Total Advertising/Marketing			20,392.51	
Copier Lease (split)			1,118.94	
Discount cards				
City		489.00		
Sports		339.00		
Total Discount cards			828.00	
Dues/Subscriptions			127.50	
Insurance, Liability			1,011.54	
Maintenance & Repairs			621.29	
Office Supplies			739.52	
Postage - VIC				
postage mach.		453.34		
Postage - VIC - Other		1,108.25		
Total Postage - VIC			1,561.59	
Printing			685.49	
Staff Development			79.11	
Technology			706.41	
Telephone			1,308.68	
Travel/Mileage			91.20	
Utilities			2,015.56	
VIC Bldg				
Land Lease (split)		2,870.00		
Leasehold/Property Taxes (split		1,961.12		

Greater Oak Harbor
Profit & Loss
January through September 2010

				Jan - Sep 10
Mortgage payment	10,878.64			
Total VIC Bldg		15,709.76		
Visitor Infomation Center				
Trade-out	190.00			
Visitor Infomation Center - Other	543.73			
Total Visitor Infomation Center		733.73		
EXPENSES-TOURISM - Other		536.79		
Total EXPENSES-TOURISM			48,267.62	
Reconciliation Discrepancies			(10.07)	
Total Expense			275,476.28	
Net Income				8,301.83

+ 40% of staffing expenses.

Exhibit B

Good Evening,

My name is Robyn Kolaitis,

2141 SW Dillard Lane

I received a copy of the meeting notes from the Public Works Standing Committee meeting October 7, just this afternoon. I was very disturbed by the lack of proper information regarding the Dillard Addition Sewer Connections discussed at this meeting, and I would like to extend an invitation to both the members of this Council who were in office at the time and those who have been elected since to sit down with and discuss the facts regarding the issues with the residents of Dillard's addition.

Contrary to how it is apparently perceived by the current administration, the residents of Dillard's addition are not uneducated and do not simply need to be convinced that connection to the type of sewer system that was installed in our neighborhood a few years ago is in all of our best interest. We have spent the last several years, in fact, researching these systems and their EPA and WA state recommended maintenance and ownership issues.

Despite the apparent fact based discussion that occurred at this meeting regarding the causes of Oak Harbor City Beach Park's water quality "F" ratings, Our County public health director Keith Higman was quoted as stating that the pollution in Oak Harbor was probably because of bird droppings on the beach and dog feces in the storm water drainage that flows into the harbor, never has he stated that working septic systems are causing Failing grades at City Beach.

Yes, failed septic systems impact water quality, however, the county's inspection program passed after the Dillard Addition Sewer Fiasco, and to my knowledge, none of our septics has yet been reported as failing. We did witness a grinder pump failure earlier this year that spewed sewage contaminated water all over the street. We do not look forward to seeing this regularly.

In Conclusion, the residents of Dillard's addition look forward to frank, legitimate and hopefully honest future discussions based in fact regarding these issues. We would hope that this administration and staff share that same desire.

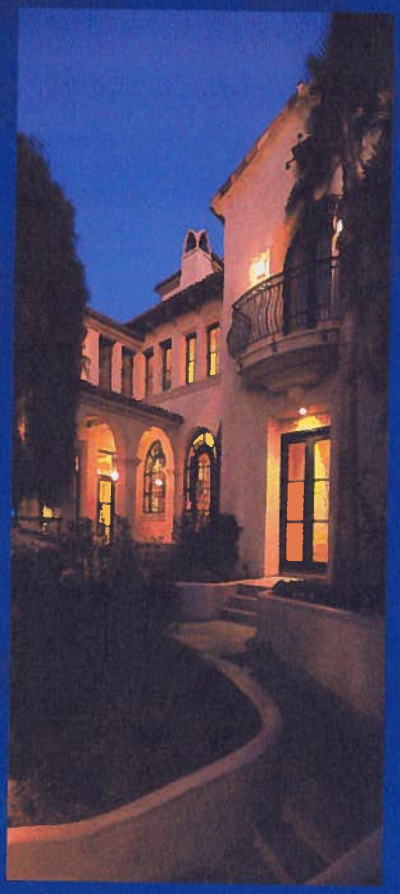
Thank you for your time

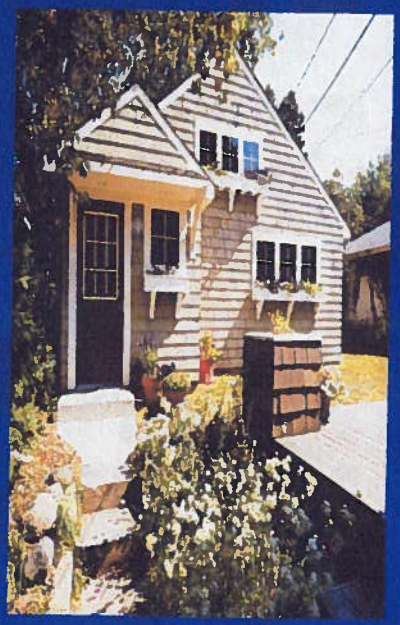
Exhibit C

City of Oak Harbor

Property Tax Discussion

October 19, 2010





City of Oak Harbor

Property Tax Discussion

October 19, 2010

Property Tax Cost of Living Increase

1) What is it?

2) Why is it needed ?

3) What if we don't do it ?

4) What services does it effect ?

5) What does it cost me ?

Property Tax Cost of Living Increase

1) What is it?

- An approved cost of living increase in the *current* property tax levy.
- Rules Per RCW 84.55:

1) If IPD is greater than 1%, limited to 1% or
2) If IPD is less than 1%, the increase can be the IPD, or 1% with a "Finding of Substantial Need", assessed, or
3) Greater than 1% with Public Vote

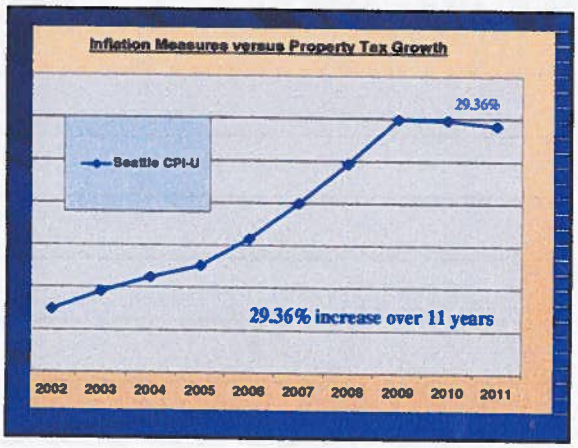
Property Tax Cost of Living Increase

2) Why is it needed ?

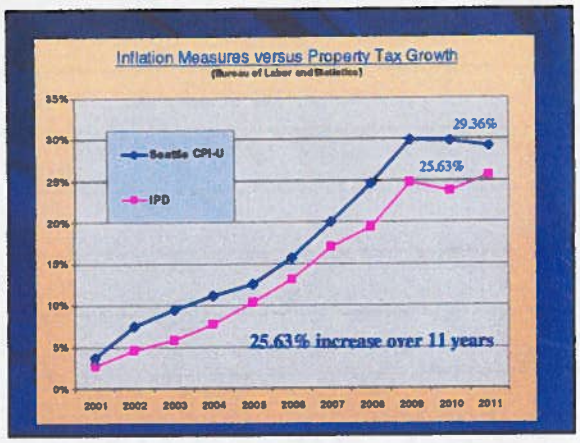
- To keep pace with the long-term effect of inflation.
- To maintain the existing level of services provided by the City to its citizens.
- To ensure long-term financial stability of reserves and ability to pay expenses.

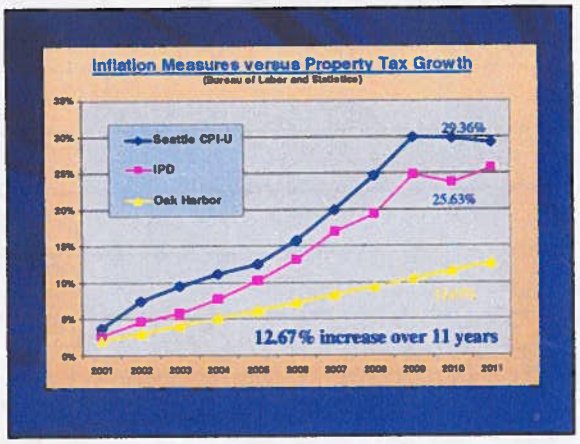
Effects of Inflation

The rate of inflation exceeding the growth rate in revenues is the most significant financial challenge facing the City



2011 Property Tax Levy





Combination of Inflation and Economy

Inflation

1. Expenditure growth outpaces revenues.
2. Erosion of purchasing power.
3. Goods that cost $1.00 in 2001 now cost $1.29.

Decrease in Sales Tax Receipts

1. Automobile Sales down 19.9% from one year ago
2. Building Construction down 53.7% from one year ago
3. Overall general retail down 4.2%

Street Fund Subsidy

1. Costs of raw materials, increasing substantially
2. Annual budget required for overlays: $300,000 ($750k)
3. CAPROX funding risks

20

2011 Property Tax Levy

Layering Effect of Property Taxes

	Year 1	Year 2	Year 3	Year 4	Every Year Thereafter ------>		
Base	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000
Total:	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000

Layering Effect of Property Taxes

	Year 1	Year 2	Year 3	Year 4	Every Year Thereafter ------>		
Inflation							
1%		$10,000	$10,000	$10,000	$10,000	$10,000	$10,000
Base	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000
Total:	$1,000,000	$1,010,000	$1,010,000	$1,010,000	$1,010,000	$1,010,000	$1,010,000

Layering Effect of Property Taxes

	Year 1	Year 2	Year 3	Year 4	Every Year Thereafter ------>		
Inflation							
1%			$10,100	$10,201	$10,202	$10,202	$10,202
1%		$10,000	$10,000	$10,000	$10,000	$10,000	$10,000
Base	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000
Total:	$1,000,000	$1,010,000	$1,020,100	$1,020,301	$1,020,202	$1,020,202	$1,020,202

Layering Effect of Property Taxes

	Year 1	Year 2	Year 3	Year 4	Every Year Thereafter ------>		
Inflation							
1%				$10,201	$10,201	$10,201	$10,201
1%			$10,100	$10,100	$10,100	$10,100	$10,100
1%		$10,000	$10,000	$10,000	$10,000	$10,000	$10,000
Base	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000
Total:	$1,000,000	$1,010,000	$1,020,100	$1,030,301	$1,030,301	$1,030,301	$1,030,301

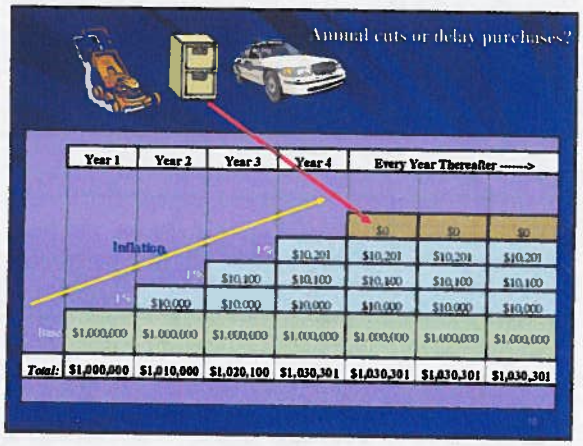
Layering Effect of Property Taxes

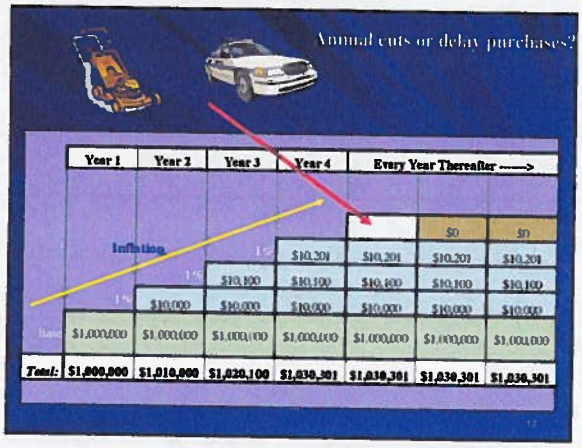
	Year 1	Year 2	Year 3	Year 4	Every Year Thereafter ------>		
Inflation							
1%					$10,303	$10,303	$10,303
1%				$10,201	$10,201	$10,201	$10,201
1%			$10,100	$10,100	$10,100	$10,100	$10,100
1%		$10,000	$10,000	$10,000	$10,000	$10,000	$10,000
Base	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000
Total:	$1,000,000	$1,010,000	$1,020,100	$1,030,301	$1,051,010	$1,051,114	$1,051,115

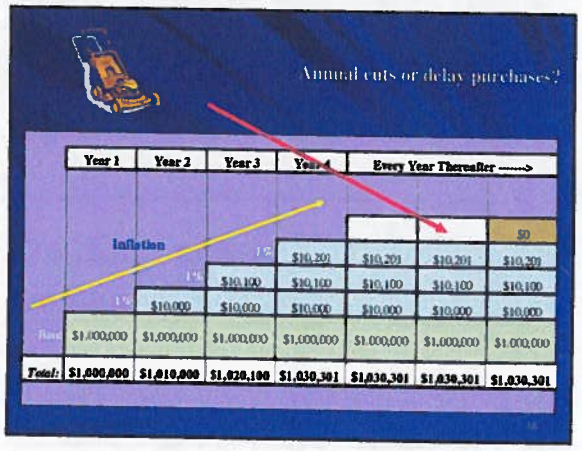
What happens if you forgo an increase ?

	Year 1	Year 2	Year 3	Year 4	Every Year Thereafter ------>		
Inflation							
1%					$10,303	$10,303	$10,303
1%				$10,201	$10,201	$10,201	$10,201
1%			$10,100	$10,100	$10,100	$10,100	$10,100
1%		$10,000	$10,000	$10,000	$10,000	$10,000	$10,000
Base	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000
Total:	$1,000,000	$1,010,000	$1,020,100	$1,030,301	$1,051,010	$1,051,114	$1,051,115

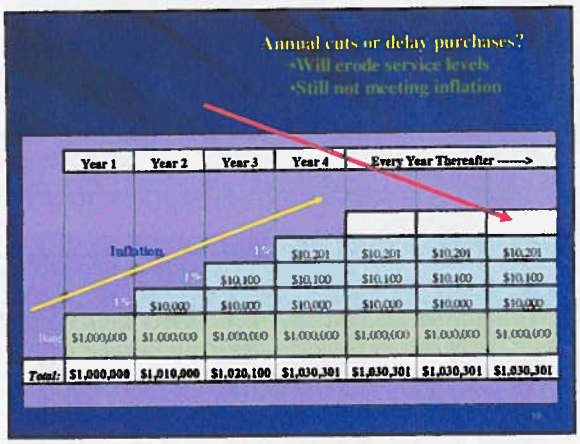
22

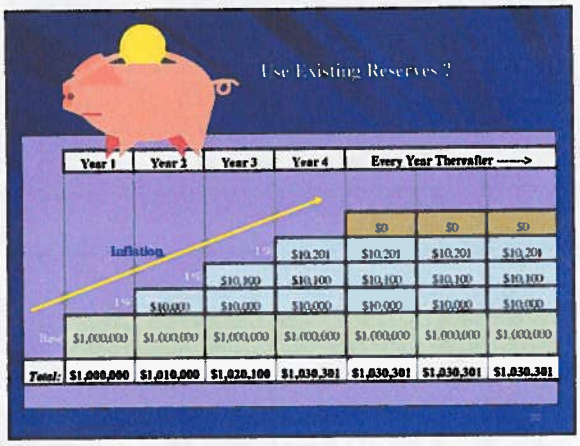

Annual cuts or delay purchases?
Year 1
Year 2
Year 3
Year 4
Every Year Thereafter ------>
Inflation
$0
$0
$0
1%
$10,201
$10,201
$10,201
$10,201
1%
$10,100
$10,100
$10,100
$10,100
$10,100
1%
$10,000
$10,000
$10,000
$10,000
$10,000
$10,000
Base
$1,000,000
$1,000,000
$1,000,000
$1,000,000
$1,000,000
$1,000,000
$1,000,000
Total:
$1,000,000
$1,010,000
$1,020,100
$1,030,301
$1,030,301
$1,030,301
$1,030,301


Annual cuts or delay purchases?
Year 1
Year 2
Year 3
Year 4
Every Year Thereafter ------>
Inflation
$0
$0
1%
$10,201
$10,201
$10,201
$10,201
1%
$10,100
$10,100
$10,100
$10,100
$10,100
1%
$10,000
$10,000
$10,000
$10,000
$10,000
$10,000
Base
$1,000,000
$1,000,000
$1,000,000
$1,000,000
$1,000,000
$1,000,000
$1,000,000
Total:
$1,000,000
$1,010,000
$1,020,100
$1,030,301
$1,030,301
$1,030,301
$1,030,301


Annual cuts or delay purchases?
Year 1
Year 2
Year 3
Every Year Thereafter ------>
Inflation
$0
1%
$10,201
$10,201
$10,201
$10,201
1%
$10,100
$10,100
$10,100
$10,100
$10,100
1%
$10,000
$10,000
$10,000
$10,000
$10,000
$10,000
Base
$1,000,000
$1,000,000
$1,000,000
$1,000,000
$1,000,000
$1,000,000
$1,000,000
Total:
$1,000,000
$1,010,000
$1,020,100
$1,030,301
$1,030,301
$1,030,301
$1,030,301

23


Annual cuts or delay purchases?
•Will erode service levels
•Still not meeting inflation
Year 1
Year 2
Year 3
Year 4
Every Year Thereafter ------>
Inflation
1%
$10,201
$10,201
$10,201
$10,201
1%
$10,100
$10,100
$10,100
$10,100
$10,100
1%
$10,000
$10,000
$10,000
$10,000
$10,000
$10,000
Base
$1,000,000
$1,000,000
$1,000,000
$1,000,000
$1,000,000
$1,000,000
$1,000,000
Total:
$1,000,000
$1,010,000
$1,020,100
$1,030,301
$1,030,301
$1,030,301
$1,030,301


Use Existing Reserves ?
Year 1
Year 2
Year 3
Year 4
Every Year Thereafter ------>
$0
$0
$0
Inflation
1%
$10,201
$10,201
$10,201
$10,201
1%
$10,100
$10,100
$10,100
$10,100
$10,100
1%
$10,000
$10,000
$10,000
$10,000
$10,000
$10,000
Base
$1,000,000
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$1,000,000
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$1,000,000
$1,000,000
$1,000,000
Total:
$1,000,000
$1,010,000
$1,020,100
$1,030,301
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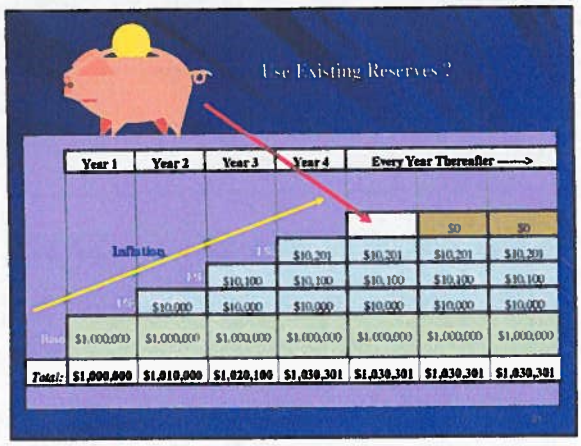
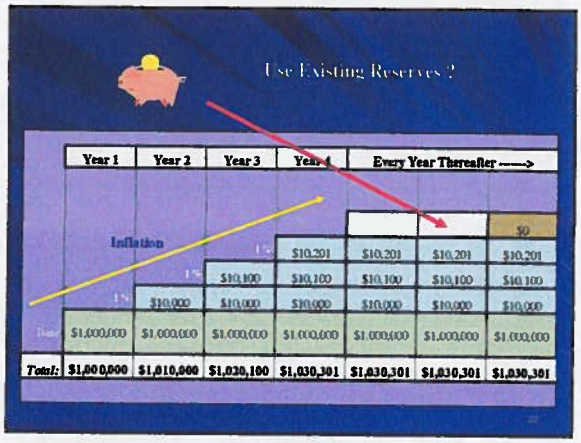

Use Existing Reserves ?
Year 1
Year 2
Year 3
Year 4
Every Year Thereafter ------>
$0
$0
Inflation
1%
$10,201
$10,201
$10,201
$10,201
1%
$10,100
$10,100
$10,100
$10,100
$10,100
1%
$10,000
$10,000
$10,000
$10,000
$10,000
$10,000
Base
$1,000,000
$1,000,000
$1,000,000
$1,000,000
$1,000,000
$1,000,000
$1,000,000
Total:
$1,000,000
$1,010,000
$1,020,100
$1,030,301
$1,030,301
$1,030,301
$1,030,301

24


Use Existing Reserves ?
Year 1
Year 2
Year 3
Year 4
Every Year Thereafter ---->
Inflation
1%
$10,201
$10,201
$10,201
$10,201
$10,100
$10,100
$10,100
$10,100
$10,100
$10,000
$10,000
$10,000
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$10,000
Base
$1,000,000
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$1,000,000
Total:
$1,000,000
$1,010,000
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$1,030,301
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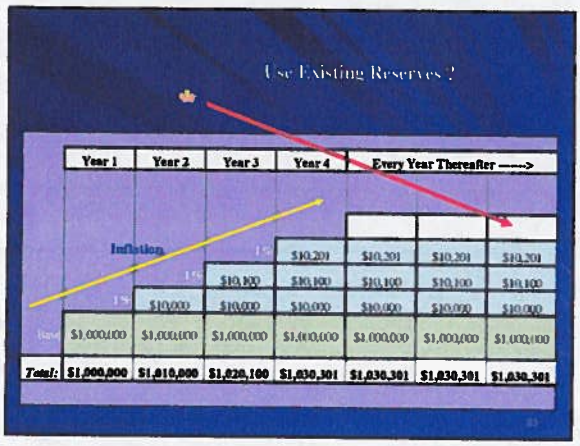
Use Existing Reserves ?
Year 1
Year 2
Year 3
Year 4
Every Year Thereafter ---->
Inflation
1%
$10,201
$10,201
$10,201
$10,201
$10,100
$10,100
$10,100
$10,100
$10,100
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Base
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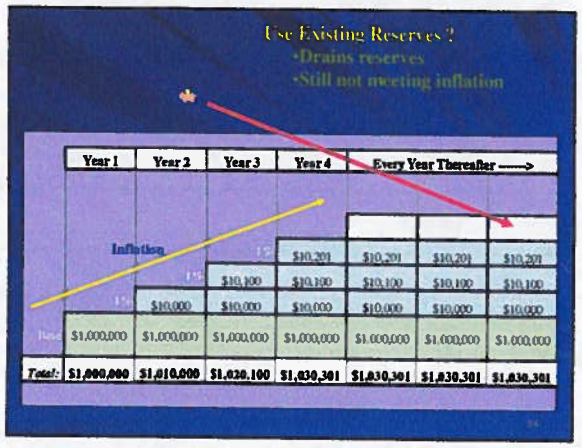
$1,000,000
$1,000,000
$1,000,000
$1,000,000
$1,000,000
Total:
$1,000,000
$1,010,000
$1,020,100
$1,030,301
$1,030,301
$1,030,301
$1,030,301


Use Existing Reserves ?
•Drains reserves
•Still not meeting inflation
Year 1
Year 2
Year 3
Year 4
Every Year Thereafter ---->
Inflation
1%
$10,201
$10,201
$10,201
$10,201
$10,100
$10,100
$10,100
$10,100
$10,100
$10,000
$10,000
$10,000
$10,000
$10,000
$10,000
$10,000
Base
$1,000,000
$1,000,000
$1,000,000
$1,000,000
$1,000,000
$1,000,000
$1,000,000
Total:
$1,000,000
$1,010,000
$1,020,100
$1,030,301
$1,030,301
$1,030,301
$1,030,301

25

Only options:

- Replace the loss with a new recurring revenue.
- Replace the loss by eliminating a recurring expense.

	Year 1	Year 2	Year 3	Year 4	Every Year Thereafter ——>		
Inflation							
1%				$10,201	$10,201	$10,201	$10,201
1%			$10,100	$10,100	$10,100	$10,100	$10,100
1%		$10,000	$10,000	$10,000	$10,000	$10,000	$10,000
Base	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000	$1,000,000
Total:	$1,000,000	$1,010,000	$1,020,100	$1,030,301	$1,030,301	$1,030,301	$1,030,301

Property Tax Cost of Living Increase

1) What is it?

2) Why is it needed ?

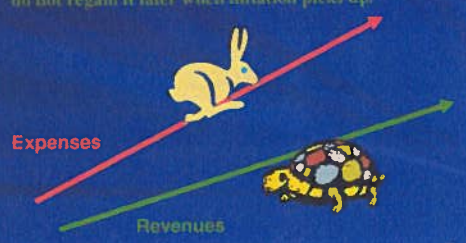
3) What if we don't do it ?

4) What services does it effect ?

5) What does it cost me ?

The IPD has decreased, why do we increase?

- Cost of inflation grows faster than revenues.
- 50-year inflation trend averages about 3%.
- Once you forgo or reduce a cost of living increase, you do not regain it later when inflation picks up.



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Property Tax Cost of Living Increase

What if we don't do it ?

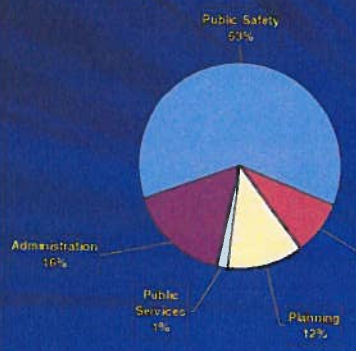
Will require cuts in the amount of $37,460.

- 2011 Budget includes a 1% increase - require cuts in *recurring* expenditures of $37,460.

Property Tax Cost of Living Increase

1) What is it?
2) Why is it needed ?
3) What if we don't do it ?
4) What services does it effect ?
5) What does it cost me ?

What property taxes pay for:



Property Tax Cost of Living Increase

1) What is it?

2) Why is it needed ?

3) What if we don't do it ?

4) What services does it effect ?

5) What does it cost me ?

Pre-2011 tax shares:

City: $.26

County, State, Schools, etc: $.74

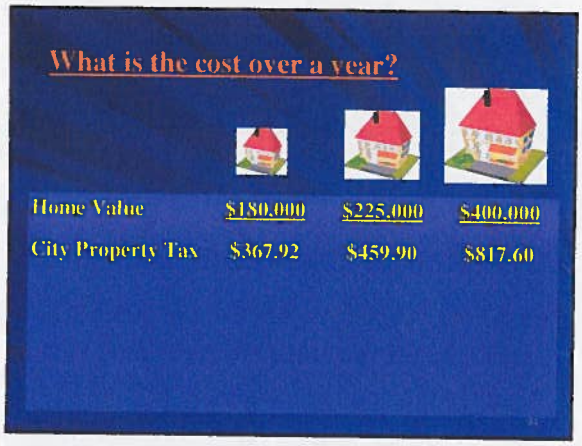
2011 Tax Shares:

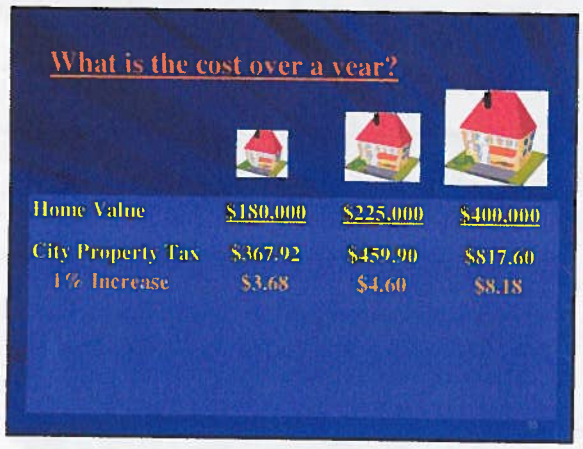
City: $.20

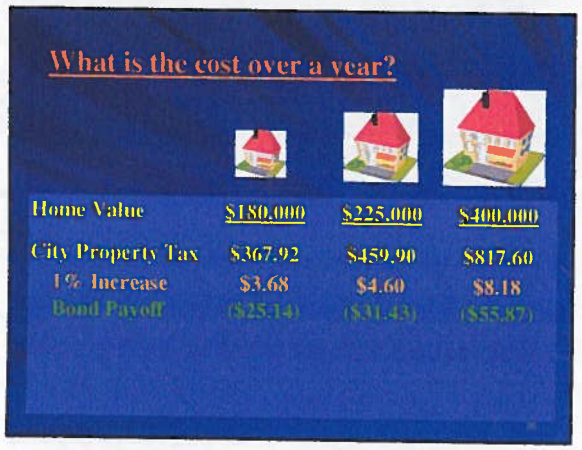
County, State, Schools, etc: $.80

1996 Safety Bond will be paid off in 2010.

28


What is the cost over a year?
Home Value $180,000 $225,000 $400,000
City Property Tax $367.92 $459.90 $817.60


What is the cost over a year?
Home Value $180,000 $225,000 $400,000
City Property Tax $367.92 $459.90 $817.60
1% Increase $3.68 $4.60 $8.18


What is the cost over a year?
Home Value $180,000 $225,000 $400,000
City Property Tax $367.92 $459.90 $817.60
1% Increase $3.68 $4.60 $8.18
Bond Payoff ($25.14) ($31.43) ($55.87)

29

What is the cost over a year?

Home Value	$180,000	$225,000	$400,000
City Property Tax	$367.92	$459.90	$817.60
1% Increase	$3.68	$4.60	$8.18
Bond Payoff	($25.14)	($31.43)	($55.87)
Cost For 1 Year:	$346.46	$433.07	$769.90

What is the cost over a year?

Home Value	$180,000	$225,000	$400,000
City Property Tax	$367.92	$459.90	$817.60
1% Increase	$3.68	$4.60	$8.18
Bond Payoff	($25.14)	($31.43)	($55.87)
Cost For 1 Year:	$346.46	$433.07	$769.90
Net Change	($21.46)	($26.83)	($47.70)
	-5.83%	-5.83%	-5.83%

Action required

1) Staff recommendation of passing a 1% cost of living increase

2) Substantial need reasons as presented in substantial need ordinance:
   - Maintain existing levels of service through economic downturn
   - To keep revenues at pace with actual inflation
   - To ensure the General Fund continues Street funding

3) To do this:
   - Pass ordinance implementing a 1% cost of living adjustment to the 2011 property tax levy.

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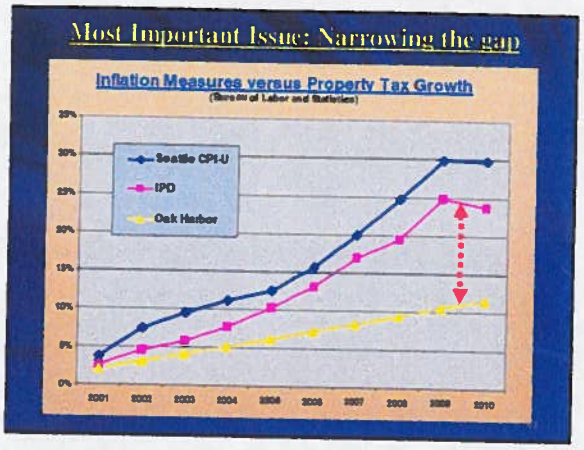
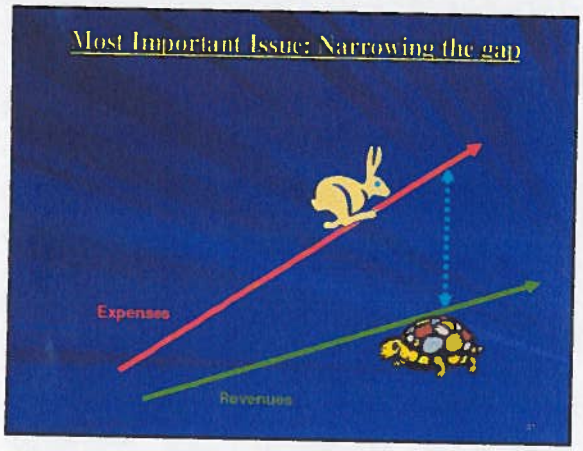
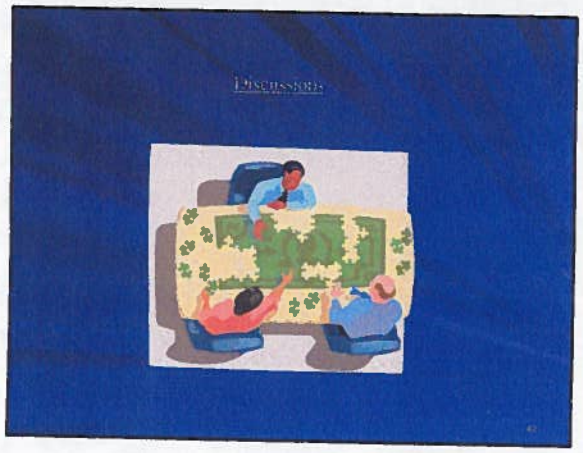

Most Important Issue: Narrowing the gap
Inflation Measures versus Property Tax Growth
Seattle CPI-U
IPD
Oak Harbor


Most Important Issue: Narrowing the gap
Expenses
Revenues


Discussion

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Development Services Department 2011-2012 Budget Presentation

City Council Meeting
November 3, 2010

Overview

- Mission
- Responsibilities
- 2009-2010 accomplishments
- 2011-2012 goals
- Basis for proposed budget
- Summary of financial information

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Responsibilities (cont.)

- Safeguard the community's environmental features by ensuring compliance with the City's environmental regulations and policies, the State Environmental Policy Act and the State Shoreline Management Act.
- Implement requirements and standards for the protection of the public health, safety and welfare of our community.
- Provide basic permit and code information to the public, issue permits, perform inspections and enforce city codes.

2009-2010 Accomplishments

- 2009 – Completed a major update to the Parks, Recreation and Open Space Plan.
- 2009/2010 – Completed annual Comprehensive Plan amendments.
- 2009/2010 – Completed a major update to the Subdivision Code which modernized development standards, promoted sustainability and livability through neighborhood design and increased user friendliness of the code.
- 2010 – Recipient of a Washington Chapter of the American Planning Associate Award (First Place) for the Subdivision Code Update Project.

2011-2012 Goals (cont.)

- **Goal: Update the City's Shoreline Master Program to be consistent with the Shoreline Management Act.**
  - Objective: Complete the required update, including approval by the Department of Ecology, by December 1, 2012.
  - Action: Utilizing a combination of grant funded consultant assistance and significant staff time allocation, complete the project on time and on budget.

2011-2012 Goals (cont.)

- **GOAL: To provide timely and accurate inspection requests and review of permit applications in compliance with city state and federal codes.**
  - Objective: Complete 100% of permit reviews within 3-5 days for single-family building permits, complete all inspections requests within a 24-hour timeframe and provide clear and accurate information for compliance with city, state and federal requirements.
  - Action: Efficiently manage staff time and resources to meet identified timeframes.

Summary of Financial Information

- General Fund department
- 2011 budget = $946,900 (Dept. proposal)
  - Personnel costs are approx. 83% of budget
- 2012 budget = $945,653 (Dept. proposal)
  - Personnel costs are approx. 88% of budget
- Known grant funds (SMP update):
  - $72,750 in 2011
  - $26,650 in 2012
- Professional services (Planning) = $23,000 per year
  - $18,000 per year for Hearing Examiner services
- No capital outlay purchases

Questions?

Budget Summary Report
City of Oak Harbor
Fiscal Year: 2011

Fund: 001 CURRENT EXPENSE (Continued)

DEVELOPMENT SERVICES

Account Number		2011 Division Heads	2011 Dept. Director	2011 Finance Review	2011 Mayor/City Admi	2011 Council Approve	
001.38.558.020.1100	SALARIES	284,204	284,204	284,204	0	0	PLANNING
001.38.558.020.2100	PERSONNEL BENEFITS	92,072	92,072	92,072	0	0	
001.38.558.020.3100	OFFICE & OPERATING SUPPLIES	5,961	5,961	5,961	0	0	
001.38.558.020.3500	SMAL TOOLS & MINOR EQUIPMENT	300	300	300	0	0	
001.38.558.020.4100	PROFESSIONAL SERVICES	23,000	23,000	23,000	0	0	
001.38.558.020.4200	COMMUNICATIONS	3,579	3,579	3,579	0	0	
001.38.558.020.4300	TRAVEL	2,450	2,450	2,450	0	0	
001.38.558.020.4800	REPAIR & MAINTENANCE	1,000	1,000	1,000	0	0	
001.38.558.020.4900	MISCELLANEOUS	14,629	14,629	14,629	0	0	
001.38.558.020.9905	INTRFND TECHNOLOGY CONTRIBU	10,476	10,476	10,476	0	0	
001.38.558.021.4100	PROFESSIONAL SVCS - GRANT	72,750	72,750	72,750	0	0	
001.38.558.028.9800	INTRFUND REPAIRS & MAINTENAN	1,000	1,000	1,000	0	0	
001.38.559.060.1100	SALARIES AND WAGES	299,226	299,226	299,226	0	0	BUILDING
001.38.559.060.2100	PERSONNEL BENEFITS	110,076	110,076	110,076	0	0	
001.38.559.060.3100	OFFICE & OPERATING SUPPLIES	3,200	3,200	3,200	0	0	
001.38.559.060.3400	SUPLIES PURCHASED FOR INVENT	500	500	500	0	0	
001.38.559.060.3500	SMALL TOOLS & MINOR EQUIPMEN	800	800	800	0	0	
001.38.559.060.4100	PROFESSIONAL SERVICES	1,000	1,000	1,000	0	0	
001.38.559.060.4200	COMMUNICATIONS	1,500	1,500	1,500	0	0	
001.38.559.060.4300	TRAVEL	2,600	2,600	2,600	0	0	
001.38.559.060.4600	INSURANCE	400	400	400	0	0	
001.38.559.060.4800	REPAIRS AND MAINTENANCE	600	600	600	0	0	
001.38.559.060.4900	MISCELLANEOUS	5,100	5,100	5,100	0	0	
001.38.559.068.9800	INTRFUND REPAIRS & MAINTENAN	3,197	3,197	3,197	0	0	
001.38.559.068.9905	INTRFND TECHNOLOGY CONTRIBU	7,280	7,280	7,280	0	0	

Budget Summary Report
City of Oak Harbor
Fiscal Year: 2011

Fund: 001 CURRENT EXPENSE (Continued)

DEVELOPMENT SERVICES

Account Number		2012 Division Heads	2012 Dept. Director	2012 Finance Review	2012 Mayor/City Admi	2012 Council Approve	
001.38.558.020.1100	SALARIES	294,761	294,761	294,761	0	0	PLANNING
001.38.558.020.2100	PERSONNEL BENEFITS	103,017	103,017	103,017	0	0	
001.38.558.020.3100	OFFICE & OPERATING SUPPLIES	6,140	6,140	6,140	0	0	
001.38.558.020.3500	SMAL TOOLS & MINOR EQUIPMENT	300	300	300	0	0	
001.38.558.020.4100	PROFESSIONAL SERVICES	23,000	23,000	23,000	0	0	
001.38.558.020.4200	COMMUNICATIONS	3,686	3,686	3,686	0	0	
001.38.558.020.4300	TRAVEL	2,525	2,525	2,525	0	0	
001.38.558.020.4800	REPAIR & MAINTENANCE	1,000	1,000	1,000	0	0	
001.38.558.020.4900	MISCELLANEOUS	14,975	14,975	14,975	0	0	
001.38.558.020.9905	INTRFND TECHNOLOGY CONTRIBU	10,476	10,476	10,476	0	0	
001.38.558.021.4100	PROFESSIONAL SVCS - GRANT	26,650	26,650	26,650	0	0	
001.38.558.028.9800	INTRFUND REPAIRS & MAINTENAN	1,000	1,000	1,000	0	0	
001.38.559.060.1100	SALARIES AND WAGES	310,433	310,433	310,433	0	0	BUILDING
001.38.559.060.2100	PERSONNEL BENEFITS	121,020	121,020	121,020	0	0	
001.38.559.060.3100	OFFICE & OPERATING SUPPLIES	3,500	3,500	3,500	0	0	
001.38.559.060.3400	SUPLIES PURCHASED FOR INVENT	500	500	500	0	0	
001.38.559.060.3500	SMALL TOOLS & MINOR EQUIPMEN	800	800	800	0	0	
001.38.559.060.4100	PROFESSIONAL SERVICES	1,000	1,000	1,000	0	0	
001.38.559.060.4200	COMMUNICATIONS	1,500	1,500	1,500	0	0	
001.38.559.060.4300	TRAVEL	2,600	2,600	2,600	0	0	
001.38.559.060.4600	INSURANCE	400	400	400	0	0	
001.38.559.060.4800	REPAIRS AND MAINTENANCE	600	600	600	0	0	
001.38.559.060.4900	MISCELLANEOUS	5,165	5,165	5,165	0	0	
001.38.559.068.9800	INTRFUND REPAIRS & MAINTENAN	3,325	3,325	3,325	0	0	
001.38.559.068.9905	INTRFND TECHNOLOGY CONTRIBU	7,280	7,280	7,280	0	0	

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Oak Harbor Marina

2011-2012 Budget Presentation

City Council Meeting

November 3, 2010

Overview

- Mission
- Responsibilities
- 2009-2010 accomplishments
- 2011-2012 goals
- Summary of financial information

2009 Accomplishments

- Negotiated a new lease with DNR which preserves our ability to construct the permitted redevelopment project (and incorporates legislation allowing for 10-years rent free).
- Completed design of the Marina Redevelopment Program, Phase 1 improvements (replacing gangway and landing floats, replacing electrical system main infrastructure and updating C-Dock with new wiring and power pedestals).
- Began construction of Phase 1 improvements.
- Updated moorage and other fees to help support operations and capital replacement projects.
- Inaugural participation in National Marina Day.

2010 Accomplishments

- Completed construction of Phase 1 improvements.
- Completed design and awarded a contract for Phase 2 improvements (dredging).
- Implemented a funding program for the dredging project.
- Entered into an interlocal agreement with North Whidbey Parks and Rec. District for purposes of continuing support of the Youth Sailing program.
- Hosted 10 yacht clubs
- Established Neighborhood Watch program.

2011-2012 Goals (cont.)

- Goal: Modernize Marina facilities and operations.
  - Objective: Improve customer service and customer satisfaction in targeted areas.
  - Action: Purchase and install new computer software that will expand the Marina's capabilities in moorage management and guest moorage reservations.

2011-2012 Goals (cont.)

- Goal: Modernize Marina facilities and operations.
  - Objective: Improve customer service and customer satisfaction in targeted areas.
  - Action: Purchase and install a new security system that will protect customer assets while still allowing (and perhaps facilitating) general public access to, and enjoyment of, the Marina.

Budget Summary Report
City of Oak Harbor
Fiscal Year: 2011

Fund: 410 MARINA

Account Number		2011 Division Heads	2011 Dept. Director	2011 Finance Review	2011 Mayor/City Admi	2011 Council Approve
Revenue:						
410.00.308.080.0000	BEG FUND BAL - UNRESERVED	0	0	1,208,838	0	0
410.00.317.020.0000	LEASEHOLD EXCISE TAX	36,000	36,000	36,000	0	0
410.00.334.002.4000	MARINA PARKS GRANT	2,500	2,500	2,500	0	0
410.00.343.030.0000	ELECTRICITY	48,000	48,000	48,000	0	0
410.00.344.050.0000	GASOLINE	100,000	100,000	100,000	0	0
410.00.344.050.1000	DIESEL	120,000	120,000	120,000	0	0
410.00.344.050.2000	OTHER PETROLEUM	1,700	1,700	1,700	0	0
410.00.346.050.0000	ENVIRONMENTAL COMPLIANCE	4,800	4,800	4,800	0	0
410.00.347.030.3300	KEY CARDS	2,200	2,200	2,200	0	0
410.00.347.030.4100	LAUNCHER/HOIST CARD	1,000	1,000	1,000	0	0
410.00.347.030.4200	SHOWER - ICE	4,800	4,800	4,800	0	0
410.00.347.030.4500	LAUNDROMAT	2,200	2,200	2,200	0	0
410.00.361.011.0000	INVESTMENT INTEREST	0	0	5,250	0	0
410.00.362.020.0000	HOIST CARD LEASE	0	0	2,400	0	0
410.00.362.040.0000	GUEST MOORAGE	77,000	77,000	77,000	0	0
410.00.362.050.0000	PERMANENT MOORAGE	800,000	800,000	800,000	0	0
410.00.362.050.1000	LIVE ABOARD FEES	7,000	7,000	7,000	0	0
410.00.362.050.2000	PARKING-TRAILER STORAGE	12,000	12,000	12,000	0	0
410.00.362.050.3000	STORAGE SHED	85,000	85,000	85,000	0	0
410.00.362.050.3100	STORAGE SHED - NO TAX	1,100	1,100	1,100	0	0
410.00.362.090.0000	OTHER CHARGES	2,500	2,500	2,500	0	0
410.00.369.090.0000	MISCELLANEOUS REVENUE	2,000	2,000	2,000	0	0
410.00.382.020.0000	REVENUE BOND PROCEEDS	0	0	2,665,049	0	0
	Fund: 410 Total Revenue:	**1,309,800**	**1,309,800**	**5,191,337**	**0**	**0**
Expenditure:						
410.00.508.010.0000	END FUND BAL - RESERVED	0	0	274,500	0	0
410.00.508.080.0000	END FUND BAL - UNRESERVED	0	0	679,318	0	0
410.00.575.070.1100	SALARIES & WAGES	299,095	299,095	299,095	0	0
410.00.575.070.1200	OVERTIME	2,000	2,000	2,000	0	0
410.00.575.070.2100	PERSONNEL BENEFITS	119,921	119,921	119,921	0	0
410.00.575.070.3100	OFFICE & OPERATING SUPPLIES	15,000	15,000	15,000	0	0
410.00.575.070.3200	OPERATING SUPPLIES	15,000	15,000	15,000	0	0
410.00.575.070.3400	ITEMS PURCHASED FOR RESALE	200,000	200,000	200,000	0	0
410.00.575.070.3500	SMALL TOOLS & MINOR EQUIPMEN	7,500	7,500	7,500	0	0
410.00.575.070.4100	PROFESSIONAL SERVICES	120,000	120,000	120,000	0	0
410.00.575.070.4200	COMMUNICATIONS	10,000	10,000	10,000	0	0
410.00.575.070.4300	TRAVEL	2,000	2,000	2,000	0	0
410.00.575.070.4400	ADVERTISING	6,000	6,000	6,000	0	0

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Budget Summary Report
City of Oak Harbor
Fiscal Year: 2011

Fund: 410 MARINA (Continued)

Account Number		2011 Division Heads	2011 Dept. Director	2011 Finance Review	2011 Mayor/City Admi	2011 Council Approve
Expenditure:	**(Continued)**					
410.00.575.070.4600	INSURANCE	26,000	26,000	26,000	0	0
410.00.575.070.4700	PUBLIC UTILITY SERVICES	90,000	90,000	90,000	0	0
410.00.575.070.4800	REPAIR & MAINTENANCE	35,000	35,000	35,000	0	0
410.00.575.070.4900	MISCELLANEOUS	35,000	35,000	35,000	0	0
410.00.575.078.9800	INTRFUND REPAIRS & MAINTENAN	1,711	1,711	1,711	0	0
410.00.575.078.9905	INTRFND TECHNOLOGY CONTRIBU	4,858	4,858	4,858	0	0
410.00.575.080.4900	ENVIRONMENTAL COMPLIANCE	4,000	4,000	4,000	0	0
410.00.582.079.7200	REDEMPTION OF LONG-TERM DEB	0	0	130,387	0	0
410.00.592.079.8300	REVENUE BOND INTEREST EXPEN	0	0	102,938	0	0
410.00.594.070.6400	MACHINERY & EQUIIPMENT	138,440	138,440	138,440	0	0
410.00.597.000.0000	OPERATING TRANSFERS-OUT	0	0	25,000	0	0
410.00.597.099.1100	OPS TRSF OUT I/C/A SALARIES	90,000	90,000	97,123	0	0
410.40.594.070.6300	OTHER IMPROVEMENTS	2,750,546	2,750,546	2,750,546	0	0
	Fund: 410 Total Expenditure:	**3,972,071**	**3,972,071**	**5,191,337**	**0**	**0**
	Fund: 410 Total Net Budget:	**-2,662,271**	**-2,662,271**	**0**	**0**	**0**

Budget Summary Report
City of Oak Harbor
Fiscal Year: 2011

Fund: 410 MARINA

Account Number		2012 Division Heads	2012 Dept. Director	2012 Finance Review	2012 Mayor/City Admi	2012 Council Approve
Revenue:						
410.00.308.080.0000	BEG FUND BAL - UNRESERVED	0	0	679,318	0	0
410.00.317.020.0000	LEASEHOLD EXCISE TAX	37,000	37,000	37,000	0	0
410.00.334.002.4000	MARINA PARKS GRANT	2,500	2,500	2,500	0	0
410.00.343.030.0000	ELECTRICITY	49,000	49,000	49,000	0	0
410.00.344.050.0000	GASOLINE	105,000	105,000	105,000	0	0
410.00.344.050.1000	DIESEL	126,000	126,000	126,000	0	0
410.00.344.050.2000	OTHER PETROLEUM	1,700	1,700	1,700	0	0
410.00.346.050.0000	ENVIRONMENTAL COMPLIANCE	5,000	5,000	5,000	0	0
410.00.347.030.3300	KEY CARDS	2,200	2,200	2,200	0	0
410.00.347.030.4100	LAUNCHER/HOIST CARD	1,200	1,200	1,200	0	0
410.00.347.030.4200	SHOWER - ICE	4,800	4,800	4,800	0	0
410.00.347.030.4500	LAUNDROMAT	2,200	2,200	2,200	0	0
410.00.361.011.0000	INVESTMENT INTEREST	0	0	5,000	0	0
410.00.362.020.0000	HOIST CARD LEASE	0	0	2,400	0	0
410.00.362.040.0000	GUEST MOORAGE	77,000	77,000	77,000	0	0
410.00.362.050.0000	PERMANENT MOORAGE	825,000	825,000	825,000	0	0
410.00.362.050.1000	LIVE ABOARD FEES	7,000	7,000	7,000	0	0
410.00.362.050.2000	PARKING-TRAILER STORAGE	12,000	12,000	12,000	0	0
410.00.362.050.3000	STORAGE SHED	87,000	87,000	87,000	0	0
410.00.362.050.3100	STORAGE SHED - NO TAX	1,150	1,150	1,150	0	0
410.00.362.090.0000	OTHER CHARGES	2,500	2,500	2,500	0	0
410.00.369.090.0000	MISCELLANEOUS REVENUE	2,000	2,000	2,000	0	0
	Fund: 410 Total Revenue:	**1,350,250**	**1,350,250**	**2,036,968**	**0**	**0**
Expenditure:						
410.00.508.010.0000	END FUND BAL - RESERVED	0	0	274,500	0	0
410.00.508.080.0000	END FUND BAL - UNRESERVED	0	0	299,885	0	0
410.00.575.070.1100	SALARIES & WAGES	312,497	312,497	312,497	0	0
410.00.575.070.1200	OVERTIME	2,000	2,000	2,000	0	0
410.00.575.070.2100	PERSONNEL BENEFITS	133,293	133,293	133,293	0	0
410.00.575.070.3100	OFFICE & OPERATING SUPPLIES	15,000	15,000	15,000	0	0
410.00.575.070.3200	OPERATING SUPPLIES	15,000	15,000	15,000	0	0
410.00.575.070.3400	ITEMS PURCHASED FOR RESALE	210,000	210,000	210,000	0	0
410.00.575.070.3500	SMALL TOOLS & MINOR EQUIPMEN	7,500	7,500	7,500	0	0
410.00.575.070.4100	PROFESSIONAL SERVICES	170,000	170,000	170,000	0	0
410.00.575.070.4200	COMMUNICATIONS	10,000	10,000	10,000	0	0
410.00.575.070.4300	TRAVEL	2,000	2,000	2,000	0	0
410.00.575.070.4400	ADVERTISING	6,000	6,000	6,000	0	0
410.00.575.070.4600	INSURANCE	26,000	26,000	26,000	0	0

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Budget Summary Report
City of Oak Harbor
Fiscal Year: 2011

Fund: 410 MARINA (Continued)

Account Number		2012 Division Heads	2012 Dept. Director	2012 Finance Review	2012 Mayor/City Admi	2012 Council Approve
Expenditure:	**(Continued)**					
410.00.575.070.4700	PUBLIC UTILITY SERVICES	93,000	93,000	93,000	0	0
410.00.575.070.4800	REPAIR & MAINTENANCE	37,000	37,000	37,000	0	0
410.00.575.070.4900	MISCELLANEOUS	36,750	36,750	36,750	0	0
410.00.575.078.9800	INTRFUND REPAIRS & MAINTENAN	1,779	1,779	1,779	0	0
410.00.575.078.9905	INTRFND TECHNOLOGY CONTRIBU	4,858	4,858	4,858	0	0
410.00.575.080.4900	ENVIRONMENTAL COMPLIANCE	4,000	4,000	4,000	0	0
410.00.582.079.7200	REDEMPTION OF LONG-TERM DEB	0	0	135,277	0	0
410.00.592.079.8300	REVENUE BOND INTEREST EXPEN	0	0	98,048	0	0
410.00.597.000.0000	OPERATING TRANSFERS-OUT	0	0	25,000	0	0
410.00.597.099.1100	OPS TRSF OUT I/C/A SALARIES	94,000	94,000	101,881	0	0
410.40.594.070.6300	OTHER IMPROVEMENTS	15,700	15,700	15,700	0	0
	Fund: 410 Total Expenditure:	**1,196,377**	**1,196,377**	**2,036,968**	**0**	**0**
	Fund: 410 Total Net Budget:	**153,873**	**153,873**	**0**	**0**	**0**

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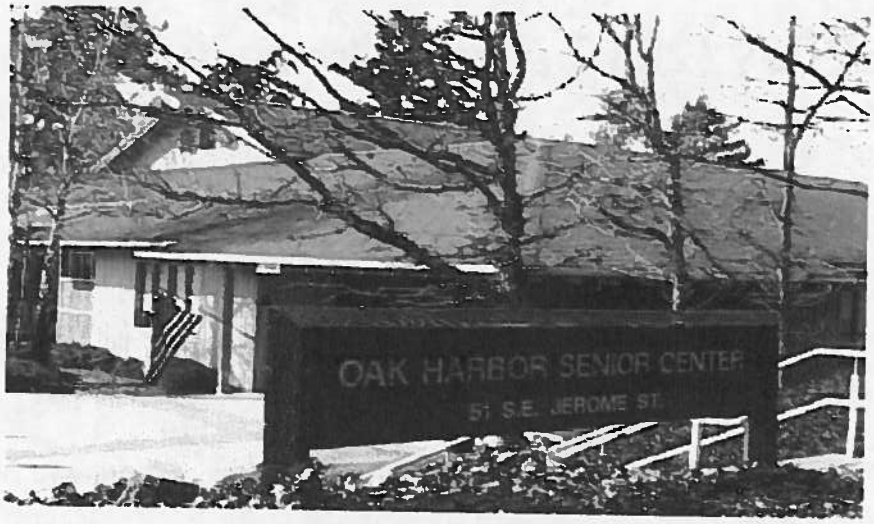
Exhibit F



2011/2012 Budget

November 2010

Oak Harbor Senior Services

Overview

- Mission
- Responsibilities
- 2009-2010 Accomplishments
- 2011-2012 Goals
- Challenges
- Summary of Financial Information

2009/2010 Accomplishments

- Transferred bingo/card playing/raffle sponsorship to local non-profit
- Purchased/implemented use of new senior transport bus
- Established new non-profit provider of caregiver services
- Partnered with local business to provide fitness classes at a cost savings to participants
- New publicity agreement significantly reduced costs/increased info distribution

2011/2012 Goals

- Goal: Improve the appearance and livability of the community.

  •Objective: Support as feasible the work of social services organizations looking to assist local seniors.

  •Objective: Maintain material condition of Senior Center facilities and grounds.

  •Action: Through aggressive budget management and through increased private donations continue funding for routine building maintenance and for established programs.

Response

- N. Whidbey Caregiver's Cove funding eliminated
  - (+ $18,000)
- Increase annual membership dues ($20 to $25)
  - (+ $4,500)
- Seek additional Senior Center Foundation support
  - (varies)

Summary of Financial Information

- Operating budget for Senior Center is funded by City, County and private sources
- Staff proposed budget eliminates funding for North Whidbey Caregiver's Cove plus an increase in dues and an increase in private contributions to offset the loss of County funds
- 2011 expenditures = $517,512
  - Personnel costs account for 38%
- 2012 expenditures = $454,313
  - Personnel costs account for 49%
- Major capital outlay (replace HVAC) planned in 2011 for approximately $75,000

Budget Summary Report
City of Oak Harbor
Fiscal Year: 2011

Fund: 129 SENIOR CENTER – DOES NOT REFLECT COUNTY CUT

Account Number		2011 Division Heads	2011 Dept. Director	2011 Finance Review	2011 Mayor/City Admi	2011 Council Approve
Revenue:						
129.00.308.010.1000	BEG FUND BAL - BLDG - RESERVEI	0	0	21,874	0	0
129.00.308.080.0000	BEG FUND BAL - UNRESERVED	0	0	78,831	0	0
129.10.337.007.1000	ISLAND COUNTY CONTRIBUTION	64,066	64,066	64,066	0	0
129.10.337.007.1020	ISLAND COUNTY CONT - ADULT CA	11,641	11,641	11,641	0	0
129.10.341.099.0000	PASSPORTS	30,000	30,000	30,000	0	0
129.10.347.040.0000	EVENTS	1,500	1,500	1,500	0	0
129.10.347.060.0000	PROGRAM FEES - BUS REPLACEMI	10,800	10,800	10,800	0	0
129.10.347.060.0100	TRAVEL	110,000	110,000	110,000	0	0
129.10.347.090.0000	MEMBERSHIP	24,000	24,000	24,000	0	0
129.10.361.011.0000	INVESTMENT INTEREST	9,000	9,000	9,000	0	0
129.10.362.050.0000	RENT	9,000	9,000	9,000	0	0
129.10.367.011.0000	DONATIONS	23,500	26,153	26,153	0	0
129.10.367.011.1000	SERVICES - DONATION	2,000	2,000	2,000	0	0
129.10.369.090.2000	MISCELLANEOUS REVENUE	33	33	33	0	0
129.10.369.090.2030	OTHER SPECIAL PROGRAMS	750	750	750	0	0
129.10.395.010.0000	PROCEEDS-SALE OF FIXED ASSET	50	50	50	0	0
129.10.397.000.0000	OPERATING TRANSFERS-IN	105,544	140,544	140,544	0	0
	Fund: 129 Total Revenue:	**401,884**	**439,537**	**540,242**	**0**	**0**
Expenditure:						
129.00.508.010.1000	END FUND BAL - BLDG - RESERVEI	0	0	21,874	0	0
129.00.508.080.0000	END FUND BAL - UNRESERVED	0	0	38,831	0	0
129.10.555.000.1100	SALARIES AND WAGES	147,088	147,088	147,088	0	0
129.10.555.000.2100	PERSONNEL BENEFITS	51,012	51,012	51,012	0	0
129.10.555.000.3100	OFFICE SUPPLIES	1,000	1,000	1,000	0	0
129.10.555.000.3200	JANITORIAL SUPPLIES	1,500	1,500	1,500	0	0
129.10.555.000.3300	PROGRAM SUPPORT	3,000	3,000	3,000	0	0
129.10.555.000.3500	SMALL TOOLS & MINOR EQUIPMEN	200	200	200	0	0
129.10.555.000.4100	PROFESSIONAL SERVICES	13,000	13,000	13,000	0	0
129.10.555.000.4120	PROFESSIONAL SVCS - ADULT CAF	18,550	18,550	18,550	0	0
129.10.555.000.4200	COMMUNICATIONS	1,800	1,800	1,800	0	0
129.10.555.000.4220	COMMUNICATIONS - ADULT CARE	300	300	300	0	0
129.10.555.000.4300	TRAVEL - STAFF	100	100	100	0	0
129.10.555.000.4400	ADVERTISING	250	250	250	0	0
129.10.555.000.4500	OPERATING RENTALS & LEASES	3,500	3,500	3,500	0	0
129.10.555.000.4600	INSURANCE	6,100	6,100	6,100	0	0
129.10.555.000.4620	INSURANCE - ADULT CARE	1,000	1,000	1,000	0	0
129.10.555.000.4700	PUBLIC UTILITY SERVICES	15,000	15,000	15,000	0	0
129.10.555.000.4720	UTILITY SVCS - ADULT CARE	3,000	3,000	3,000	0	0

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Budget Summary Report
City of Oak Harbor
Fiscal Year: 2011

Fund: 129 SENIOR CENTER (Continued)

Account Number		2011 Division Heads	2011 Dept. Director	2011 Finance Review	2011 Mayor/City Admi	2011 Council Approve
Expenditure:	(Continued)					
129.10.555.000.4800	REPAIR AND MAINTENANCE	7,500	7,500	7,500	0	0
129.10.555.000.4820	REPAIR & MAINT - ADULT CARE	1,000	1,000	1,000	0	0
129.10.555.000.4900	MISCELLANEOUS	1,200	1,200	1,200	0	0
129.10.555.000.4901	MISCELLANEOUS (MEMBERSHIPS)	400	400	400	0	0
129.10.555.000.4920	MISCELLANEOUS - ADULT CARE	300	300	300	0	0
129.10.555.000.5000	MISCELLANEOUS PRINTING	5,000	5,000	5,000	0	0
129.10.555.000.5020	MISC PRINTING - ADULT CARE	300	300	300	0	0
129.10.555.000.5100	RECOGNITION/APPRECIATION	1,000	1,000	1,000	0	0
129.10.555.000.9800	INTERFUND CHARGES-LABOR POC	1,800	1,800	1,800	0	0
129.10.555.000.9820	INTRFND REPAIR & MAINT - ADULT	400	400	400	0	0
129.10.555.000.9900	OTHER INTRFUND SERVICES & CH	150	150	150	0	0
129.10.555.000.9920	INTRFND CHRGS FOR SVCS - ADUL	100	100	100	0	0
129.10.555.010.3100	TRAVEL - OFFICE & OPERATING SU	1,500	1,500	1,500	0	0
129.10.555.010.4200	TRAVEL - COMMUNICATION	1,000	1,000	1,000	0	0
129.10.555.010.4300	TRAVEL - TRIPS	84,000	84,000	84,000	0	0
129.10.555.010.4900	TRAVEL - MISCELLANEOUS	300	300	300	0	0
129.10.555.098.9800	INTRFUND REPAIRS & MAINTENAN	6,927	6,927	6,927	0	0
129.10.555.098.9900	INTRFUND EQUIP REPLACE CONTF	15,423	15,423	15,423	0	0
129.10.555.098.9905	INTRFND TECHNOLOGY CONTRIBU	7,184	7,184	7,184	0	0
129.10.555.098.9925	INTRFND TECH CONTRB - ADULT C	0	2,653	2,653	0	0
129.10.594.073.6400	MACHINERY & EQUIPMENT	0	75,000	75,000	0	0
	Fund: 129 Total Expenditure:	**401,884**	**479,537**	**540,242**	**0**	**0**
	Fund: 129 Total Net Budget:	**0**	**-40,000**	**0**	**0**	**0**

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Budget Summary Report
City of Oak Harbor
Fiscal Year: 2011

Fund: 129 SENIOR CENTER

Account Number		2012 Division Heads	2012 Dept. Director	2012 Finance Review	2012 Mayor/City Admi	2012 Council Approve
Revenue:						
129.00.308.010.1000	BEG FUND BAL - BLDG - RESERVEI	0	0	21,874	0	0
129.00.308.080.0000	BEG FUND BAL - UNRESERVED	0	0	38,831	0	0
129.10.337.007.1000	ISLAND COUNTY CONTRIBUTION	64,066	64,066	64,066	0	0
129.10.337.007.1020	ISLAND COUNTY CONT - ADULT CA	11,641	11,641	11,641	0	0
129.10.341.099.0000	PASSPORTS	30,000	30,000	30,000	0	0
129.10.347.040.0000	EVENTS	1,750	1,750	1,750	0	0
129.10.347.060.0000	PROGRAM FEES - BUS REPLACEMI	10,800	10,800	10,800	0	0
129.10.347.060.0100	TRAVEL	110,000	110,000	110,000	0	0
129.10.347.090.0000	MEMBERSHIP	24,000	24,000	24,000	0	0
129.10.361.011.0000	INVESTMENT INTEREST	9,000	9,000	9,000	0	0
129.10.362.050.0000	RENT	9,000	9,000	9,000	0	0
129.10.367.011.0000	DONATIONS	23,500	26,153	26,153	0	0
129.10.367.011.1000	SERVICES - DONATION	2,000	2,000	2,000	0	0
129.10.369.090.2000	MISCELLANEOUS REVENUE	60	60	60	0	0
129.10.369.090.2030	OTHER SPECIAL PROGRAMS	750	750	750	0	0
129.10.395.010.0000	PROCEEDS-SALE OF FIXED ASSET	50	50	50	0	0
129.10.397.000.0000	OPERATING TRANSFERS-IN	117,282	117,282	117,282	0	0
	Fund: 129 Total Revenue:	**413,899**	**416,552**	**477,257**	**0**	**0**
Expenditure:						
129.00.508.010.1000	END FUND BAL - BLDG - RESERVEI	0	0	21,874	0	0
129.00.508.080.0000	END FUND BAL - UNRESERVED	0	0	38,831	0	0
129.10.555.000.1100	SALARIES AND WAGES	152,952	152,952	152,952	0	0
129.10.555.000.2100	PERSONNEL BENEFITS	56,886	56,886	56,886	0	0
129.10.555.000.3100	OFFICE SUPPLIES	1,000	1,000	1,000	0	0
129.10.555.000.3200	JANITORIAL SUPPLIES	1,500	1,500	1,500	0	0
129.10.555.000.3300	PROGRAM SUPPORT	3,000	3,000	3,000	0	0
129.10.555.000.3500	SMALL TOOLS & MINOR EQUIPMEN	200	200	200	0	0
129.10.555.000.4100	PROFESSIONAL SERVICES	13,000	13,000	13,000	0	0
129.10.555.000.4120	PROFESSIONAL SVCS - ADULT CAF	18,550	18,550	18,550	0	0
129.10.555.000.4200	COMMUNICATIONS	1,800	1,800	1,800	0	0
129.10.555.000.4220	COMMUNICATIONS - ADULT CARE	300	300	300	0	0
129.10.555.000.4300	TRAVEL - STAFF	100	100	100	0	0
129.10.555.000.4400	ADVERTISING	250	250	250	0	0
129.10.555.000.4500	OPERATING RENTALS & LEASES	3,500	3,500	3,500	0	0
129.10.555.000.4600	INSURANCE	6,100	6,100	6,100	0	0
129.10.555.000.4620	INSURANCE - ADULT CARE	1,000	1,000	1,000	0	0
129.10.555.000.4700	PUBLIC UTILITY SERVICES	15,000	15,000	15,000	0	0
129.10.555.000.4720	UTILITY SVCS - ADULT CARE	3,000	3,000	3,000	0	0

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Fund: 129 SENIOR CENTER (Continued)

Account Number		2012 Division Heads	2012 Dept. Director	2012 Finance Review	2012 Mayor/City Admi	2012 Council Approve
Expenditure:	**(Continued)**					
129.10.555.000.4800	REPAIR AND MAINTENANCE	7,500	7,500	7,500	0	0
129.10.555.000.4820	REPAIR & MAINT - ADULT CARE	1,000	1,000	1,000	0	0
129.10.555.000.4900	MISCELLANEOUS	1,200	1,200	1,200	0	0
129.10.555.000.4901	MISCELLANEOUS (MEMBERSHIPS)	400	400	400	0	0
129.10.555.000.4920	MISCELLANEOUS - ADULT CARE	300	300	300	0	0
129.10.555.000.5000	MISCELLANEOUS PRINTING	5,000	5,000	5,000	0	0
129.10.555.000.5020	MISC PRINTING - ADULT CARE	300	300	300	0	0
129.10.555.000.5100	RECOGNITION/APPRECIATION	1,000	1,000	1,000	0	0
129.10.555.000.9800	INTERFUND CHARGES-LABOR POC	1,800	1,800	1,800	0	0
129.10.555.000.9820	INTRFND REPAIR & MAINT - ADULT	400	400	400	0	0
129.10.555.000.9900	OTHER INTRFUND SERVICES & CH	150	150	150	0	0
129.10.555.000.9920	INTRFND CHRGS FOR SVCS - ADUL	100	100	100	0	0
129.10.555.010.3100	TRAVEL - OFFICE & OPERATING SU	1,500	1,500	1,500	0	0
129.10.555.010.4200	TRAVEL - COMMUNICATION	1,000	1,000	1,000	0	0
129.10.555.010.4300	TRAVEL - TRIPS	84,000	84,000	84,000	0	0
129.10.555.010.4900	TRAVEL - MISCELLANEOUS	300	300	300	0	0
129.10.555.098.9800	INTRFUND REPAIRS & MAINTENAN	7,204	7,204	7,204	0	0
129.10.555.098.9900	INTRFUND EQUIP REPLACE CONTF	15,423	15,423	15,423	0	0
129.10.555.098.9905	INTRFND TECHNOLOGY CONTRIBU	7,184	7,184	7,184	0	0
129.10.555.098.9925	INTRFND TECH CONTRB - ADULT C	2,653	0	2,653	0	0
	Fund: 129 Total Expenditure:	**416,552**	**413,899**	**477,257**	**0**	**0**
	Fund: 129 Total Net Budget:	**-2,653**	**2,653**	**0**	**0**	**0**

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Exhibit G

CITY ATTORNEY'S OFFICE BUDGET PRESENTATION 2011-2012

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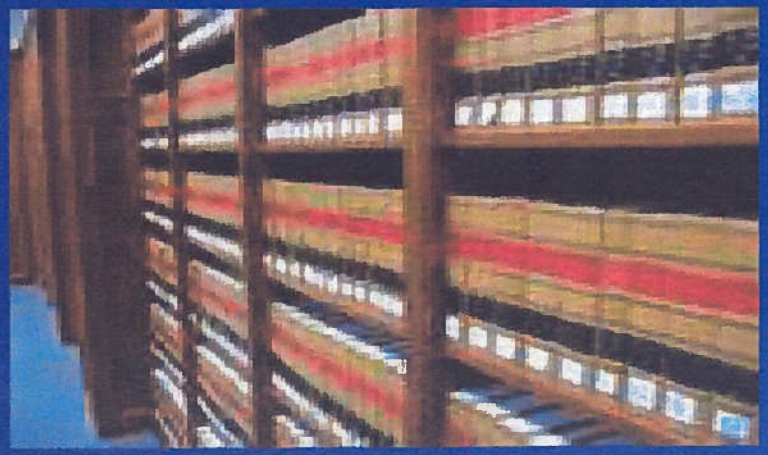
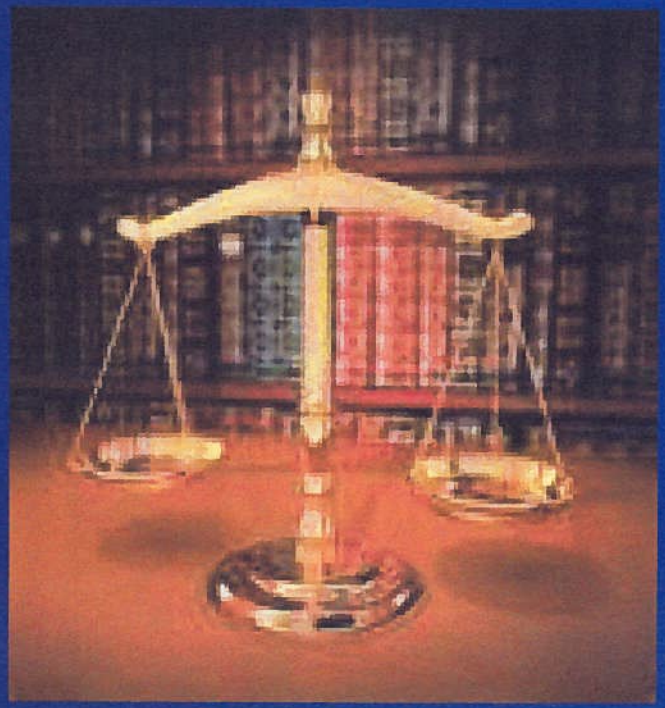
- The City Attorney's Office acts as the attorneys for Oak Harbor City government.
- As a consequence, most of the expenses for the office are personnel costs, including training and legal research costs.



- The budget proposed for our office is essentially a no-change budget with the exception of two small staff changes.



- At the request of the Human Resources department, the Administrative Assistant has accepted the position of Secretary/Chief Examiner to the Civil Service Commission.

- This means providing staff support to the Civil Service Commission in its meetings and hearings.

- It also entails responsibilities for fire and police testing.

- The workload for this position necessarily varies depending upon the needs of law enforcement for new hires and promotions.
- We have requested a small salary increase to the Administrative Assistant position for assuming new duties ($2,610 in 2011).
- While this is a new request, a similar salary increase for this position was actually approved in the 2009-2010 budget through a position reclassification that was never implemented.

- The Administrative Assistant is assigned to the civil division of the City Attorney's Office, but has had to handle a significant portion of the criminal work as well due to the heavy criminal caseload.

- To offset the workload shift that the Civil Service Commission work entails, we have also requested a small amount for a work-study student to assist the criminal division clerical functions ($3,432.62 in 2011).

- Work-study help is particularly cost-effective since the City only pays about 1/3 of the salary costs; there is a federal program subsidizing this work so that students get valuable work experience while going to school.

- We expect this position to work 10 hours/week and help absorb the ever-increasing number of criminal cases.

- Primarily, this presentation is a report on the savings and revenue generated through the addition of the resource of a Law & Justice Coordinator.

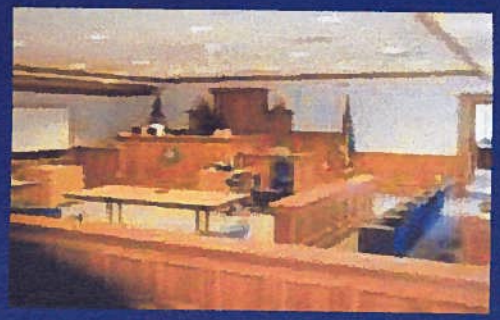
- In 2009, the Council approved a new position, making the Assistant City Attorney also the Law & Justice Coordinator.

- At the time, this was done to provide additional high-level expertise to assist the law and justice departments in achieving savings and generating revenue where possible.

- It included a salary increase to obtain the level of experience and expertise to actually accomplish the goals of the position.

Here is what we said we would do with the position and here is what we have achieved...

Municipal Court



- After analysis of potential cost savings and negotiation with the Court and County, the City determined to continue the current arrangement with District Court.
- The court agreed to keep the City's cases on a consolidated schedule and to consider a night court, at the City's election.
- The County agreed to reduce its "rent" charge from $36,000 to $17,500.

Jail Medical Costs

- The City has financial responsibility for medical costs incurred while inmates are in custody in the City jail on City charges.
- While these costs are not predictable because they depend upon the health of the inmate committed to the jail, the likelihood of substantial medical costs is predictable.
- Over the past year, two major medical emergencies were addressed which saved the City thousands of dollars.

Example #1

- A repeat DUI (Driving under the influence) defendant with a serious alcohol problem was arrested.
- This inmate had an alcohol-related seizure almost immediately upon being brought into jail custody and was hospitalized.
- After 13 days in the hospital, including emergency treatment and intensive care, the bill was over $40,000.

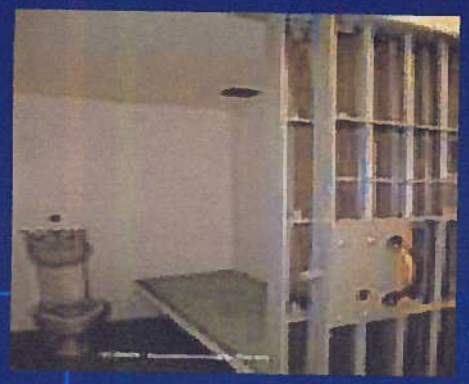
- By working with Medicare regulations and specifically obtaining appropriate court orders in compliance with those regulations, the prosecutor was able to qualify the bill for Medicare payment, saving the City over $40,000 in medical bills.

Example #2

- A high-risk mentally ill offender was jailed on a city charge.
- The medications that this offender needs to take cost $65/day.
- Seeing the likelihood of extremely high medical costs, the prosecutor worked with OHPD to create an appropriate alternative form of detention.

- In this case, it was a combination of home detention and GPS surveillance that made the judge willing to authorize release from the jail to home detention.

- The savings here were approximately $2,000.



Jail Bed Space Contracts

- The City jail has space for 12 inmates – 8 male and 4 female.
- The staffing requirements for the jail are the same whether there is 1 inmate or 12.
- Working with the OHPD, the prosecutor was able to facilitate contracts with State Department of Corrections and other cities to rent t hem bed space in the jail when the City is not using it.

- Since the contracts were first put in place in June through October of this year, the jail contracts have generated over $40,000 in revenue with essentially no additional costs (small amount for additional meals).

Detention Alternatives

- Among the sentencing alternatives that may be imposed by a court is the SOC or stipulated order of continuance.
- State law allows the imposition of fees for use of this alternative but this was not being collected.
- These fees are now being imposed resulting in an additional $10,000/year in revenue.

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Work Crew

- This sentencing alternative is being initiated with the cooperation of Public Works, the jail (OHPD) and the court.
- It will be a pilot program beginning in 2011.
- In lieu of jail, defendants authorized by the court may serve their time on work crew.

- Work crews will be supervised by Public Works and perform duties such as mowing, picking up around detention ponds and waste water facility cleaning.
- Defendants will pay a small daily fee for this alternative but the revenue results are not yet known.
- The primary purpose is to return contributions to the community in the form of work by those who have violated its rules.

  (These are not serious offenders but misdemeanants and will be screed by the court before being offered the option.)

Drug Forfeitures

- An unanticipated area of financial benefit has been in the drug forfeiture arena.
- Although major drug cases are felonies handled by the county prosecutor, the forfeiture of cars used to transport drugs in a city matter.
- Through timely help with warrants and forfeiture proceedings, the prosecutor has assisted the OHPD in seizing vehicles subject to the drug forfeiture laws.

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Conclusion

- A judicious use of additional legal resources can actually result in financial benefit.

- This report shows how the additional personnel costs for the law and justice coordinator have resulted in savings (money the City would have had to spend otherwise) and revenues (new sources of money to the City).

Exhibit H

Fund: 001 CURRENT EXPENSE

		Actuals 2009	Amended 2010	Level 3 2011	Level 3 2012	City Admin Changes 2011	City Admin Changes 2012	Mayor's Changes 2011	Mayor's Changes 2012	Proposed 2011	Proposed 2012
Revenue:											
001.00.308.080.0000	BEG FUND BAL - UNRESERVED	-	-	-	-	240,000	200,000		-	240,000	200,000
001.00.311.010.0000	PROPERTY TAXES - REGULAR	3,669,119	3,761,048	3,833,658	3,906,995	Includes 1%				3,833,658	3,906,995
001.00.311.010.1000	PROPERTY TAXES - VOTED (BOND)	238,629	254,040	-	-					-	-
001.00.313.010.0000	LOCAL RETAIL SALES TAXES	3,095,184	2,926,411	2,750,000	2,750,000					2,750,000	2,750,000
001.00.313.071.0000	LOCAL CRIM JUST	206,009	196,000	183,034	183,034					183,034	183,034
001.00.314.052.0000	UTILITY TAX - WATER	259,854	262,650	271,001	277,094	-	-	-	-	271,001	277,094
001.00.314.054.0000	UTILITY TAX - SEWER	259,016	225,000	288,063	302,466	-	-	-	-	288,063	302,466
001.00.314.055.0000	UTILITY TAX - SOLID WASTE	193,122	195,000	207,216	207,422	-	-	-	-	207,216	207,422
001.00.314.058.0000	UTILITY TAX - STORM DRAIN	75,778	70,000	84,844	87,602	-	-	-	-	84,844	87,602
001.00.316.041.0000	UTILITY TAX - ELECTRIC	651,678	650,000	675,000	679,000					675,000	679,000
001.00.316.043.0000	UTILITY TAX - GAS	291,867	305,000	275,000	275,000					275,000	275,000
001.00.316.045.0000	UTILITY TAX - GARBAGE	6,432	5,200	7,000	7,000					7,000	7,000
001.00.316.047.0000	UTILITY TAX - TELEPHONE	729,033	735,000	732,702	756,981					732,702	756,981
001.00.317.051.0000	PUNCH BRDS & PULL TABS GMBLNG EXCISE	10,424	20,000	15,000	15,000					15,000	15,000
001.00.319.060.0000	PENALTIES & INT ON BUS TAXES	22	-	50	50					50	50
001.00.321.030.0000	FIRE PERMIT FEES	3,620	5,500	5,500	5,500					5,500	5,500
001.00.321.060.0000	PROFESSIONAL LICENSES	285	200	250	250					250	250
001.00.321.070.0000	AMUSEMENT LICENSES	3,655	4,400	3,600	3,600					3,600	3,600
001.00.321.080.0000	BUSINESS LICENSE-PENALTIES	1,421	1,550	1,550	1,550					1,550	1,550
001.00.321.090.0000	BUSINESS LICENSES	49,260	47,500	47,000	47,000					47,000	47,000
001.00.321.091.0000	FRANCHISE FEES - CABLE	268,858	160,000	180,000	184,000					180,000	184,000
001.00.322.010.0000	BUILDING PERMITS	330,310	255,000	145,000	155,000					145,000	155,000
001.00.322.090.0000	OTHER LICENSES AND PERMITS	10,394	8,500	8,500	8,500					8,500	8,500
001.00.333.016.5800	CTED/CADA - STOP GRANT	5,389	7,500	-	-					-	-
001.00.333.020.6000	WTSC GRANT	4,560	-	-	-					-	-
001.00.333.097.6700	HOMELAND SECURITY (DHS) TRAINING GRANT	-	27,000	27,000	27,000					27,000	27,000
001.00.334.003.1000	DOE GRANT	-	-	72,750	26,650					72,750	26,650
001.00.334.003.5000	WA TRAFFIC SAFETY COM - GRANT	186	-	-	-					-	-
001.00.334.004.2000	GMA UPDATE GRANT	34,500	-	-	-					-	-
001.00.334.004.9000	DEPT OF HEALTH GRANT	1,726	-	1,500	1,500					1,500	1,500
001.00.336.006.2100	CRIMINAL JUSTICE-VIOLENT CRIMES/POPULAT	4,962	4,000	4,000	4,000					4,000	4,000
001.00.336.006.2600	CJ SPECIAL PROGRAMS	18,941	16,000	16,000	16,000					16,000	16,000
001.00.336.006.5100	DUI/OTHER CRIMINAL JUSTICE ASSISTANCE	7,525	3,000	3,000	3,000					3,000	3,000
001.00.336.006.9400	LIQUOR EXCISE TAX	112,414	100,000	101,500	105,000					101,500	105,000
001.00.336.006.9500	LIQUOR CONTROL BOARD PROFITS	158,291	155,000	166,500	169,500					166,500	169,500
001.00.337.007.0000	IN-LEIU TAXES-IS CO HOUSING AU	1,683	6,000	1,500	1,500					1,500	1,500
001.00.337.007.1000	INTRLCL AGREEMENT-RESOURCE OFFICER	-	47,000	-	-					-	-
001.00.337.011.1000	NW CLEAR AIR GRANT	452	-	-	-					-	-
001.00.338.022.0000	FIRE CONTROL SERVICES	46,288	52,000	45,000	45,000					45,000	45,000
001.00.338.022.1000	FIRE RECRUIT TRAINING	2,550	-	2,000	2,000					2,000	2,000
001.00.338.023.0000	JAIL INMATE FEES - OTHER JURISDCITIONS	-	-	-	-					-	-
001.00.341.069.0000	OTHER DUPLICATION FEES-NON TAXABLE	539	-	500	500					500	500
001.00.341.069.1000	XEROX COPIES & FAXES - TAXABLE	2,181	4,000	2,200	2,200					2,200	2,200
001.00.341.071.1000	SALE OF TAXABLE MERCH (MAPS & PLANS)	24	-	500	500					500	500
001.00.341.091.0000	ELECTION FILING FEES	421	-	-	-					-	-
001.00.342.090.0000	OTHER SECURITY SERVICES	22,185	10,000	18,000	18,000					18,000	18,000
001.00.343.050.0000	RV DUMP FEES (NO SALES TX)	1,533	1,500	2,500	2,500					2,500	2,500
001.00.345.081.0000	ZONING AND SUBDIVISION FEES	83,915	25,000	35,000	35,000					35,000	35,000

		Actuals	Amended	Level 3		City Admin Changes		Mayor's Changes		Proposed	
		2009	2010	2011	2012	2011	2012	2011	2012	2011	2012
001.00.345.083.0000	PLAN CHECK FEES	88,687	85,000	9,500	9,500					9,500	9,500
001.00.345.089.0000	OTHER PLANNING/DEVELOPMENT FEE	4,758	8,000	5,000	5,000					5,000	5,000
001.00.345.089.1000	ANNEXATION FEES	7,391	4,000	4,000	4,000					4,000	4,000
001.00.347.090.0000	SHOWERS	1,348	1,200	1,200	1,200					1,200	1,200
001.00.357.033.0000	INDIGENT DEFENSE-DISTRICT COUR	390	3,000	2,000	2,300					2,000	2,300
001.00.361.011.0000	INVESTMENT INTEREST	120,217	155,000	50,000	50,000					50,000	50,000
001.00.361.040.0100	INTEREST ON ACCOUNTS RECEIVABLE	152	-	100	100					100	100
001.00.361.041.0000	LOCAL SALES TAX INTEREST	8,406	7,000	5,000	5,000					5,000	5,000
001.00.362.040.0000	FACILITY RENTAL FIRE STATION	800	5,000	1,000	1,000					1,000	1,000
001.00.362.040.1000	CAMPING FEES	115,596	130,000	118,000	121,000					118,000	121,000
001.00.362.050.0000	RENT/ROYALTIES/COMMISSIONS	28,108	22,000	18,000	19,000					18,000	19,000
001.00.367.011.2000	CONTRIBUTIONS AND DONATIONS	2,050	-	100	100					100	100
001.00.369.010.0000	SALE OF SCRAP & JUNK	3,074	-	1,000	1,000					1,000	1,000
001.00.369.020.0000	UNCLAIMED $/SALE-UNCLAIMED PRO	3,569	-	300	300					300	300
001.00.369.040.0000	JUDGEMENTS & SETTLEMENTS	7,901	-	-	-					-	-
001.00.369.081.0000	OVERAGES/SHORTAGES-CASH	89	-	-	-					-	-
001.00.369.090.0000	OTHER MISC REVENUE - NON TAXABLE	10,016	4,200	5,000	5,500					5,000	5,500
001.00.369.091.1000	OTHER MISC REVENUE - TAXABLE	223	-	200	200					200	200
001.00.395.010.0000	PROCEEDS - SALE OF FIXED ASSET	14,029	-	-	-					-	-
001.00.397.030.0000	INDIRECT COST ALLOCATION BILLI	1,224,057	1,169,308	1,321,514	1,391,567					1,321,514	1,391,567
001.00.398.000.0000	INSURANCE RECOVERIES - GOVERNMENTAL	766	-	-	-					-	-
001.10.342.033.0000	ADULT PROBATION SERVICES	33,217	45,000	30,000	32,000	5,000	5,000			35,000	37,000
001.10.353.010.0000	TRAFFIC INFRACTION PENALTIES	170,159	170,000	172,000	172,500					172,000	172,500
001.10.356.090.0000	OTHER CRIMINAL NON-TRAFFIC FINES	26,012	29,000	29,000	29,500					29,000	29,500
001.10.357.033.0000	PUBLIC DEFENSE COSTS	34,563	20,000	25,000	26,000					25,000	26,000
001.10.361.040.0000	INTEREST ON TAXES & ACCOUNTS REC	2,571	3,200	3,500	3,700					3,500	3,700
001.10.369.090.0000	OTHER MISCELLANEOUS REVENUE	1,000	650	650	750					650	750
001.50.342.036.0000	HOUSING/MONITORING OF PRISONER	1,150	4,100	1,500	1,500					1,500	1,500
001.50.342.037.0000	JAIL BOOKING FEES	18	100	-	-					-	-
001.50.342.090.0000	JAIL COMMISSARY	-	800	-	-					-	-
001.50.362.090.0000	PD COKE MACHINE COMMISSION	193	200	700	700					700	700
001.52.322.030.0000	ANIMAL LICENSES	14,281	14,500	14,500	14,750					14,500	14,750
001.52.322.080.0000	ANIMAL LICENSE LATE PENALTY	1,150	-	1,000	1,000					1,000	1,000
001.52.343.093.0000	ANIMAL BURIAL FEE	15	-	50	50					50	50
001.52.359.090.0000	ANIMAL LICENSE FINE	1,725	-	1,500	1,500					1,500	1,500
001.70.362.040.0000	FACILITY RENTAL - CITY BEACH	4,800	3,100	4,000	4,000					4,000	4,000
001.70.362.090.0000	VENDING MACH/CONCESSION REVENU	-	200	200	200					200	200
001.70.365.090.0000	INTRFND OTHER MISC REVENUE	12,036	-	6,000	6,000					6,000	6,000
001.70.367.011.0000	CONTRIBUTIONS/DONATIONS - PARKS	158	-	-	-					-	-
001.70.369.090.0000	OTHER MISC REV NO TAX - PARKS	11,791	-	7,500	7,500					7,500	7,500
001.75.341.093.0000	CUSTODIAL/JANITORIAL - LIBRARY	64,973	63,000	69,400	69,900					69,400	69,900
Fund: 001 Total Revenue:		**12,885,674**	**12,493,557**	**12,121,832**	**12,301,211**	**245,000**	**205,000**	-	-	**12,366,832**	**12,506,211**
Expenditure:				97.02%	101.48%						

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		Actuals 2009	Amended 2010	Level 3 2011	Level 3 2012	City Admin Changes 2011	City Admin Changes 2012	Mayor's Changes 2011	Mayor's Changes 2012	Proposed 2011	Proposed 2012
City Council											
001.05.511.060.1100	SALARIES & WAGES	49,440	50,820	51,576	53,088					51,576	53,088
001.05.511.060.1200	OVERTIME	2,467	2,500	3,000	3,200					3,000	3,200
001.05.511.060.2100	PERSONNEL BENEFITS	31,002	40,860	35,518	38,206					35,518	38,206
001.05.511.060.3100	OFFICE & OPERATING SUPPLIES	507	500	500	500					500	500
001.05.511.060.3500	SMALL TOOLS & MINOR EQUIPMENT	8,650	-	-	-					-	-
001.05.511.060.4100	PROFESSIONAL SERVICES	-	1,450	15,120	15,120	(7,560)	(7,560)			7,560	7,560
001.05.511.060.4300	TRAVEL	5,001	7,000	7,000	7,000					7,000	7,000
001.05.511.060.4800	REPAIRS AND MAINTENANCE	-	-	500	500					500	500
001.05.511.060.4900	MISCELLANEOUS	3,035	1,000	3,000	3,000	(1,500)	(1,500)			1,500	1,500
001.05.511.060.9905	INTRFND TECHNOLOGY CONTRIBUTIONS	-	-	9,284	9,284					9,284	9,284
001.05.511.061.4310	IN STATE TRAVEL - J PALMER	1,493	1,000	1,000	1,000	(350)	(350)			650	650
001.05.511.061.4320	IN STATE TRAVEL - D PAGGAO	-	1,000	1,000	1,000	(350)	(350)			650	650
001.05.511.061.4330	IN STATE TRAVEL - B SEVERNS	1,100	1,000	1,000	1,000	(350)	(350)			650	650
001.05.511.061.4340	IN STATE TRAVEL - S DUDLEY	-	1,000	1,000	1,000	(350)	(350)			650	650
001.05.511.061.4350	IN STATE TRAVEL - B MUNNS	977	2,000	1,000	1,000	(350)	(350)			650	650
001.05.511.061.4360	IN STATE TRAVEL - R ALMBERG	-	1,000	1,000	1,000	(350)	(350)			650	650
001.05.511.061.4370	IN STATE TRAVEL - J CAMPBELL	1,286	1,000	1,000	1,000	(350)	(350)			650	650
	001.05. Total	***104,958***	***112,130***	***132,498***	***136,898***	***(11,510)***	***(11,510)***	-	-	***120,988***	***125,388***
				18.16%	3.32%	-8.69%	-8.41%				

		Actuals 2009	Amended 2010	Level 3 2011	Level 3 2012	City Admin Changes 2011	City Admin Changes 2012	Mayor's Changes 2011	Mayor's Changes 2012	Proposed 2011	Proposed 2012
Judicial											
001.10.512.050.3100	OFFICE & OPERATING SUPPLIES	5,032	5,200	5,600	5,756					5,600	5,756
001.10.512.050.3500	SMALL TOOLS & MINOR EQUIPMENT	-	150	150	150					150	150
001.10.512.050.4100	PROFESSIONAL SERVICES	209,425	234,000	240,000	247,200	(2,000)	(5,000)			238,000	242,200
001.10.512.050.4200	COMMUNICATIONS	4,221	4,500	4,500	4,514					4,500	4,514
001.10.512.050.4300	TRAVEL	318	800	800	1,040	(500)	(740)			300	300
001.10.512.050.4500	OPERATING RENTALS & LEASES	44,649	37,000	30,000	30,000	(3,000)	(3,000)			27,000	27,000
001.10.512.050.4700	PUBLIC UTILITY	3,692	4,000	3,800	3,914					3,800	3,914
001.10.512.050.4800	REPAIR & MAINTENANCE	312	600	400	412					400	412
001.10.512.050.4900	MISCELLANEOUS	171,286	133,000	135,000	139,050					135,000	139,050
001.10.523.030.1100	SALARIES AND WAGES	6,465	16,788	10,535	10,852	(10,535)	(10,852)			-	-
001.10.523.030.2100	PERSONNEL BENEFITS	543	1,302	895	919	(895)	(919)			-	-
001.10.523.030.3100	OFFICE & OPERATING SUPPLIES	-	100	-	-					-	-
	001.10. Total	***445,943***	***437,440***	***431,680***	***443,807***	***(16,930)***	***(20,511)***	-	-	***414,750***	***423,296***
				-1.32%	**2.81%**	**-3.92%**	**-4.62%**				

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		Actuals	Amended	Level 3		City Admin Changes		Mayor's Changes		Proposed	
		2009	2010	2011	2012	2011	2012	2011	2012	2011	2012
Mayor											
001.15.513.010.1100	SALARIES & WAGES	108,805	114,052	117,712	121,920					117,712	121,920
001.15.513.010.2100	PERSONNEL BENEFITS	35,487	36,105	37,516	41,847					37,516	41,847
001.15.513.010.3100	OFFICE & OPERATING SUPPLIES	1,474	3,000	1,500	1,500					1,500	1,500
001.15.513.010.3500	SMALL TOOLS & MINOR EQUIPMENT	1,236	-	-	-					-	-
001.15.513.010.4100	PROFESSIONAL SERVICES	-	6,000	-	-	7,560	7,560			7,560	7,560
001.15.513.010.4200	COMMUNICATIONS	336	100	300	300					300	300
001.15.513.010.4300	TRAVEL	4,615	7,500	7,500	7,500	(3,500)	(3,500)			4,000	4,000
001.15.513.010.4800	REPAIR & MAINTENANCE	-	250	200	200					200	200
001.15.513.010.4900	MISCELLANEOUS	2,174	5,000	3,000	3,000					3,000	3,000
001.15.513.010.9905	INTRFND TECHNOLOGY CONTRIBUTIONS	-	-	3,531	3,531					3,531	3,531
	001.15. Total	***154,127***	***172,007***	***171,259***	***179,798***	***4,060***	***4,060***	-	-	***175,319***	***183,858***
				-0.43%	**4.99%**	**2.37%**	**2.26%**				

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		Actuals 2009	Amended 2010	Level 3 2011	Level 3 2012	City Admin Changes 2011	City Admin Changes 2012	Mayor's Changes 2011	Mayor's Changes 2012	Proposed 2011	Proposed 2012
City Administrator											
001.20.513.010.1100	SALARIES AND WAGES	194,505	200,466	205,368	211,368					205,368	211,368
001.20.513.010.1200	OVERTIME	-	200	-	-					-	-
001.20.513.010.2100	PERSONNEL BENEFITS	43,959	51,422	47,869	53,907					47,869	53,907
001.20.513.010.3100	OFFICE & OPERATING SUPPLIES	129	1,200	500	500					500	500
001.20.513.010.4100	PROFESSIONAL SERVICES	-	2,524	2,524	2,524	(1,524)	(1,524)			1,000	1,000
001.20.513.010.4200	COMMUNICATIONS	439	100	500	500					500	500
001.20.513.010.4300	TRAVEL	1,478	2,400	2,000	2,000					2,000	2,000
001.20.513.010.4800	REPAIR & MAINTENANCE	-	1,000	500	500					500	500
001.20.513.010.4900	MISCELLANEOUS	992	1,976	1,976	1,976	(976)	(976)			1,000	1,000
001.20.513.010.9905	INTRFND TECHNOLOGY CONTRIBUTIONS	-	-	3,531	3,531					3,531	3,531
001.20.594.013.6400	MACHINERY & EQUIIPMENT	-	1,000	-	-					-	-
	001.20. Total	***241,502***	***262,288***	***264,768***	***276,806***	***(2,500)***	***(2,500)***	-	-	***262,268***	***274,306***
				0.95%	**4.55%**	**-0.94%**	**-0.90%**				

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		Actuals 2009	Amended 2010	Level 3 2011	Level 3 2012	City Admin Changes 2011	City Admin Changes 2012	Mayor's Changes 2011	Mayor's Changes 2012	Proposed 2011	Proposed 2012
Human Resources											
001.28.516.010.1100	SALARIES & WAGES	96,969	104,346	104,462	110,922					104,462	110,922
001.28.516.010.1200	OVERTIME	8	-	-	-					-	-
001.28.516.010.2100	PERSONNEL BENEFITS	28,710	29,335	35,190	36,959					35,190	36,959
001.28.516.010.3100	OFFICE & OPERATING SUPPLIES	1,048	800	800	800					800	800
001.28.516.010.3500	SMALL TOOLS & MINOR EQUIPMENT	26	200	200	200					200	200
001.28.516.010.4100	PROFESSIONAL SERVICES	15,569	44,831	19,000	19,600	(2,000)	(2,000)			17,000	17,600
001.28.516.010.4200	COMMUNICATIONS	440	690	690	690					690	690
001.28.516.010.4300	TRAVEL	459	2,425	2,425	2,525	(425)	(525)			2,000	2,000
001.28.516.010.4800	REPAIR & MAINTENANCE	324	-	-	-					-	-
001.28.516.010.4900	MISCELLANEOUS	487	8,740	3,550	3,550	(2,550)	(2,550)			1,000	1,000
001.28.516.010.4902	MISCELLANEOUS - MEMBERSHIPS / DUES	-	-	520	520					520	520
001.28.516.010.9905	INTRFND TECHNOLOGY CONTRIBUTIONS	4,898	4,484	3,531	3,531					3,531	3,531
001.28.517.090.3100	OFFICE & OPERATING SUPPLIES - WELLNESS	4,125	-	500	500					500	500
001.28.517.090.4200	COMMUNICATIONS - WELLNESS	5	-	-	-					-	-
001.28.517.090.4300	TRAVEL - WELLNESS	181	715	1,350	1,400	(650)	(700)			700	700
001.28.517.090.4900	MISCELLANEOUS - WELLNESS	213	3,287	3,000	3,200	(250)	(250)			2,750	2,950
001.28.517.090.4902	MISC - DUES/MEMBERSHIPS/SUBSCRIPTIONS	4,180	7,200	7,200	7,200					7,200	7,200
	001.28. Total	***157,642***	***207,053***	***182,418***	***191,597***	***(5,875)***	***(6,025)***	-	-	***176,543***	***185,572***
				-11.90%	5.03%	-3.22%	-3.14%				

		Actuals 2009	Amended 2010	Level 3 2011	Level 3 2012	City Admin Changes 2011	City Admin Changes 2012	Mayor's Changes 2011	Mayor's Changes 2012	Proposed 2011	Proposed 2012
Finance											
001.30.514.010.1100	SALARIES & WAGES	526,785	584,055	600,206	696,241		(56,300)			600,206	639,941
001.30.514.010.1200	OVERTIME	1,160	4,000	1,000	1,000					1,000	1,000
001.30.514.010.2100	PERSONNEL BENEFITS	190,535	195,049	239,417	303,775		(29,400)			239,417	274,375
001.30.514.010.2900	UNFUNDED PENSION LIABILITIES	297	350	300	300					300	300
001.30.514.010.3100	OFFICE & OPERATING SUPPLIES	4,616	4,200	4,200	4,200					4,200	4,200
001.30.514.010.3500	SMALL TOOLS & MINOR EQUIPMENT	-	-	800	800					800	800
001.30.514.010.4100	PROFESSIONAL SERVICES	18,535	34,000	35,000	35,000					35,000	35,000
001.30.514.010.4200	COMMUNICATIONS	1,471	1,500	1,500	1,500					1,500	1,500
001.30.514.010.4300	TRAVEL	2,886	5,200	5,300	5,300	(1,300)	(1,300)			4,000	4,000
001.30.514.010.4500	OPERATING RENTALS & LEASES	3,306	3,300	3,300	3,300					3,300	3,300
001.30.514.010.4800	REPAIR & MAINTENANCE	-	500	500	500	(100)	(100)			400	400
001.30.514.010.4900	MISCELLANEOUS	3,221	4,600	4,600	4,600	(600)	(600)			4,000	4,000
001.30.514.010.9905	INTRFND TECHNOLOGY CONTRIBUTIONS	19,596	14,928	26,662	26,662					26,662	26,662
001.30.514.080.3100	OFFICE & OPERATING SUPPLIES	-	2,500	2,000	2,000	(400)	(400)			1,600	1,600
001.30.514.080.4100	PROFESSIONAL SERVICES	5,875	7,000	7,500	7,500					7,500	7,500
001.30.514.080.4900	MISCELLANEOUS	30	500	500	500					500	500
001.30.594.010.6400	MACHINERY & EQUIIPMENT	-	500	-	-					-	-
001.30.594.014.6400	MACHINERY & EQUIIPMENT	-	16,200	5,000	5,000	10,000				15,000	5,000
001.30.594.080.6400	MACHINERY & EQUIIPMENT	-	3,000	-	-					-	-
	001.30. Total	***778,313***	***881,382***	***937,785***	***1,098,178***	***7,600***	***(88,100)***	-	-	***945,385***	***1,010,078***
				6.40%	**17.10%**	**0.81%**	**-8.02%**				

		Actuals 2009	Amended 2010	Level 3 2011	Level 3 2012	City Admin Changes 2011	City Admin Changes 2012	Mayor's Changes 2011	Mayor's Changes 2012	Proposed 2011	Proposed 2012
Legal											
001.35.515.020.1100	SALARIES & WAGES	284,633	295,455	340,080	350,254					340,080	350,254
001.35.515.020.1200	OVERTIME	103	1,000	1,000	1,000					1,000	1,000
001.35.515.020.2100	PERSONNEL BENEFITS	90,148	94,350	93,422	104,377					93,422	104,377
001.35.515.020.3100	OFFICE & OPERATING SUPPLIES	13,455	25,000	25,000	25,000	(12,000)	(12,000)			13,000	13,000
001.35.515.020.4100	PROFESSIONAL SERVICES	141,732	20,000	20,000	20,000	(5,000)	(5,000)			15,000	15,000
001.35.515.020.4200	COMMUNICATIONS	528	1,174	1,174	1,174	(300)	(300)			874	874
001.35.515.020.4300	TRAVEL	183	5,000	5,500	5,500	(2,500)	(2,500)			3,000	3,000
001.35.515.020.4800	REPAIR & MAINTENANCE	-	850	850	850					850	850
001.35.515.020.4900	MISCELLANEOUS	2,392	8,000	8,200	8,200	(3,200)	(3,200)			5,000	5,000
001.35.515.020.9905	INTRFND TECHNOLOGY CONTRIBUTIONS	5,987	8,240	6,184	6,184					6,184	6,184
	001.35. Total	***539,161***	***459,069***	***501,410***	***522,539***	***(23,000)***	***(23,000)***	-	-	***478,410***	***499,539***
				9.22%	**4.21%**	**-4.59%**	**-4.40%**				

		Actuals 2009	Amended 2010	Level 3 2011	Level 3 2012	City Admin Changes 2011	City Admin Changes 2012	Mayor's Changes 2011	Mayor's Changes 2012	Proposed 2011	Proposed 2012
Development Services											
001.38.532.010.1100	SALARIES & WAGES	-	-	40,796	42,017					40,796	42,017
001.38.532.010.2100	PERSONNEL BENEFITS	-	-	13,254	14,758					13,254	14,758
001.38.532.020.9999	2010 COUNCIL APPROVED BUDGET	-	105,226	-	-					-	-
001.38.558.020.1100	SALARIES	264,131	258,620	284,204	294,761					284,204	294,761
001.38.558.020.2100	PERSONNEL BENEFITS	85,161	66,183	92,072	103,017					92,072	103,017
001.38.558.020.3100	OFFICE & OPERATING SUPPLIES	4,946	5,787	5,961	6,140	(1,000)	(1,000)			4,961	5,140
001.38.558.020.3500	SMAL TOOLS & MINOR EQUIPMENT	-	300	300	300					300	300
001.38.558.020.4100	PROFESSIONAL SERVICES	22,014	18,000	23,000	23,000	(2,000)	(2,000)			21,000	21,000
001.38.558.020.4200	CDMMUNICATIONS	846	3,475	3,579	3,686	(1,500)	(1,500)			2,079	2,186
001.38.558.020.4300	TRAVEL	1,454	2,358	2,450	2,525	(450)	(525)			2,000	2,000
001.38.558.020.4800	REPAIR & MAINTENANCE	426	1,000	1,000	1,000	(200)	(200)			800	800
001.38.558.020.4900	MISCELLANEOUS	10,621	14,203	14,629	14,975	(4,629)	(4,975)			10,000	10,000
001.38.558.020.9905	INTRFND TECHNOLOGY CONTRIBUTIONS	12,728	11,319	10,476	10,476					10,476	10,476
001.38.558.020.9941	INTRFND CHRGS - ENGINEERING	66,959	-	-	-					-	-
001.38.558.021.4100	PROFESSIONAL SVCS - GRANT	36,075	-	72,750	26,650	Covered by grant				72,750	26,650
001.38.558.021.4900	MISCELLANEOUS - GRANT	694	-	-	-					-	-
001.38.558.028.9800	INTRFUND REPAIRS & MAINTENANCE	5	1,000	1,000	1,000	(500)	(500)			500	500
001.38.559.060.1100	SALARIES AND WAGES	280,858	279,018	299,226	310,433					299,226	310,433
001.38.559.060.2100	PERSONNEL BENEFITS	100,843	100,252	110,076	121,020					110,076	121,020
001.38.559.060.3100	OFFICE & OPERATING SUPPLIES	725	3,242	3,200	3,500	(200)	(500)			3,000	3,000
001.38.559.060.3400	SUPLIES PURCHASED FOR INVENTORY	-	3,500	500	500	(200)	(200)			300	300
001.38.559.060.3500	SMALL TOOLS & MINOR EQUIPMENT	-	500	800	800	(300)	(300)			500	500
001.38.559.060.4100	PROFESSIONAL SERVICES	-	1,000	1,000	1,000	(250)	(250)			750	750
001.38.559.060.4200	COMMUNICATIONS	1,075	2,900	1,500	1,500	(400)	(400)			1,100	1,100
001.38.559.060.4300	TRAVEL	901	2,715	2,600	2,600	(600)	(600)			2,000	2,000
001.38.559.060.4600	INSURANCE	-	357	400	400					400	400
001.38.559.060.4800	REPAIRS AND MAINTENANCE	39	600	600	600	(200)	(200)			400	400
001.38.559.060.4900	MISCELLANEOUS	1,604	5,017	5,100	5,165	(2,000)	(2,000)			3,100	3,165
001.38.559.068.9800	INTRFUND REPAIRS & MAINTENANCE	5,995	3,246	3,197	3,325					3,197	3,325
001.38.559.068.9905	INTRFND TECHNOLOGY CONTRIBUTIONS	5,455	6,327	7,280	7,280					7,280	7,280
	001.38. Total	***903,555***	***896,145***	***1,000,950***	***1,002,428***	***(14,429)***	***(15,150)***	-	-	***986,521***	***987,278***
				11.70%	0.15%	-1.44%	-1.51%				

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		Actuals 2009	Amended 2010	Level 3 2011	Level 3 2012	City Admin Changes 2011	City Admin Changes 2012	Mayor's Changes 2011	Mayor's Changes 2012	Proposed 2011	Proposed 2012
General Governmental											
001.45.513.050.4900	MISCELLANEOUS	10,000	-	-	-					-	-
001.45.514.078.4900	JUDGEMENTS & SETTLEMENTS	(3,895)	-	-	-					-	-
001.45.514.085.4900	VOTER RECORDS/ELECTIONS	33,274	22,000	22,000	23,000	(4,000)	(5,000)			18,000	18,000
001.45.518.030.1100	SALARIES & WAGES	35,870	-	-	-					-	-
001.45.518.030.2100	PERSONNEL BENEFITS	29	-	-	-					-	-
001.45.518.030.3100	OFFICE SUPPLIES	11,834	17,500	16,000	16,500	(5,000)	(5,000)			11,000	11,500
001.45.518.030.3200	OPERATING SUPPLIES	-	1,000	1,000	1,000	(500)	(500)			500	500
001.45.518.030.3500	SMALL TOOLS & MINOR EQUIPMENT	116	300	300	300	(100)	(100)			200	200
001.45.518.030.4100	PROFESSIONAL SERVICES	28,267	40,000	24,000	24,500	(4,000)	(4,500)			20,000	20,000
001.45.518.030.4200	COMMUNICATIONS	23,774	24,000	22,000	22,000	(5,000)	(5,000)			17,000	17,000
001.45.518.030.4400	ADVERTISING	17,616	22,000	17,000	17,000	(7,000)	(7,000)			10,000	10,000
001.45.518.030.4500	OPERATING RENTALS & LEASES	30,437	6,000	30,000	30,000					30,000	30,000
001.45.518.030.4600	INSURANCE	148,964	109,352	140,000	143,000	(2,000)	(3,000)			138,000	140,000
001.45.518.030.4700	PUBLIC UTILITY SERVICES	25,472	24,000	26,000	27,000	(1,000)	(2,000)			25,000	25,000
001.45.518.030.4800	REPAIR & MAINTENANCE	5,264	15,000	15,000	15,000	(5,000)	(5,000)			10,000	10,000
001.45.518.030.4900	MISCELLANEOUS	12,454	18,000	15,000	15,000	(5,000)	(5,000)			10,000	10,000
001.45.518.030.9800	INTRFND REPAIRS & MAINTENANCE	24,325	20,000	20,000	20,000	(5,000)	(5,000)			15,000	15,000
001.45.518.030.9900	OTHER INTRFUND SERVICES & CHGS	4,969	-	500	500					500	500
001.45.518.038.9800	INTRFUND REPAIRS & MAINTENANCE	1,946	2,123	1,358	1,412	(658)	(712)			700	700
001.45.518.038.9905	INTRFND TECHNOLOGY CONTRIBUTIONS	22,862	17,416	15,500	15,500	(1,916)	(1,916)			13,584	13,584
001.45.518.050.4900	COMMUNITY SUPPORT COSTS	1,848	37,500	30,000	30,000	(25,000)	(25,000)			5,000	5,000
001.45.518.050.9800	INTERFUND CHARGES - LABOR POOL	-	-	1,000	1,000					1,000	1,000
001.45.518.050.9900	OTHER INTRFUND SERVICES & CHRGS	31,586	-	-	-					-	-
001.45.518.060.4900	KITCHEN SUPPLIES	294	1,500	1,000	1,000	(200)	(200)			800	800
001.45.518.080.4900	NTL LEAGUE OF CITY'S DUES	2,978	2,000	3,000	3,000					3,000	3,000
001.45.518.090.4900	A.W.C. DUES	15,546	15,000	16,000	16,000					16,000	16,000
001.45.519.020.4900	COUNCIL OF GOVERNMENTS ASSESSMENT	5,000	-	-	-					-	-
001.45.531.070.5100	POLLUTION CONTROL	7,942	8,500	8,400	8,400					8,400	8,400
001.45.546.070.4100	PROFESSIONAL SVCS-AIR SVC GRANT	9,377	-	-	-					-	-
001.45.551.020.5100	SENIOR SERVICES ISL CNTY CONTR	16,500	18,000	18,000	18,000					18,000	18,000
001.45.567.000.5100	ISLAND COUNTY HEALTH 1% LCB PROFITS	5,493	6,000	6,000	6,000					6,000	6,000
001.45.567.000.5110	IDIPIC PREVENTION SUPPORT	-	2,400	2,400	2,400					2,400	2,400
001.45.597.000.0000	OPS TRSF OUT	165,846	97,758	105,544	117,282	(18,000)	(18,000)			87,544	99,282
001.45.597.000.1000	OPS TRSF OUT - RESERVES	18,333	20,000	20,000	20,000					20,000	20,000
001.45.597.000.2000	OPS TRSF OUT - STREETS	40,000	40,000	40,000	40,000	(40,000)	(40,000)			-	-
001.45.597.000.3000	OPS TRSF OUT - ART ACQUISITION & MAINT	21,314	-	31,614	32,472					31,614	32,472
001.45.597.000.4000	OPS TRSF OUT - MARATHON	150,000	-	-	-					-	-
	001.45. Total	***925,615***	***587,349***	***648,616***	***667,266***	***(129,374)***	***(132,928)***	-	-	***519,242***	***534,338***
				10.43%	**2.88%**	**-19.95%**	**-19.92%**				

		Actuals 2009	Amended 2010	Level 3 2011	Level 3 2012	City Admin Changes 2011	City Admin Changes 2012	Mayor's Changes 2011	Mayor's Changes 2012	Proposed 2011	Proposed 2012
Police											
001.50.521.010.1100	SALARIES & WAGES	340,476	352,020	367,291	379,055					367,291	379,055
001.50.521.010.2100	PERSONNEL BENEFITS	129,550	165,163	197,741	202,873					197,741	202,873
001.50.521.010.2900	LEOFF I (OUT OF POCKET EXPENSES)	1,605	4,000	3,000	3,060					3,000	3,060
001.50.521.010.3100	OFFICE & OPERATING SUPPLIES	1,484	1,545	1,576	1,608					1,576	1,608
001.50.521.010.4100	PROFESSIONAL SERVICES	7,007	20,165	14,465	21,984		(5,000)			14,465	16,984
001.50.521.010.4300	TRAVEL	8	2,800	1,800	1,800	(300)	(300)			1,500	1,500
001.50.521.010.4900	MISCELLANEOUS	305	6,065	5,565	5,565	(2,565)	(2,565)			3,000	3,000
001.50.521.021.1100	SALARIES & WAGES	207,240	295,035	384,125	396,653					384,125	396,653
001.50.521.021.1200	OVERTIME	20,523	25,838	26,613	27,412	(8,000)	(8,000)			18,613	19,412
001.50.521.021.2100	PERSONNEL BENEFITS	73,014	107,350	142,526	146,293					142,526	146,293
001.50.521.021.2900	LEOFF I (OUT OF POCKET EXPENSES)	612	1,070	1,100	1,122					1,100	1,122
001.50.521.021.3100	OFFICE & OPERATING SUPPLIES	1,061	1,020	2,626	1,040					2,626	1,040
001.50.521.021.4100	PROFESSIONAL SERVICES	11,473	1,885	3,708	3,744					3,708	3,744
001.50.521.021.4900	MISCELLANEOUS	8,146	10,000	10,000	10,000	(5,000)	(5,000)			5,000	5,000
001.50.521.040.3100	OFFICE & OPERATING SUPPLIES	4,362	5,200	12,700	12,954	(5,000)	(5,000)			7,700	7,954
001.50.521.040.4300	TRAVEL	5,745	10,100	8,000	8,160	(7,000)	(7,160)			1,000	1,000
001.50.521.040.4900	MISCELLANEOUS	3,679	3,600	11,350	11,350	(1,350)	(1,350)			10,000	10,000
001.50.521.050.3100	OFFICE & OPERATING SUPPLIES	5,635	7,000	7,000	7,140					7,000	7,140
001.50.521.050.3500	SMALL TOOLS & MINOR EQUIPMENT	461	1,545	1,500	1,500	(500)	(500)			1,000	1,000
001.50.521.050.4100	PROFESSIONAL SERVICES	20,950	20,415	20,900	21,318					20,900	21,318
001.50.521.050.4200	COMMUNICATIONS	40,055	39,900	37,310	38,056	(5,000)	(5,000)			32,310	33,056
001.50.521.050.4500	OPERATING RENTALS & LEASES	9,220	9,775	10,760	10,975					10,760	10,975
001.50.521.050.4600	INSURANCE	175	9,851	10,048	10,249	(10,048)	(10,249)			-	-
001.50.521.050.4700	PUBLIC UTILITY SERVICES	38,179	40,925	41,371	42,612	(371)	(612)			41,000	42,000
001.50.521.050.4800	REPAIR & MAINTENANCE	13,288	5,855	6,900	6,938					6,900	6,938
001.50.521.050.4900	MISCELLANEOUS	250	800	200	200					200	200
001.50.521.050.9800	INTRFUND CHARGES FOR SERVICES	4,144	1,300	8,000	8,160	(2,500)	(2,660)			5,500	5,500
001.50.521.050.9900	OTHER INTRFUND SERVICES & CHGS	10,000	5,500	8,000	8,000					8,000	8,000
001.50.521.070.1100	SALARIES & WAGES	1,443,622	1,444,127	1,496,418	1,558,719					1,496,418	1,558,719
001.50.521.070.1200	OVERTIME	100,362	91,560	94,307	97,136					94,307	97,136
001.50.521.070.2100	PERSONNEL BENEFITS	502,290	509,087	543,834	555,152					543,834	555,152
001.50.521.070.3100	OFFICE & OPERATING SUPPLIES	29,682	36,041	38,281	35,991	(8,281)	(5,991)			30,000	30,000
001.50.521.070.3500	SMALL TOOLS & MINOR EQUIPMENT	303	1,348	6,275	1,300	(500)	(500)			5,775	800
001.50.521.070.4100	PROFESSIONAL SERVICES	1,889	3,520	3,520	3,590					3,520	3,590
001.50.521.070.4600	INSURANCE	-	55,655	56,768	57,903	(5,000)	(5,000)			51,788	52,903
001.50.521.070.4800	REPAIR & MAINTENANCE	4,409	6,600	6,725	2,856	(500)	(500)			6,225	2,356
001.50.521.070.4900	MISCELLANEOUS	4,312	4,200	5,700	5,814					5,700	5,814
001.50.521.070.9800	INTERFUND CHARGES-LABOR POOL	5,615	1,300	8,000	8,160	(6,000)	(6,000)			2,000	2,160
001.50.521.070.9900	OTHER INTRFUND SERVICES & CHGS	6,891	500	500	500					500	500
001.50.521.078.9800	INTRFUND REPAIRS & MAINTENANCE	128,766	121,046	103,348	107,482					103,348	107,482
001.50.521.078.9900	INTRFUND EQUIP REPLACE CONTRIBUTIONS	76,225	48,481	60,961	60,961	(60,961)	(60,961)			-	-
001.50.521.078.9905	INTRFND TECHNOLOGY CONTRIBUTIONS	58,239	30,723	61,721	61,721					61,721	61,721
001.50.523.022.4100	PROFESSIONAL SERVICES	121	2,500	1,000	1,020	(500)	(500)			500	520
001.50.523.060.1100	SALARIES AND WAGES	366,353	408,696	373,988	389,349					373,988	389,349
001.50.523.060.1200	OVERTIME	14,039	21,822	22,477	23,151	(2,000)	(2,000)			20,477	21,151
001.50.523.060.2100	PERSONNEL BENEFITS	127,996	142,401	157,747	163,022					157,747	163,022
001.50.523.060.3100	OFFICE AND OPERATING SUPPLIES	21,378	26,206	28,206	28,770	(2,000)	(2,000)			26,206	26,770
001.50.523.060.3500	SMALL TOOLS & MINOR EQUIPMENT	504	1,000	1,000	1,000	(200)	(200)			800	800
001.50.523.060.4100	PROFESSIONAL SERVICES	10,449	3,300	3,300	3,366					3,300	3,366

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		Actuals 2009	Amended 2010	Level 3 2011	Level 3 2012	City Admin Changes 2011	City Admin Changes 2012	Mayor's Changes 2011	Mayor's Changes 2012	Proposed 2011	Proposed 2012
001.50.523.060.4105	PROF SVCS - INMATE MEDICAL	-	10,605	18,000	18,360	(3,000)	(3,000)			15,000	15,360
001.50.523.060.4800	REPAIR & MAINTENANCE	6,232	6,400	5,200	5,304	(2,000)	(2,000)			3,200	3,304
001.50.523.060.4900	MISCELLANEOUS	2,169	1,955	1,200	1,224					1,200	1,224
001.50.528.080.1100	SALARIES & WAGES	255,000	263,820	280,280	292,967					280,280	292,967
001.50.528.080.1200	OVERTIME	235	3,105	3,198	3,294					3,198	3,294
001.50.528.080.2100	PERSONNEL BENEFITS	95,265	88,085	114,999	119,278					114,999	119,278
001.50.528.080.3100	OFFICE & OPERATING SUPPLIES	372	412	412	420					412	420
001.50.528.080.4100	PROFESSIONAL SERVICES	321,844	-	-	-					-	-
001.50.528.080.4200	COMMUNICATIONS	-	431,953	344,020	354,341	9,734				353,754	354,341
001.50.594.010.6200	BUILDINGS & STRUCTURES	113,642	-	-	-					-	-
001.50.594.010.6400	MACHINERY & EQUIIPMENT	-	-	29,000	-					29,000	-
001.50.597.050.0000	OPS TRSF OUT GO 201 (OAKGO 96)	67,870	69,861	-	-					-	-
	001.50. Total	***4,724,721***	***4,992,031***	***5,216,560***	***5,351,972***	***(128,842)***	***(142,048)***	-	-	***5,087,718***	***5,209,924***
				4.50%	2.60%	-2.47%	-2.65%				

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		Actuals 2009	Amended 2010	Level 3 2011	Level 3 2012	City Admin Changes 2011	City Admin Changes 2012	Mayor's Changes 2011	Mayor's Changes 2012	Proposed 2011	Proposed 2012
Animal Control											
001.52.539.030.1100	SALARIES & WAGES	49,120	50,830	55,896	57,876	(3,000)	(3,000)			52,896	54,876
001.52.539.030.1200	OVERTIME	65	2,430	2,430	2,430	(2,000)	(2,000)			430	430
001.52.539.030.2100	BENEFITS	18,224	17,576	21,799	22,572	(990)	(990)			20,809	21,582
001.52.539.030.3100	OFFICE & OPERATING SUPPLIES	391	1,020	6,200	1,236	(4,000)	(500)			2,200	736
001.52.539.030.3500	SMALL TOOLS & MINOR EQUIPMENT	182	510	400	408					400	408
001.52.539.030.4100	PROFESSIONAL SERVICES	85,000	87,550	88,580	91,237	(3,000)	(3,000)			85,580	88,237
001.52.539.030.4200	COMMUNICATIONS	392	690	500	510					500	510
001.52.539.030.4300	TRAVEL	-	515	300	306					300	306
001.52.539.030.4700	UTILITY SERVICES	7,232	12,716	12,500	12,750	(1,500)	(1,500)			11,000	11,250
001.52.539.030.4800	REPAIRS AND MAINTENANCE	3,455	411	10,600	618	(8,000)	(200)			2,600	418
001.52.539.030.4900	MISCELLANEOUS	3,574	1,000	1,650	1,683					1,650	1,683
001.52.539.030.4905	WAIF LICENSE SALES FEE	-	250	200	204	(200)	(204)			-	-
001.52.539.030.9800	INTRFUND REPAIRS & MAINTENANCE	1,840	2,040	1,800	1,836					1,800	1,836
001.52.539.030.9900	OTHER ENVIRONMENTAL SERVICES	381	200	200	204					200	204
001.52.539.038.9800	INTRFND REPAIRS & MAINTENANCE	8,731	7,025	1,036	1,077					1,036	1,077
001.52.539.038.9900	INTRFUND EQUIP REPLACE CONTRIBUTIONS	6,012	6,014	1,187	1,187	(1,187)	(1,187)			-	-
001.52.539.038.9905	INTRFND TECHNOLOGY CONTRIBUTIONS	-	-	3,972	3,972					3,972	3,972
	001.52. Total	***184,599***	***190,777***	***209,250***	***200,106***	***(23,877)***	***(12,581)***	-	-	***185,373***	***187,525***
				9.68%	-4.37%	-11.41%	-6.29%				

		Actuals 2009	Amended 2010	Level 3 2011	Level 3 2012	City Admin Changes 2011	City Admin Changes 2012	Mayor's Changes 2011	Mayor's Changes 2012	Proposed 2011	Proposed 2012
Fire											
001.55.522.010.1100	ADMINISTRATION SALARIES	195,570	199,398	252,258	260,472	(40,716)	(41,880)			211,542	218,592
001.55.522.010.1200	OVERTIME	659	1,250	3,600	3,600	(1,500)	(1,500)			2,100	2,100
001.55.522.010.2100	ADMINISTRATION BENEFITS	60,855	65,346	80,842	93,353	(17,455)	(21,696)			63,387	71,657
001.55.522.010.3100	OFFICE & OPERATING SUPPLIES	3,110	4,260	7,980	8,180					7,980	8,180
001.55.522.010.3500	SMALL TOOLS & MINOR EQUIPMENT	-	500	500	500					500	500
001.55.522.010.4100	PROFESSIONAL SERVICES	-	1,000	1,000	1,000					1,000	1,000
001.55.522.010.4300	TRAVEL	-	500	500	500					500	500
001.55.522.010.4500	RENTALS & LEASES - FIRE CONTROL	5,590	5,500	6,000	6,500					6,000	6,500
001.55.522.010.4800	REPAIR & MAINTENANCE	28	500	500	500					500	500
001.55.522.010.4900	MISCELLANEOUS	1,137	1,795	2,035	2,035					2,035	2,035
Suppression											
001.55.522.020.1100	SUPPRESSION SALARIES	680,732	707,625	871,053	902,994					871,053	902,994
001.55.522.020.1200	OVERTIME	12,850	15,000	15,000	15,000					15,000	15,000
001.55.522.020.2100	SUPPRESSION BENEFITS	165,877	163,428	243,196	269,980					243,196	269,980
001.55.522.020.3100	OFFICE & OPERATING SUPPLIES	40,767	37,260	40,540	40,540					40,540	40,540
001.55.522.020.3500	SMALL TOOLS & MINOR EQUIPMENT	1,601	2,000	3,500	3,500					3,500	3,500
001.55.522.020.4100	PROFESSIONAL SERVICES	2,856	8,500	7,000	7,000					7,000	7,000
001.55.522.020.4200	COMMUNICATIONS	44,539	45,492	39,140	40,790					39,140	40,790
001.55.522.020.4300	TRAVEL	181	500	500	500					500	500
001.55.522.020.4800	REPAIR & MAINTENANCE	10,198	10,130	14,275	13,025					14,275	13,025
001.55.522.020.4900	MISCELLANEOUS	568	2,640	2,880	3,030					2,880	3,030
001.55.522.020.9800	INTRFUND REPAIRS & MAINTENANCE	64,001	69,510	70,000	72,583					70,000	72,583
001.55.522.020.9900	INTRFUND EQUIP REPLACE CONTRIBUTIONS	24,996	25,000	770,729	786,729	(770,729)	(786,729)			-	-
001.55.522.020.9905	INTRFND TECHNOLOGY CONTRIBUTIONS	46,821	28,000	43,153	43,153					43,153	43,153
Prevention											
001.55.522.030.1100	PREVENTION SALARIES	116,031	88,632	91,560	94,152					91,560	94,152
001.55.522.030.2100	PREVENTION BENEFITS	29,414	26,729	26,569	28,006					26,569	28,006
001.55.522.030.3100	OFFICE & OPERATING SUPPLIES	3,026	3,765	1,945	1,945					1,945	1,945
001.55.522.030.3500	SMALL TOOLS & MINOR EQUIPMENT	847	750	550	550					550	550
001.55.522.030.4100	PROFESSIONAL SERVICES	211	-	-	-					-	-
001.55.522.030.4800	REPAIR & MAINTENANCE	417	450	300	300					300	300
001.55.522.030.4900	MISCELLANEOUS	1,503	1,905	2,330	2,380					2,330	2,380
Training											
001.55.522.040.1100	SALARIES AND WAGES	101,592	127,152	134,820	138,876					134,820	138,876
001.55.522.040.1200	OVERTIME	359	2,000	2,004	2,004					2,004	2,004
001.55.522.040.2100	PERSONNEL BENEFITS	26,725	37,566	40,512	44,774					40,512	44,774
001.55.522.040.3100	OFFICE AND OPERATING SUPPLIES	4,291	3,730	4,920	4,920					4,920	4,920
001.55.522.040.3500	SMALL TOOLS & MINOR EQUIPMENT	201	750	2,000	750					2,000	750
001.55.522.040.4100	PROFESSIONAL SERVICES	-	1,500	3,000	1,500					3,000	1,500
001.55.522.040.4200	COMMUNICATIONS	780	750	750	750					750	750
001.55.522.040.4300	TRAVEL	4,195	7,000	7,000	7,000					7,000	7,000
001.55.522.040.4800	REPAIR AND MAINTENANCE	-	300	1,000	500					1,000	500
001.55.522.040.4900	MISCELLANEOUS	6,212	11,240	10,240	10,240					10,240	10,240
Maintenance											
001.55.522.050.1100	SALARIES & WAGES	42,242	73,200	-	-					-	-
001.55.522.050.1200	OVERTIME	672	2,000	-	-					-	-
001.55.522.050.2100	PERSONNEL BENEFITS	15,905	22,136	-	-					-	-
001.55.522.050.3100	OFFICE & OPER. SUPPLIES	2,192	4,420	4,000	4,000					4,000	4,000
001.55.522.050.3500	SMALL TOOLS & MINOR EQUIPMENT	2,337	800	1,600	750					1,600	750

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		Actuals 2009	Amended 2010	Level 3 2011	Level 3 2012	City Admin Changes 2011	City Admin Changes 2012	Mayor's Changes 2011	Mayor's Changes 2012	Proposed 2011	Proposed 2012
001.55.522.050.4100	PROFESSIONAL SERVICES	877	-	1,050	1,050					1,050	1,050
001.55.522.050.4200	COMMUNICATIONS	4,676	6,075	6,175	6,175					6,175	6,175
001.55.522.050.4600	INSURANCE	-	12,678	16,000	16,000					16,000	16,000
001.55.522.050.4700	PUBLIC UTILITY SERVICES	37,330	38,000	39,000	41,000					39,000	41,000
001.55.522.050.4800	REPAIR & MAINTENANCE	15,802	14,475	20,650	48,650					20,650	48,650
001.55.522.050.4900	MISCELLANEOUS	1,844	1,940	1,000	1,000					1,000	1,000
001.55.522.050.9900	OTHER INTRFUND CHARGES & SERVICES	53	750	750	750					750	750
001.55.594.020.6400	MACHINERY & EQUIIPMENT	-	-	-	125,000		(125,000)			-	-
001.55.594.050.6200	BUILDINGS & STRUCTURES	-	-	166,000	-	(166,000)				-	-
001.55.597.020.0000	OPS TRSF OUT - ENGINE BOND 230	51,711	51,711	51,711	25,856					51,711	25,856
001.55.597.050.0000	OP TRF OUT -FIRE GO BONDS	178,930	184,179	-	-					-	-
	001.55. Total	***2,013,311***	***2,121,717***	***3,113,617***	***3,184,342***	***(996,400)***	***(976,805)***	-	-	***2,117,217***	***2,207,537***
				46.75%	**2.27%**	**-32.00%**	**-30.68%**				

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		Actuals 2009	Amended 2010	Level 3 2011	Level 3 2012	City Admin Changes 2011	City Admin Changes 2012	Mayor's Changes 2011	Mayor's Changes 2012	Proposed 2011	Proposed 2012
Emergency Services											
001.60.525.060.1100	SALARIES & WAGES	750	750	750	750					750	750
001.60.525.060.2100	PERSONNEL BENEFITS	225	225	225	225					225	225
001.60.525.060.3100	OFFICE & OPERATING SUPPLIES	952	1,200	1,200	1,200	(200)	(200)			1,000	1,000
001.60.525.060.3500	SMALL TOOLS & MINOR EQUIPMENT	12,373	750	750	750					750	750
001.60.525.060.4200	COMMUNICATIONS	1,863	3,400	3,500	3,600					3,500	3,600
001.60.525.060.4300	TRAVEL	-	-	4,000	4,000	(4,000)	(4,000)			-	-
001.60.525.060.4800	REPAIR & MAINTENANCE	-	375	375	375					375	375
001.60.525.060.4900	MISCELLANEOUS	-	5,750	750	750					750	750
001.60.594.025.6400	MACHINERY & EQUIIPMENT	-	22,000	-	-					-	-
001.60.594.060.6400	MACHINERY & EQUIIPMENT	-	-	25,000	24,000	Grant funded				25,000	24,000
	001.60. Total	***16,163***	***34,450***	***36,550***	***35,650***	***(4,200)***	***(4,200)***	-	-	***32,350***	***31,450***
				6.10%	**-2.46%**	**-11.49%**	**-11.78%**				

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		Actuals 2009	Amended 2010	Level 3 2011	Level 3 2012	City Admin Changes 2011	City Admin Changes 2012	Mayor's Changes 2011	Mayor's Changes 2012	Proposed 2011	Proposed 2012
Youth Services											
001.65.574.020.3100	OFFICE & OPERATING SUPPLIES	-	1,000	-	-					-	-
001.65.574.020.4100	PROFESSIONAL SERVICES	-	7,000	-	-					-	-
001.65.574.020.4300	TRAVEL	-	500	-	-					-	-
001.65.574.020.4800	REAPIR & MAINTENANCE	-	100	-	-					-	-
001.65.574.020.4900	MISCELLANEOUS	-	400	-	-					-	-
	001.65. Total	-	***9,000***	-	-	-	-	-	-	-	-

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		Actuals 2009	Amended 2010	Level 3 2011	Level 3 2012	City Admin Changes 2011	City Admin Changes 2012	Mayor's Changes 2011	Mayor's Changes 2012	Proposed 2011	Proposed 2012
Parks											
001.70.575.011.3100	OFFICE & OPERATING SUPPLIES	2,616	5,000	5,000	5,000	(3,000)	(3,000)			2,000	2,000
001.70.575.011.4100	PROFESSIONAL SERVICES	28,096	30,000	32,000	32,500	(2,000)	(2,500)			30,000	30,000
001.70.576.010.1100	SALARIES & WAGES	384,023	419,944	423,686	439,002					423,686	439,002
001.70.576.010.1200	OVERTIME	5,140	6,550	6,500	6,700	(900)	(900)			5,600	5,800
001.70.576.010.2100	PERSONNEL BENEFITS	161,859	168,922	182,795	201,658					182,795	201,658
001.70.576.010.3100	OFFICE & OPERATING SUPPLIES	49,048	49,600	52,000	53,000	(5,000)	(5,000)			47,000	48,000
001.70.576.010.3500	SMALL TOOLS & MINOR EQUIPMENT	1,842	5,000	5,000	5,100	(3,000)	(3,000)			2,000	2,100
001.70.576.010.4100	PROFESSIONAL SERVICES	22,886	25,000	25,000	25,500					25,000	25,500
001.70.576.010.4200	COMMUNICATIONS	5,060	5,400	5,400	5,500	(400)	(500)			5,000	5,000
001.70.576.010.4300	TRAVEL	1,773	2,520	2,520	2,570	(1,520)	(1,570)			1,000	1,000
001.70.576.010.4400	ADVERTISING	472	-	600	620	(200)	(220)			400	400
001.70.576.010.4500	OPERATING RENTALS & LEASES	8,806	10,900	12,000	12,250					12,000	12,250
001.70.576.010.4600	INSURANCE	-	7,290	7,290	7,290					7,290	7,290
001.70.576.010.4700	PUBLIC UTILITY SERVICES	165,419	129,000	140,000	143,000					140,000	143,000
001.70.576.010.4800	REPAIR & MAINTENANCE	1,822	7,700	7,000	7,000	(3,000)	(3,000)			4,000	4,000
001.70.576.010.4900	MISCELLANEOUS	8,948	5,100	5,100	5,100					5,100	5,100
001.70.576.010.9800	INTERFUND CHARGES-LABOR POOL	1,135	1,500	1,500	1,550					1,500	1,550
001.70.576.010.9900	OTHER INTRFUND SERVICES & CHGS	10,300	3,300	7,000	7,140					7,000	7,140
001.70.576.010.9941	INTRFND CHRGS - ENGINEERING	-	-	16,221	17,095	(13,221)	(14,095)			3,000	3,000
001.70.576.098.9800	INTRFUND REPAIRS & MAINTENANCE	64,878	44,194	65,012	67,612					65,012	67,612
001.70.576.098.9801	INTERFUND SHOP OPERATIONS	66,720	83,705	94,089	96,115	(10,011)	(16,411)			84,078	79,704
001.70.576.098.9900	INTRFUND EQUIP REPLACE CONTRIBUTIONS	51,558	48,953	44,654	44,654	(44,654)	(44,654)			-	-
001.70.576.098.9905	INTRFND TECHNOLOGY CONTRIBUTIONS	5,456	4,256	5,145	5,145					5,145	5,145
001.70.594.076.6200	BUILDINGS & STRUCTURES	-	-	100,000	13,000	(60,000)	(13,000)			40,000	-
001.70.594.076.6300	OTHER IMPROVEMENTS	-	-	354,000	1,171,835	(342,000)	(1,171,835)			12,000	-
001.70.594.076.6400	MACHINERY & EQUIIPMENT	-	-	35,000	37,500	(25,000)	(25,000)			10,000	12,500
001.70.597.090.1100	OPS TRSF OUT SUPERVISOR SALARY	35,044	30,901	32,050	32,691					32,050	32,691
001.70.597.090.2100	OPS TRSF OUT SUPERVISOR BENEFI	9,970	9,422	16,448	15,412					16,448	15,412
	001.70. Total	***1,092,871***	***1,104,157***	***1,683,010***	***2,461,539***	***(513,906)***	***(1,304,685)***	-	-	***1,169,104***	***1,156,854***
				52.42%	**48.26%**	**-30.53%**	**-53.00%**				

		Actuals 2009	Amended 2010	Level 3 2011	Level 3 2012	City Admin Changes 2011	City Admin Changes 2012	Mayor's Changes 2011	Mayor's Changes 2012	Proposed 2011	Proposed 2012
Library											
001.75.572.050.3100	OFFICE & OPERATING SUPPLIES	179	300	300	300					300	300
001.75.572.050.4100	PROFESSIONAL SERVICES	34,461	34,000	34,000	34,000					34,000	34,000
001.75.572.050.4500	OPERATING RENTALS AND LEASES	2,629	3,000	3,000	3,000					3,000	3,000
001.75.572.050.4600	INSURANCE FOR LIBRARY	-	2,100	2,100	2,100					2,100	2,100
001.75.572.050.4700	PUBLIC UTILITY SERVICES	27,810	27,800	28,000	28,500					28,000	28,500
001.75.572.050.4800	REPAIR & MAINTENANCE	2,085	3,000	1,000	1,000					1,000	1,000
001.75.572.050.9800	INTERFUND CHARGES - LABOR POOL	1,079	3,000	1,000	1,000					1,000	1,000
	001.75. Total	*68,243*	*73,200*	*69,400*	*69,900*	-	-	-	-	*69,400*	*69,900*
				-5.19%	0.72%	0.00%	0.00%				
Fund: 001 Total Expenditure:		12,350,724	12,540,195	14,599,773	15,822,827	(1,859,184)	(2,735,985)	-	-	12,740,588	13,086,843
	Total Revenues less BFB	12,885,674	12,493,557	12,121,832	12,301,211					12,366,832	12,506,211
	Total Expenditures less EFB	12,350,724	12,540,195	14,599,771	15,822,826					12,740,588	13,086,843
	Cash Flow Imbalance	534,950	(46,638)	(2,477,939)	(3,521,615)					(373,756)	(580,632)
	Elimination of Non-represented Employee COLA									94,141	96,965
	Value of COLA (Fire and Police Bargaining Units)									110,000	113,300
	Elimination of Tech Fund Contributions									61,500	61,500
	Revenue from Rental of Excess Jail Space									50,000	50,000
	Imbalance plus Intiative Risk									(58,115)	(258,867)

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Oak Harbor City Council Workshop
October 27, 2010
City Hall Council Chambers

IN ATTENDANCE

Mayor Jim Slowik
Six members of the City Council,
Rick Almberg
James M. Campbell
Scott Dudley
Danny Paggao
Jim Palmer
Bob Severns

Paul Schmidt, City Administrator
Eric Johnston, City Engineer
Cathy Rosen, Public Works Director
Steve Powers, Development Services Director
Arnie Peterschmidt, Project Engineer

Mayor Slowik called the workshop to order at 7:15 p.m. and lead the Pledge of Allegiance for Council and members of the audience.

Planning Services Director Powers provided introductory comments, noting the purpose of the Workshop is to: 1) update the full Council on the status of various aspects of the project; 2) present the standard approach to construction project outreach and discuss the difference between the standard approach and a more robust outreach approach; and 3) to present a marketing strategy that addresses marketing both during and after project construction. With regard to marketing, Mr. Powers noted EnviroIssues representatives Erin Taylor and Katy Fredlund are present to discuss public outreach during construction and Greater Oak Harbor Chamber of Commerce Executive Director Jill Johnson is present to discuss a traditional marketing plan that does not involve the construction phase.

City Engineer Johnston reviewed a power point presentation for Council and members of the audience. During his presentation he discussed the project schedule, noting the design is 90% complete. Remaining tasks include the finalization of the utility conversation plan, verification and confirmation of the elevations, drainage and driveways, determine necessary signage and finalize construction specifications. He indicated there may be an incentive for early completion included in the contract. He added the City's design engineering contractor, Perteet, is working on the **Greenroads™** aspect of the project. He reviewed the following schedule of proposed Council Actions:

- 2011 – 2012 Budget approval – November 2010
- Council authorization to advertise for bidding – November 16, 2010
- Authorization for public art proposal request and 1% of budget for art (RFP) – November 16, 2010

- Shoreline Permit consideration – November 16, 2010
- Tentative Contract Award – January 18, 2011
- Council consideration of service contracts – various dates
- Council award of public art contract – February, 2011

Mr. Johnston noted the 1% for funding of the proposed art is included in the project budget and is not a part of the existing art funding provision [1/4% utility tax]. He added the shoreline permit consideration is quasi-judicial and with regard to the utility conversions staff will work with individual property owners.

Mr. Johnston reviewed project costs [Exhibit A] and Funding Sources [Exhibit B]. He reviewed the project management plan objectives and goals, the project communication and management structure and noted a new Project Specialist position is included in the 2011-2012 budget. Mr. Johnston discussed the need for a more proactive construction public outreach program than is typically needed with a standard public works construction project. He introduced Erin Taylor of EnviroIssues, who highlighted work done on the project to date. She reviewed public outreach efforts taken during the design phase of the project and added the Scope of Work associated with EnviroIssues contract continues through the end of the year.

Ms. Taylor reviewed and discussed common concerns during construction such as:

- Lack of access to driveways or businesses
- Limited available parking
- Increased traffic on detour routes
- Utility impacts
- Increased noise, dust and/or vibration
- No/minimal advanced notification of construction activities
- "Construction fatigue"

She reviewed and discussed community input as follows:

- Complete construction as soon as possible
- Provide pedestrian and delivery access to businesses
- Maintain a safe pedestrian corridor during work
- Allow vehicle access to SE Pioneer Way during construction and maintain parking to the extent possible
- Keep the affected public and the broader community informed of construction activities
- Work with the businesses to maintain foot traffic and shoppers to the corridor during construction

Ms. Taylor discussed three types of marketing that are associated with this project - construction outreach, economic development during construction and long-term traditional marketing. She discussed outreach objectives during construction, which include construction meetings, coordination with the contractor, site visits, 24-hour construction hotline, project blog, printed informational materials and tracking issues and comments. In addition, Ms. Taylor discussed the proposed communications protocol, City communications and City-sponsored outreach events.

Greater Oak Harbor Chamber of Commerce Executive Director Jill Johnson discussed proposed economic development and long-term marketing aspects of the project. Ms. Johnson discussed the importance of attraction-oriented events that can be held downtown which would convey a message to the community that activities are taking place. Ms. Johnson discussed social media tools the downtown businesses should use including websites and blogs. She suggested the use of rack cards, newspaper ads and discounts to existing customers – little personal techniques that would mean a lot to the existing customer base. She noted the marketing effort would not be focused on tourism during the first phase of the project – the purpose would be to keep existing customers engaged.

Ms. Johnson discussed the need for new business recruitment which would entail active recruitment through phone calls, in-person visits, and developer tours of downtown. The focus would be on finding businesses to operate downtown and to create the mix of businesses that will foster a healthy long-term business community for both residents and tourists.

Ms. Taylor reviewed and discussed the pre-construction and construction integrated preliminary schedule attached as Exhibit C. She also reviewed the estimated cost associated with the total outreach activity which included construction outreach and economic development during construction. The estimated costs are attached as Exhibit D.

Mayor Slowik thanked Ms. Taylor and Ms. Johnson for their presentations, noting he had asked for a "Cadillac" plan as opposed to a bare bones plan to enable the Council to see what all of the options would be and then be able to scale back as necessary due to budgetary restrictions.

Council discussion followed regarding the proposed inclusion of a full-time equivalent contract employee for outreach services. Ms. Taylor responded by stating it is felt that someone will need to be actually downtown during the construction phase to respond to questions and concerns and to help with the special events aspect of the proposal.

Further discussion followed regarding the need for the business owners to be trained in social media and marketing their own businesses. Ms. Johnson stated she will help the

merchants with that. It was also pointed out the merchants may need assistance rebuilding the Harborside Merchants Association. Ms. Johnson pointed out the proposed budget allows for flexibility in order to allow for shared duties. Mr. Powers noted no assumptions have been made by staff as to what Council action will be regarding the outreach and marketing efforts.

Discussion followed regarding the proposed schedule and budget and what the funding source will be. City Engineer Johnston advised the budget includes $250,000 for extended outreach He added $166,000 will need to come from a different funding source. Council discussed the ownership and input the merchants will have with the plan. Ms. Johnson stated she would present the plan to the merchants and they would have to agree to it. She added the proposed coordinator would take over from that point if the merchants agree.

Discussion followed regarding the need for more information for the Council members as this project moves forward. Mr. Johnston noted information has been given to Council at the standing committee level but the staff can report to full Council as well if that is what is requested.

City Engineer Johnston discussed the management structure and who will be responsible for reporting the project's progress. He noted specific project information is available on the City's blog and asked Council members to share questions with staff in order to obtain the specific information they are seeking.

The Council continued their discussion regarding the marketing plan including short and long term and who would actually do the work. Ms. Johnson advised the intent is to hire a contract firm who would report directly to the Council. Ms. Taylor responded to questions regarding loading zones.

With regard to the proposed expenditure for public art, discussion was held where the funding will come from. Mr. Johnston advised the art is included in the budget and noted the budget numbers are conservative and there were cost savings in the right-of-way and utility overhead conversion line items.

Council discussion continued regarding the need for regular, full-Council briefings regarding the project. City Administrator Schmidt added he has an open-door policy and is open to suggestions from Council and additional ways to disseminate information.

Mayor Slowik noted everyone cares about this very important project and everyone wants it to be successful as it will affect our City for many years to come. He added public art would enhance the project and he is very proud of the Arts Commission and encouraged the Council members not to take the public art out of the project.

Mr. Schmidt noted staff will return to Council with a request for authorization to go out to bid. He added if Council is not ready to decide on the outreach and marketing aspect of the project, staff could come back to Council in December.

Discussion followed regarding the parking spaces contained in the concept drawings and the way in which funding is budgeted for public art.

Mayor Slowik thanked the presenters for their efforts. There being no further business, the meeting was adjourned at 9:15 p.m.

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Karen Crouch
Deputy City Clerk

Exhibit A

Pioneer Way Project Costs

Right of Way	$150,000
Pre-construction community outreach	$94,000
Design	$760,592
Roadway Reconstruction	$4,103,378
Overhead Utility Conversion	$1,544,030
Contingency 15%	$773,000
Public art (1%)	$80,000
Extended outreach	$250,000
Inspection/Testing	$75,000
Surveying	$35,000
Construction management	$300,000
other	$185,000
TOTAL	$8,350,000

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Budget

Pioneer Way Funding Sources

REET 1	$ 2,500,000
REET 2	$ 3,000,000
Economic Development Grant	$ 1,000,000
Wastewater	$ 1,000,000
Stormwater	$ 650,000
Water	$ 200,000
TOTAL	**$ 8,350,000**

** reflects funding in 2009-2010 and 2011-2012 budgets*

Exhibit C

Integrated Preliminary Schedule
(pre-construction)

	Timeline	Construction Outreach	Marketing
Oct 2010		• Construction Outreach plan presented to City Council	• Marketing and Economic Development plan presented to City Council
Nov 2010		• Construction Outreach plan approved by City Council • Construction outreach toolkit prepared	• Marketing and Economic Development plan approved by City Council • Harborside Shops website activated
Dec 2010	*Project to ad in early to mid December*	• City Council briefing • Project website updated in preparation of construction	• Advertising for SE Pioneer Way businesses • Video launched featuring SE Pioneer Way business district • Promotional sales effort begins (runs through construction) • Holiday events on Pioneer Way *[Events to be put on by City of Oak Harbor and Chamber of Commerce]*
Jan 2011	*Contract awarded in late January*	• City Council briefing • Specialized signage placed in project area • Pre-construction public meeting • Groundbreaking ceremony	• Advertising for SE Pioneer Way businesses • OH-Mazing Activity Night

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Integrated Preliminary Schedule (construction)

	Timeline	Construction Outreach	Marketing
Feb 2011	*Construction begins*	• Advertising for SE Pioneer Way businesses • Marketing events such as Shops and Hops and/or Art Walk	• General construction outreach ** • City Council briefing
Mar 2011		• Advertising for SE Pioneer Way businesses • St. Patrick's Day Parade and additional marketing event	• General construction outreach • City Council briefing
Apr 2011		• Advertising for SE Pioneer Way businesses • Holland Happenings	• General construction outreach • City Council briefing
May 2011		• Advertising for SE Pioneer Way businesses • Promotional sales effort (renewed) • Marketing event such as Girls Night Out (Heels and Deals)	• General construction outreach • City Council briefing
June 2011		• Advertising for SE Pioneer Way businesses • Marketing events -- Summer Movie Night, Sunday Strolls	• General construction outreach • City Council briefing
July 2011		• Advertising for SE Pioneer Way businesses • 4th of July • Marketing event such as Eats in the Street or Pours in Stores	• General construction outreach • City Council briefing
Aug 2011		• Advertising for SE Pioneer Way businesses • Car show • Marketing event such as Late Night Sales • Pig Roast	• General construction outreach • City Council briefing
Sept 2011		• Advertising for SE Pioneer Way businesses • Marketing event such as Pioneer Days and/or Girls Night Out (Heels and Deals)	• General construction outreach • City Council briefing
Oct 2011	*Construction complete*	• Long-term marketing plan implemented	• City Council briefing • Ribbon-cutting event

Exhibit D

Estimated Costs

OUTREACH ACTIVITY/TOOL	FTE	ESTIMATED COST (INCL. DIRECT COSTS)
In-Person Outreach Readiness/Execution	.54 FTE	$98,000
City Communications	.08 FTE	$17,000
City-Sponsored Outreach Events	.17 FTE	$66,000
Additional Activities (City Sponsored)	.12 FTE	$56,000
On-ground marketing, merchant communication and event coordination	.58 FTE	$97,000
Downtown advertising and event promotion	.27 FTE	$45,000
Economic Development and Business Recruitment	.14 FTE	$24,000
RECAP TOTAL: Construction Outreach	*.91 FTE*	*$237,000*
RECAP TOTAL: Economic Development During Construction	*Approximately 1 FTE*	*$166,000*
ESTIMATED TOTAL	Approximately 1.91 FTE	$403,000

City of Oak Harbor
City Council Agenda Bill

Bill No. 1

Date: November 16, 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

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

Bill No. C/A 2A
Date: November 16, 2010
Subject: Public Defense Service Agreement – Full Caseload

FROM: Paul Schmidt, City Administrator PS

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

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

PURPOSE

This agenda bill seeks Council approval of a Public Defense Service Agreement for a full caseload.

AUTHORITY

Pursuant to federal constitutional law, every person charged with a crime for which jail time is a potential penalty is entitled to an attorney to represent them. Washington law (Chapter 10.101 RCW) places an obligation to pay for public defense services for indigent defendants upon the charging jurisdiction. Therefore, the City is required to determine whether a person qualifies for public defense.

SUMMARY STATEMENT

The City's current Agreement for Public Defense Services for a full caseload expires in December, 2010.

On September 25, 2010, the City of Oak Harbor issued a Request for Qualifications for potential applicants to submit qualifications to enter into a City contract to provide a full and/or partial caseload of public defense services. A full caseload of public defense cases is estimated to be approximately 375 annual cases and a partial caseload is to be approximately 175 public defense cases. The RFQ required two separate proposals in order to minimize the need for conflict counsel.

Based on the City's RFQ, three (3) qualified firms and/or individuals responded. On Thursday, November 4, 2010, the City compiled an interview committee consisting of Island County District Court Judge Strow, local attorney Mr. Michael Waller, City Council member Bob Severns, Human Resources Manager Jessica Neill-Hoyson and City Administrator Paul Schmidt.

The above noted interview panel recommends that Matthew J. Montoya be forwarded as the preferred candidate to be offered the full caseload contract for public defense services for the contract years of 2011-2012 in the amount of Five Thousand Five Hundred dollars ($5,500.00) per month.

City of Oak Harbor
City Council Agenda Bill

STANDING COMMITTEE REPORT

This item was discussed at the November 9, 2010 Governmental Services Standing Committee meeting.

RECOMMENDED ACTION

Authorize the Mayor to enter into the attached Professional Services Agreement with Matthew J. Montoya for the 2011-2012 Chief Public Defender Contract for a full caseload.

ATTACHMENTS

Professional Service Agreement

MAYOR'S COMMENTS

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT, is made and entered into this _____ day of _____, 2010, by and between the CITY OF OAK HARBOR, a Washington municipal corporation, hereinafter referred to as the "CITY" and MATTHEW JAMES MONTOYA, hereinafter referred to as the "CHIEF PUBLIC DEFENDER".

WHEREAS, the CITY is required by law to provide public legal defense services to those defendants determined to be indigent pursuant to Ch. 10.101 RCW and facing possible incarceration as a result of charges brought against them in Oak Harbor Municipal Court; and

WHEREAS, the CITY has decided to retain the services of both a chief and an assistant public defender to represent indigent defendants in Oak Harbor Municipal Court; and

WHEREAS, the CHIEF PUBLIC DEFENDER shall have primary responsibility for providing public defense services to indigent defendants in Oak Harbor Municipal Court, but shall also coordinate with the assistant public defender to cover all cases; and

WHEREAS, the CHIEF PUBLIC DEFENDER has the skills, qualifications and abilities to provide public defense services to indigent defendants in Oak Harbor Municipal Court in accordance with the Standards for Indigent Defense adopted by the CITY.

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein, the parties hereto agree as follows:

1. Scope of Services.

1.1 The CHIEF PUBLIC DEFENDER agrees to provide legal representation services for all defendants charged into Oak Harbor Municipal Court who are determined to be eligible for representation at public defense by the City's public defense screener, subject to the caseload apportionment described in Paragraph 1.2 below. Legal representation shall include all legal services reasonably associated with criminal defense of the assigned defendant's municipal court case for the duration of the municipal court's jurisdiction over the case including, but not limited to: Consultation, arraignment, advice of rights, preliminary appearances, bail hearings, pre-trial proceedings, motions, trial preparation including investigations, plea negotiations, trials, probation hearings, notices of appeal, all court appearances and all related legal services.

1.2 The caseload for the CHIEF PUBLIC DEFENDER is estimated to be 375 cases per year or approximately two-thirds (2/3rds) of the total annual caseload. The CHIEF PUBLIC DEFENDER shall be responsible for coordinating with the assistant public defender in apportioning assigned cases so that the assistant public defender has responsibility for providing public defense services in approximately one-third (1/3rd) of the cases assigned for public defense services. However, it shall be the responsibility of the CHIEF PUBLIC DEFENDER to

insure, once the determination of indigency has been received, that legal representation has been assigned and coverage provided to meet court schedules.

1.3 The CHIEF PUBLIC DEFENDER shall also provide legal representation at regularly scheduled arraignment calendars for all defendants who wish to have legal representation and do not have other counsel, for the limited purpose of the arraignment only.

1.4 The CHIEF PUBLIC DEFENDER further agrees to provide consultation services for indigent defendants at any and all hours of the day and night as reasonably needed to provide full representation on assigned criminal cases under this Agreement. The CHIEF PUBLIC DEFENDER shall provide the Oak Harbor Police Department the telephone number or numbers at which the CHIEF PUBLIC DEFENDER can be reached for critical stage advice to defendants during the course of police investigations and/or arrests 24 hours each day. CHIEF PUBLIC DEFENDER will develop and use a process to obtain translators for contact with persons arrested by the Oak Harbor Police who do not understand English to assure representation of indigents for the 24-hour call service. The City shall reimburse the CHIEF PUBLIC DEFENDER for the actual costs of utilizing a translation service under this paragraph, upon submission of an invoice from the translation service, but shall not pay the CHIEF PUBLIC DEFENDER any additional compensation for the 24-hour telephone access.

1.5 The CHIEF PUBLIC DEFENDER may also coordinate with the assistant public defender to ensure that all arraignment calendars and the 24-hour consultation service is available during periods of the CHIEF PUBLIC DEFENDER's illness, vacation, or professional conflicts, or as mutually agreed. The CHIEF PUBLIC DEFENDER shall be entitled to request coverage services from the assistant public defender for two weeks of vacation per year and for one week of sick leave; PROVIDED, that the coverage shall be mutually scheduled and agreed where possible.

1.6 The CHIEF PUBLIC DEFENDER represents that the CHIEF PUBLIC DEFENDER is a member in good standing of the Washington State Bar Association and that there are no outstanding disciplinary matters pending against him by the Washington State Bar Association. CHIEF PUBLIC DEFENDER and all members of CHIEF PUBLIC DEFENDER's firm providing legal services pursuant to this Agreement will comply with the Oak Harbor Standards for Indigent Defense adopted by the CITY and attached hereto as Exhibit A.

2. Term. The term of this Agreement shall begin on January 1, 2011, and shall expire on December 31, 2012, unless sooner terminated according to the provisions herein.

3. Compensation and Method of Payment.

3.1 The CITY agrees to pay CHIEF PUBLIC DEFENDER a fee of Five Thousand Five Hundred dollars ($5,500) per month for public defense services in Oak Harbor Municipal Court as described in the Scope of Services. This fee is all-inclusive of all CHIEF PUBLIC DEFENDER's administrative and related costs including, but not limited to, postage, copy costs, telephone and mileage, except for court-approved expenses for: expert witness fees, investigator services, and transcription of court proceedings.

3.2 The CITY shall pay the CHIEF PUBLIC DEFENDER monthly for services rendered upon the submission by the CHIEF PUBLIC DEFENDER of a billing, indicating the attorney hours expended during the month and the disposition of all cases closed in the month. Payment shall be made within 30 (thirty) days of billing.

4. Reports and Inspections. The CHIEF PUBLIC DEFENDER shall maintain records of the number and type of cases that have been assigned under this Agreement, attorney hours expended and the disposition of those cases. Any privileged attorney-client communications and work-product shall be kept separately from those records required by this paragraph. CHIEF PUBLIC DEFENDER shall furnish a report of such non-privileged information to the CITY annually or upon termination of this Agreement, whichever is sooner.

5. Independent Contractor Relationship.

5.1 The parties intend that an independent contractor relationship will be created by this Agreement. The implementation of services will lie solely within the discretion of the CHIEF PUBLIC DEFENDER in accordance with the Rules of Professional Responsibility and the Oak Harbor Standards for Indigent Defense. Neither the CHIEF PUBLIC DEFENDER nor any agent, employee, servant or representative of the CHIEF PUBLIC DEFENDER shall be deemed to be an employee, agent, servant or representative of the CITY for any purpose. The CHIEF PUBLIC DEFENDER will be solely and entirely responsible for its acts and for the acts of its agents, employees, servants, or representatives during the performance of this Agreement.

5.2 Neither the CHIEF PUBLIC DEFENDER nor any agent, employee, servant or representative of the CHIEF PUBLIC DEFENDER shall be covered by any CITY benefit programs, such as health and welfare, benefit plans, social security, workers compensation or unemployment compensation, nor shall they be treated as an employee for federal tax purposes or any other purpose. The CHIEF PUBLIC DEFENDER shall be responsible for paying all taxes related to payments the CITY makes to the CHIEF PUBLIC DEFENDER, including federal income taxes, self employment (social security and Medicaid) taxes and state

business and occupation (B&O) taxes, and the CITY is not responsible for withholding for or paying any of those taxes.

6. Hold Harmless/Indemnification.

6.1 The CHIEF PUBLIC DEFENDER shall defend, indemnify and hold the CITY, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the CHIEF PUBLIC DEFENDER in the performance of this Agreement, except for injuries and damages caused by the sole negligence of the CITY.

6.2 No liability shall attach to the CITY by reason of entering into this Agreement except as expressly provided herein.

7. Insurance.

7.1 The CHIEF PUBLIC DEFENDER shall procure and maintain for the duration of the Agreement attorney professional liability insurance/malpractice insurance against claims for damages to persons or property which may arise from or in connection with the performance of the work hereunder by the CHIEF PUBLIC DEFENDER, its agents, representatives, or employees. The minimum amount of such insurance shall be One Hundred Thousand Dollars ($100,000.00) each occurrence with an aggregate of Three Hundred Thousand Dollars ($300,000.00).

7.2 The CHIEF PUBLIC DEFENDER's insurance coverage shall be primary insurance with respect to the CITY. Any insurance, self-insurance, or insurance pool coverage maintained by the CITY shall be in excess of the CHIEF PUBLIC DEFENDER's insurance and shall not contribute with it.

7.3 Verification of Coverage. CHIEF PUBLIC DEFENDER shall furnish the CITY with original certificates and a copy of the amendatory endorsements including, but not necessarily limited to, the additional insured endorsement, evidencing the insurance requirements of the CHIEF PUBLIC DEFENDER before commencement of the work. Failure of the CITY to enforce this provision shall not constitute a waiver of any insurance requirements in this Agreement.

8. Compliance with Laws.

8.1 The CHIEF PUBLIC DEFENDER, in the performance of this Agreement, shall comply with all applicable federal, state or local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals, and any other standards or criteria as described in this Agreement to assure quality of services.

8.2 The CHIEF PUBLIC DEFENDER specifically agrees to pay any applicable business and occupation (B&O) taxes that may be due on account of this Agreement.

9. Nondiscrimination.

9.1 The CITY is an equal opportunity employer.

9.2 Nondiscrimination in Employment. In the performance of this Agreement, the CHIEF PUBLIC DEFENDER will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability; PROVIDED, that the prohibition against discrimination in employment because of disability, or the use of a trained dog guide or service animal by a person with a disability, shall not apply if the particular disability prevents the proper performance of the particular worker involved. The CHIEF PUBLIC DEFENDER shall ensure that applicants are employed, and that employees are treated during employment without discrimination because of their race, creed, color, national origin, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental or physical disability or the use of a trained guide dog or service animal by a person with a disability. Such action shall include, but not be limited to: employment, upgrading, demotion or transfers, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and programs for training including apprenticeships. The CHIEF PUBLIC DEFENDER shall take such action with respect to this Agreement as may be required to ensure full compliance with local, state and federal laws prohibiting discrimination in employment.

9.3 Nondiscrimination in Services. The CHIEF PUBLIC DEFENDER will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental or physical disability or the use of a trained guide dog or service animal by a person with a disability.

9.4 If any assignment and/or subcontracting has been authorized in writing by the CITY, said assignment or subcontract shall include appropriate safeguards against discrimination. The CHIEF PUBLIC DEFENDER shall take such action as may be required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.

10. Assignment/subcontracting.

10.1 The CHIEF PUBLIC DEFENDER shall not assign his performance under this Agreement or any portion of this Agreement without the prior written consent of the CITY, and it is further agreed that said consent must be sought in writing by the CHIEF PUBLIC DEFENDER prior to the date of any proposed assignment, unless an emergency arises for which it is not practicable to obtain the CITY's prior consent. The CITY reserves the right to reject without cause any such proposed assignment.

10.2 Any work or services assigned hereunder shall be subject to each provision of this Agreement.

11. Attorney Conflicts. In the event that the CHIEF PUBLIC DEFENDER must withdraw from a case because of a conflict of interest, the assistant public defender shall be responsible for assuming representation. Similarly, in the event that the assistant public defender must withdraw from a case because of a conflict of interest, the CHIEF PUBLIC DEFENDER shall be responsible for assuming representation. If both attorneys determine that they have a conflict of interest in representing an assigned client, the matter shall be referred to the municipal court judge for final decision. The CITY shall retain and pay the cost of conflict counsel upon the judge's determination that neither public defender may represent the assigned client.

12. Changes. Either party may request changes to the scope of services and performance to be provided hereunder, however, no change or addition to this Agreement shall be valid or binding upon either party unless such change or addition be in writing and signed by both parties. Such amendments shall be attached to and made part of this Agreement.

13. Termination. The CITY may only terminate the Agreement with the CHIEF PUBLIC DEFENDER for cause. The CHIEF PUBLIC DEFENDER may only terminate the Agreement if unable to meet its terms:

13.1 The CITY may terminate its Agreement with the CHIEF PUBLIC DEFENDER only for violation of the terms of the Agreement, violation of the Rules of Professional Conduct (including initiation of disciplinary proceedings by the Washington State Bar Association), or for failure to comply with the CITY's Standards for Indigent Defense Services. This shall be deemed a termination for cause. A termination for cause shall be effective upon 30 days' written notice to the CHIEF PUBLIC DEFENDER, if the violation has not been cured within the 30 days' notice period.

13.2 The CHIEF PUBLIC DEFENDER will not terminate its Agreement with the CITY unless the CHIEF PUBLIC DEFENDER is unable to carry out the terms of the Agreement. If the CHIEF PUBLIC DEFENDER determines that it is not able to carry out the terms of the Agreement, it shall provide the CITY with not less than 90 days' written notice so that the CITY may obtain another contractor.

13.3 Termination for Failure of Appropriation. Notwithstanding any other limitations herein, the CITY may terminate this Agreement upon 30 days' written notice to the CHIEF PUBLIC DEFENDER in the event of failure of appropriation of funds for this purpose by the City Council.

14. Notice. Notice provided for in this Agreement shall be sent by certified mail, return receipt requested, to the addresses designated for the parties on the last page of this Agreement.

15. Attorneys Fees and Costs. If any legal proceeding is brought for the enforcement of this Agreement, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party, in addition to any other relief to which such party may be entitled, reasonable attorney's fees and other costs incurred in that action or proceeding.

16. Jurisdiction and Venue.

16.1 This Agreement has been and shall be construed as having been made and delivered within the State of Washington and it is agreed by each party hereto that this Agreement shall be governed by laws of the State of Washington, both as to interpretation and performance.

16.2 Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement or any provisions thereof shall be instituted and maintained only in any of the courts of competent jurisdiction in Island County, Washington.

17. Severability.

17.1 If, for any reason, any part, term or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

17.2 If it should appear that any provision hereof is in conflict with any statutory provision of the State of Washington, said provision that may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform to such statutory provisions.

18. Entire Agreement. The parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall constitute a material breach of contract and be cause for termination. Both parties recognize time is of the essence in the performance of the provisions of this Agreement. It is also agreed by the parties that the forgiveness of the nonperformance of any

provision of this Agreement does not constitute a waiver of the provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

CITY:
City of Oak Harbor
865 SE Barrington Drive
Oak Harbor, WA 98277

CHIEF PUBLIC DEFENDER:
Matthew James Montoya
Post Office Box 2267
Oak Harbor, WA 98277

Jim Slowik, Mayor

Matthew J. Montoya

Attest:

Connie Wheeler, City Clerk

City of Oak Harbor
City Council Agenda Bill

Bill No. C/A 2B
Date: November 16, 2010
Subject: Assistant Public Defense Service Agreement – Partial Caseload

FROM: Paul Schmidt, City Administrator

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

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

PURPOSE

This agenda bill seeks Council approval of a Public Defense Service Agreement for a partial caseload.

AUTHORITY

Pursuant to federal constitutional law, every person charged with a crime for which jail time is a potential penalty is entitled to an attorney to represent them. Washington law (Chapter 10.101 RCW) places an obligation to pay for public defense services for indigent defendants upon the charging jurisdiction. Therefore, the City is required to determine whether a person qualifies for public defense.

SUMMARY STATEMENT

The City's current Agreement for Public Defense Services for a partial caseload expires in December, 2010.

On September 25, 2010, the City of Oak Harbor issued a Request for Qualifications for potential applicants to submit qualifications to enter into a City contract to provide a full and/or partial caseload of public defense services. A full caseload of public defense cases is estimated to be approximately 375 annual cases and a partial caseload is to be approximately 175 public defense cases. The RFQ required two separate proposals in order to minimize the need for conflict counsel.

Based on the City's RFQ, three (3) qualified firms and/or individuals responded. On Thursday, November 4, 2010, the City compiled an interview committee consisting of Island County District Court Judge Strow, local attorney Mr. Michael Waller, City Council member Bob Severns, Human Resources Manager Jessica Neill-Hoyson and City Administrator Paul Schmidt.

The above noted interview panel recommends that Georgina D. Sierra be forwarded as the preferred candidate to be offered the partial caseload contract for public defense services for the contract years of 2011-2012 in the amount of Two Thousand Five Hundred dollars ($2,500) per month.

STANDING COMMITTEE REPORT

This item was discussed at the November 9, 2010 Governmental Services Standing Committee meeting.

RECOMMENDED ACTION

Authorize the Mayor to enter into the attached Professional Services Agreement with Georgina D. Sierra for the 2011-2012 Assistant Public Defender Contract for a partial caseload.

ATTACHMENTS

Professional Service Agreement

MAYOR'S COMMENTS

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT, is made and entered into this _____ day of _____, 2010, by and between the CITY OF OAK HARBOR, a Washington municipal corporation, hereinafter referred to as the "CITY" and GEORGINA D. SIERRA, hereinafter referred to as the "ASSISTANT PUBLIC DEFENDER".

WHEREAS, the CITY is required by law to provide public legal defense services to those defendants determined to be indigent pursuant to Ch. 10.101 RCW and facing possible incarceration as a result of charges brought against them in Oak Harbor Municipal Court; and

WHEREAS, the CITY has decided to retain the services of both a chief and an assistant public defender to represent indigent defendants in Oak Harbor Municipal Court; and

WHEREAS, the chief public defender shall have primary responsibility for providing public defense services to indigent defendants in Oak Harbor Municipal Court and the ASSISTANT PUBLIC DEFENDER shall have responsibility for approximately one-third of the indigent defense cases; and shall also coordinate with the chief public defender to cover all cases; and

WHEREAS, the ASSISTANT PUBLIC DEFENDER has the skills, qualifications and abilities to provide public defense services to indigent defendants in Oak Harbor Municipal Court in accordance with the Standards for Indigent Defense adopted by the CITY.

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein, the parties hereto agree as follows:

1. Scope of Services.

1.1 The ASSISTANT PUBLIC DEFENDER agrees to provide legal representation services for all defendants charged into Oak Harbor Municipal Court who are determined to be eligible for representation at public defense by the City's public defense screener, subject to the caseload apportionment described in Paragraph 1.2 below. Legal representation shall include all legal services reasonably associated with criminal defense of the assigned defendant's municipal court case for the duration of the municipal court's jurisdiction over the case, including but not limited to: Consultation, arraignment, advice of rights, preliminary appearances, bail hearings, pre-trial proceedings, motions, trial preparation including investigations, plea negotiations, trials, probation hearings, notices of appeal, all court appearances and all related legal services.

1.2 The caseload for the ASSISTANT PUBLIC DEFENDER is estimated to be 175 cases per year or approximately one-third (1/3rd) of the total annual caseload. The chief public defender shall be responsible for coordinating with the ASSISTANT PUBLIC DEFENDER in apportioning assigned cases so that the ASSISTANT PUBLIC DEFENDER has responsibility for providing public defense services in approximately one-third (1/3rd) of the cases assigned for

public defense services. However, the ASSISTANT PUBLIC DEFENDER shall have responsibility to insure, once the determination of indigency has been received and an assignment of the case to her is made, that coverage is provided to meet court schedules.

1.3 The chief public defender shall also provide legal representation at regularly scheduled arraignment calendars for all defendants who wish to have legal representation and do not have other counsel, for the limited purpose of the arraignment only. However, the ASSISTANT PUBLIC DEFENDER shall coordinate with the chief public defender to provide legal representation at such regularly scheduled arraignment calendars for a minimum of two weeks per year for the chief public defender's scheduled vacation and for one week per year for sick leave required by the chief public defender; PROVIDED, that the coverage shall be mutually scheduled and agreed where possible.

1.4 The chief public defender shall also have responsibility for providing consultation services for indigent defendants at any and all hours of the day and night as reasonably needed to provide full representation on assigned criminal cases. The ASSISTANT PUBLIC DEFENDER shall coordinate with the chief public defender to provide coverage for the 24-your consultation services for a minimum of two weeks per year for the chief public defender's scheduled vacation and for one week per year for sick leave required by the chief public defender; PROVIDED, that the coverage shall be mutually scheduled and agreed where possible. During such periods of coverage by the ASSISTANT PUBLIC DEFENDER, the ASSISTANT PUBLIC DEFENDER shall provide the Oak Harbor Police Department the telephone number or numbers at which the ASSISTANT PUBLIC DEFENDER can be reached for critical stage advice to defendants during the course of police investigations and/or arrests 24 hours each day. ASSISTANT PUBLIC DEFENDER shall follow the process developed by the chief public defender to obtain translators for contact with persons arrested by the Oak Harbor Police who do not understand English to assure representation of indigents for the 24-hour call service. The City shall reimburse the ASSISTANT PUBLIC DEFENDER for the actual costs of utilizing a translation service under this paragraph, upon submission of an invoice from the translation service, but shall not pay the ASSISTANT PUBLIC DEFENDER any additional compensation for the 24-hour telephone access provided as coverage for the chief public defender under this paragraph.

1.5 The ASSISTANT PUBLIC DEFENDER represents that the ASSISTANT PUBLIC DEFENDER is a member in good standing of the Washington State Bar Association and that there are no outstanding disciplinary matters pending against her by the Washington State Bar Association. ASSISTANT PUBLIC DEFENDER and all members of ASSISTANT PUBLIC DEFENDER's firm providing legal services pursuant to this Agreement will comply with the Oak Harbor Standards for Indigent Defense adopted by the CITY and attached hereto as Exhibit A.

2. Term. The term of this Agreement shall begin on January 1, 2011, and shall expire on December 31, 2012, unless sooner terminated according to the provisions herein.

3. Compensation and Method of Payment.

3.1 The CITY agrees to pay ASSISTANT PUBLIC DEFENDER a fee of Two Thousand Five Hundred Dollars ($2,500.00) per month for public defense services in Oak Harbor Municipal Court as described in the Scope of Services. This fee is all-inclusive of all ASSISTANT PUBLIC DEFENDER's administrative and related costs including, but not limited to, postage, copy costs, telephone and mileage, except for court-approved expenses for: expert witness fees, investigator services, and transcription of court proceedings.

3.2 The CITY shall pay the ASSISTANT PUBLIC DEFENDER monthly for services rendered upon the submission by the ASSISTANT PUBLIC DEFENDER of a billing, indicating the attorney hours expended during the month and the disposition of all cases closed in the month. Payment shall be made within 30 (thirty) days of billing.

4. Reports and Inspections. The ASSISTANT PUBLIC DEFENDER shall maintain records of the number and type of cases that have been assigned under this Agreement, attorney hours expended and the disposition of those cases. Any privileged attorney-client communications and work-product shall be kept separately from those records required by this paragraph. ASSISTANT PUBLIC DEFENDER shall furnish a report of such non-privileged information to the CITY annually or upon termination of this Agreement, whichever is sooner.

5. Independent Contractor Relationship.

5.1 The parties intend that an independent contractor relationship will be created by this Agreement. The implementation of services will lie solely within the discretion of the ASSISTANT PUBLIC DEFENDER in accordance with the Rules of Professional Responsibility and the Oak Harbor Standards for Indigent Defense. Neither the ASSISTANT PUBLIC DEFENDER nor any agent, employee, servant or representative of the ASSISTANT PUBLIC DEFENDER shall be deemed to be an employee, agent, servant or representative of the CITY for any purpose. The ASSISTANT PUBLIC DEFENDER will be solely and entirely responsible for its acts and for the acts of its agents, employees, servants, or representatives during the performance of this Agreement.

5.2 Neither the ASSISTANT PUBLIC DEFENDER nor any agent, employee, servant or representative of the ASSISTANT PUBLIC DEFENDER shall be covered by any CITY benefit programs, such as health and welfare, benefit plans, social security, workers compensation or unemployment compensation, nor shall they be treated as an employee for federal tax purposes or any other purpose. The

ASSISTANT PUBLIC DEFENDER shall be responsible for paying all taxes related to payments the CITY makes to the ASSISTANT PUBLIC DEFENDER, including federal income taxes, self employment (social security and Medicaid) taxes and state business and occupation (B&O) taxes, and the CITY is not responsible for withholding for or paying any of those taxes.

6. Hold Harmless/Indemnification.

6.1 The ASSISTANT PUBLIC DEFENDER shall defend, indemnify and hold the CITY, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the ASSISTANT PUBLIC DEFENDER in the performance of this Agreement, except for injuries and damages caused by the sole negligence of the CITY.

6.2 No liability shall attach to the CITY by reason of entering into this Agreement except as expressly provided herein.

7. Insurance.

7.1 The ASSISTANT PUBLIC DEFENDER shall procure and maintain for the duration of the Agreement attorney professional liability insurance/malpractice insurance against claims for damages to persons or property which may arise from or in connection with the performance of the work hereunder by the ASSISTANT PUBLIC DEFENDER, its agents, representatives, or employees. The minimum amount of such insurance shall be One Hundred Thousand Dollars ($100,000.00) each occurrence with an aggregate of Three Hundred Thousand Dollars ($300,000.00).

7.2 The ASSISTANT PUBLIC DEFENDER's insurance coverage shall be primary insurance with respect to the CITY. Any insurance, self-insurance, or insurance pool coverage maintained by the CITY shall be in excess of the ASSISTANT PUBLIC DEFENDER's insurance and shall not contribute with it.

7.3 Verification of Coverage. ASSISTANT PUBLIC DEFENDER shall furnish the CITY with original certificates and a copy of the amendatory endorsements including, but not necessarily limited to, the additional insured endorsement, evidencing the insurance requirements of the ASSISTANT PUBLIC DEFENDER before commencement of the work. Failure of the CITY to enforce this provision shall not constitute a waiver of any insurance requirements in this Agreement.

8. Compliance with Laws.

8.1 The ASSISTANT PUBLIC DEFENDER, in the performance of this Agreement, shall comply with all applicable federal, state or local laws and ordinances, including regulations for licensing, certification and operation of facilities,

programs and accreditation, and licensing of individuals, and any other standards or criteria as described in this Agreement to assure quality of services.

8.2 The ASSISTANT PUBLIC DEFENDER specifically agrees to pay any applicable business and occupation (B&O) taxes that may be due on account of this Agreement.

9. Nondiscrimination.

9.1 The CITY is an equal opportunity employer.

9.2 Nondiscrimination in Employment. In the performance of this Agreement, the ASSISTANT PUBLIC DEFENDER will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability; PROVIDED, that the prohibition against discrimination in employment because of disability, or the use of a trained dog guide or service animal by a person with a disability, shall not apply if the particular disability prevents the proper performance of the particular worker involved. The ASSISTANT PUBLIC DEFENDER shall ensure that applicants are employed, and that employees are treated during employment without discrimination because of their race, creed, color, national origin, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental or physical disability or the use of a trained guide dog or service animal by a person with a disability. Such action shall include, but not be limited to: employment, upgrading, demotion or transfers, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and programs for training including apprenticeships. The ASSISTANT PUBLIC DEFENDER shall take such action with respect to this Agreement as may be required to ensure full compliance with local, state and federal laws prohibiting discrimination in employment.

9.3 Nondiscrimination in Services. The ASSISTANT PUBLIC DEFENDER will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental or physical disability or the use of a trained guide dog or service animal by a person with a disability.

9.4 If any assignment and/or subcontracting has been authorized in writing by the CITY, said assignment or subcontract shall include appropriate safeguards against discrimination. The ASSISTANT PUBLIC DEFENDER shall take such action as may be required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.

10. Assignment/subcontracting.

10.1 The ASSISTANT PUBLIC DEFENDER shall not assign her performance under this Agreement or any portion of this Agreement without the prior written consent of the CITY, and it is further agreed that said consent must be sought in writing by the ASSISTANT PUBLIC DEFENDER prior to the date of any proposed assignment, unless an emergency arises for which it is not practicable to obtain the CITY's prior consent. The CITY reserves the right to reject without cause any such proposed assignment.

10.2 Any work or services assigned hereunder shall be subject to each provision of this Agreement.

11. Attorney Conflicts. In the event that the ASSISTANT PUBLIC DEFENDER must withdraw from a case because of a conflict of interest, the chief public defender shall be responsible for assuming representation. Similarly, in the event that the chief public defender must withdraw from a case because of a conflict of interest, the ASSISTANT PUBLIC DEFENDER shall be responsible for assuming representation. If both attorneys determine that they have a conflict of interest in representing an assigned client, the matter shall be referred to the municipal court judge for final decision. The CITY shall retain and pay the cost of conflict counsel upon the judge's determination that neither public defender may represent the assigned client.

12. Changes. Either party may request changes to the scope of services and performance to be provided hereunder, however, no change or addition to this Agreement shall be valid or binding upon either party unless such change or addition be in writing and signed by both parties. Such amendments shall be attached to and made part of this Agreement.

13. Termination. The CITY may only terminate the Agreement with the ASSISTANT PUBLIC DEFENDER for cause. The ASSISTANT PUBLIC DEFENDER may only terminate the Agreement if unable to meet its terms:

13.1 The CITY may terminate its Agreement with the ASSISTANT PUBLIC DEFENDER only for violation of the terms of the Agreement, violation of the Rules of Professional Conduct (including initiation of disciplinary proceedings by the Washington State Bar Association), or for failure to comply with the CITY's Standards for Indigent Defense Services. This shall be deemed a termination for cause. A termination for cause shall be effective upon 30 days' written notice to the ASSISTANT PUBLIC DEFENDER, if the violation has not been cured within the 30 days' notice period.

13.2 The ASSISTANT PUBLIC DEFENDER will not terminate its Agreement with the CITY unless the ASSISTANT PUBLIC DEFENDER is unable to carry out the terms of the Agreement. If the ASSISTANT PUBLIC DEFENDER determines that it is not able to carry out the terms of the Agreement, it shall

provide the CITY with not less than 90 days' written notice so that the CITY may obtain another contractor.

13.3 Termination for Failure of Appropriation. Notwithstanding any other limitations herein, the CITY may terminate this Agreement upon 30 days' written notice to the ASSISTANT PUBLIC DEFENDER in the event of failure of appropriation of funds for this purpose by the City Council.

14. Notice. Notice provided for in this Agreement shall be sent by certified mail, return receipt requested, to the addresses designated for the parties on the last page of this Agreement.

15. Attorneys Fees and Costs. If any legal proceeding is brought for the enforcement of this Agreement, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party, in addition to any other relief to which such party may be entitled, reasonable attorney's fees and other costs incurred in that action or proceeding.

16. Jurisdiction and Venue.

16.1 This Agreement has been and shall be construed as having been made and delivered within the State of Washington and it is agreed by each party hereto that this Agreement shall be governed by laws of the State of Washington, both as to interpretation and performance.

16.2 Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement or any provisions thereof shall be instituted and maintained only in any of the courts of competent jurisdiction in Island County, Washington.

17. Severability.

17.1 If, for any reason, any part, term or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

17.2 If it should appear that any provision hereof is in conflict with any statutory provision of the State of Washington, said provision that may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform to such statutory provisions.

18. Entire Agreement. The parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall

constitute a material breach of contract and be cause for termination. Both parties recognize time is of the essence in the performance of the provisions of this Agreement. It is also agreed by the parties that the forgiveness of the nonperformance of any provision of this Agreement does not constitute a waiver of the provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the da and year first hereinabove written.

CITY:
City of Oak Harbor
865 SE Barrington Drive
Oak Harbor, WA 98277

ASSISTANT PUBLIC DEFENDER
Georgina D. Sierra
8201 – 164th Avenue NE, Suite 200
Redmond, WA 98052

_____
Jim Slowik, Mayor

_____
Georgina D. Sierra

Attest:

_____
Connie Wheeler, City Clerk

City of Oak Harbor
City Council Agenda Bill

Bill No.: n/a 2c
Date: November 16, 2010
Subject: Contract Renewal - Public Defense Administration Services

FROM: Paul Schmidt, City Administrator

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

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

PURPOSE

This agenda bill seeks Council approval of a Contract Renewal for Public Defense Administration Services.

AUTHORITY

Pursuant to federal constitutional law, every person charged with a crime for which jail time is a potential penalty is entitled to an attorney to represent them. Washington law (Chapter 10.101 RCW) places an obligation to pay for public defense services for indigent defendants upon the charging jurisdiction. Therefore, the City is required to determine whether a person qualifies for public defense.

SUMMARY STATEMENT

The City is required to provide public defense (legal) services to indigent individuals charged with violation of City Code. This Agreement provides the process to determine if an individual is eligible for court-appointed attorneys (public defense).

BACKGROUND

The City's current Agreement for Public Defense Administration Services is with Jack Kerr, and will expire on December 31, 2010. Mr. Kerr has served as the Public Defense Administrator since January 1, 1999 and review of the services, as required and provided by Mr. Kerr, indicates that they are of the highest quality.

Exhibit A of the Agreement outlines the responsibilities of Mr. Kerr and the City. The proposed Agreement is for two years – January 1, 2011 to December 31, 2012. Compensation is $1,400 per month.

STANDING COMMITTEE REVIEW

N/A

STAFF RECOMMENDATIONS

Approve the Agreement as submitted and authorize the Mayor to sign the Agreement for Public Defense Administration services.

ATTACHMENTS

Proposed Two Year Agreement – January 1, 2011 to December 31, 2012.

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into in duplicate this _____ day of _____, 2010, by and between the CITY OF OAK HARBOR, a Washington municipal corporation, hereinafter referred to as the "CITY" and Jack Kerr, hereinafter referred to as the "SERVICE PROVIDER."

RECITALS:

WHEREAS, the CITY desires to have certain services and/or tasks performed as set forth below requiring specialized skills and other supportive capabilities; and

WHEREAS, sufficient CITY resources are not available to provide such services; and

WHEREAS, the SERVICE PROVIDER represents the SERVICE PROVIDER is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise, where required, to perform the services and/or tasks set forth in this Agreement.

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein, the parties hereto agree as follows:

1. Scope of Services.

   The SERVICE PROVIDER shall perform such services and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance thereof, as are identified and designated as SERVICE PROVIDER responsibilities throughout this Agreement and as detailed in Exhibit "A" attached hereto and incorporated herein (the "Project").

2. Term.

   The Project shall begin on January 1, 2011, and shall be completed no later than December 31, 2012, unless sooner terminated according to the provisions herein.

3. Compensation and Method of Payment.

   3.1 Payments for services provided hereunder shall be made following the performance of such services, unless otherwise permitted by law and approved in writing by the CITY.

   3.2 No payment shall be made for any service rendered by the SERVICE PROVIDER except for services identified and set forth in this Agreement.

   3.3 The CITY shall pay the SERVICE PROVIDER for work performed under this Agreement as follows: One Thousand Four Hundred ($1,400) per month, due and payable on the last day of the month in which services are rendered, upon invoice.

4. Reports and Inspections.

4.1 Except as deemed confidential in RCW 10.101.020, the SERVICE PROVIDER at such times and in such forms as the CITY may require, shall furnish to the CITY such statements, records, reports, data, and information as the CITY may request pertaining to matters covered by this Agreement.

4.2 The SERVICE PROVIDER shall at any time during normal business hours and as often as the CITY or State Auditor may deem necessary, make available for examination all of its records and data with respect to all matters covered, directly or indirectly, by this Agreement and shall permit the CITY or its designated authorized representative to audit and inspect other data relating to all matters covered by this Agreement. The CITY shall receive a copy of all audit reports made by the agency or firm as to the SERVICE PROVIDER'S activities. The CITY may, at its discretion, conduct an audit at its expense, using its own or outside auditors, of the SERVICE PROVIDER'S activities that relate, directly or indirectly, to this Agreement.

5. Independent Contractor Relationship.

5.1 The parties intend that an independent SERVICE PROVIDER/CITY relationship will be created by this Agreement. The CITY is interested primarily in the results to be achieved; subject to paragraphs herein, the implementation of services will lie solely with the discretion of the SERVICE PROVIDER. No agent, employee, servant or representative of the SERVICE PROVIDER shall be deemed to be an employee, agent, servant or representative of the CITY for any purpose, and the employees of the SERVICE PROVIDER are not entitled to any of the benefits the CITY provides for its employees. The SERVICE PROVIDER will be solely and entirely responsible for its acts and for the acts of its agents, employees, servants, subcontractors or representatives during the performance of this Agreement.

5.2 In the performance of the services herein contemplated the SERVICE PROVIDER is an independent contractor with the authority to control and direct the performance of the details of the work, however, the results of the work contemplated herein must meet the approval of the CITY and shall be subject to the CITY'S general rights of inspection and review to secure the satisfactory completion thereof.

6. Service Provider Employees/agents.

The CITY may at its sole discretion require the SERVICE PROVIDER to remove an employee(s), agent(s) or servant(s) from employment on this Project. The SERVICE PROVIDER may, however, employ that (those) individual(s) on other non-CITY related projects.

7. Hold Harmless/Indemnification.

7.1 SERVICE PROVIDER shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the SERVICE PROVIDER in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

7.2 No liability shall attach to the CITY by reason of entering into this Agreement except as expressly provided herein.

8. Treatment of Assets.

Title to all property furnished by the CITY shall remain in the name of the CITY and the CITY shall become the owner of the work product and other documents, if any, prepared by the SERVICE PROVIDER pursuant to this Agreement.

9. Compliance with Laws.

9.1 The SERVICE PROVIDER, in the performance of this Agreement, shall comply with all applicable federal, state or local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals, and any other standards or criteria as described in this Agreement to assure quality of services.

9.2 The SERVICE PROVIDER specifically agrees to pay any applicable business and occupation (B&O) taxes that may be due on account of this Agreement.

10. Nondiscrimination.

10.1 The CITY is an equal opportunity employer.

10.2 Nondiscrimination in Employment. In the performance of this Agreement, the SERVICE PROVIDER will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability; provided that the prohibition against discrimination in employment because of disability, or the use of a trained dog guide or service animal by a person with a disability, shall not apply if the particular disability prevents the proper performance of the particular worker involved. The SERVICE PROVIDER shall ensure that applicants are employed, and that employees are treated during employment without discrimination because of their race, creed, color, national origin, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or

the presence of any sensory, mental or physical disability or the use of a trained guide dog or service animal by a person with a disability. Such action shall include, but not be limited to: employment, upgrading, demotion or transfers, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and programs for training including apprenticeships. The SERVICE PROVIDER shall take such action with respect to this Agreement as may be required to ensure full compliance with local, state and federal laws prohibiting discrimination in employment.

10.3 Nondiscrimination in Services. The SERVICE PROVIDER will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental or physical disability or the use of a trained guide dog or service animal by a person with a disability.

10.4 If any assignment and/or subcontracting has been authorized by the CITY, said assignment or subcontract shall include appropriate safeguards against discrimination. The SERVICE PROVIDER shall take such action as may be required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.

11. Assignment/subcontracting.

11.1 The SERVICE PROVIDER shall not assign its performance under this Agreement or any portion of this Agreement without the written consent of the CITY, and it is further agreed that said consent must be sought in writing by the SERVICE PROVIDER not less than thirty (30) days prior to the date of any proposed assignment. The CITY reserves the right to reject without cause any such assignment.

11.2 Any work or services assigned hereunder shall be subject to each provision of this Agreement and proper bidding procedures where applicable as set forth in local, state and/or federal statutes, ordinances and guidelines.

11.3 Any technical/professional service subcontract not listed in this Agreement, must have express advance approval by the CITY.

12. Changes.

Either party may request changes to the scope of services and performance to be provided hereunder, however, no change or addition to this Agreement shall be valid or binding upon either party unless such change or addition be in writing and signed by both parties. Such amendments shall be attached to and made part of this Agreement.

13. Maintenance and Inspection of Records.

13.1 The SERVICE PROVIDER shall maintain books, records and documents, which sufficiently and properly reflect all direct and indirect costs related to the performance of this Agreement and shall maintain such accounting procedures and practices as may be necessary to assure proper accounting of all funds paid pursuant to this Agreement. These records shall be subject at all reasonable times to inspection, review, or audit, by the CITY, its authorized representative, the State Auditor, or other governmental officials authorized by law to monitor this Agreement.

13.2 The SERVICE PROVIDER shall retain all books, records, documents and other material relevant to this Agreement, for six (6) years after its expiration. The SERVICE PROVIDER agrees that the CITY or its designee shall have full access and right to examine any of said materials at all reasonable times during said period.

14. Other Provisions.

The following additional terms shall apply: It is agreed between the parties that pursuant to changes in state law necessitating that services hereunder be expanded, the parties shall negotiate an appropriate amendment. If after thirty (30) days of negotiation, agreement cannot be reached, the CITY may terminate this Agreement no sooner than sixty (60) days thereafter.

15. Termination.

15.1 Termination for Convenience. The CITY may terminate this Agreement, in whole or in part, at any time, by giving at least thirty (30) days' written notice to the SERVICE PROVIDER. Upon such termination for convenience, the City shall pay the SERVICE PROVIDER for all services provided under this Agreement through the date of termination.

15.2 Termination for Cause. If the SERVICE PROVIDER fails to perform in the manner called for in this Agreement, or if the SERVICE PROVIDER fails to comply with any other provisions of the Agreement and fails to correct such noncompliance within five (5) days' written notice thereof, the CITY may terminate this Agreement for cause. Termination shall be effected by serving a notice of termination on the SERVICE PROVIDER setting forth the manner in which the SERVICE PROVIDER in default. The SERVICE PROVIDER will only be paid for services performed in accordance with the manner of performance set forth in this Agreement through the date of termination.

16. Notice.

Notice provided for in this Agreement shall be sent by certified mail to the addresses designated for the parties on the last page of this Agreement.

17. Attorneys Fees and Costs.

If any legal proceeding is brought for the enforcement of this Agreement, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party, in addition to any other relief to which such party may be entitled, reasonable attorney's fees and other costs incurred in that action or proceeding.

18. Jurisdiction and Venue.

18.1 This Agreement has been and shall be construed as having been made and delivered within the State of Washington, and it is agreed by each party hereto that this Agreement shall be governed by laws of the State of Washington, both as to interpretation and performance.

18.2 Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement or any provisions thereof shall be instituted and maintained only in any of the courts of competent jurisdiction in Island County, Washington.

19. Severability.

19.1 If, for any reason, any part, term or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

19.2 If it should appear that any provision hereof is in conflict with any statutory provision of the State of Washington, said provision that may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform to such statutory provisions.

20. Entire Agreement.

The parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall constitute a material

breach of contract and be cause for termination. Both parties recognize time is of the essence in the performance of the provisions of this Agreement. It is also agreed by the parties that the forgiveness of the nonperformance of any provision of this Agreement does not constitute a waiver of the provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

CITY:

CITY OF OAK HARBOR
865 SE Barrington Drive
Oak Harbor, WA 98277

Jim Slowik, Mayor

Attest:

Connie Wheeler, City Clerk

SERVICE PROVIDER:

Jack Kerr
2613 Busby Road
Oak Harbor, WA 98277

Jack Kerr

Exhibit A

Scope of Services

1. Purpose. The purpose of this Agreement is for the SERVICE PROVIDER to furnish services to the CITY to fulfill the CITY'S responsibility for public defense administrative services for defendants charged with crimes in the City Municipal Court.

2. Responsibilities of SERVICE PROVIDER. To fulfill its responsibilities under this Agreement, the SERVICE PROVIDER agrees to do the following:

   a. Screen applicants to determine whether they qualify for appointment of an attorney at CITY'S expense to defend against criminal charges brought by the CITY. Screening services include telephone reception for setting up screening appointments which may be held in a jail if a defendant is incarcerated, furnishing and having an applicant complete a financial affidavit and verifications, review of the completed affidavit and verification, and a determination of eligibility for City-paid attorney services based upon Washington State Standards of Indigency established by the Washington Administrator for the Courts. For those determined to be "indigent with the ability to pay," the SERVICE PROVIDER will provide a promissory note for the defendant to sign to pay a portion of the cost of the CITY'S expense of furnishing legal counsel for the defendant.

   b. Pursuant to RCW 10.101.020(3), any information provided by the accused for a determination of indigency shall be confidential and shall not be available to the prosecution in the pending case or cases.

   c. Upon the SERVICE PROVIDER'S determination that the applicant does not qualify for CITY-paid legal defense, the SERVICE PROVIDER will notify the applicant of his or her right to appeal the determination to the Municipal Court Judge and upon request from the Court, the SERVICE PROVIDER will furnish the Court a copy of the defendant's application.

   d. When the defendant is determined to be eligible, the SERVICE PROVIDER will refer the Defendant to the City's contracted Chief Public Defender for representation. The Chief Public Defender shall make the case assignment.

   e. Prepare the form "Notification of Determination of Indigency," and distribute to the Municipal Court and City-contracted Chief Public Defender.

   f. Furnish a fee claim form to the City Clerk at the end of each month assuring that the work has been completed.

   g. Collect and compile statistics of attorney case loads, number of applications, percentage of cases assigned which are active duty military and fees paid by the

CITY and provide this statistical report to the Mayor on a regular (every three month) basis.

h. The SERVICE PROVIDER shall keep all files and storage shall be as directed by the Judge of the District Court.

City of Oak Harbor
City Council Agenda Bill

Bill No. CA 20
Date: November 16, 2010
Subject: Appointments – Personnel Appeals Board

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

SUMMARY STATEMENT

The Personnel Appeals Board is a three-member board appointed for a four-year term in accordance with OHMC 2.34.070. Appointees must live or work in the City of Oak Harbor and have knowledge of personnel practices and/or labor relations.

Board members are appointed by the Mayor, and confirmed by the Council. There are currently two vacancies on the Board due to expired terms.

Mayor Slowik recommends Ms. Tracy Miller and Mr. Kurt Schonberg to fill the vacancies. Both have completed a Biography Form and are attached.

Ms. Miller is the Senior Human Resources Generalist for IDEX Health and Science LLC. Ms. Miller lives within the City of Oak Harbor and she is knowledgeable of personnel practices and labor relations.

Mr. Schonberg is the Executive Director of Human Resources with the Oak Harbor School District. Mr. Schonberg works within the City of Oak Harbor and he is knowledgeable of personnel practices and labor relations.

RECOMMENDED ACTION

Approve the recommendation to appoint Ms. Tracy Miller and Mr. Kurt Schonberg to the Personnel Appeals Board.

ATTACHMENTS

Ms. Miller's Biography Form. Kurt Schonberg's Biography Form

MAYOR'S COMMENTS

Biography Form

Recommended Board Appointment for: Personnel Appeals Board

Name: Tracy Miller Date: November 9, 2010

Address: 1239 Cascade Circle

City, State, Zip: Oak Harbor, WA 98277

Telephone Number: 360-320-3360 Email Address: stfamiller@frontier.com

Mailing Address (if different from above): same

Resident of Oak Harbor/Whidbey Island for: 5 years and 4 months

Occupation and Place of Employment (if retired, reference previous occupation): Senior Human Resources Generalist, IDEX Health & Science LLC, 619 Oak St, Oak Harbor, WA 98277

Local Group or Civic Affiliations: Member of Skagit-Island Human Resource Management Association, member of Oak Harbor First Reformed Church

Special Interests: attending sons' sporting events, gardening (especially flowers), reading, walking, spending time with family, volunteering

Other General Comments:

Biography Form

Recommended Board Appointment for: Personnel Appeals Board

Name: Kurt Schonberg Date: 11/8/10

Address: 350 S. Oak Harbor St.

City, State, Zip: Oak Harbor, WA 98277

Telephone Number: 360 279-5012 Email Address: kschonberg@ohsd.net

Mailing Address (if different from above): N/A

Resident of Oak Harbor/Whidbey Island for: 3.4 years employed in Oak Harbor-residing in Bow.

Occupation and Place of Employment (if retired, reference previous occupation): Oak Harbor School District

Local Group or Civic Affiliations: School District Committees, Oak Harbor Education Foundation supporter, United Way Contributer, former Kiwanis club member.

Special Interests: History, outdoor recreation, family, sports

Other General Comments: This is my fourth year working in Oak Harbor, first as the Director of Teaching and Learning and now as the Executive Director of Human Resources. I enjoy working in the school district and would be glad to contribute to the work of the Appeals Board.

City of Oak Harbor
City Council Agenda Bill

Bill No. cfr 2e
Date: November 16, 2010
Subject: 2% Grant program – 45 day referral.

FROM: **Doug Merriman, Finance Director**

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

Jim Slowik, Mayor
Paul Schmidt, City Administrator
Margery Hite, City Attorney, as to form

PURPOSE

To submit a proposal for a change in the use of hotel motel tax revenues for four grant applications to the Lodging Tax Advisory Committee for the City's 2011 Lodging Tax Grant Program. This submission is solely to begin the forty-five day review and comment period. After this period has been completed, a recommendation from the Lodging Tax Advisory Committee will be brought forward to City Council with a request by staff for Council to take action on the recommendation.

AUTHORITY

RCW 67.28.180 Lodging tax authorized – Conditions: Establishes City authority to levy the "basic" hotel-motel tax of 2%.

RCW 67.28.181 Special excise taxes authorized: Establishes City authority to levy an "additional" hotel-motel tax of 2%.

RCW 67.28.1817 Establishes a Lodging Tax Advisory Committee in large municipalities. Submission of a proposal for imposition of or change in tax or use establishes that before proposing a change in the use of revenue received under this chapter, a municipality with a population of five thousand or more shall submit the proposal to the Lodging Tax Advisory Committee for review and comment. The submission shall occur at least forty-five days before final action on or passage of the proposal by the municipality. The advisory committee shall submit comments on the proposal in a timely manner through generally applicable public comment procedures.

SUMMARY STATEMENT

The City of Oak Harbor sponsors an annual grant program funded by revenues from 2% lodging tax proceeds, more commonly known as the Lodging Tax Grant Program. Organizations are encouraged to apply for funding if they feel that their activity promotes tourism in a manner that attracts visitors to Oak Harbor from other localities.

The City has received 4 applications for funding through the City's Lodging Tax Grant Program for 2011. These requests are as follows:

	Requested
• Oak Harbor Arts Commission – Driftwood Day	$ 4,090
• 25th Annual North Whidbey Car Show	6,000
• Whidbey Island Marathon	10,000
• Chamber of Commerce – Tourism Promotion	$ 42,000
Total Requests	**$ 62,090**

City of Oak Harbor
City Council Agenda Bill

STANDING COMMITTEE REPORT

This issue was presented to the Finance Standing Committee on November 10, 2010.

RECOMMENDED ACTION

1) A motion to begin the 45-day review period for a change in the use of hotel motel tax revenues for consideration of the City's Lodging Tax Grant Program for 2011.

ATTACHMENTS

MAYOR'S COMMENTS

City of Oak Harbor
City Council Agenda Bill

Bill No. 3
Date: November 16, 2010
Subject: Adopt Final Ordinance: 2011-2012 Biennial Budget.

FROM: **Doug Merriman, Finance Director**

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:
Jim Slowik, Mayor
Paul Schmidt, City Administrator
Margery Hite, City Attorney, as to form

PURPOSE
This agenda bill presents the proposed ordinance required under RCW 35A.34.120 for adopting the City's 2011-2012 Biennial Budget. This ordinance will set the appropriation levels, by fund, for the biennial period.

AUTHORITY
RCW 35.34.040 authorizes First-Class cities to adopt biennial budgets. In addition, RCW 35A.11.020 gives Code cities such as Oak Harbor the same authority as given to other classes of cities. The rules for adopting biennial budgets by Code cities are set out in RCW 34A.34.

SUMMARY STATEMENT
This agenda bill is to present the biennial budget ordinance for the biennial budget period 2011-2012. The requested budget authorizations have been established as a result of presentations made by staff to City Council during previous budget workshops.

The attached ordinance, in proper format, presents the appropriation or spending authority for each fund of the City. Any future changes in authority at the fund level will be presented to Council for approval.

RECOMMENDED ACTION
1) Hold a public hearing.
2) Pass ordinance approving 2011-2012 budget ordinance.

ATTACHMENTS:
Draft Ordinance

MAYOR'S COMMENTS

Draft

ORDINANCE NO. _____

AN ORDINANCE TO ENCUMBER RESOURCES AND TO ESTABLISH EXPENDITURE AUTHORITY THROUGH THE ADOPTION OF THE CITY OF OAK HARBOR 2011-2012 BIENNIAL BUDGET.

WHEREAS, the City of Oak Harbor has elected to utilize a biennial budget as provided in RCW 35A.34.040; and

WHEREAS, a public hearing was held June 15, 2010 regarding revenue sources for the coming year's budget, including consideration of possible increases in property tax revenues as required by RCW 84.55.120; and

WHEREAS, budget estimates from each department of City government were provided to the City Clerk as required by RCW 35A.34.050 on or before September 13, 2010 setting forth the complete financial program of the City for the ensuing fiscal biennium; and

WHEREAS, a proposed preliminary budget was prepared on October 29, 2010 setting out the complete financial program of the City for the ensuing fiscal biennium as required by RCW 35A.34.070; and

WHEREAS, the preliminary budget was prepared in detail on November 12, 2010, making revisions or additions to the reports of the department heads and was made available to the public at least six weeks prior to the City's new fiscal biennium, beginning January 1, 2011; and

WHEREAS, the budget message, explaining the budget, outlining the recommended financial policies and programs of the city for the ensuing fiscal biennium, stating reasons for salient changes from the previous biennium in appropriation and revenue items; and explaining any recommended major changes in financial policy was submitted on September 30, 2010 as required by RCW 35A.34.090; and

WHEREAS, budget workshops were held on June 15, September 29, October 14, November 3, 2010, which were open to the public and at which department heads gave information regarding estimates and programs; and

WHEREAS, the City Clerk has published notice of a final public hearing on the final 2011-2012 biennial budget in the Whidbey News Times on November 3 and November 10, 2010; and,

WHEREAS, the Oak Harbor City Council held the final public hearing at the November 16, 2010 City Council meeting to receive discussion and input from the public; and,

WHEREAS, the City of Oak Harbor desires to set forth and establish expenditure authority for the purpose of continuing operations for the biennial period commencing January 1, 2011 through December 31, 2012;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAK HARBOR do hereby ordain as follows:

Section 1: The 2011-2012 Biennial Budget as presented at the November 16, 2010 public hearing is hereby adopted by reference, and shall constitute the expenditure authority for years 2011-2012 for the City of Oak Harbor. The City Clerk is instructed to file the same with the minutes of this meeting. Set forth in summary form are the totals of the estimated encumbrances for each separate fund and the aggregate totals for all such funds combined.

Draft

Fund		2011	2012
Fund: 001	CURRENT EXPENSE	$14,331,914	$14,280,339
Fund: 002	CURRENT EXPENSE RESERVES	1,390,238	1,390,238
Fund: 003	CURRENT EXP - AMERIFLEX	60,000	60,000
Fund: 005	CURRENT EXP - SEIZURE	10,000	10,000
Fund: 006	WHIDBEY ISLAND MARATHON	345,936	354,272
Fund: 101	STREETS	2,019,932	1,842,823
Fund: 104	ARTERIALS	8,173,028	370,666
Fund: 105	TRANSPORTATION CAPITAL IMPROVE	1,115,100	1,144,799
Fund: 106	PATHS & TRAILS 1/2 OF 1% MVFT	19,968	22,418
Fund: 110	CUMULATIVE RESERVE STREETS	21,223	21,383
Fund: 115	ART ACQUISITION & MAINTENANCE	88,505	120,977
Fund: 116	CIVIC IMPROVEMENT (2%)	476,918	518,618
Fund: 125	PARK IMPROV-NEIGHBORHOOD PARKS	299,433	59,433
Fund: 126	PARK IMPROV COMMUNITY PARKS	340,435	256,435
Fund: 129	SENIOR CENTER	549,048	427,166
Fund: 230	2008 LOCAL FIRE BOND	51,711	25,856
Fund: 311	CUM RESERVE (M) 1ST 1/4% REET	3,420,702	1,501,202
Fund: 312	CUM RESERVE MCI 2ND 1/4% REET	2,883,853	357,603
Fund: 320	CONSTRUCTION - DOCK PROJECT	276,961	538,851
Fund: 325	WATERFRONT REDEVELOPMENT FUND	482,039	334,439
Fund: 401	WATER	15,504,619	9,062,925
Fund: 402	SEWER	10,991,311	10,532,585
Fund: 403	SOLID WASTE	5,305,423	5,256,189
Fund: 404	STORM DRAIN	4,064,998	1,685,718
Fund: 410	MARINA	5,191,337	2,046,291
Fund: 411	CUMULATIVE RESERVE WATER	6,162,043	3,477,983
Fund: 412	CUMULATIVE RESERVE SEWER	5,173,118	5,025,497
Fund: 413	CUMULATIVE RESERVE - SOLID WASTE	120,414	121,314
Fund: 414	CUMULATIVE RESERVE STORM DRAIN	395,370	423,420
Fund: 420	CUMULATIVE RESERVE MARINA	75,710	101,220
Fund: 501	EQUIPMENT RENTAL	956,419	989,069
Fund: 502	EQUIPMENT REPLACEMENT	7,011,260	7,408,589
Fund: 505	TECHNOLOGY RESERVE FUND	538,498	552,098
Fund: 510	SHOP FACILITY	2,260,895	2,314,052
		$100,108,359	$72,634,468

Section 2: This ordinance shall be in full force and effect on January 1, 2011, at least five days after passage and upon legal publication.

PASSED by the Council and approved by its Mayor this 16th day of November, 2010.

CITY OF OAK HARBOR

Approved ( ) _____
Vetoed ( ) Jim Slowik, Mayor

_____
Date

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

Published:_____

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City of Oak Harbor
City Council Agenda Bill

Bill No. 4
Date: November 16, 2010
Subject: Pioneer Way – Shoreline Substantial Development Conditional Use Permit

FROM: Steve Powers SP
Development Services Director

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

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

PURPOSE

This agenda bill presents the application for a Shoreline Substantial Development Conditional Use Permit (SSDCUP) by the City of Oak Harbor for the Pioneer Way Street Improvements Project. This is a quasi-judicial matter.

AUTHORITY

RCW 90.58.050 provides the authority and the responsibility to local governments for planning and administering the shoreline regulatory program consistent with the Shoreline Management Act (SMA). The City's adopted Shoreline Master Program (SMP) requires that the Planning Commission conduct a public hearing and forward a recommendation to the City Council who shall conduct their own hearing before making a decision.

PROJECT BACKGROUND

SE Pioneer Way is the primary thoroughfare and main street in historic downtown Oak Harbor. Pioneer Way also serves as the primary vehicle and pedestrian access for the commercial businesses, restaurants, and taverns fronting the street and is used as a way of accessing the Navy Seaplane Base to the east of downtown. The street has existed in one form or another at least since the Town of Oak Harbor was established in 1889. Since that time, the street has been improved to have two, east-west vehicle travel lanes, on-street parallel parking, and a concrete sidewalk ranging from five to eight feet (5' – 8')wide. Planter areas are interspersed along the street containing a mix of trees and shrubs.

The Pioneer Way Street Improvements Project will add multi-modal and pedestrian-friendly street improvements and streetscape enhancements. The project includes the removal and replacement of the entire surface street cross section, storm drainage conveyance system, and sanitary sewer system within the limits of the existing infrastructure. In addition, streetscape improvements include widening sidewalks, and providing on-street parking. Existing overhead utilities will be relocated underground.

SHORELINE MASTER PROGRAM REVIEW

The Shoreline Management Act was adopted by the State in 1971 to protect the State's fragile shorelines and its natural resources from development pressures. The goals of the Shoreline Management Act give preference to uses in the following order of preference which:

(1) Recognize and protect the statewide interest over local interest;

(2) Preserve the natural character of the shoreline;

(3) Result in long term over short term benefit;

(4) Protect the resources and ecology of the shoreline;

(5) Increase public access to publicly owned areas of the shorelines;

(6) Increase recreational opportunities for the public in the shoreline;

The Shoreline Management Act establishes seven land and water use elements to be incorporated into every Master Program (RCW 90.58.100). These are shoreline use, economic development, public access, circulation, recreation, conservation and historic and cultural preservation. These elements are addressed in goal and policy statements in Section Three of the City's Shoreline Master Program. Within the regulated shoreline environment, proposed projects are reviewed for consistency with the applicable goals, policies and regulations. The Pioneer Way Street Improvements Project is atypical as far as shoreline permits are concerned, because it is an improvement to an existing street on previously improved land within the regulated Shoreline. For this reason, the project will not have the same level of impacts on the shoreline as would new development.

There are four designated shoreline environments in Oak Harbor: urban, urban residential, natural and aquatic. Pioneer Way is located within the "urban" shoreline environment – an area of intensive and diverse land use(s). The repair and renovation of existing streets and sidewalks is a conditional use within this designation as a non-water dependent transportation facility.

The SE Pioneer Way Improvements Project extends from SE City Beach Street to SE Midway Boulevard. The application for Shoreline Substantial Development Conditional Use Permit (SSDCUP) applies to the easterly 125 feet of the SE Pioneer Way Improvements Project near the intersection with Midway Boulevard. This portion of the larger project can be thought of as the 'shoreline project.' This 'shoreline project' is the only portion of the larger project which is within the regulated shoreline area of the state as defined by RCW 90.58.030 and is therefore the only portion of the larger project which requires a SSDCUP.

It is important to note that the design features of the street are not the subject of the shoreline permit review. Rather, it is the continued use of the right-of-way as a public street within the shoreline that is the subject of the SSDCUP application.

REVIEW CRITERIA

The SSDCUP for the street improvements is subject to relevant criteria within the City's adopted SMP. Relevant sections of the SMP for this project include: (1) Section 4.02 "Urban Environment," (2) Section 5.02 "General Regulations," (3) Section 5.19 "Transportation Facilities," (4) Section 5.20 "Utilities," and (5) Section 7.03 "Conditional Uses." These criteria are reviewed in the Staff Report, Attachment A.

PUBLIC NOTICE

A Notice of Application (NOA) for the proposed project was posted on the property and published in the newspaper, as per the requirement of the Shoreline Master Program for two consecutive weeks, on July 10, 2010 and July 17, 2010. The notice provided a comment period of 30 days with a deadline of August 18, 2010. Property owners within 300 feet of the project were also notified by mail.

The Public Hearing for the Planning Commission was advertised in the newspaper on September 11, 2010. The hearing notice was also mailed to property owners within 300 feet. Pioneer Way commercial tenants were included in the mailing list. Staff did not receive any comments on the SSDCUP during the comment period.

A SEPA checklist was submitted along with the application. The Notice of Application was published in the local newspaper on July 10, 2010 and July 17, 2010. The deadline for comments was July 26, 2010. Staff received one comment from Island Transit requesting that Dock Street south of Pioneer Way be converted to a one way street.

A Mitigated Determination of Non Significance was issued for the entire SE Pioneer Way Improvement Project on August 6, 2010. Notice of the determination was published in the local newspaper on August 7th with the comment period ending on August 23, 2010. The SEPA appeal period ended on September of 2010. No comments or appeals were received.

A notice for the City Council public hearing on this agenda item was published in the Whidbey News Times on October 2, 2010. Property owners within 300-feet of the proposed Pioneer Way Street Improvements Project and commercial tenants along Pioneer Way were noticed by mail. Signage was posted on the site in two locations indicating the time, place, and subject of the public hearing.

STAFF REVIEW

Staff reviewed the project against the applicable SMP policies and regulations and recommended approval to the Planning Commission in the staff report, which is Attachment A to this agenda bill. The staff report contains a detailed discussion of compliance with the relevant SMP criteria. In general, staff found the project to be consistent with the City's adopted SMP because it will not impact the shoreline environment or public access to publicly-owned shorelines.

PLANNING COMMISSION REVIEW

Planning Commission reviewed the permit, conducted a public hearing, and recommended approval to City Council on September 28, 2010. Public comment received at the hearing

discussed the proposed one-way configuration of Pioneer Way and its impacts to businesses. No public testimony was received regarding the project's consistency with the Shoreline Master Program requirements. Written comments were received by the Planning Commission at the time of the public hearing in the form of a letter from Mr. Richard Aramburu representing Harborside Village LLC and a letter from Mr. Adam Hand. Planning Commission's minutes from the September 28, 2010 hearing are Attachment B to this agenda bill. The letters from Mr. Aramburu and Mr. Hand are included in Attachment C. The Planning Commission's Findings of Fact are Attachment D.

CITY COUNCIL REVIEW

According to the Shoreline Master Program, City Council's duties include the following:

(1) "Consider through public hearings or other means, all pertinent data, testimony, correspondence and recommendations related to any application for a Shoreline Management Substantial Development Permit" and;

(2) "Make findings and thereupon take action to grant or deny applications for permits in full compliance with the City of Oak Harbor's Shoreline Master Program, the Shoreline Management Act, and regulations and requirements adopted pursuant thereto.

RECOMMENDED ACTION

1. Conduct a public hearing to review the Planning Commission's recommendation.
2. Approve the Shoreline Substantial Development Conditional Use Permit.
3. Adopt the "Findings of Fact" (Attachment E).

ATTACHMENTS

Attachment A -	Staff report to Planning Commission dated September 28, 2010.
Attachment B -	Planning Commission minutes dated September 28, 2010.
Attachment C	Written public comments received September 28, 2010
Attachment D	Planning Commission Findings of Fact
Attachment E	City Council Findings of Fact

MAYOR'S COMMENTS

ATTACHMENT A

Staff Report to Planning Commission
Dated September 28, 2010

City of Oak Harbor
Planning Commission Report

Date: September 28, 2010
Subject: Shoreline Substantial Development Conditional Use Permit for Pioneer Way Street Improvements Project

FROM: Ethan Spoo, AICP
Senior Planner

PURPOSE

This report presents the application (Attachments 1, 2, and 3) for a Shoreline Substantial Development Conditional Use Permit by the City of Oak Harbor for the Pioneer Way Street Improvements Project in downtown Oak Harbor.

AUTHORITY

RCW 98.58.050 provides the authority and the responsibility to local governments for the planning and administering the shoreline regulatory program consistent with the Shoreline Management Act. The City's adopted Shoreline Master Program establishes that the Planning Commission shall serve as the hearing body for these applications.

The report highlights the goals and policies that are relevant to the review of the Shoreline Substantial Development Conditional Use Permit (SSDCUP) application. The application for SSDCUP applies to the easterly 125 feet of the project near the intersection with Midway Boulevard. This is the only portion of the project which is within the regulated shoreline area of the state as defined by RCW 90.58.030 and is therefore the only portion of the project which requires the approval of the SSDCUP. Proposed findings of fact on the project are also included with the report. The shoreline review process is intended to review the project against the shoreline criteria. The design of the street is not the subject of the shoreline permit.

BACKGROUND

Existing Conditions

SE Pioneer Way is the primary thoroughfare and main street in historic downtown Oak Harbor. Pioneer Way also serves as the primary vehicle and pedestrian access for the commercial businesses, restaurants, and taverns fronting the street and is used as a way of accessing the Navy Seaplane Base to the east of downtown. The street has existed in one form or another at least since the Town of Oak Harbor was established in 1889. Since that time, the street has been improved to have two, east-west vehicle travel lanes, on-street parallel parking, and a variable width concrete sidewalk ranging from 5 – 8 feet wide. Planter areas are interspersed along the street containing a mix of trees and shrubs.

The proposed project will add multi-modal and pedestrian-friendly street improvements and streetscape enhancements. The project includes the removal and replacement of the entire surface street cross section, storm drainage conveyance system, and sanitary sewer system within the limits of the existing infrastructure. In addition, streetscape improvements include widening sidewalks, and providing on-street parking. Existing overhead utilities will be relocated underground. The project is limited to the area

between City Beach Street and Midway Boulevard as shown on the attached plans in Attachment 3.

The proposed project improvements will not only add multi-modal facilities and enhance the aesthetic qualities of the streetscape, but will also remedy existing problems with the aging stormwater and sewer system. Standing puddles of water exist along portions of Pioneer Way after rainfall, because the existing stormwater conveyance system is not fully functional. The sidewalk is cracked and buckled in multiple places.

Project area and proposed improvements
Within the regulated shoreline area, specific improvements will include:

- Parking. Angled on-street parking will be located on the north side of the street,
- A 15-foot wide vehicle travel lane
- Curb and gutter along the north and south sides of SE Pioneer Way
- Sidewalk improvements on both the north and south sides of Pioneer Way
- Sidewalk improvements which will round the corner on Pioneer Way and connect with the sidewalk on SE Bayshore Street.
- Street trees on the southside of Pioneer Way.
- Below grade sanitary sewer and storm drain infrastructure improvements.
- Undergrounding of existing overhead utility lines.

Shoreline Substantial Development Conditional Use Permit
Shoreline Substantial Development permits are usually required for permitted improvements within the regulated shoreline area. However, Section 5.01 of the City's Shoreline Master Program (SMP) indicates that transportation facilities are only permitted conditionally in the "urban" shoreline designation where the proposed project is located. For this reason, a Shoreline Substantial Development Conditional Use Permit is required and the project must comply with the conditional use permit criteria in Section 7.03 of the City's SMP.

Public Notice
A Notice of Application (NOA) for the proposed project was posted on the property and published in the newspaper, as per the requirement of the Shoreline Master Program for two consecutive weeks, on July 10, 2010 and July 17, 2010. The notice provided a comment period of 30 days with a deadline of August 18, 2010. Property owners within 300 feet of the project were also notified my mail.

The Public Hearing for the Planning Commission was advertised in the newspaper on September 11, 2010. The hearing notice was also mailed to property owners within 300 feet. Pioneer Way commercial tenants were included in the mailing list. Staff did not receive any comments on the SSDCUP during the comment period.

SEPA
A SEPA checklist was submitted along with the application. The Notice of Application was published in the local newspaper on July 10, 2010 and July 17, 2010. The deadline for comments was July 26, 2010. Staff received one comment from Island Transit requesting that Dock Street south of Pioneer Way be converted to a one way street.

A Mitigated Determination of Non Significance was issued for the project on August 6, 2010. Notice of the determination was published in the local newspaper on August 7th with the comment period ending on August 23, 2010. The SEPA appeal period ended on September 6, 2010. No comments or appeals were received.

A copy of the Determination and the SEPA checklist has been included (Attachment 3) for Planning Commission's reference. Because Pioneer Way is an existing street, the newly proposed street will largely have the same shoreline impacts as the existing street. For this reason, the mitigation measures included in the determination address construction impacts. Mitigation measures include a requirement to follow the recommendations in the geotechnical report, maintenance of proper erosion control techniques to control construction runoff into the Shoreline area, maintenance of a response plan for hazardous spills, notice to property owners of any nighttime construction which may occur, and notice to Island Transit for construction which would affect transit services.

For more details on the mitigation measures, please refer to the MDNS in Attachment 4.

REVIEW AGAINST POLICIES AND REGULATIONS

Pioneer Way is located within the "urban" shoreline environment as defined in the City's adopted SMP. The proposed project is a conditional use within this designation. This staff report reviews the project against the relevant shoreline policies and regulations, proceeding from the general policies and regulations which apply to all substantial developments and ending with the more specific conditional use permit criteria. The compliance report is thus organized as follows:

- Urban Environment (Section 4.02). The policies and regulations review projects which are located within the "urban" shoreline environment. This is the shoreline environment which allows the most intense type of development of all the shoreline environments (acquatic and natural are less intense designations).
- General Regulations (5.02). The General Regulations apply to all shoreline substantial development projects and are not specific to transportation facilities.
- Transportation Facilities (Section 5.19). The policies in this section are specific to new transportation facilities and improvements to existing transportation facilities within the regulated shoreline area.
- Utilities (Section 5.20). The policies in this section are specific to new utility facilities and improved utility facilities within the regulated shoreline area.
- Conditional Use Criteria (Section 7.03). Because transportation facilities are conditional uses in the "urban" environment designation, the project must meet the conditional use permit criteria in Section 7.03 of the Shoreline Master Program.

4.02 Urban Environment – Management Policies

The project is located within the shoreline "urban" environment. Applicable management policies include:

3. *Provide public access to the shoreline. New and expanded development should be designed to include physical or visual access.*

The proposed improvements are a roadway project which includes physical access to the regulated shoreline area in the form of sidewalks, bike lanes, and a vehicle travel lane. Because the roadway will occur in the existing area of improvements, visual access to the shoreline will not be affected.

4. Link public access points by pedestrian routes where practical.

The wider sidewalks and bike lanes proposed as part of the project will help enhance access to the shoreline and will connect with the existing system of sidewalks and access points to the shoreline, such as the waterfront trail system.

7. Regulate urban shoreline development to minimize adverse impacts on adjacent shoreline and upland areas.

As a "transportation facility" in the "urban" shoreline environment, the proposed improvements for Pioneer Way are regulated by the provisions of the City's SMP. Compliance with the City's SMP is demonstrated by this report and by the Shoreline Substantial Development Conditional Use Permit application materials submitted by the applicant dated June 11, 2010 which are attached as Attachements 1 – 3.

5.02 General Regulations

The following general regulations apply to all use activities proposed within the regulated shoreline area. As such, every substantial development within the shoreline is reviewed against these general regulations. The general regulations are not specific to transportation projects.

1. Environmental Protection

a. All uses and developments within the shoreline or over the water shall be located, designed and constructed to avoid disturbance of and detrimental effects on aquatic habitats, water circulation and erosion accretion processes.

The project will occur entirely within the existing area of improvements for Pioneer Way and thus will not have an increased environmental impacts from what currently exists. During construction, stormwater BMPS will be used to minimize potential for erosion and siltation. A mitigated determination of non-significance (MDNS) was issued for the project according to the provisions of RCW 43.91 on August 6, 2010 which determined that no significant environmental impacts would occur as a result of the construction and operation of the project.

b. All shoreline and over water developments shall use measures to minimize increases in surface runoff and shall control runoff so that adjacent properties and water bodies are not degraded by sedimentation or pollutants.

As part of the project, new stormwater infrastructure will be installed which will contain and treat any surface runoff created by the project. The stormwater infrastructure will meet the standards of the 2005 Stormwater Management Manual for Western Washington. The new stormwater system will remedy existing stormwater problems on Pioneer Way which include pooling and standing bodies of water which affect adjacent properties.

c. *The release of oil, chemicals and other hazardous materials into the water is prohibited.*

The project will contain both temporary and permanent stormwater treatment techniques which will prevent release of oil, chemicals and other hazardous materials into the Puget Sound. Additionally, the construction contractor will be required to have a spill response plan in place prior to commencing construction.

d. *All uses and developments within the shoreline or over the water shall use effective methods for control of erosion during construction and operation.*

As previously mentioned, the project will utilize stormwater BMPs during construction and operation. Temporary controls may include silt blankets and silt fences. Permanent stormwater infrastructure will be installed as part of the project which will meet standards in the 2005 Stormwater Management Manual for Western Washington.

e. *Clearing, grading or filling for site preparation shall be limited to the minimum amount necessary for development.*

The project improvements will occur entirely within the limits of existing Pioneer Way improvements. Thus, grading and filling activities will occur only within areas which have already been graded and filled.

2. *Public Access*

a. *Public access shall be required for all over water and shoreline development except single family residential development provided that public access may not be required where it is demonstrated by the applicant and determined by the City in it's findings that one or more of the following provisions apply:*

The project will contain public access to the regulated shoreline area in the form of 8 to 10-foot sidewalks on both the north and the south sides of Pioneer Way.

b. *No development shall be permitted to obstruct or impede public access to publicly owned shorelines.*

The street improvements will be constructed at grade and will not impede access to publicly owned shorelines.

c. *Any public open space, access area or view corridor, required or otherwise provided in association with new or expanded development shall be of a size, location and design appropriate to the site proposed, primary use, adjacent uses, and the existing and projected demand by the community.*

The applicant is proposing public open spaces in the form of wider sidewalks and curb bump out areas. These areas are appropriate for the size and location of the project in a historic downtown.

d. *To the extent possible, public access locations shall have access from public roads.*

The public access to the regulated shoreline area will be in the form of 8 to 10-foot wide sidewalks on either side of Pioneer Way, which is a public street.

e. *Public access signs such as the standard state approved, local or equivalent shall be constructed, installed and maintained by the applicant. If the Council determines that use limitations are appropriate for reasons of public safety or to*

avoid use conflicts, such limitations shall be specified in permit conditions and posted on an on premise sign.

In this case, the public access to the shoreline is the public right-of-way, which will offer unrestricted public access to the regulated shoreline area. The above provision requiring public access signs refers to public access over private property, which is not applicable in this case. Therefore, the requirement does not apply.

f. *Required public access sites shall be fully developed and available for public use at the time of occupancy or use of the development.*

Public access via the 8 to 10-foot wide sidewalks will be fully developed and available at the time the newly reconstructed Pioneer Way is available for use by the public. Some form of public access to the Shoreline will be maintained throughout construction.

g. *Provisions for handicapped impaired persons shall be included in conformance with the Americans with Disabilities Act.*

The proposed sidewalk facilities located on the north and south sides of Pioneer Way will be ADA compliant having 4 feet or more of unobstructed width and a grade of less than 8.33%.

h. *Public access easements and permit conditions shall be recorded on property deeds and, in the case of a subdivision, on the face of a plat as a covenant running in perpetuity with the land. The required easement and/or covenant shall be recorded with the County Auditor's office at the time of permit approval.*

Since Pioneer Way is a public right-of-way, there are no public access easements to the shoreline required. Therefore, this provision is not applicable.

i. *Future actions shall not diminish the usefulness or value of the public access.*

As a public right-of-way, the sidewalks proposed as part of the project will be maintained in perpetuity.

5.19 Transportation Facilities – Policies

These policies are intended to apply to new and improved transportation facilities with the regulated shoreline area. Many of these policies are directed at the development of new transportation facilities within the shoreline. Since the subject project is an improvement to an already existing street, many of the transportation policies do not apply.

1. *Transportation facilities should not be located over water or on shorelines if they could feasibly and practically be located elsewhere.*

The project proposes to make improvements to an existing, long establish public right-of-way. The proposed improvements are not located over water, but do occur within the City's regulated shoreline area, as previously noted. However, the improvements cannot feasibly or practically be located elsewhere since the road alignment and its surrounding land uses have long been established in their current location.

2. *When transportation facilities are located over water or on shorelines, they should be designed and constructed to minimize their impacts on shoreline resources and natural systems. See also, Section 5.13, regulation #3.*

As previously mentioned, the proposed project improvements will occur within the limits of the existing Pioneer Way street improvements. Pioneer Way is one of the oldest right-of-ways in Oak Harbor and existed prior to the adoption of the Shoreline Management Act by the State of Washington. While the proposed improvements will occur within the City's regulated shoreline, there is no other feasible location for the roadway since the roadway and surrounding land uses have long been in existence. Within the proposed limits of work, the improvements will not degrade or affect shoreline resources and natural systems since no such resources or systems now exist within the project area.

3. *Rights of way and other facilities that provide scenic views or access to the water should be retained in public ownership and kept open whenever possible.*

Pioneer Way is an existing public right-of-way and will remain public with the proposed improvements. Therefore, this criterion is met.

4. *Transportation facilities and utilities should be installed in the same rights of way when the effect will be to reduce adverse impacts of installation on shorelines.*

All proposed improvements will be installed in the existing area of improvements for Pioneer Way. Therefore, this criteria is met.

4. *Trails and bicycle routes along shorelines should be provided in conformance with the Oak Harbor Comprehensive Parks and Recreation Plan.*

The Oak Harbor Comprehensive Parks and Recreation Plan calls for a bicycle route along Pioneer Way. In conformance with the Class III Bicycle/Multiuse Trail design guidelines from the Parks Plan, the applicant is being conditioned to provide signage indicating that Pioneer Way is a bicycle route. This criterion is met with the provision of signage along the project corridor.

5.19 Transportation Facilities – Regulations

1. *New arterial or collector roads shall be located outside the shoreline area if an upland location is feasible and practical.*

The proposed street improvements do not constitute a "new" arterial or collector road since all improvements will be contained within the existing Pioneer Way road prism. It is not feasible, therefore, to locate improvements outside the shoreline area.

2. *New transportation facilities shall be located and designed to minimize need for landfill, vegetation removal, bank stabilization and grading.*

All proposed improvements will occur within the existing improvement area of Pioneer Way which was graded, filled and removed of vegetation with previous road improvements. This requirement does not apply.

3. *Graded areas and slopes altered during construction shall be stabilized and where appropriate, planted with native vegetation.*

All site improvements will occur within the existing Pioneer Way street improvements and within previously graded areas. No slopes will be altered during construction. Therefore, this provision is not applicable.

4. *Provisions for pedestrian access where appropriate shall be included in new public transportation facilities to and along the shoreline.*

The project will include 8 to 10-foot wide sidewalks which will provide access to the regulated shoreline area. These sidewalks will, in turn, connect with the waterfront trail system. Therefore, this requirement is met.

5.19 Transportation Facilities – Regulations by Environment (Urban, Urban Residential)

Transportation facilities shall be permitted in the urban or urban residential environment subject to the policies and regulations of this Master Program.

As a transportation facility, the proposed improvements are permitted in the "urban" environment subject to the conditional use permit criteria in section 7.03 of the City's Shoreline Master Program.

5.20 Utilities – Policies

These policies generally apply to installation of new and improved utilities, including sanitary and stormwater facilities with the shoreline area. Many of these policies are directed toward the placement of new utilities within the shoreline and therefore, do not apply to this project.

1. *Utilities and transportation facilities should be installed in the same rights of way when the effect will be to reduce adverse impacts on the shoreline.*

Nearly all of the proposed project improvements, including improvements to sewer and stormwater utilities will occur in the same right-of-way as the existing Pioneer Way street improvements. The City is in the process of acquiring small portions of property from adjacent property owners to ensure that all street improvements will occur within the public right-of-way. Furthermore, since all improvements will occur within the existing improved area, no additional adverse impacts to the shoreline are anticipated.

2. *Disturbance of the shoreline resulting from installation and/or maintenance of utilities should be minimized.*

New sewer, stormwater, and electric utilities will be installed as part of the Pioneer Way improvement project. These utilities will be installed within the existing roadway prism and thus will not negatively impact the shoreline environment in any way.

3. *New utility facilities should be located underground to prevent adverse effects on scenic views.*

All new utility lines and facilities will be located underground. Existing overhead utilities will be relocated underground. Therefore, this criterion is met.

5.20 Utilities - Regulations

1. *Immediately upon completion of utilities installation or maintenance projects, shoreline areas disturbed shall be restored to pre-project configurations, replanting with local vegetation and the vegetation maintained until it is firmly established.*

Although the eastern portion of this project within the regulated shoreline of Oak Harbor, no restoration or replanting is necessary since the project will occur entirely within the existing area of improvements.

2. *Utility lines, pipes, stations, plants and other apparatus shall not be installed in shoreline areas unless there is no feasible alternative.*

Pioneer Way is a long established thoroughfare in downtown Oak Harbor. The proposed street improvements will require the installation of new sewer, stormwater and electric utilities beneath the street section. Since this is a street improvement project and relocation and/or realignment of the street to be out of the shoreline is not possible, it is not feasible to locate utility facilities outside of the shoreline area.

3. *Utility lines shall be installed underground.*

All new utility facilities and the existing overhead utility wires will be placed underground. Therefore, the provision is met.

4. *Underwater cables and utility structures which must cross shorelines shall be installed underground from the OHWM mark to a point landward which allows for unimpeded public access.*

No underwater cables or utility structures are required as proposed as part of this project. The requirement does not apply.

5. *Where utility installation on shoreline areas is approved, clearing shall be confined to the minimum necessary for installation and to prevent interference of operation by vegetation.*

Clearing of the shoreline will not be necessary since all utilities will be placed underground in the area of existing improvements for Pioneer Way. Therefore, this requirement is met.

6. *Where utility lines or similar apparatus must cross shorelines they shall be located within the route which will cause the least ecological and aesthetic damage to the shoreline.*

All new utilities will be installed within the existing Pioneer Way limit of improvements. Locating utilities in this area is not only the most cost effective placement but will not further impact shoreline ecology in any way.

7.03 Criteria for Conditional Uses

Conditional uses shall be approved only when the applicant can demonstrate that all of the following criteria are met:

1. *That the proposed use is consistent with the policies of RCW 90.58.020 and the policies of this Master Program.*

RCW 90.58.020 says the following about proposed uses within the shoreline:

> "...uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to the shorelines of the state, industrial and commercial developments which are particularly dependent on

their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state."

The proposed improvements for Pioneer Way will occur entirely within the existing road section and will not occur on previously undeveloped land. For this reason, the improvements will largely leave the shoreline environment unaffected from its existing condition. The stormwater system improvements proposed as part of the project will help control pollution from the project. The street improvements will help facilitate public access to the shoreline area through the provision of wider sidewalks. Therefore, the proposed project meets the policies of RCW 90.58.020.

Consistency with the policies of this Master Program is demonstrated by the applicant's submittal and this staff report.

2. *That the proposed use will not interfere with the normal public use of public shorelines or water.*

Since Pioneer Way is an existing street and the proposed project improvements will remain entirely within the existing area of improvements, the proposed improvements will in no way affect the normal public use of the shorelines or water. In fact, the construction of the project will enhance the normal public use of the shoreline. Residents and visitors of Oak Harbor will continue to be able to use the waterfront trail system, Windjammer Park, Flintstone Park, Hal Ramaley Park, Smith Park and the shoreline itself. Eastbound vehicle traffic going to the Navy Sea Plane Base or the Marina can continue to use Pioneer Way to reach their destination or can use Bayshore Drive as an alternative route.

3. *That the proposed use of the site and design of the project is compatible with other permitted uses within the area.*

Pioneer Way is a long-established public right-of-way which provides access to the adjacent land uses. Because the proposed use of Pioneer Way as a public right-of-way will not change with this project, the use of Pioneer Way will continue to be compatible with the adjacent and permitted uses in the area.

Since the proposed use of the site will remain a public right-of-way, compatibility with surrounding uses should be viewed in terms of the primary purpose of the street to facilitate access to adjacent businesses. Whereas the existing use of the street emphasizes vehicle travel through downtown to the Navy Seaplane Base and to Highway 20, the Comprehensive Plan, zoning code, and Windjammer Plan all envision Pioneer Way to be a pedestrian-oriented district in the future, rather than a thoroughfare for cars.

Due to the historic nature of the downtown district, properties and storefronts along Pioneer Way are narrow, generally ranging in size from 30-70 feet in width. The downtown came into existence before cars, and thus was designed primarily for pedestrians as reflected by the narrow storefronts and lot widths, in contrast to auto-dominated areas like Highway 20. The Comprehensive Plan, zoning code, and Windjammer Plan all point toward the need to bring the pedestrian-oriented character back to downtown. The new design of Pioneer Way with wider sidewalks, street trees, public art and bicycle travel areas will help make this pedestrian oriented atmosphere a reality. Angled parking will offer convenient access for vehicles, and encourage people to get out of their cars and walk between businesses. Therefore, the proposed use of the site,

is compatible not only with the City's visions for the district, but also with the historic character of the district.

4. *That the proposed use will cause no unreasonably adverse effects to the shoreline environment in which it is to be located.*

Because the street improvements will occur within the existing area of improvements for Pioneer Way, staff does not anticipate additional adverse environmental impacts. Although the eastern portion of the street improvements will be within the regulated Shoreline area, Pioneer Way is physically separated from the water's edge. The street improvements will not encroach further into the regulated Shoreline area, or further impact plant and animal communities along the Shoreline. The newly proposed stormwater infrastructure in Pioneer Way will better capture these pollutants than the existing stormwater infrastructure, reducing the existing negative stormwater impacts to the shoreline. Therefore, the proposed project will not cause unreasonably adverse effects to the shoreline environment and will, in fact, reduce these impacts.

5. *That the public interest suffers no substantial, detrimental effect.*

The Shoreline Management Act and implementing regulations (WAC 173-27-030) define public interest in the following way:

> 'Public interest' means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development.

The public health and safety will not be negatively impacted by this project. The new stormwater infrastructure, wider sidewalks, and one-way street configuration will all positively impact public health and safety by resulting in cleaner stormwater, better pedestrian infrastructure and a slowing of vehicles along Pioneer Way reducing the chance of traffic accidents.

Pioneer Way serves several public purposes including (in no order of priority): (1) as the primary form of access to businesses, offices, and residences along Pioneer Way (2) as a vehicle/pedestrian traffic conductor to areas east and west of downtown (3) as a way of accessing the City's shoreline and waterfront trail system which connects to Pioneer Way (4) As a way of connecting to streets, land uses, and recreational opportunities north and south of Pioneer Way.

Access to Pioneer Way businesses will continue to be provided and even be enhanced in some aspects. Pedestrian access will be enhanced through the provision of wider sidewalks. Vehicle access will be enhanced through the provision of more convenient angled parking which will allow vehicles to more quickly pull-into a parking spot. Pioneer Way will continue to be a traffic conductor for areas east of downtown. Although westbound traffic will no longer be allowed, westbound traffic can find redundant access along SE Bayshore Street and the Midway/Barrington corridor, therefore this critical public purpose will not be lost. Access to streets, land uses, and recreational opportunities north and south of Pioneer Way will continue to be provided. All of these critical public functions will remain intact after the proposed improvements are complete. For these reasons, staff believes that the public interest, as defined by WAC 173-27-030 will suffer no detrimental effect,

6. *With respect to uses which are not classified or set forth in this Master Program the applicant must demonstrate, in addition to the criteria set forth in 1 through 5 above, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the Master Program.*

As a public road, Pioneer Way is classified and set forth as a "transportation facility" in the Shoreline Master Program and is listed as a conditional use in "Table of Uses" in Section 5.01 of that document. Therefore, the use is classified and set forth in the Master Program and the criteria is not applicable.

SUMMARY

The above discussion indicates that the portion of the Pioneer Way Street Improvement Project which is within the regulated shoreline is consistent with the Shoreline Master Program and specifically the conditional use permit criteria. Conditions of approval are attached in the Findings of Fact. Because the proposed improvements will occur within the existing area of improvements, staff does not expect negative impacts from the project on the shoreline ecology or environment. Existing deficiencies with the street, such as the malfunctioning stormwater system will be remedied with this project, leading to less environmental impacts.

The proposed project is also consistent with the City's Transportation Element of the Comprehensive Plan and the Capital Improvement Plan. It is in the second highest priority project identified by the Capital Improvement Plan.

RECOMMENDATIONS

1. Conduct the public hearing.
2. Recommend that the City Council approve the Shoreline Substantial Development Conditional Use Permit
3. Adopt the "Findings of Fact" (Attachment 5)

ATTACHMENTS

Attachment 1 -	Shoreline Substantial Development Conditional Use Permit Narrative
Attachment 2	JARPA Application
Attachment 3 -	Existing Conditions Plan, Proposed Conditions Plan, and Roadway Plan
Attachment 4 -	MDNS and SEPA checklist
Attachment 5 -	Findings of Fact

RECEIVED

JUN 11 2010

CITY OF OAK HARBOR
Development Services Department

Perteet Inc.

MEMORANDUM

Oak Harbor, Washington
SE Pioneer Way Improvement Project

TO: City of Oak Harbor – Planning Division

FROM: Stephanie Hansen, AICP, Senior Community Planner

CC: Russ Pabarcus, PE, City of Oak Harbor Public Works

DATE: May 28, 2010

RE: Shoreline Conditional Use Permit Application – SE Pioneer Way Improvement Project

PROJECT DESCRIPTION

The City of Oak Harbor proposes to improve SE Pioneer Way in Downtown Oak Harbor. The proposed project will add multi-modal and pedestrian friendly street improvements and streetscape enhancements. The project includes the removal and replacement of the entire surface street cross section, storm drainage conveyance system, and sanitary sewer system within the limits of the existing infrastructure. In addition, streetscape improvements include widening sidewalks, providing on-street parking, and adding social gathering spaces. Existing overhead utilities may be relocated underground if funding permits.

Only the eastern portion of the project (approximately 200' of improvements including the Midway Boulevard intersection) is within the shoreline jurisdiction. Information in this memorandum and the Shoreline permit application apply only to the improvements within the shoreline jurisdiction. These improvements are documented by the following attachments:

- JARPA
- Plans
- SEPA Checklist

This memorandum contains the written application submittal requirements for a Shoreline Conditional Use Permit and addresses the conditional use criteria contained in the Oak Harbor Shoreline Master Program (December, 1998). Please refer to the documents noted above for the shoreline plans and application materials, which also address the application submittal requirements.

SHORELINE APPLICATION SUBMITTAL INFORMATION

WAC 173-27-180 sets application requirements for Shoreline Conditional Use Permits. The City of Oak Harbor utilizes the JARPA for its permit application form, and many of the submittal requirements are addressed on the JARPA. Other items, such as distance to the Ordinary High Water Mark (OHWM) are shown on the plans accompanying this application. The items in WAC 173-27-180 that are not shown on the JARPA or on the plan set are addressed below.

(1) through (5): Please see JARPA.

(6) A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.

See "Project Description" above.

(7) A general description of the property as it now exists including its physical characteristics and improvements and structures.

The property is city-owned public right-of-way, and is currently utilized as a main street through downtown Oak Harbor. It is currently developed with asphalt streets, sidewalks, parking, and some landscaping.

(8) A general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.

SE Pioneer Way is located within the historic downtown of Oak Harbor. Adjacent uses include small one- and two-story commercial structures that house local businesses and restaurants and associated parking lots.

(9) A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:

Please see site plan.

SHORELINE MASTER PROGRAM COMPLIANCE

The SE Pioneer Way Improvement Project is located within 200 feet of the Puget Sound shoreline, specifically, the protected harbor known also as Oak Harbor. Shorelines within the project area are designated as Urban (U) in the City's Shoreline Master Program (SMP). Transportation Facilities are allowed as a Conditional Use within the Urban Area. In order to be approved, the project must meet the conditional use criteria contained in Section 7.03 of the SMP, specifically:

1. That the proposed use is consistent with the policies of RCW 90.58.020 and the policies of this Master Program.
2. That the proposed use will not interfere with the normal public use of public shorelines or water.
3. That the proposed use of the site and design of the project is compatible with other permitted uses within the area.
4. That the proposed use will cause no unreasonably adverse effects to the shoreline environment in which it is to be located.
5. That the public interest suffers no substantial, detrimental effect.

Criteria 6 does not apply, as the proposed use is set forth within the SMP.

SHORELINE CONDITIONAL USE CRITERIA

The applicable criteria are addressed below:

1. That the proposed use is consistent with the policies of RCW 90.58.020 and the policies of this Master Program.

The policies of RCW 90.58.020 present a priority structure for use of shorelines of the state. Preferences for shoreline uses include:

(1) Recognize and protect the statewide interest over local interest;
(2) Preserve the natural character of the shoreline;
(3) Result in long term over short term benefit;
(4) Protect the resources and ecology of the shoreline;
(5) Increase public access to publicly owned areas of the shorelines;
(6) Increase recreational opportunities for the public in the shoreline;
(7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

SE Pioneer Way is located within the shoreline jurisdiction, but as an existing east-west right-of-way, it is parallel to the shoreline area and largely provides access via cross-streets that connect to the actual shoreline and surrounding properties. Pioneer Way is an existing use within an existing right-of-way. Its role in providing access is critical to shoreline users, but its improvement will not impair the shoreline or access in any way.

Oak Harbor's SMP contains policies that address uses within shoreline areas. Policies that are specific to transportation facilities are located in Section 5.19 and include the following:

1. Transportation facilities should not be located over water or on shorelines if they could feasibly and practically be located elsewhere.

2. When transportation facilities are located over water or on shorelines, they should be designed and constructed to minimize their impacts on shoreline resources and natural systems.
3. Rights or way and other facilities that provide scenic views or access to the water should be retained in public ownership and kept open whenever possible.
4. Transportation facilities and utilities should be installed in the same rights of way when the effect will be to reduce adverse impacts of installation on shorelines.
5. Trails and bicycle routes along shorelines should be provided in conformance with the Oak Harbor Comprehensive Parks and Recreation Plan.

SE Pioneer Way is not located over water (Policies 1 and 2). Pioneer Way will remain a public street and views will not be altered or will be improved with the project (Policy 3). Pioneer Way will remain in the existing street footprint (Policy 4). The Oak Harbor Comprehensive Parks and Recreation Plan calls for a waterfront trail system located along the shoreline to the south of Pioneer Way. Improvements on Pioneer Way will be consistent with providing access to the Waterfront Trail system.

2. That the proposed use will not interfere with the normal public use of public shorelines or water.

The proposed improvements will enhance public access to the shoreline and will not interfere in any manner with access or use of the shoreline.

3. That the proposed use of the site and design of the project is compatible with other permitted uses within the area.

The proposed project is within an existing street right-of-way. The purpose of both the existing street and the future street will be to facilitate access to downtown properties. The redesign of the street includes wider sidewalks than are currently available, facilitating pedestrian access and activity in the downtown, which is consistent with the city's vision for the area. This goal is further enhanced by a redesign of traffic circulation from two-way to one-way, and by retention of angled on-street parking. In addition, the replacement of utility lines and the undergrounding of overhead power lines will further the safety, provision of public services, and the aesthetic goals of the city.

4. That the proposed use will cause no unreasonably adverse effects to the shoreline environment in which it is to be located.

The proposed project is not adjacent to the water and is not expected to negatively impact the shoreline, habitat, or natural systems in any way.

5. That the public interest suffers no substantial, detrimental effect.

The redesign and construction of Pioneer Way serves the public interest of Oak Harbor residents, businesses, and visitors. The enhancement of the pedestrian facilities in downtown Oak Harbor and within easy access of the shoreline will contribute to the overall experience of the public in both downtown and along the shoreline.

REQUEST

This memorandum contains supplemental information required for the issuance of a Conditional Use Permit (CUP) under the City's SMP. If additional information is required, please contact Russ Pabarcus, PE, in the City's Public Works Department or Perteet Inc. at 425-252-7700 or by email at shansen@perteet.com.

2010
WASHINGTON STATE
Joint Aquatic Resources Permit Application (JARPA) Form[1]

USE BLACK OR BLUE INK TO ENTER ANSWERS IN WHITE SPACES BELOW.

US Army Corps of Engineers Seattle District

AGENCY USE ONLY

Date received:

Agency reference #: _____

Tax Parcel #(s): _____

Part 1–Project Identification

1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [help][2]
SE Pioneer Way Improvement Project

Part 2–Applicant

The person or organization responsible for the project. [help]

2a. Name (Last, First, Middle) and Organization (if applicable)			
Russ Pabarcus, PE, City of Oak Harbor			
2b. Mailing Address (Street or PO Box)			
865 SE Barrington Drive			
2c. City, State, Zip			
Oak Harbor, WA 98277			
2d. Phone (1)	2e. Phone (2)	2f. Fax	2g. E-mail
(360) 279-4520	( )	(360) 279-4507	rpabarcus@oakharbor.org

Part 3–Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b. of this application.) [help]

3a. Name (Last, First, Middle) and Organization (if applicable)
Dan Hansen, PE, Perteet Inc.
3b. Mailing Address (Street or PO Box)
2707 Colby Ave, Suite 900

[1]Additional forms may be required for the following permits:

- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- If your project might affect species listed under the Endangered Species Act, you will need to fill out a Specific Project Information Form (SPIF) or prepare a Biological Evaluation. Forms can be found at http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=mainpage_ESA
- If you are applying for an Aquatic Resources Use Authorization you will need to fill out and submit an Application for Authorization to Use State-Owned Aquatic Lands form to DNR, which can be found at http://www.dnr.wa.gov/Publications/aqr_use_auth_app.doc
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you think you will need a Shoreline permit, contact the appropriate city or county government to make sure they will accept the JARPA.

[2]To access an online JARPA form with [help] screens, go to http://www.epermitting.wa.gov/site/alias__resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx .
For other help, contact the Governor's Office of Regulatory Assistance at 1-800-917-0043 or help@ora.wa.gov.

3c. City, State, Zip			
Everett, WA. 98201			
3d. Phone (1)	3e. Phone (2)	3f. Fax	3g. E-mail
(425) 252-7700	( )	(425) 339-6018	danh@perteet.com

Part 4–Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. [help]

☐ Same as applicant. (Skip to Part 5.) This is better described as repair and maintenance activities

☒ Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)

☐ There are multiple property owners. Complete the section below and fill out JARPA Attachment A for each additional property owner.

4a. Name (Last, First, Middle) and Organization (if applicable)			
4b. Mailing Address (Street or PO Box)			
4c. City, State, Zip			
4d. Phone (1)	4e. Phone (2)	4f. Fax	4g. E-mail
( )	( )	( )	

Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [help]

☐ There are multiple project locations (e.g., linear projects). Complete the section below and use JARPA Attachment B for each additional project location.

5a. Indicate the type of ownership of the property. (Check all that apply.) [help]

☐ State Owned Aquatic Land (If yes or maybe, contact the Department of Natural Resources (DNR) at (360) 902-1100)
☐ Federal
☒ Other publicly owned (state, county, city, special districts like schools, ports, etc.)
☐ Tribal
☐ Private

5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [help]

NA (City right-of-way)

5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]

Oak Harbor, WA 98277

5d. County [help]

Island County

5e. Provide the section, township, and range for the project location. [help]

¼ Section	Section	Township	Range
SW & SE	38 & 39	32N	1E

5f. Provide the latitude and longitude of the project location. [help]

- Example: 47.03922 N lat. / -122.89142 W long. (NAD 83)

48.28805 N lat to 48.289583 N lat, 122.652453 W long to 122.660661 W long

5g. List the tax parcel number(s) for the project location. [help]

- The local county assessor's office can provide this information.

NA – project location is within City right-of-way

5h. Contact information for all adjoining property owners. (If you need more space, use JARPA Attachment C.) [help]

Name	Mailing Address	Tax Parcel # (If known)
SAAR PROPERTIES II	32199 STATE ROUTE 20 OAK HARBOR, WA 98277	S6565-00-00A03-0
OLYMPIC BANK C/O DELOITTE TAX LLP	PO BOX 2609 CARLSBAD, CA 92018	S6565-00-00B17-0
ALVIN B KOETJE ET AL	775 NE MIDWAY BLVD OAK HARBOR, WA 98277	S6565-00-00B06-0
PARAM JIT SINGH, HARMEET KAUR	3617 E BROADWAY MOUNT VERNON, WA 98274	R13202-230-1520 R13202-230-1650

5i. List all wetlands on or adjacent to the project location. [help]

None.

5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]

Puget Sound is located approximately 88 feet to the south, at the east end of the project alignment

5k. Is any part of the project area within a 100-year flood plain? [help]

☐ Yes ☒ No ☐ Don't know

5l. Briefly describe the vegetation and habitat conditions on the property. [help]

The project site is existing street and sidewalk, which has some trees (approximately 30) and shrubs along the sidewalks. Any habitat would be for song birds in the trees.

5m. Describe how the property is currently used. [help]

The property is currently improved as street and sidewalk used by local businesses, traffic and pedestrians. It also contains public utilities including water, sewer, storm drainage, electrical, and communications services.

5n. Describe how the adjacent properties are currently used. [help]

The adjacent properties are predominately small businesses, which consist of retail stores, personal services, art galleries, professional services, photography, restaurants and taverns, one hotel, residential uses, as well as some vacant lots.

5o. Describe the structures (above and below ground) on the property, including their purpose(s). [help]

Site is developed as street and sidewalk. Above ground structures include street lights, traffic signals and overhead power and communication lines. Underground structures include water, sewer, storm sewer and telephone utilities.

5p. Provide driving directions from the closest highway to the project location, and attach a map. [help]

From SR 20 northbound, turn right onto SE Pioneer Way; continue east to SE City Beach St and project start location. See attached map.

Part 6–Project Description

6a. Summarize the overall project. You can provide more detail in 6d. [help]

The project includes the removal and replacement of the entire street surface, storm drainage conveyance system and sanitary sewer system within the limits of the existing infrastructure. Streetscape improvements include widening the sidewalks, providing on-street parking and adding public gathering areas. Overhead utilities may be relocated underground.

6b. Indicate the project category. (Check all that apply) [help]

☐ Commercial ☐ Residential ☐ Institutional ☒ Transportation ☐ Recreational
☐ Maintenance ☐ Environmental Enhancement

6c. Indicate the major elements of your project. (Check all that apply) [help]

☐ Aquaculture	☐ Culvert	☐ Float	☒ Road
☐ Bank Stabilization	☐ Dam / Weir	☐ Geotechnical Survey	☐ Scientific Measurement Device
☐ Boat House	☐ Dike / Levee / Jetty	☐ Land Clearing	☐ Stairs
☐ Boat Launch	☐ Ditch	☐ Marina / Moorage	☐ Stormwater facility
☐ Boat Lift	☐ Dock / Pier	☐ Mining	☐ Swimming Pool
☐ Bridge	☐ Dredging	☐ Outfall Structure	☒ Utility Line
☐ Bulkhead	☐ Fence	☐ Piling	
☐ Buoy	☐ Ferry Terminal	☐ Retaining Wall (upland)	
☐ Channel Modification	☐ Fishway		

☐ Other:

6d. Describe how you plan to construct each project element checked in 6c. Include specific construction methods and equipment to be used. [help]

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year flood plain.

The existing roadway, curb, gutter, sidewalk, and pavement, is expected to be removed in its entirety, including removal of sections of the existing storm system and the entire sanitary sewer system. A new roadway structural section will be installed with replacement storm and sanitary sewer systems placed within the existing roadway prism. If undergrounding placement of overhead utilities is included, this system placement is anticipated to occur within the existing roadway prism.

Removal of the existing storm and sanitary systems represent the extent of excavation necessary to complete the project. Cut depths will range from approximately 4' for the storm drain removal and approximately 8' for the sanitary sewer. If undergrounding of overhead utilities occurs, cut depths will be between 4' to 6'. Any other cut and fill activities within the project area are expected to produce negligible quantities of fill material.

Excavation will be completed using standard construction and will take place within approximately 88 feet of Puget Sound, at the east end of the roadway alignment, to the south of the project location.

Standard construction equipment will be used to construct the project. Examples of equipment to be used include backhoes, compactors, concrete trucks, dozers, concrete saw, dump trucks, excavator, generators, graders, pneumatic tools, and similar equipment. No blasting or pile driving will be required.

6e. What are the start and end dates for project construction? (month/year) [help]

- If the project will be constructed in phases or stages, use JARPA Attachment D to list the start and end dates of each phase or stage.

Start date: January 2011 End date: Sept. 2011 ☐ See JARPA Attachment D

6f. Describe the purpose of the project and why you want or need to perform it. [help]

The project's objectives are to enhance pedestrian and vehicle safety, restore the condition of the infrastructure, and enhance the downtown visitor experience.

6g. Fair market value of the project, including materials, labor, machine rentals, etc. [help]

$8,350,000

6h. Will any portion of the project receive federal funding? [help]

- If yes, list each agency providing funds.

☐ Yes ☒ No ☐ Don't know

Part 7–Wetlands: Impacts and Mitigation

☐ Check here if there are wetlands or wetland buffers on or adjacent to the project area.
(If there are none, skip to Part 8.) [help]

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [help]

☒ Not applicable

7b. Will the project impact wetlands? [help]

☐ Yes ☒ No ☐ Don't know

7c. Will the project impact wetland buffers? [help]

☐ Yes ☒ No ☐ Don't know

7d. Has a wetland delineation report been prepared? [help]

- If yes, submit the report, including data sheets, with the JARPA package.

☐ Yes ☒ No

7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [help]

- If yes, submit the wetland rating forms and figures with the JARPA package.

☐ Yes ☒ No ☐ Don't know

7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [help]

- If yes, submit the plan with the JARPA package and answer 7g.
- If No, or Not applicable, explain below why a mitigation plan should not be required.

☐ Yes ☐ No ☒ Not applicable

7g. Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [help]

Does not apply.

7h. Use the table below to list the type and rating of each wetland impacted; the extent and duration of the impact; and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [help]

Activity (fill, drain, excavate, flood, etc.)	Wetland Name[1]	Wetland type and rating category[2]	Impact area (sq. ft. or Acres)	Duration of impact[3]	Proposed mitigation type[4]	Wetland mitigation area (sq. ft. or acres)

[1] If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.
[2] Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.
[3] Indicate the days, months or years the wetland will be measurably impacted by the activity Enter "permanent" if applicable.
[4] Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)

Page number(s) for similar information in the mitigation plan, if available: NA

7i. For all filling activities identified in 7h., describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [help]

Does not apply.

7j. For all excavating activities identified in 7h., describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [help]

Does not apply.

Part 8–Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, "waterbodies" refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [help]

☒ Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

8a. Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [help]

☒ Not applicable

The entire project will be constructed within the existing developed road prism only, which is located a minimum of 88 feet away from the Puget Sound (located to the south of the project). A Temporary Erosion and Sediment Control (TESC) and Spill Prevention plan will be prepared for the project, which will include, at a minimum, catch- basin protection and filter-fabric fencing. Storm and erosion control best management practices (BMPs) will be used during construction.

8b. Will your project impact a waterbody or the area around a waterbody? [help]

☐ Yes ☒ No

8c. Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies? [help]

- If yes, submit the plan with the JARPA package and answer 8d.
- If No, or Not applicable, explain below why a mitigation plan should not be required.

☐ Yes ☐ No ☒ Not applicable

The project has no effects on non-wetland waterbodies.

8d. Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g., you do not need to restate your answer here. [help]

Does not apply.

8e. Summarize impact(s) to each waterbody in the table below. [help]

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name[1]	Impact location[2]	Duration of impact[3]	Amount of material to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected

[1] If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.
[2] Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.
[3] Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

8f. For all activities identified in 8e., describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [help]

Does not apply.

8g. For all excavating or dredging activities identified in 8e., describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [help]

Does not apply.

Part 9–Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

9a. If you have already worked with any government agencies on this project, list them below. [help]

Agency Name	Contact Name	Phone	Most Recent Date of Contact
		( )	
		( )	
		( )	

9b. Are any of the wetlands or waterbodies identified in Part 7 or Part 8 on the Washington Department of Ecology's 303(d) List? [help]

- If yes, list the parameter(s) below.
- If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: http://www.ecy.wa.gov/programs/wq/303d/.

☐ Yes ☒ No

9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [help]

- Go to http://cfpub.epa.gov/surf/locate/index.cfm to help identify the HUC.

17110019

9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [help]

- Go to http://www.ecy.wa.gov/services/gis/maps/wria/wria.htm to find the WRIA #.

WRIA 6

9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help]

- Go to http://www.ecy.wa.gov/programs/wq/swqs/criteria.html for the standards.

☐ Yes ☐ No ☒ Not applicable

9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help]

- If you don't know, contact the local planning department.
- For more information, go to: http://www.ecy.wa.gov/programs/sea/sma/laws_rules/173-26/211_designations.html.

☐ Rural ☒ Urban ☐ Natural ☐ Aquatic ☐ Conservancy ☐ Other _____

9g. What is the Washington Department of Natural Resources Water Type? [help]

- Go to http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesApplications/Pages/fp_watertyping.aspx for the Forest Practices Water Typing System.

☒ Shoreline ☐ Fish ☐ Non-Fish Perennial ☐ Non-Fish Seasonal

9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [help]

- If no, provide the name of the manual your project is designed to meet.

☒ Yes ☐ No

Name of manual:

9i. If you know what the property was used for in the past, describe below. [help]

Pioneer Way has been used as a public thoroughfare since the late 1800s.

9j. Has a cultural resource (archaeological) survey been performed on the project area? [help]

- If yes, attach it to your JARPA package.

☐ Yes ☒ No Is there a survey?

9k. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [help]

Some listed species known to be present within Puget Sound, including the following threatened and endangered species:

- Chinook Salmon (threatened)
- Coho Salmon (species of concern)
- Steelhead (threatened)
- Southern Resident Killer Whale (endangered)
- Humpback Whale (endangered)
- Steller Sea Lion (threatened)

Impacts to ESA-listed species are not expected.

9l. Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [help]

Per the Washington Department of Fish and Wildlife, the Puget Sound shoreline to the south of the project area is an estuary zone, which provides habitat for many shoreline species. There are also wetlands and oak stands within .75 miles of the project area that are considered priority habitat or species. There are no known eagle's nests or heron rookeries within the immediate project area, though there are noted nests located to the southeast and southwest of the project area, approximately one mile away in each direction. Impacts to priority species or habitat are not expected.

Part 10–SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at http://apps.ecy.wa.gov/opas/.
- Governor's Office of Regulatory Assistance at (800) 917-0043 or help@ora.wa.gov.

- For a list of agency addresses to send your application, click on the "where to send your completed JARPA" at http://www.epermitting.wa.gov.

10a. Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [help]

- For more information about SEPA, go to www.ecy.wa.gov/programs/sea/sepa/e-review.html.

☐ A copy of the SEPA determination or letter of exemption is included with this application.

☒ A SEPA determination is pending with City of Oak Harbor (lead agency). The expected decision date is July, 2010.

☐ I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [help]

☐ This project is exempt (choose type of exemption below).

☐ Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt? _____

☐ Other: _____

☐ SEPA is pre-empted by federal law.

10b. Indicate the permits you are applying for. (Check all that apply.) [help]

LOCAL GOVERNMENT

Local Government Shoreline permits:

☐ Substantial Development ☒ Conditional Use ☐ Variance

☐ Shoreline Exemption Type (explain): _____

Other city/county permits:

☐ Floodplain Development Permit ☐ Critical Areas Ordinance

STATE GOVERNMENT

Washington Department of Fish and Wildlife:

☐ Hydraulic Project Approval (HPA) ☐ Fish Habitat Enhancement Exemption

Washington Department of Ecology:

☐ Section 401 Water Quality Certification

Washington Department of Natural Resources:

☐ Aquatic Resources Use Authorization

FEDERAL GOVERNMENT

United States Department of the Army permits (U.S. Army Corps of Engineers):

☐ Section 404 (discharges into waters of the U.S.) ☐ Section 10 (work in navigable waters)

United States Coast Guard permits:

☐ General Bridge Act Permit ☐ Private Aids to Navigation (for non-bridge projects)

Part 11--Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [help]

11a. Applicant Signature (required) [help]

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. _____ (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. _____ (initial)

J. R. MARCUS		6/11/2010
Applicant Printed Name	Applicant Signature	Date

11b. Authorized Agent Signature [help]

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

Dan Hansen, PE Perteet Inc		May 20, 2010
Authorized Agent Printed Name	Authorized Agent Signature	Date

11c. Property Owner Signature (if not applicant). [help]
Not required if project is on existing rights-of-way or easements.

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

Property Owner Printed Name	Property Owner Signature	Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact The Governor's Office of Regulatory Assistance (ORA). People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341.
ORA publication number: ENV-019-09

2009

WASHINGTON STATE
Joint Aquatic Resources Permit Application (JARPA) Form [help]

US Army Corps of Engineers Seattle District

AGENCY USE ONLY

Date received:

Agency reference #: _____

Tax Parcel #(s): _____

JARPA Attachment C: Contact information for adjoining property owners, lessees, etc. [help]

Use this attachment only if you have more than four adjoining property owners.

TO BE COMPLETED BY APPLICANT [help]

UPI #: NA

Project Name: SE Pioneer Way Improvement Project

Use black or blue ink to enter answers in white spaces below or fill in electronically by clicking on fields.

5h. Contact information for all adjoining property owners, lessees, etc. [help]

Name	Mailing Address	Tax Parcel # (if known)
The King Company	7337 50TH Ave NE Seattle, WA 98115	S6565-00-00B21-0
John Dunning	PO Box 488 Friday Harbor, WA. 98250	
Prosperity Investments, Inc	1582 Scenic Heights Rd Oak Harbor, WA 98277	R13202-230-1700
Edward C Beeksma, William Massey, Robert Sebo & June Haig	41 NE Midway Blvd Ste. 101 Oak Harbor, WA 98277	S6565-00-00B22-0
James & Dana Cho	2812 12TH Ave S Seattle, WA 98144	R13202-235-2140
Stanley & Josefa J Groszek	650 SE Pioneer Way Oak Harbor, WA 98277	R13202-227-2160
Armed Services YMCA	6359 Walker Lane, Suite 200 Alexandria, VA. 22310	R13202-232-1770
John M Allgire, Trustee, Myrtle Allgire	2675 W Beach Rd Oak Harbor, WA. 98277	R13202-236-2210 R13202-230-2320

If you require this document in another format, contact The Governor's Office of Regulatory Assistance (ORA). People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341.
ORA publication number: ENV-022-09

2009
WASHINGTON STATE
Joint Aquatic Resources Permit Application (JARPA) Form [help]

US Army Corps of Engineers • Seattle District

AGENCY USE ONLY

Date received:

Agency reference #: _____

Tax Parcel #(s): _____

_____

_____

JARPA Attachment C:
Contact information for adjoining property owners, lessees, etc. [help]

Use this attachment only if you have more than four adjoining property owners.

TO BE COMPLETED BY APPLICANT [help]

UPI #: NA

Project Name: SE Pioneer Improvement Project

Use black or blue ink to enter answers in white spaces below or fill in electronically by clicking on fields.

5h. Contact information for all adjoining property owners, lessees, etc. [help]

Name	Mailing Address	Tax Parcel # (if known)
Christon C & Deborah Skinner	740 SE Pioneer Way Oak Harbor, WA. 98277	R13202-231-2400 R13202-230-2500
Kristi J Jensen	1380 SE 8th Ave Oak Harbor, WA. 98277	S6565-00-00B19-0
Jensen Commercial Properties, LLC	32785 SR 20, Suite 40 Oak Harbor, WA. 98277	S6565-00-00029-0 S7585-00-00026-0
Chris H & Helen Pantoleon	2390 SW Freund St Oak harbor, WA. 98277	S6565-00-00008-0
Ed Fakkema Fakkema, KA &E	2571 SE Petes Lane Oak Harbor, WA. 98277	S6565-00-00009-0
Old Town Mall, LLC	PO Box 2249 Oak Harbor, WA. 98277	R13202-239-2750 R13202-241-2700 S6565-00-00010-0
Christopher Saxman, Oak Harbor Properties	PO Box 87 Hanover, NM 88041	R13202-229-2750 S6565-00-00001-0
Fir Grove Partnership	41 NE Midway Blvd, Ste 101 Oak Harbor, WA. 98277	R13202-231-2800

2009

WASHINGTON STATE
Joint Aquatic Resources Permit Application (JARPA) Form [help]

US Army Corps of Engineers / Seattle District

AGENCY USE ONLY

Date received:

Agency reference #: _____

Tax Parcel #(s): _____

JARPA Attachment C: Contact information for adjoining property owners, lessees, etc. [help]

Use this attachment only if you have more than four adjoining property owners.

TO BE COMPLETED BY APPLICANT [help]

UPI #: NA

Project Name: SE Pioneer Improvement Project

Use black or blue ink to enter answers in white spaces below or fill in electronically by clicking on fields.

5h. Contact information for all adjoining property owners, lessees, etc. [help]

Name	Mailing Address	Tax Parcel # (If known)
Chana & Natchanok Sritong	17070 Kokanee Ct Mount Vernon, WA. 98274	S8180-00-000-30-0
Terry Smith	PO Box 86 Freeland, WA. 98249	S8180-00-00031-0
Daniel D Dillard	513 SE Neil St Oak Harbor, WA. 98277	S8180-00-00004-0
Atlas Venture Capital LLC	5306 154th Ave SE Bellevue, WA. 98006	S8180-00-00002-0
Kelly Hoing & Clifford J Beedle	1581 NE 1st Ave Oak Harbor, WA. 98277	S8180-00-00001-0
Gilbert & Suzanne Villareal	15681 Deception Shore Dr Anacortes, WA. 98221	S8180-00-0035-0 S7585-00-00058-0
Coffee Ground, LLC	PO Box 309 Clinton, WA. 98236	S7585-00-00051-0
George L Fortner	1701 SE 6TH AVE Oak Harbor, WA. 98277	S7585-00-00024-1

If you require this document in another format, contact The Governor's Office of Regulatory Assistance (ORA). People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341.
ORA publication number: ENV-022-09

2009
WASHINGTON STATE
Joint Aquatic Resources Permit Application (JARPA) Form [help]

US Army Corps of Engineers / Seattle District

AGENCY USE ONLY

Date received:

Agency reference #: _____

Tax Parcel #(s): _____

JARPA Attachment C: Contact information for adjoining property owners, lessees, etc. [help]

Use this attachment only if you have more than four adjoining property owners.

TO BE COMPLETED BY APPLICANT [help]

UPI #: NA

Project Name: SE Pioneer Improvement Project

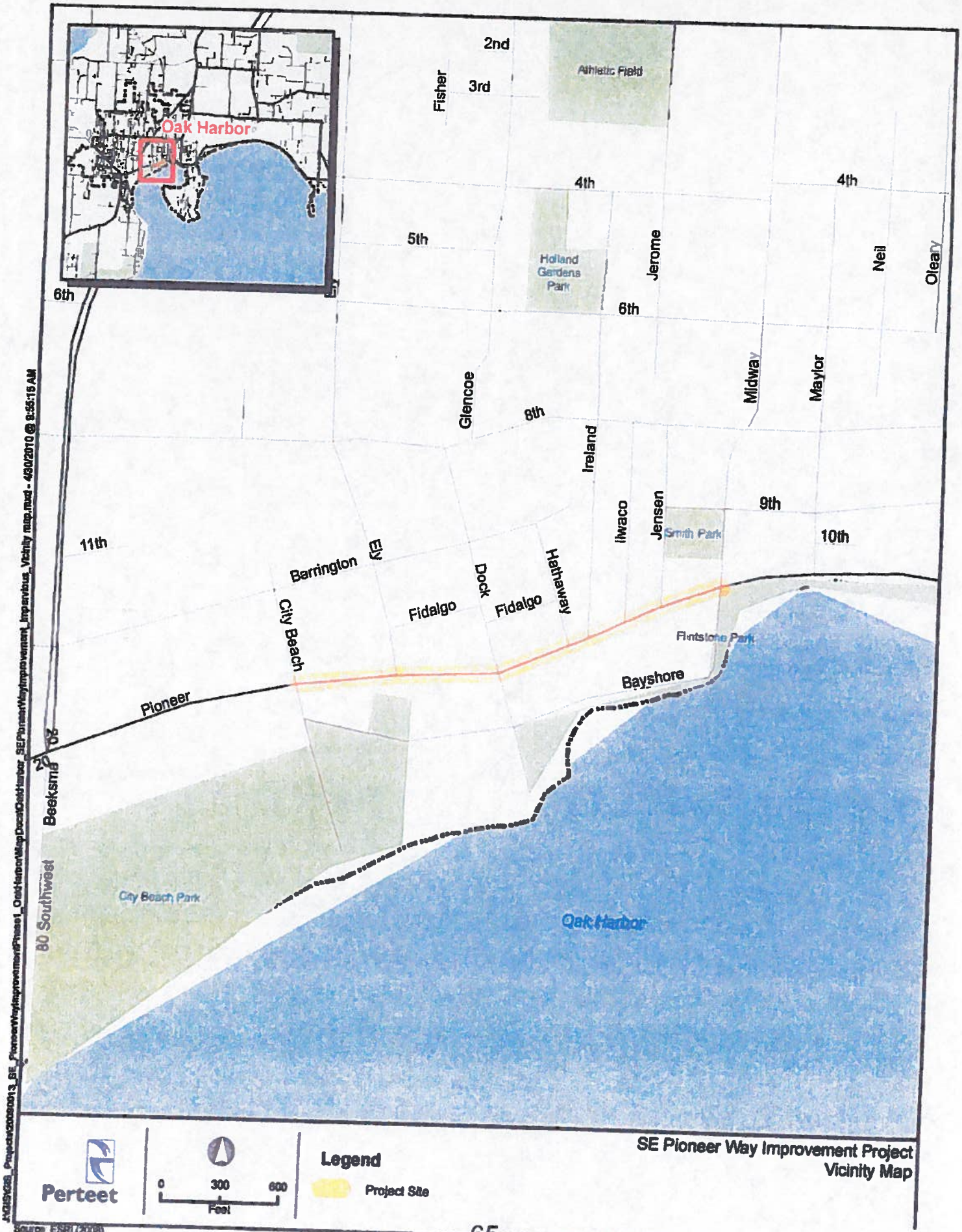
Use black or blue ink to enter answers in white spaces below or fill in electronically by clicking on fields.

5h. Contact information for all adjoining property owners, lessees, etc. [help]

Name	Mailing Address	Tax Parcel # (if known)
Donald E & Angelina L Bettner	998 Ridgeway Dr Oak Harbor, WA 98277	R13202-229-1900
Tom Cockrell PR Cockrell, Youngsman & Rae	PO Box 733 Oak Harbor, WA. 98277	S8180-00-00028-0
HJW Properties	PO Box 80769 Portland, OR. 97280	S7585-00-00053-0
Robert Tull c/0 Patricia Cohick	1365 Chatham Lane Oak Harbor, WA. 98277	S7585-00-00026-3

If you require this document in another format, contact The Governor's Office of Regulatory Assistance (ORA). People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341.

ORA publication number: ENV-022-09



ATTACHMENT 2

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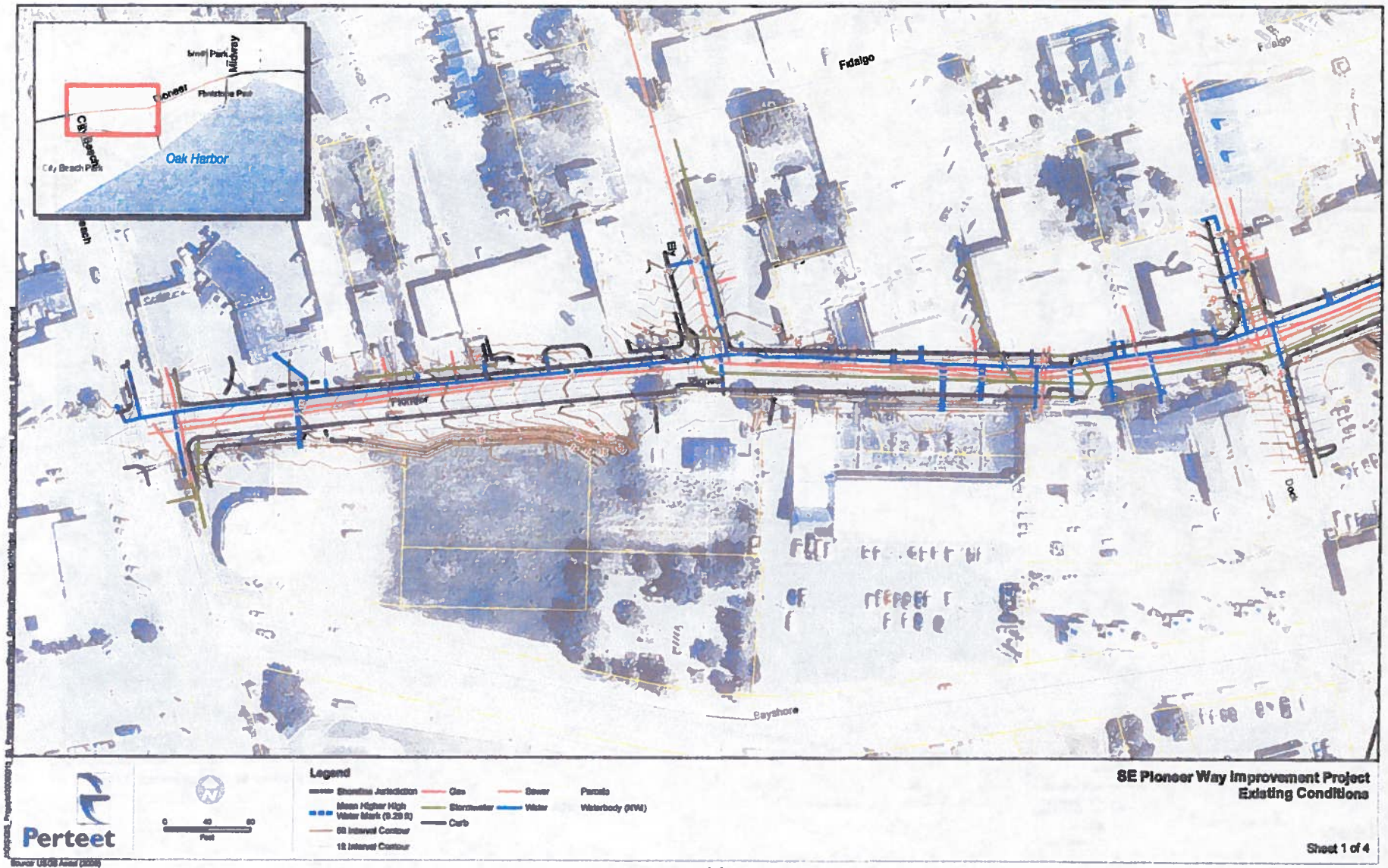
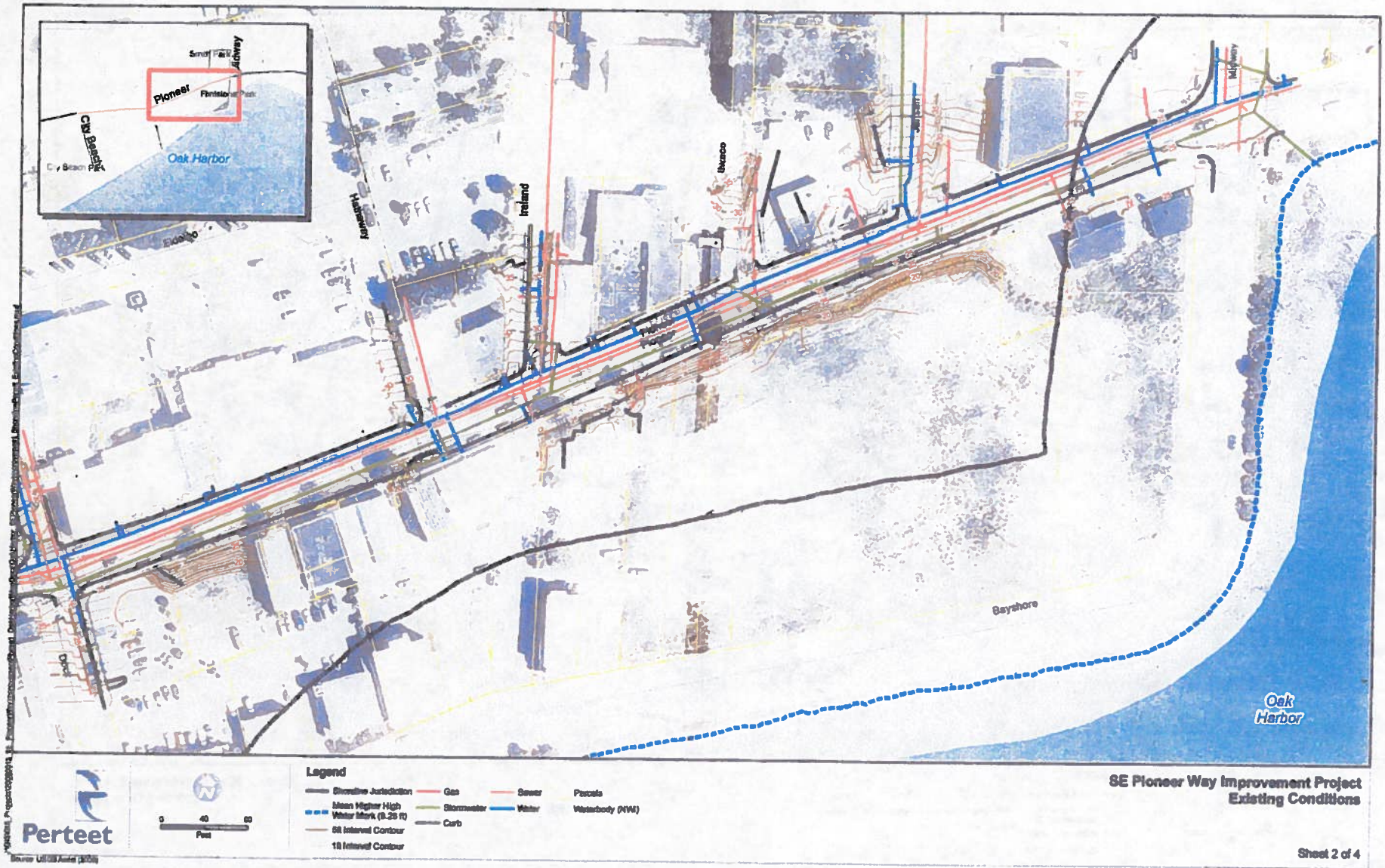


Source: USGS Aerial (2006)

ATTACHMENT 3

185



ATTACHMENT 3

Cut	Fill (State-approved fill source TBD)
5,400 CY	5,600 CY

Perteet

0 40 80
Feet

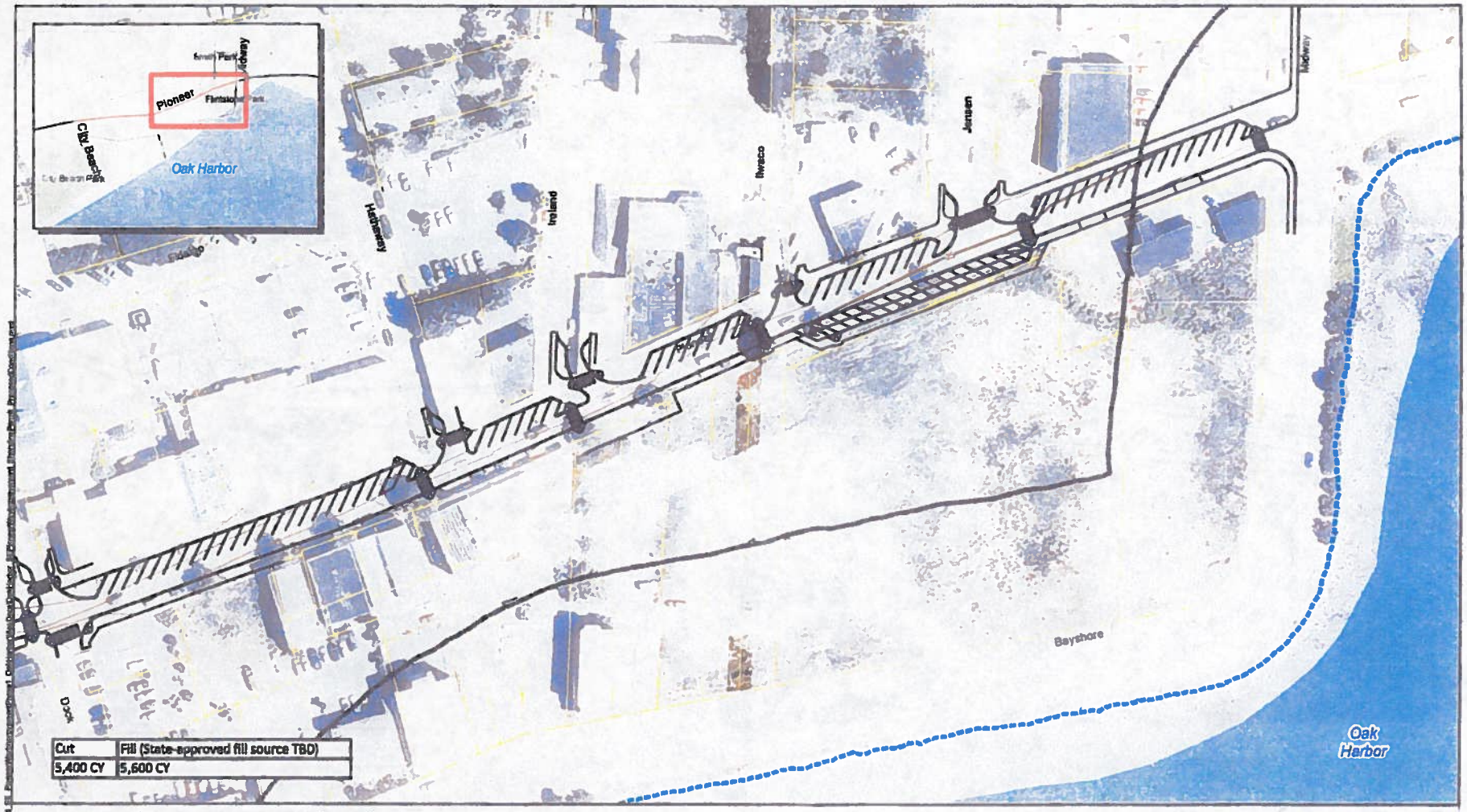
Legend

- Proposed Base
- Shoreline Jurisdiction Line
- Mean Higher High Water Mark (9.28 ft)
- 5ft Interval Contour
- 1ft Interval Contour
- Parcels
- Waterbody (NWI)

SE Pioneer Way Improvement Project
Proposed Conditions

Sheet 3 of 4

ATTACHMENT 3



Cut	Fill (State-approved fill source TBD)
5,400 CY	5,600 CY

Perteet

0 40 80
Feet

Legend

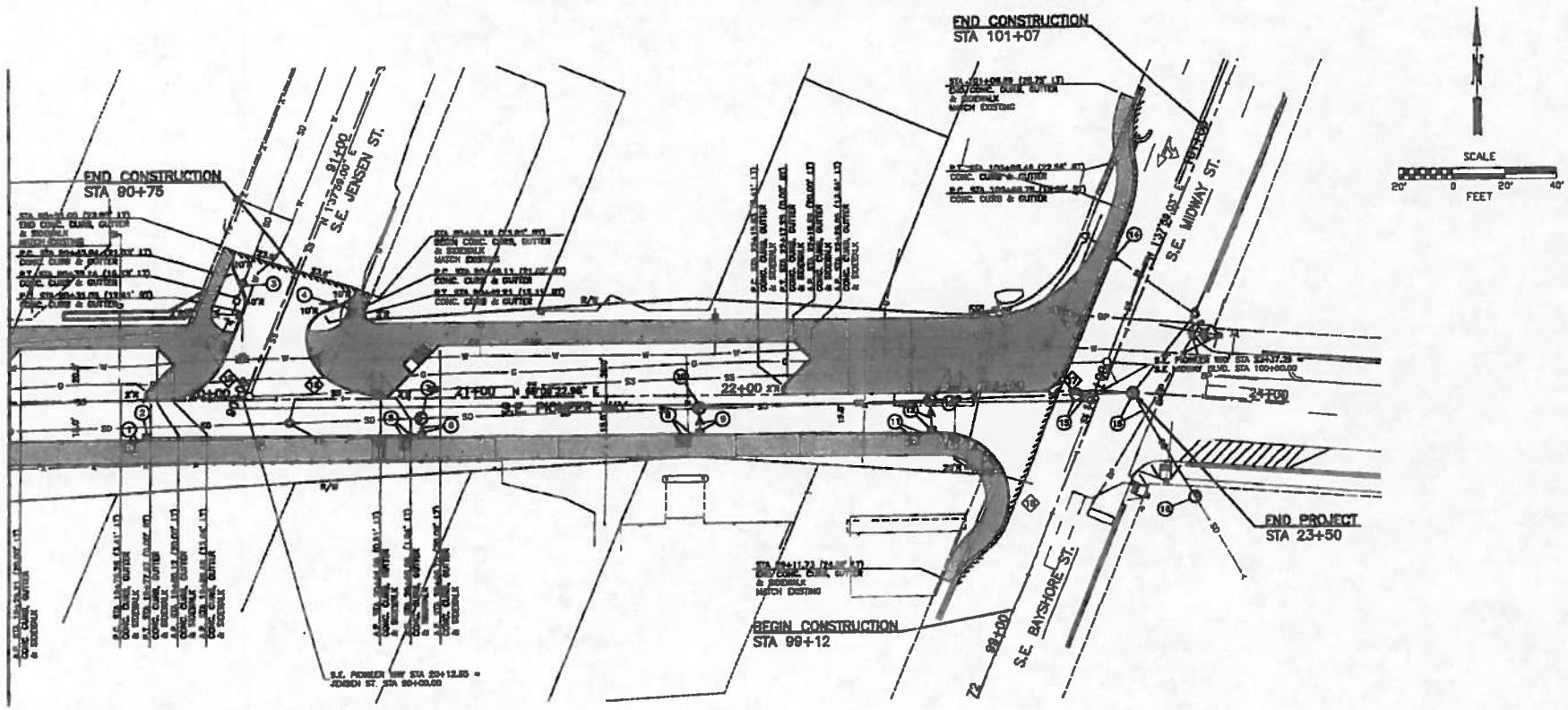
- Proposed Base
- Shoreline Jurisdiction Line
- Mean Higher High Water Mark (9.26 ft)
- 5ft Interval Contour
- 1ft Interval Contour
- Parcels
- Waterbody (NWI)

SE Pioneer Way Improvement Project
Proposed Conditions

Sheet 4 of 4

ATTACHMENT 3

SEC 2, T 32 N, R 1 E, W.M. ISLAND COUNTY, WASHINGTON



S.E. JENSEN ST. – NW CORNER
CURB RETURN ELEVATIONS

		FLOW LINE
PC	STA [illegible] (0.00' LT)	[illegible]
1/4	STA [illegible] (1.07' LT)	[illegible]
1/2	STA [illegible] (4.31' LT)	[illegible]
3/4	STA [illegible] (8.12' LT)	[illegible]
PT	STA [illegible] (12.42' LT)	[illegible]

Δ= 87.4300
R= 25'
T= 16.83'
L= 29.42'

S.E. MIDWAY ST. – NW CORNER
CURB RETURN ELEVATIONS

		FLOW LINE
PC	STA [illegible] (0.00' LT)	XXX
1/4	STA [illegible] (1.07' LT)	XXX
1/2	STA [illegible] (4.31' LT)	XXX
3/4	STA [illegible] (8.12' LT)	XXX
PT	STA [illegible] (12.42' LT)	XXX

Δ= 87.8022
R= 10'
T= 8.72'
L= 11.83'

**FLOW LINES TO BE DETERMINED AT 90% SUBMITTAL.

S.E. JENSEN ST. – NE CORNER
CURB RETURN ELEVATIONS

		FLOW LINE
PC	STA [illegible] (12.70' RT)	[illegible]
1/4	STA [illegible] (13.40' RT)	[illegible]
1/2	STA [illegible] (13.70' RT)	[illegible]
3/4	STA [illegible] (13.70' RT)	[illegible]
PT	STA [illegible] (13.40' RT)	[illegible]

Δ= 87.1939
R= 20'
T= 13.29'
L= 23.46'

S.E. BAYSHORE ST. – SW CORNER
CURB RETURN ELEVATIONS

		FLOW LINE
PC	STA [illegible] (15.00' RT)	XXX
1/4	STA [illegible] (15.00' RT)	XXX
1/2	STA [illegible] (15.00' RT)	XXX
3/4	STA [illegible] (15.00' RT)	XXX
PT	STA [illegible] (15.00' RT)	XXX

Δ= 147.3011
R= 25'
T= 85.22'
L= 94.37'

**FLOW LINES TO BE DETERMINED AT 90% SUBMITTAL.

DRIVEWAY APPROACH SCHEDULE

DRIVEWAY CL STATION	WIDTH	LENGTH FROM CURB	MATERIAL
21+20 (RT)	24.0'	8.0'	X
22+10 (RT)	24.0'	8.0'	X
22+63 (LT)	25.0'	28.5'	X

LEGEND:

PAVING LIMITS
PROPOSED WALL
PROPOSED HANDRAIL

60% SUBMITTAL
NOT FOR CONSTRUCTION

Perteet Inc.
425-252-7700 | 1-800-615-6800
2707 Colby Avenue, Suite 600
Everett, Washington 98201

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CITY OF OAK HARBOR
S.E. PIONEER WAY RECONSTRUCTION
STA 19+25.00 TO STA 24+00.00
ROADWAY PLAN

RP5

ATTACHMENT 3

CITY OF OAK HARBOR
MITIGATED DETERMINATION OF NONSIGNIFICANCE

Description of proposal: *The City of Oak Harbor proposes to improve SE Pioneer Way in Downtown Oak Harbor. The proposed project will add-multi-modal and pedestrian-friendly street improvements and streetscape enhancements. The project includes the removal and replacement of the entire surface cross section, storm drainage conveyance system, and sanitary sewer system within the limits of the existing infrastructure. In addition, streetscape improvements include widening sidewalks, providing on-street parking, and adding social gathering spaces. Existing overhead utilities will be relocated underground.*

Proponent *City of Oak Harbor*

Location of proposal *SE Pioneer Way in downtown Oak Harbor between the intersections of City Beach Street and Midway Boulevard, Section 2, Township 32 North, Range 1 East.*

Lead Agency *City of Oak Harbor*

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

X This mitigated DNS is issued under WAC 197-11-340(2), with a fourteen day comment period ending on August 23, 2010; provided there are no substantive comments submitted the MDNS will become final on that date. There will be a 15 day appeal period ending September 6, 2010.

MITIGATION MEASURES:

1. The City or its contractor shall follow all structural recommendations, if any, in the geotechnical report with regard to potential soil liquefaction areas within the project area.

2. The City shall maintain appropriate, temporary erosion control best management practices (BMPs) during construction according to the temporary erosion and sedimentation control (TESC) plan, so as to prevent erosion or construction materials from impacting the regulated Shoreline area to the southeast of the Pioneer Way and Midway Boulevard intersection.

3. The City or its contractor shall maintain a spill response plan for the purposes of addressing hazardous spills during construction.

4. The City should provide prior notice to adjacent property owners when and if construction work is proposed during nighttime hours. Notice should include signs posted on the

ATTACHMENT 4

construction site and should occur two weeks in advance of the proposed construction when possible.

5. The City shall provide sufficient notice to Island Transit of the construction phasing plan for the Pioneer Way improvements so that Island Transit can anticipate the effect of construction impacts on transit services.

Responsible Official: Steve Powers, AICP

Position/Title: Development Services Director

Phone: (360) 279-4511

Address 865 SE Barrington Drive, Oak Harbor, WA 98277 Date August 6, 2010

Signature _____

This mitigated determination of nonsignificance shall be considered final unless subsequently modified by a major amendment to the proposed project or as a result of comments received by August 23, 2010. You may appeal this determination at Oak Harbor City Hall, 865 SE Barrington Drive, Oak Harbor, WA, 98277 within fifteen days of the date set out above, or no later than close of business September 6, 2010.

ATTACHMENT 4

ENVIRONMENTAL CHECKLIST

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

Purpose of Checklist:

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

Instructions for Applicants:

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

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

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

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

Use of checklist for nonproject proposals:

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

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

A. BACKGROUND

1. Name of proposed project, if applicable: SE Pioneer Way Improvement Project

2. Name of Applicant: City of Oak Harbor

3. Address: 865 SE Barrington Drive

   City Oak Harbor Phone No. 360-279-4520

   Contact Person: Russ Pabarcus, PE

4. Date checklist prepared: May 28, 2010

5. Agency requesting checklist: City of Oak Harbor

6. Proposed timing or schedule (including phasing, if applicable):

   The project is scheduled to begin in 2011 and is expected to last six to eight months.

7. Do you have any plans for future additions, expansion, or future additions, expansion, or further activity related to or connected with this proposal: If yes, explain.

   None.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

   SEPA Checklist, Perteet Inc. (May, 2010)

   Geotechnical Report, GeoEngineers (January, 2010)

   Oak Harbor Downtown Circulation Study (April, 2001)

   Historic and Cultural Resources Review Sheet and APE Letter, Perteet Inc. (April-May, 2009)

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal: If yes explain:

   None known.

10. List any government approvals or permits that will be needed for your proposal, if known.

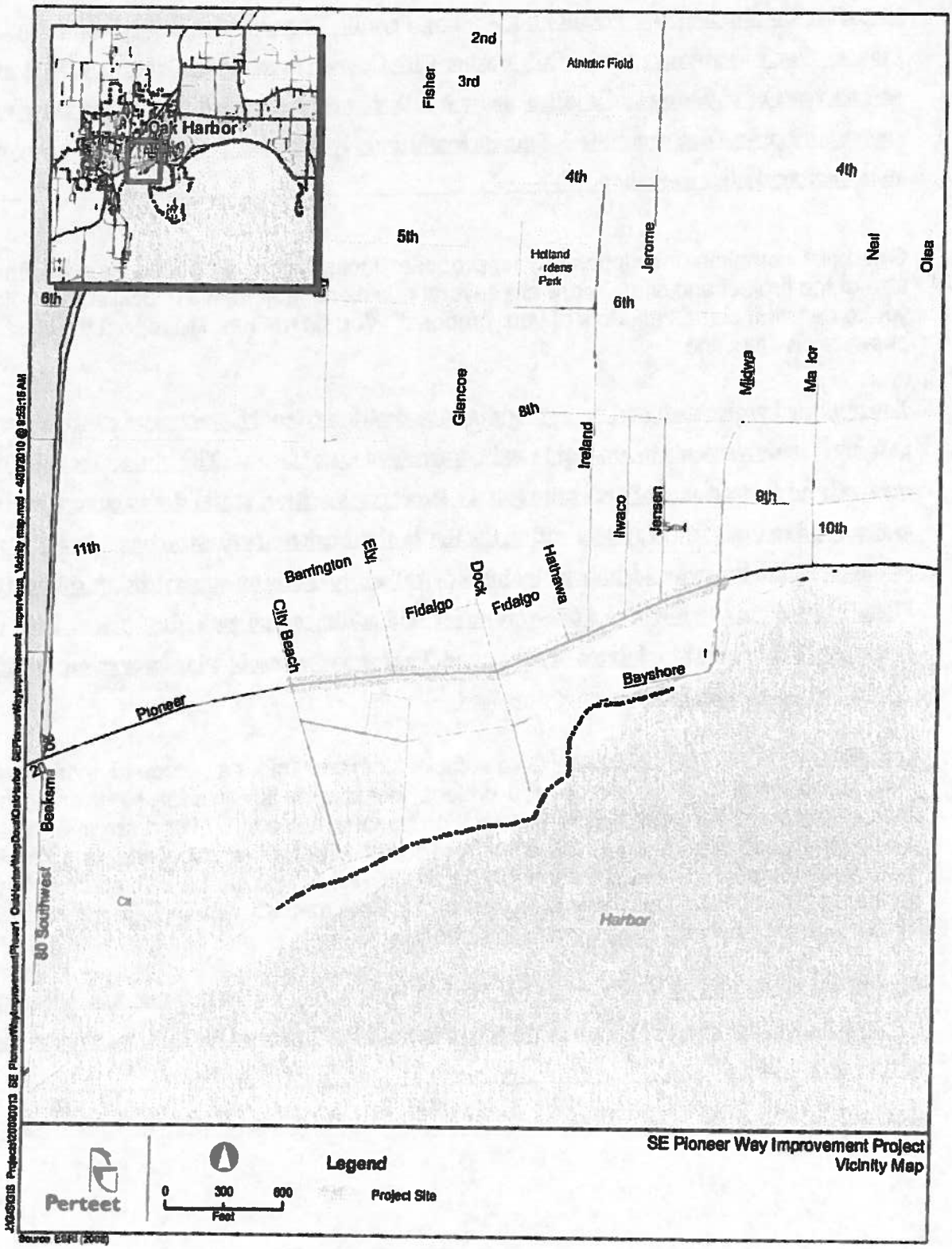
Shoreline Conditional Use Permit and Grading Permit. The one-way conceptual design for Pioneer Way was approved at an Oak Harbor City Council meeting in December, 2009, after several years of planning and studies, many public city council meetings, and meetings with community groups and committees. Outreach continues with a downtown business survey, and an upcoming design workshop.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

The proposed project will add multi-modal and pedestrian-friendly streetscape enhancements and street improvements to Pioneer Way in downtown Oak Harbor. The project includes the removal and replacement of the entire surface street cross section, storm drainage conveyance system, and sanitary sewer system within the limits of the existing infrastructure. In addition, streetscape improvements include widening sidewalks, providing on-street parking, converting Pioneer way from a two-way to a one-way street, and adding social gathering spaces. Existing overhead utilities may be relocated underground. The formation of a Local Improvement District or Special Assessment District is not proposed.

12. **LOCATION OF THE PROPOSAL.** Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The project is located in downtown Oak Harbor between City Beach Street and Midway Boulevard (Sections 38 and 39; Township 32N; Range 01E). Please see the vicinity map on the next page.



Oak Harbor
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City Beach
Bayshore
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Beaksma
80 Southwest
Harbor
Legend
Project Site
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600
Feet
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SE Pioneer Way Improvement Project
Vicinity Map
Source ESRI (2008)

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

B. ENVIRONMENTAL ELEMENTS

1. EARTH

a. General description of the site (circle one): **Flat, rolling,** hilly, steep slopes, mountainous, other _____

b. What is the steepest slope on the site (Approximate percent slope)?

Approximately 0-5 percent slope.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

Soil types are noted as predominantly Whidbey-Hoypus complex and Sholander, cool-Spieden complex. Whidbey soils contain gravelly loam to gravelly sandy loam. Hoypus soils are sandy loam to extremely gravelly sand. Sholander is gravelly loam to loam. Spieden soils range from Mucky silt loam to coarse sand (source: National Resources Conservation Service 2010).

d. Are there surface indications or history of unstable soils in the immediate vicinity: If so, describe.

This section of Pioneer Way is located in an area noted as a "High Potential Liquefaction Area" on the City's critical areas map.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

Approximately 5,400 cubic yards of excavation and 5,600 cubic yards of fill, including pavement and sidewalks, are anticipated. Fill will be from a state-approved source.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Some temporary erosion may occur during construction as a result of excavation activities.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

The existing project site is completely covered by a combination of impervious asphalt and concrete surfaces. Proposed improvements will not result in additional impervious surface areas.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Standard Best Management Practices (BMPs) will be used, including inlet protection and the placement of a silt fence on the project's perimeter. In addition, recommendations included in the Geotechnical Report, prepared by GeoEngineers (January, 2010), will be incorporated into the temporary erosion and sedimentation control (TESC) plans.

2. AIR

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Construction traffic may cause congestion, which would temporarily increase emissions from idling vehicles. In the completed project, no increases in emissions are projected.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

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

The overall project will include typical mitigation measures to minimize short-term air quality effects caused by dust and heavy equipment emissions during construction. Mitigation measures include the following actions:

- **Require all City construction crews and contractors to comply with Northwest Clean Air Agency regulations for dust control during construction.**
- **Maintain the engines of construction equipment according to manufacturers' specifications.**
- **Minimize idling equipment while not in use.**

The final project includes wider sidewalks, which encourages pedestrian activity and reduces the need for vehicle travel.

3. WATER

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names on a site map of the project indicating all water bodies which are on the site, including lakes, streams, drainages, and areas that are known to be or thought to be wetlands. If appropriate, state what stream or river it flows into.

The harbor, part of Puget Sound and a Shoreline of Statewide Significance, is located 75 feet to the south of the project site.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach a site map of the project indicating all water bodies which are on the site, including lakes, streams, drainages, and areas that are known to be or thought to be wetlands.

The eastern portion of the project is within 200 feet of the shoreline. Approximately 200 linear feet of roadway replacement, sidewalk reconstruction, and utility work, along with intersection improvements at Midway Boulevard, will occur in this area.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill materials.

No fill material will be placed into or dredged from the water.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No surface water withdrawals are proposed.

5) Does the proposal lie within a 100-year flood-plain? If so, note location on the site plan.

According to FEMA's flood insurance maps, the project area lies outside the 100-year flood plain.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No discharges are proposed.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

b. Ground:

1) Will groundwater be withdrawn, or will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No withdrawals or discharges are proposed.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

No waste materials will be discharged to groundwater.

c. Water Runoff (including storm water):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow: Will this water flow into other waters? If so, describe.

Stormwater is collected within the existing stormwater system. Some stormwater ponding has been noted, indicating the need for the improvements that are included in the project design. The system is proposed to be rebuilt with new catch basins, conveyance pipe (12"), and storm filters to treat all stormwater generated by the project.

During construction, stormwater runoff will be captured on site, filtered through inlet protection to remove sediment, and discharged to the storm conveyance system.

2) Could waste materials enter ground or surface waters? If so, generally describe.

No waste materials will enter ground or surface waters.

Staff notes that there will be a spill response plan during construction to prevent hazardous materials from entering surface waters.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

Best Management Practices (BMPs) will be used to contain stormwater during construction. The project will likely include Low Impact Development stormwater treatment techniques.

4. PLANTS:

a. Check or circle types of vegetation found on the site:

_X_ deciduous tree: alder, **maple,** aspen, other
___ evergreen tree: fir, cedar, pine, other
_X_ shrubs
___ grass
___ pasture
___ crop or grain
___ wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other
___ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

All street trees will be removed (approximately 30) and new street trees and landscaping will be replaced in accordance with the City's street frontage standards.

c. List threatened or endangered species known to be on or near the site.

No listed or vegetative species of concern are on the site. A protected Oak Stand is located to the east of the project, but will not be impacted by the project actions.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

The proposed project will include street trees, low growing shrubs, and groundcover in landscape strips throughout the project.

5. ANIMALS

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

X **hawk, heron, eagle, songbirds,** other
____ deer, bear, elk, beaver, other
X bass, **salmon, trout,** herring, shellfish, other

b. List any threatened or endangered species known to be on or near the site.

No threatened or endangered species are on the site or in the immediate vicinity of the site. Some threatened and endangered species are known to be in the Puget Sound, including:

- **Chinook Salmon (threatened)**
- **Coho Salmon (species of concern)**
- **Steelhead (threatened)**
- **Southern Resident Killer Whale (endangered)**
- **Humpback Whale (endangered)**
- **Steller Sea Lion (threatened)**

No eagle nests are located near enough to the site to be impacted by construction activities.

The shoreline area to the south is shown as an estuary zone on Priority Habitat and Species (PHS) data maintained by the State Department of Fish and Wildlife.

Staff notes that the nearest bald eagle nest is located nearly one (1) mile away from the project site on Maylor Point. There are two nests on Maylor Point designated as numbers 1099:1 and 1099:2 by the Washington Department of Fish and Wildlife (WDFW).

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

c. Is the site part of a migration route? If so, explain.

The project area is located within the Pacific Coast Flyway. This intercontinental migration corridor includes Puget Sound and supports a variety of species.

d. Proposed measures to preserve or enhance wildlife, if any:

None necessary.

6. ENERGY AND NATURAL RESOURCES

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Electricity will be used to operate the new street light components. Gasoline will be utilized for the operation of street maintenance vehicles.

No buildings are proposed that would block solar access.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

Street trees will counteract heat islands caused by buildings, sidewalks, and pavement. The project will incorporate GreenRoads features and potentially be certified as a "GreenRoad" (a LEED-type rating for sustainably built roads). LED street lights will also be incorporated. In addition, the City has a "no idling" policy for maintenance vehicles.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

7. ENVIRONMENTAL HEALTH

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

It is not unusual to encounter contamination of sites in historic downtowns due to the presence of defunct and no-longer existing gas stations and uses that required fuel tanks. The Geotechnical Report prepared by GeoEngineers (January, 2010) confirms the presence of contaminated sites located on parcels adjacent to the project and/or within the right-of-way. These sites include four former gas station sites, a dry cleaning site, and another site with underground storage tanks. At least one of these locations has contaminated soils per Ecology's Confirmed and Suspected Contaminated Sites.

In addition, there is a gas line within the right-of-way, which will require protection during construction.

1) Describe special emergency services that might be required.

None.

Staff note that during construction and upon completion of the street improvements, the potential exists for fires, accidents, hazardous material spills, rescues, and medical emergencies. All such situations require the services of the fire department.

2) Proposed measures to reduce or control environmental health hazards, if any:

Recommendations for handling toxic soils are included in the geotechnical report prepared for the project (GeoEngineers, 2010). If contaminated soils are encountered, they require special handling and disposal to a suitable facility. Excavations will be monitored and screened by professionals as appropriate. Tanks that are encountered may be removed or closed in place, according to the UST Closure and Petroleum Remedial Action

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

Plan developed for the project. Any groundwater encountered will also need to be analyzed.

The gas line within the right-of-way will be located by the gas utility prior to construction in order to avoid any rupture of the line.

b. Noise:

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other):

Noise in the area is generated by trucks and automobile traffic, and by air traffic associated with the Whidbey Island Naval Base. No impacts to the project are expected.

Staff note that this is a road project. Therefore, ambient noise will have no adverse impacts on the project.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other): Indicate what hours noise would come from the site.

Construction vehicles and equipment will generate temporary noise throughout the duration of construction, which could last six to eight months. Typical construction activities that generate noise include jackhammers, dump trucks, paving trucks, etc. Construction will occur during the hours permitted by the Oak Harbor Municipal Code for construction noise, but could include both daytime and nighttime hours.

After construction, the completed project will generate the same level of noise as experienced under current conditions.

Staff note that there will be a construction phasing plan for the project. Public input will be taken into consideration in the development of the construction phasing plan so as to minimize adverse impacts to Pioneer Way businesses from construction noise, to the greatest degree possible.

3) Proposed measures to reduce or control noise impacts, if any:

Project construction hours will be limited to those allowed in noise requirements in the Oak Harbor Municipal Code.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

8. LAND AND SHORELINE USE

a) What is the current use of the site and adjacent properties?

The site is City-owned right-of-way and is currently used as a primary street through downtown. Adjacent properties are devoted to commercial uses with some vacant properties.

b. Has the site been used for agriculture? If so, describe.

No.

c. Describe any structures on the site.

No structures are on site, aside from typical utility poles and utilities located under the roadway.

d. Will any structures be demolished? If so, what?

No structures will be demolished.

e. What is the current zoning classification of the site?

The site is right-of-way. The surrounding properties are zoned Central Business District I and II (CBD).

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

f. What is the current comprehensive plan designation of the site?

The site is right-of-way. The surrounding properties are designated Central Business District (CBD) on the City of Oak Harbor's Land Use Map.

g. If applicable, what is the current shoreline master program designation of the site?

The portions of the site that are within the 200' shoreline jurisdiction are designated Urban (U) in the City's Shoreline Master Program.

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

This section of Pioneer Way is located in an area noted as a "High Potential Liquefaction Area" on the City's critical areas map.

i. Approximately how many people would reside or work in the completed project?

None.

j. Approximately how many people would the completed project displace?

No displacement, as defined by Section 104(d) of the Housing and Community Development Act, will occur.

k. Proposed measures to avoid or reduce displacement impacts, if any:

None necessary.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

I. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: .

None necessary. The proposal is consistent with the City's Comprehensive Plan and vision for downtown Oak Harbor. Specifically, the project is consistent with the following Comprehensive Plan goals and policies: Land Use (LU) Policy 1f; LU Policy 7a; LU Policy 14e; Urban Design (UD) Goal 6; UD Policy 6a; and Utilities Policy 7d. The City will need to address some right-of-way boundaries, access, and easement discrepancies prior to construction of this project.

9. HOUSING

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

None.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low income housing.

None will be eliminated.

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

None necessary.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

10. AESTHETICS

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

No buildings are proposed. The tallest structures will be typical street lights.

b. What views in the immediate vicinity would be altered or obstructed?

None.

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

None necessary. The project itself will contribute to improvement of the urban environment. Pedestrian-oriented improvements, which will include wider sidewalks and other amenities, will enhance the downtown area's function and appearance. Complete streetscape improvements, including street trees, will add to the aesthetic quality of the street.

11. LIGHT AND GLARE

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Street lights and signals will be visible during the nighttime hours.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

b. Could light or glare from the finished project be a safety hazard or interfere with views?

No. Street lights contribute to the safety of the urban environment.

c. What existing off-site sources of light or glare may affect your proposal?

None.

d. Proposed measures to reduce or control light and glare impacts, if any:

None necessary. Street lighting will be downward-directed, so as not to impose glare on second-story uses.

12. RECREATION

a. What designated and informal recreational opportunities are in the immediate vicinity?

Several city parks are located in the area, including Beach Park, Windjammer Park, Flintstone Park, Hal Ramaley Park, and Smith Park. The shoreline area also offers a waterfront trail system and docks for boating recreation.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None needed. The project will contribute to the experience of recreation users by improving access to recreation opportunities and by enhancing the urban downtown experience for visitors to the area.

13. HISTORIC AND CULTURAL PRESERVATION

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

According to records maintained by the State Department of Archaeology and Historic Preservation (DAHP), the project area does not contain, and is not adjacent to, historic properties listed on the National Register of Historic Places or the Washington Heritage Register.

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

Research conducted at the Washington State DAHP indicates there is one recorded archaeology site adjacent to the project area. The site is believed to be the location of an early Skwadbsh settlement. The DAHP site inventory form indicates that there were traces of reworked/re-deposited shell and charcoal reported throughout much of the site, although the area has been fully developed since the first documented discovery.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

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

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

14. TRANSPORTATION

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

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

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

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

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

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

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

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

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

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

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

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

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

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

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

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

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

15. PUBLIC SERVICES

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

No increase is anticipated.

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

None needed.

16. UTILITIES

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

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

The utilities on the site include the following:

- **Overhead power (provided by Puget Sound Energy)**
- **Underground telephone (provided by Verizon)**
- **Water (provided by the City of Oak Harbor)**
- **Sewer (provided by the City of Oak Harbor)**

Existing overhead power lines may be relocated below ground if and where possible. If they are undergrounded, property owners will be required to pay to reconnect to the newly undergrounded utilities.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: [signature]

Date Submitted: 8/6/2010

BEFORE THE CITY OF OAK HARBOR PLANNING COMMISSION
STATE OF WASHINGTON

In Re Application No. PLN 10-00007	)	FINDINGS OF FACT
	)	CONCLUSIONS OF LAW
	)	AND RECOMMENDATION OF
	)	PLANNING COMMISSION

City of Oak Harbor Pioneer Way Street Improvements Project Shoreline Substantial Development Conditional Use Permit.

THIS MATTER came before the Planning Commission upon the application of City of Oak Harbor for a Shoreline Substantial Development Conditional Use Permit. Having considered the evidence in the record, heard the arguments of the parties and any public comment, and being fully advised in the premises, the Planning Commission hereby enters the following findings of fact, conclusions of law, and recommendation:

Findings of Fact

1. An application for a Shoreline Substantial Development Conditional Use Permit was filed with the Department of Development Services and deemed complete by the Director on July 6, 2010.

2. The permit sought by applicant is for improvements to SE Pioneer Way within the City's regulated shoreline area which is located within 200 feet of the ordinary high water mark of the waters of Oak Harbor Bay.

3. A Notice of Application was published in the Whidbey News Times, the newspaper of local circulation on July 10, 2010.

4. The applicant submitted an environmental checklist pursuant to the State Environmental Policy Act on June 11, 2010.

5. Based upon the information submitted by the applicant, the SEPA official for the City issued a mitigated determination of non-significance on August 6, 2010.

6. The mitigated determination of non-significance was published in the Whidbey News Times on August 7, 2010.

Conclusions of Law

A. The Planning Commission has jurisdiction to make a recommendation on this project permit pursuant to the City's Shoreline Master Program.
B. Proper notice of all hearings, comment periods and appeal periods was given.
C. A single open record hearing on the permit application was held before the Planning Commission.
D. No appeal of the mitigated determination of non-significance was timely filed.
E. The Planning Commission recommendation regarding the permit application was reached after a single open record public hearing.
F. The permit application meets the goals, policies, and regulations of the City's Shoreline Master Program.

Recommendation

Based upon the foregoing findings of fact and conclusions of law, the Planning Commission hereby recommends approval of the Shoreline Substantial Development Conditional Use Permit based upon the following conditions:

1. The design and development of the proposed street improvements must conform to all conditions and mitigation measures defined in the SEPA Checklist and MDNS dated August 6, 2010.

2. The applicant is required to install signage at two locations designating Pioneer Way as a bicycle route in compliance with the Class III Bicycle /Multiuse Trails design specified in the adopted Parks, Recreation and Open Space Plan.

3. The design and development of the proposed street improvements must conform to all applicable regulations within the Shoreline Master Program.

This order is advisory to the City Council and may be accepted by the City Council, remanded to the Planning Commission for reconsideration, or rejected by the City Council after public hearing.

RECOMMENDED TO THE CITY COUNCIL THE 28th DAY OF SEPTEMBER, 2010.

PLANNING COMMISSION
CITY OF OAK HARBOR, WASHINGTON

_____
Chair

Attest:

_____
Kathy Gifford
Clerk to the Planning Commission

ATTACHMENT 5

ATTACHMENT B

Planning Commission Minutes
Dated September 28, 2010

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

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

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

PUBLIC COMMENT
None.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Jensen recused herself and left the chambers.

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

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

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

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

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

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

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

- Not applicable.

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

Commission Discussion

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

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

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

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

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

Public Comment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Comment

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

Commission Discussion

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

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

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

Commission Discussion

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

MUNICIPAL CODE AMENDMENTS – DEVELOPMENT APPLICATION VESTING AND ADMINISTRATIVE APPEALS OF FINAL EIS – Public Hearing

Mr. Powers reported that the two Municipal Code amendments on the Planning Commission agenda will be presented together and the Planning Commission will be asked to make a recommendation on two separate ordinances to the City Council. The first ordinance deals with the concept of when an application vests and the second ordinance deals with the City's SEPA appeal procedures.

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

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

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

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

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

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

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

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

Commission Discussion

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

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

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

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

ATTACHMENT C

Written Public Comments
Received September 28, 2009

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Received
9/28/10

September 23, 2010

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

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

Dear Planning Commission and City Council:

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

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

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

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

The basis for our objections are specified below.

1. BACKGROUND AND HISTORY OF PIONEER WAY REDEVELOPMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A recent letter from Roger Brooks of Destination Development International

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. SUMMARY AND CONCLUSIONS.

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

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

Sincerely yours,

ARAMBURU & EUSTIS LLP

J. Richard Aramburu

JRA/py/cc
Encl.

Attachment A

OAK HARBOR DOWNTOWN CIRCULATION STUDY

APRIL 2001

Presented by:

City of Oak Harbor
Department of Planning and Community Development

INTRODUCTION

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

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

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

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

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

Attached to this summary are key work products including:

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

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

Advisory Committee

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

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

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

City Staff

Tom Burdett
Ryan Goodman
Krista-Janes Blackburn
Steve Powers

Circulation Study

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

Common Themes

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

Alternatives Considered in Final Evaluation

Alternative #1

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

Alternative #2

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

Alternative #3

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

Alternative #4A

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

Alternative #4B

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

Common Supporting Elements

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

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

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

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

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

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

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

Refined Design Process and Public Workshop

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

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

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

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

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

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

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

Preferred Alternative

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

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

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

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

Supporting Comprehensive Plan Goals and Policies

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

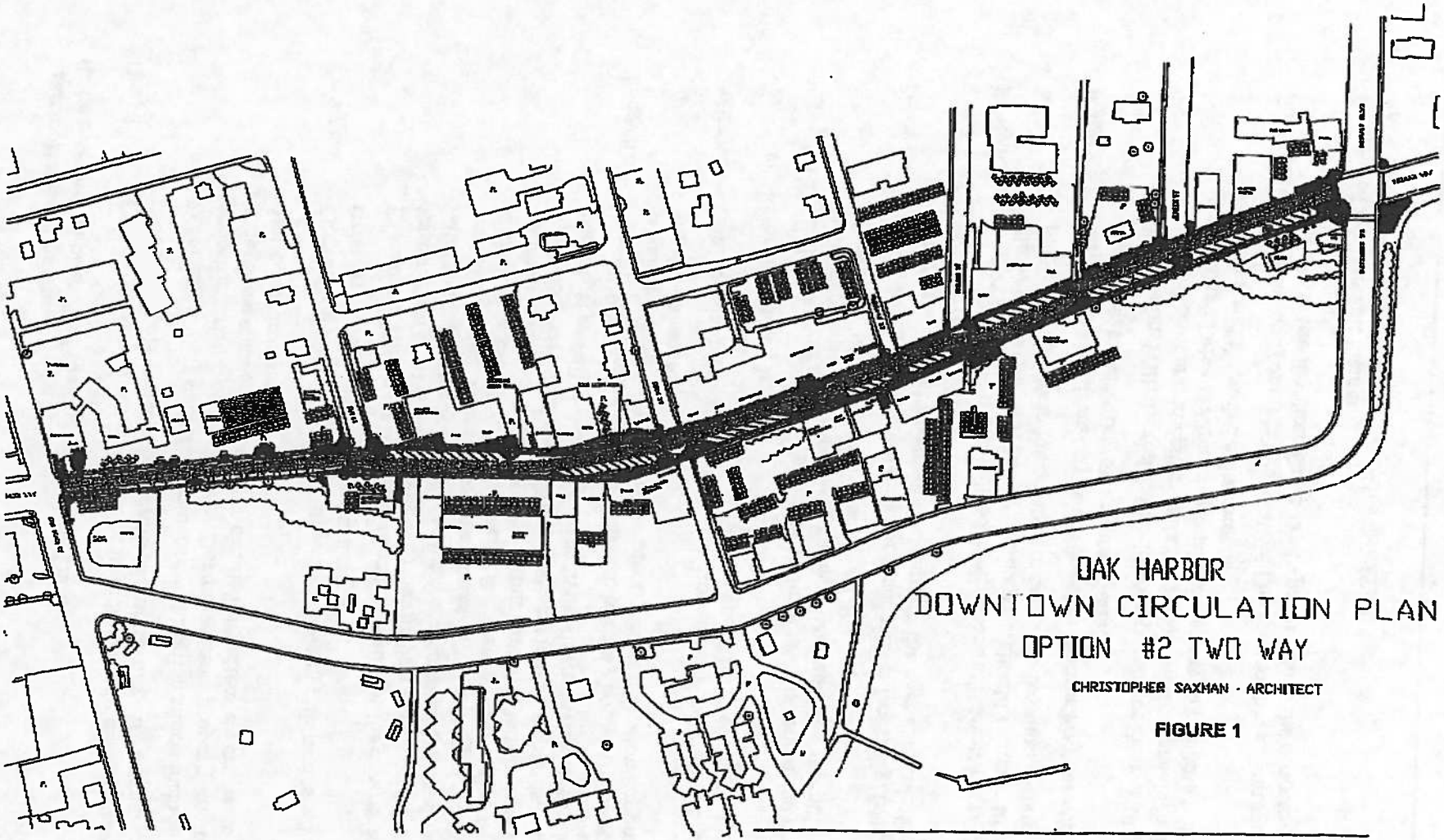

OAK HARBOR
DOWNTOWN CIRCULATION PLAN
OPTION #2 TWO WAY
CHRISTOPHER SAXMAN - ARCHITECT

FIGURE 1

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

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

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

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

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

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

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

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

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

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

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

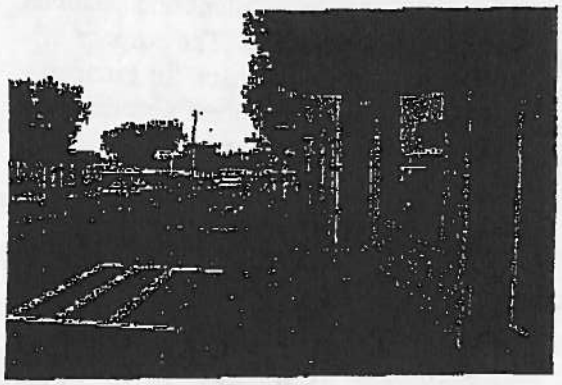
Discussion: With the reclassification of a portion of Pioneer Way from an arterial to a collector and in light of certain development proposals in the area, retaining Bayshore Drive as a minor arterial is necessary to facilitate traffic movement within and through the downtown.

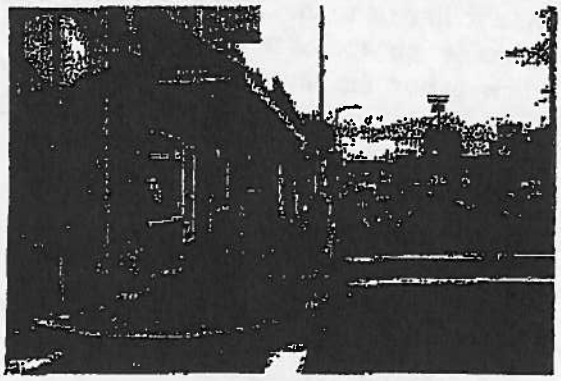
Policy 8.h Signage and/or other means should be created that encourages through-truck traffic to use Bayshore Drive as a bypass route to the downtown area.

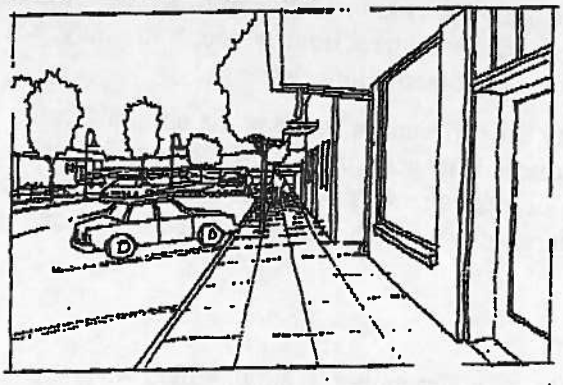
Economic Development Element
(to be inserted on page 72 of the Comprehensive Plan)

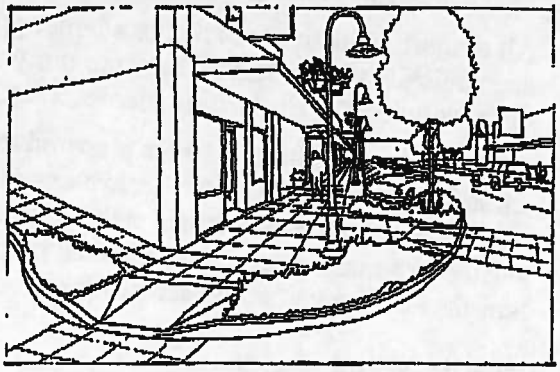
Policy 2.e The City should seek, support and assist in grant applications to help fund construction of planned circulation improvements in the downtown area.

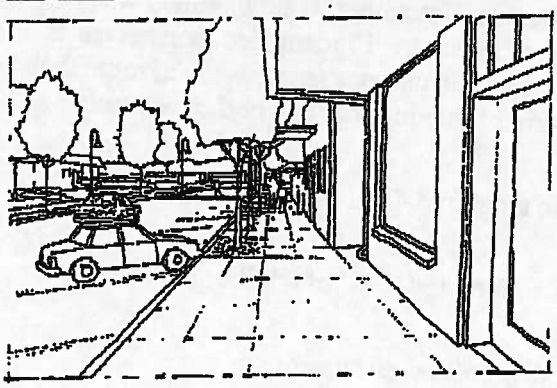
Pioneer Way Improvement Study

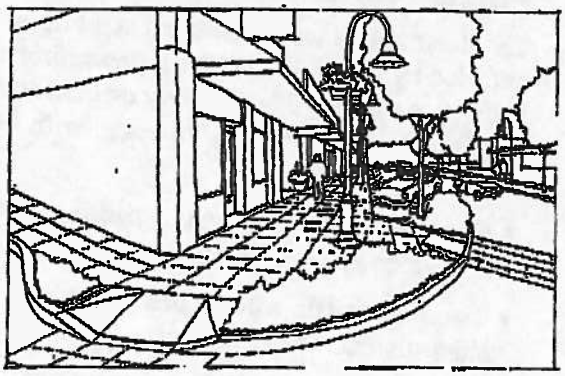












April 2001

prepared for the

City of
Oak Harbor

by

MAKERS
architecture + urban design

Pioneer Way Improvement Study

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

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

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

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

Public Workshop:

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

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

Two additional alternatives that were not illustrated were also discussed:

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

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

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

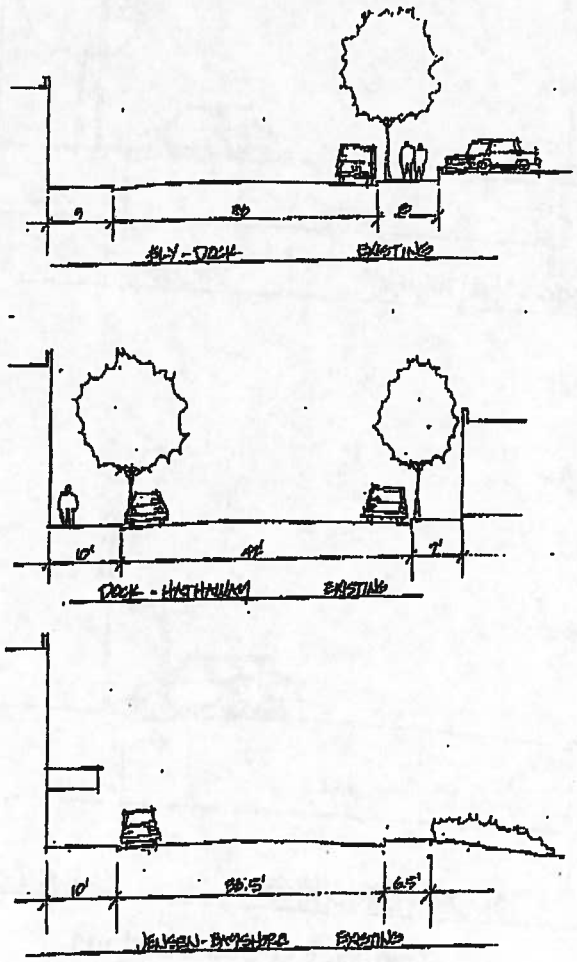
- Increase sidewalk width.
- Create additional landscape areas, including planting strips.
- Slow traffic down on Pioneer Way.
- Make it easier to get in and out of parking.

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

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

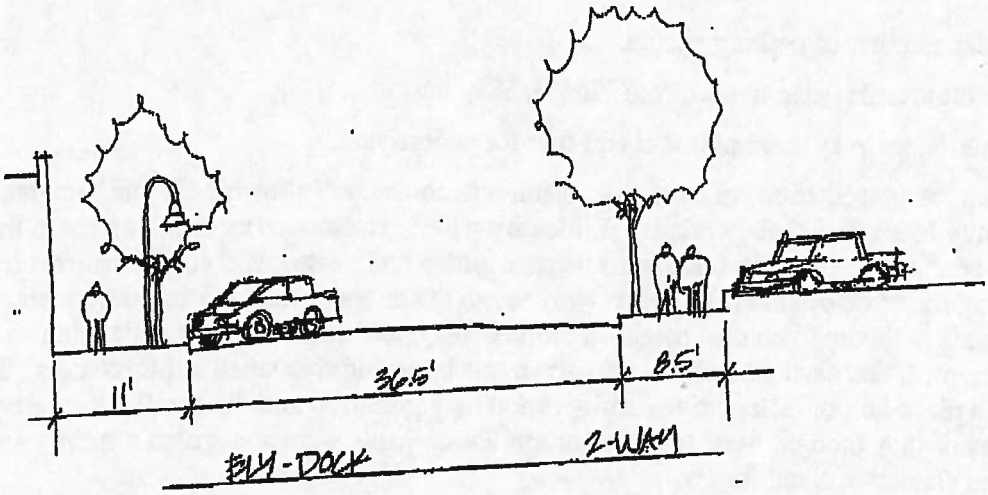
The clear preference among workshop participants was two-way traffic with angled parking on alternate sides which received 19 dots compared with 11 for the one-way alternative, none for two-way with parallel parking both sides and slightly wider sidewalks, and 5 for the status quo. The survey results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

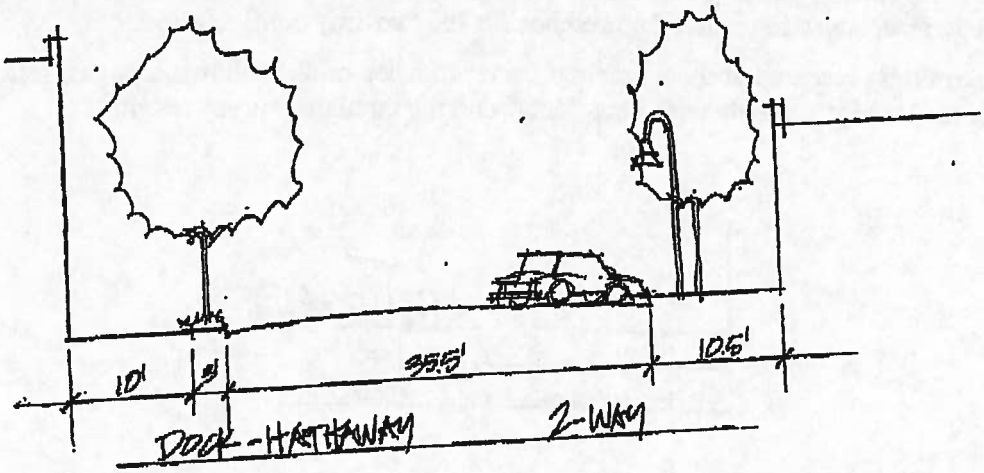
The illustrations presented at the workshop are reproduced on the following pages, followed by copies of the issue statements with their "dots" and the tabulated survey results.

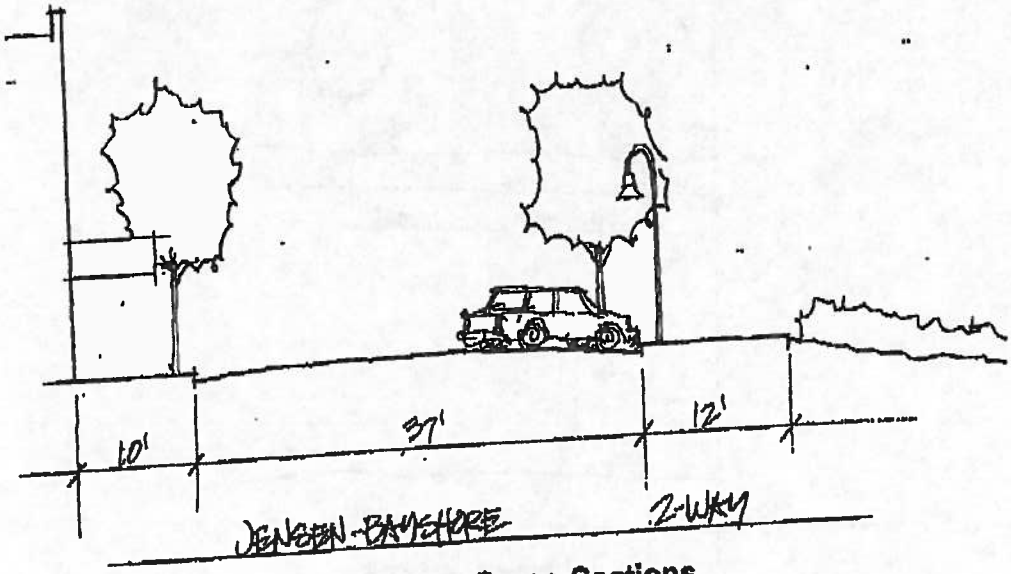


Existing Cross-Sections

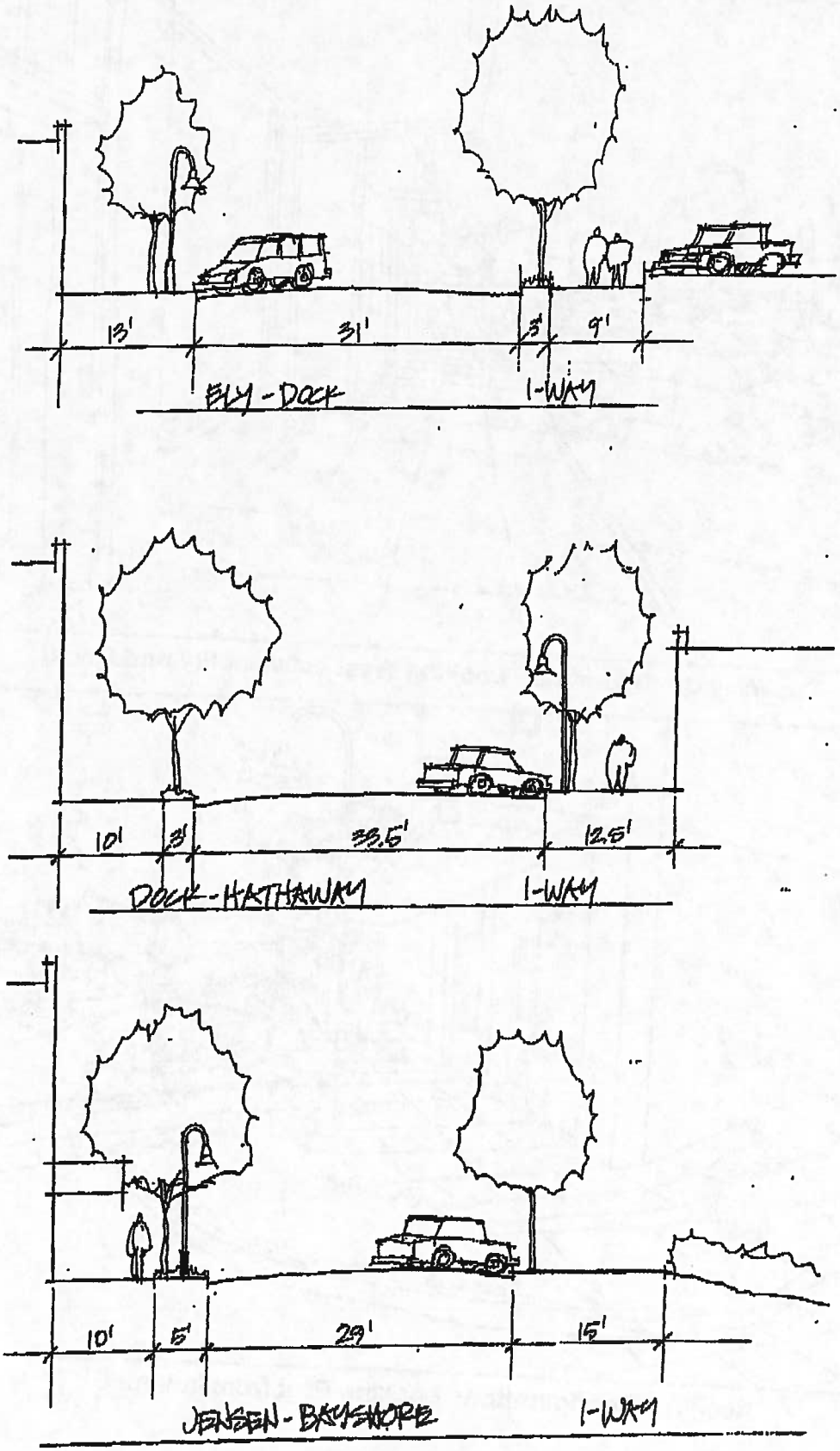
A - 12





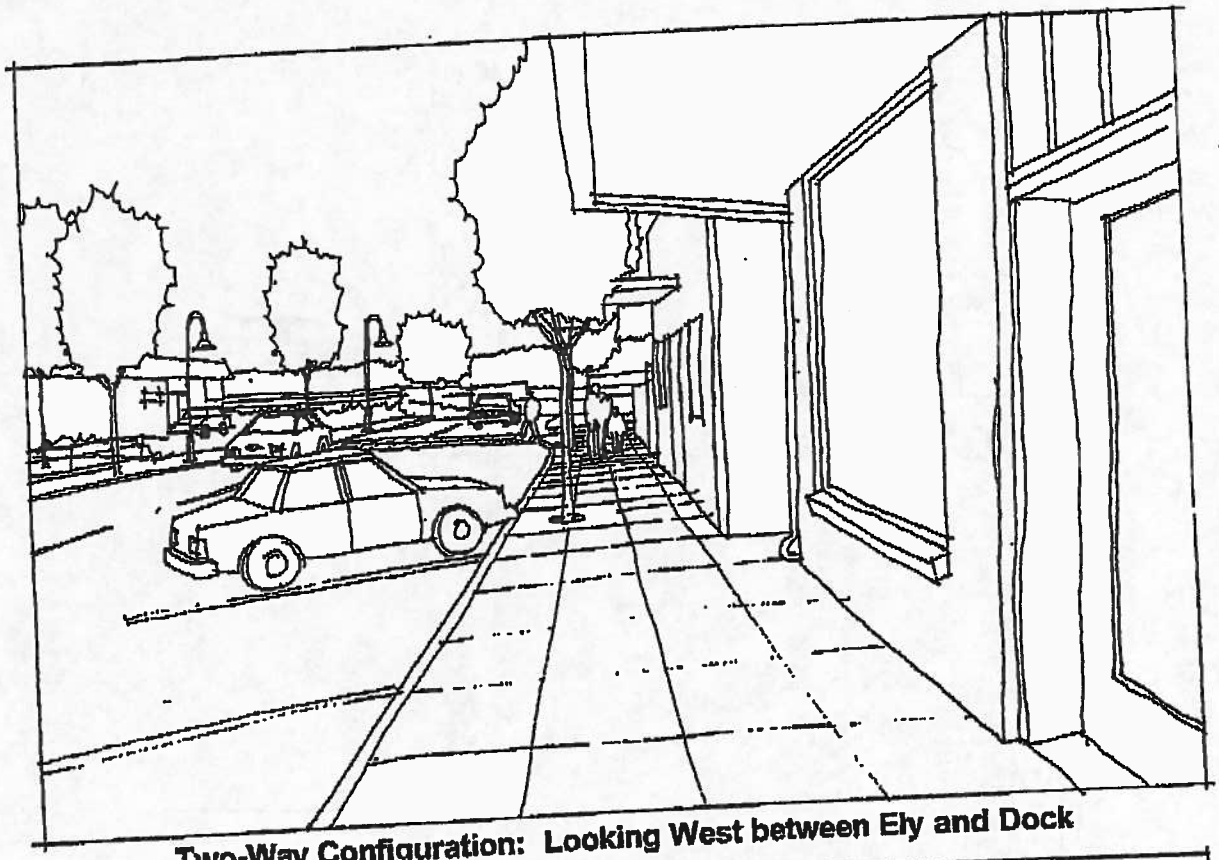


Two-Way Cross-Sections

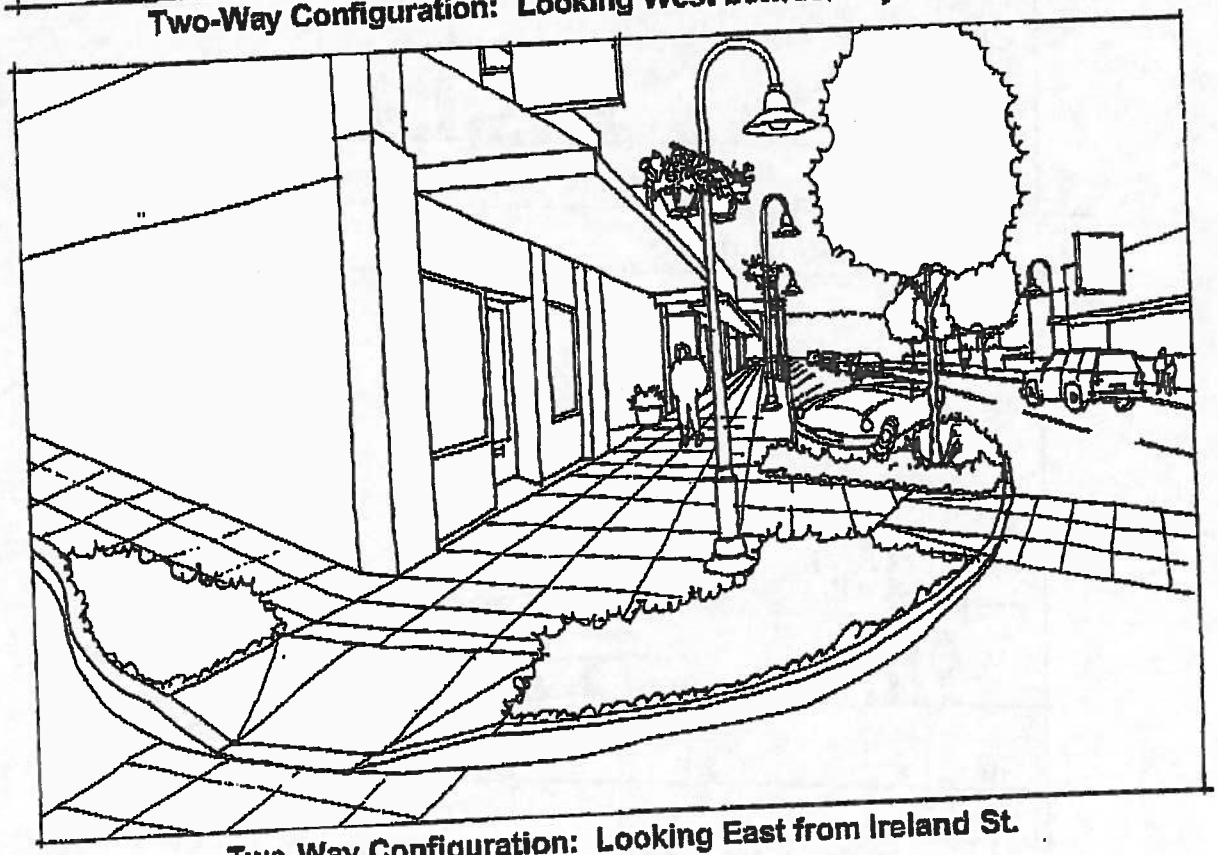


One Way Cross-Sections

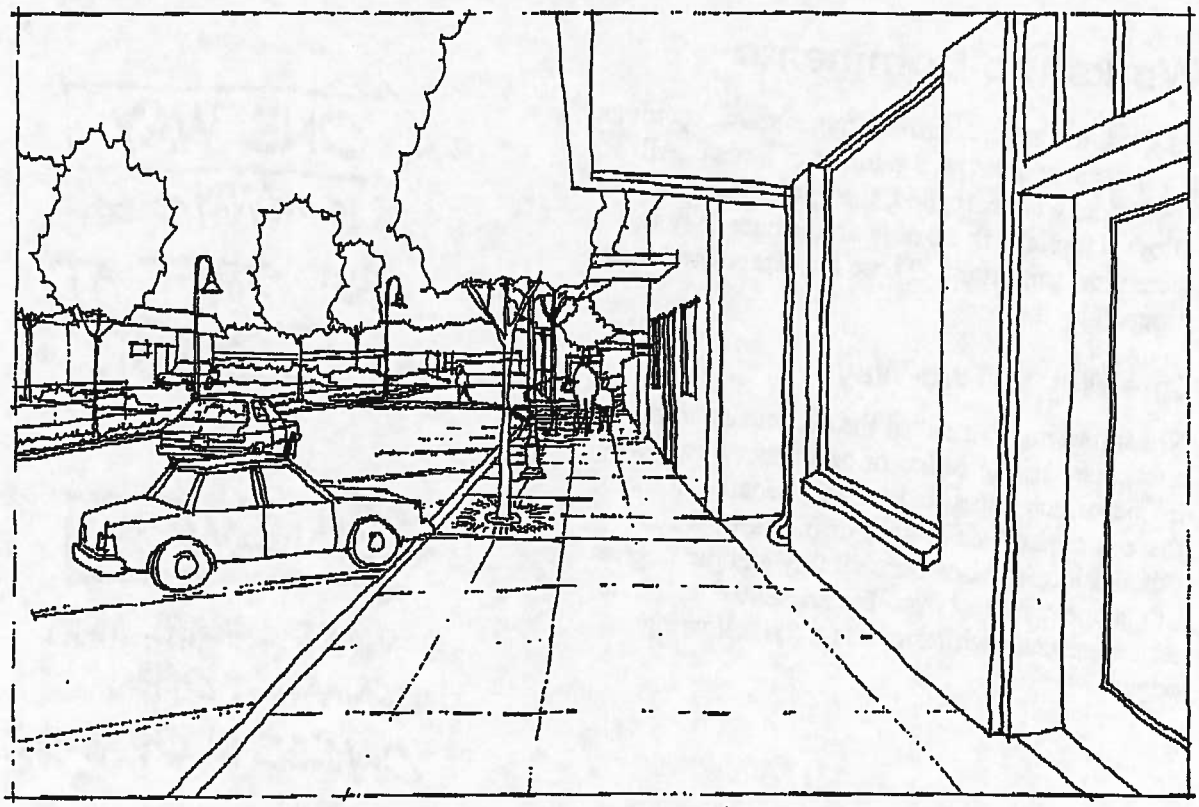
A - 14



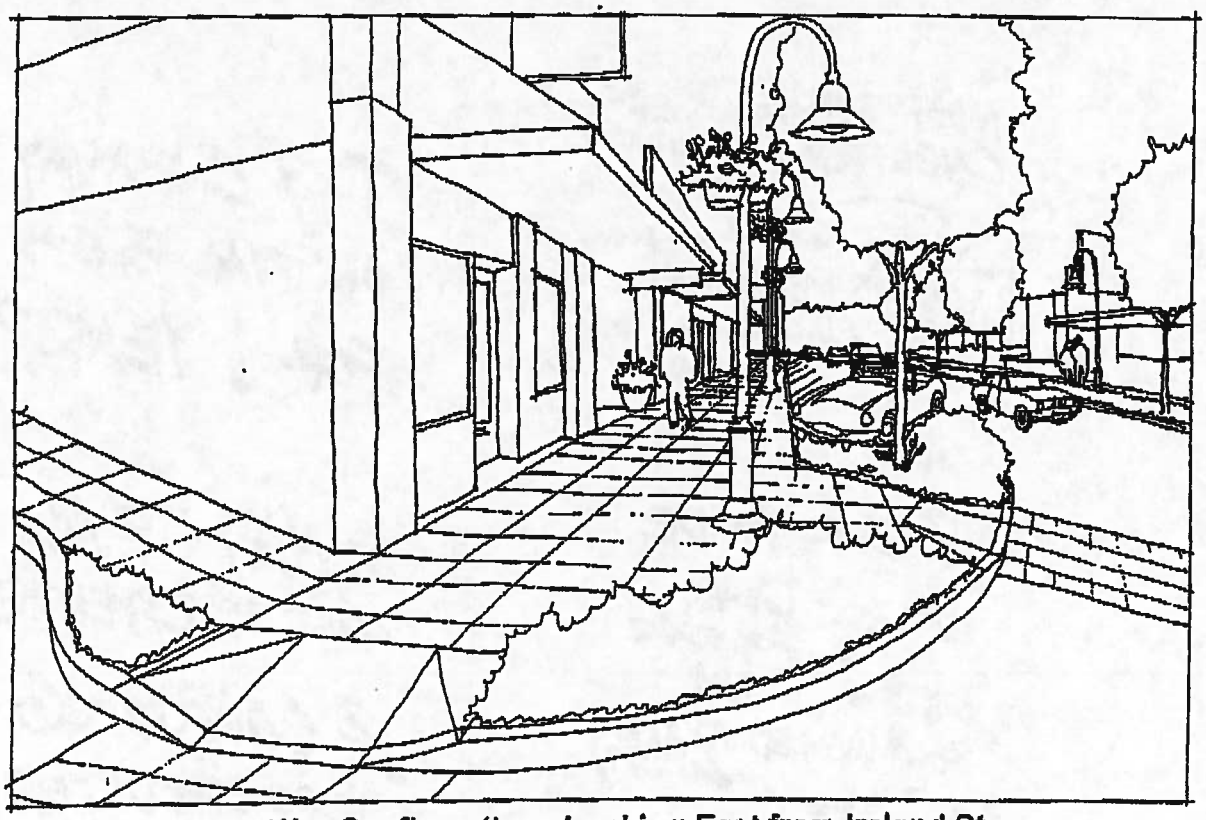
Two-Way Configuration: Looking West between Ely and Dock



Two-Way Configuration: Looking East from Ireland St.



One-Way Configuration: Looking West between Ely and Dock



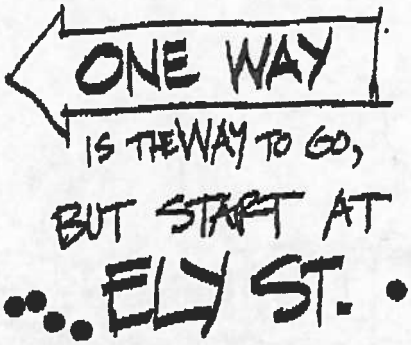
One-Way Configuration: Looking East from Ireland St.

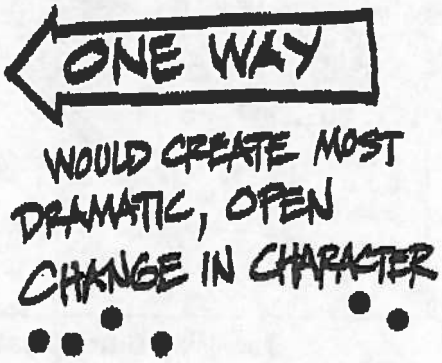
Workshop Comments

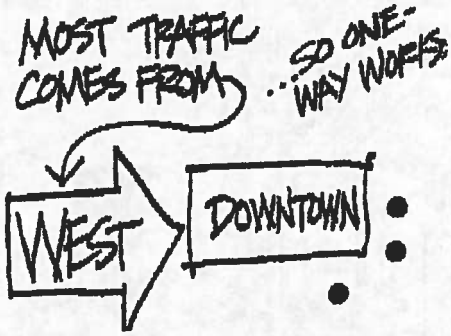
As the illustrations on these pages show, opinions are quite divergent on a number of issues. All comments were recorded, then participants were allowed to place there dots on the ones they felt were most important. These are reproduced here grouped by theme:

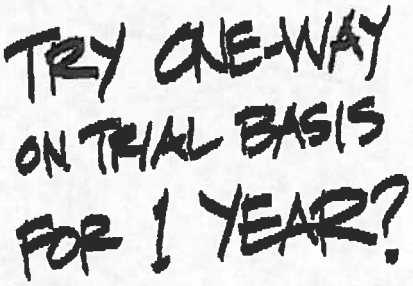
One-Way v. Two-Way

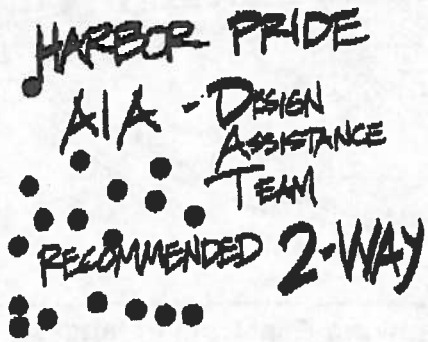
Not surprisingly, most of the comments were about the basic question of one-way vs. two-way traffic, which generated a lively debate. Some of these comments dealt with traffic flow, while others addressed business vitality and the degree of change resulting from the alternatives. These issues are dealt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

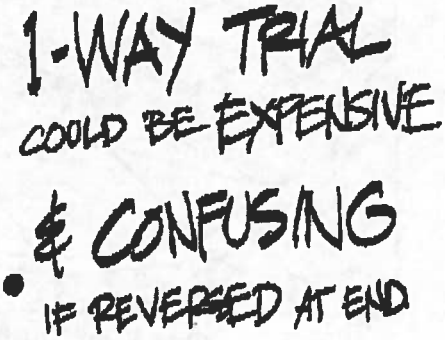




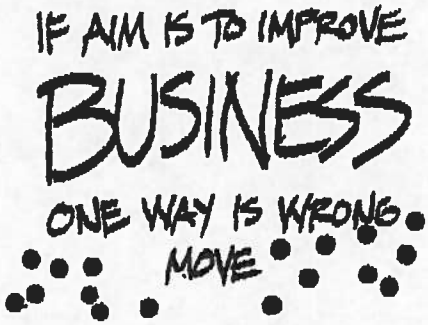








Business Vitality

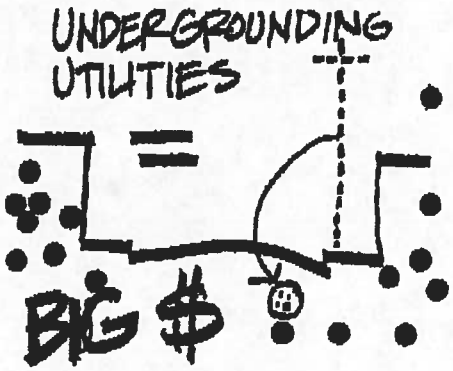


Other Downtown Uses

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

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

Undergrounding Utilities



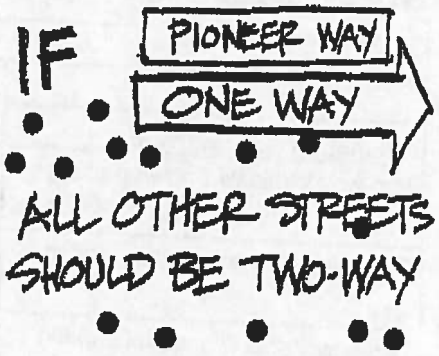
Safety

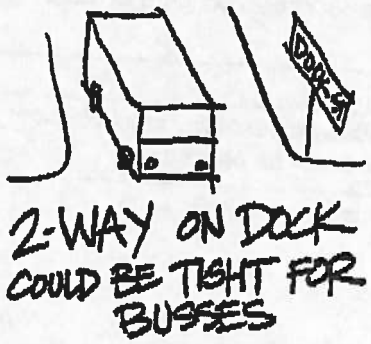
Need for Dramatic Change

NEED TO MAKE

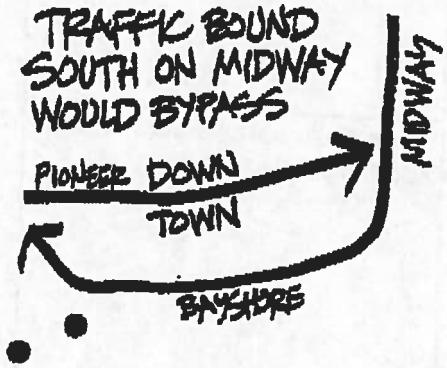
RADICAL CHANGE

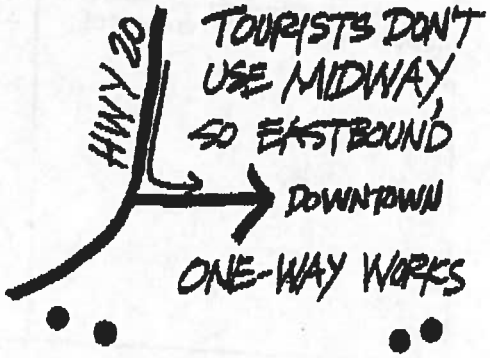
Side Streets





Traffic Flow





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

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

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

Other Comments:

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

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

Allow live/work environments on Pioneer.

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

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

Go with ideas from Harbor Pride Group.

Too many parking spaces already.

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

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

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

Thank you Staff. Keep up the good work.

Survey Comments continued:

Must be dramatic. Must look different.

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

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

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

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

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

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

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

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

SE Ely Street should be two-way.

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

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

Direct truck traffic to Bayshore.

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

Conclusion

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

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

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

K J S *Associates, Inc.*

Memorandum

DATE: August 6, 1999

TO: Advisory Committee Members, Downtown Circulation Study

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

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

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

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

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

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

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

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

Common Elements Among Alternatives

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

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

Alternative Improvements to Downtown Circulation

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

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

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

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

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

2. Alternative #4A:Two-way traffic. Retain on-street parallel parking, but only on one-side of Pioneer. On-street parking would serpentine between the north and south sides of Pioneer.
   - Switch Ely Street and Dock Street to two-way traffic from present one-way configuration.
   - Rechannelize the intersection of Bayshore Drive and City Beach Street to improve safety and better facilitate traffic flow. Install raised islands at the intersection and separate left turning lane onto Bayshore Drive. Stop control for northbound movements from City Beach Street onto Bayshore Drive.
   - Replace existing traffic signal with a 4-way stop at Dock Street and Pioneer Way.
   - Increase sidewalk width where possible; varies between 4 and 12 feet in total.
   - Retain existing parallel parking on only one-side of the curb. Eliminate parking on alternative curb faces with serpentine travelway of two-way flow. Total on-street parking stalls on Pioneer would be reduced by 37 stalls (out of a total of 90 stalls). Loss in on-street parking would be mitigated through the creation of additional on-street parking on side streets to Pioneer Way.
   - Provide pedestrian curb bulbs and enhanced crossing treatments along Pioneer Way at City Beach/Ely/Dock/Hathaway/Ireland/Ilwaco/Jensen and Midway (maintain turning lanes at Pioneer and Midway).
   - Install all-way stop control at the intersection of Pioneer Way and Ireland.
3. Alternative #4B: Two-way traffic along Pioneer Way. Modify on-street parking to angle configuration and serpentine parking between the north and south sides of Pioneer.
   - Switch Ely Street and Dock Street to two-way traffic from present one-way configuration.
   - Rechannelize the intersection of Bayshore Drive and City Beach Street to improve safety and better facilitate traffic flow. Install raised islands at the intersection and C-curb to provide a separate left turning lane on Bayshore Drive and to channelize northbound approach into a right-angle with Bayshore Drive.
   - Replace existing traffic signal with a 4-way stop at Dock Street and Pioneer Way.
   - Increase sidewalk width where possible; varies between 0 and 6 feet in total.
   - Eliminate parking on alternative curb faces with serpentine travelway of two-way flow and convert existing parallel parking to angle parking. Total on-street parking stalls on Pioneer Way would be increased by approximately 44 stalls.
   - Provide pedestrian curb bulbs and enhanced crossing treatments along Pioneer Way at City Beach/Ely/Dock/Hathaway/Ireland/Ilwaco/Jensen and Midway (maintain turning lanes at Pioneer and Midway).
   - Install all-way stop control at the intersection of Pioneer Way and Ireland.

Cumulative Assessment

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

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

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

Table 1: Future Baseline Intersection Levels of Service

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

Level of Service Evaluation

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

Table 2: Future PM Peak Intersection Levels of Service

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

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

Recommendations by Alternative

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

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

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

Table 3: Pedestrian Space and Parking Stall Implications by Alternative

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

Table 4: Planning-Level Cost Estimates by Alternative

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

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

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

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

Type of Improvement	Treatment	Description	Justification	Planning Cost Estimate
Traffic Control	Signal Improvements	Phasing-timing improvements at Pioneer Way and Bayshore/City Beach Street	Facilitate vehicular flow back to SR 20.	$3,500
		Remove signal control at Pioneer Way/Dock Street	Not warranted due to volume and one-way system on Pioneer.	$12,500
		Phasing-timing improvements at Pioneer Way and Midway Blvd	Facilitate westbound vehicular flow back to SR 20 via Bayshore and SE 8th Avenue	$3,500
		Phasing-timing improvements at SE 8th Avenue and Midway Blvd	Facilitate westbound vehicular flow back to SR 20 via SE 8th Ave	$1,500
	Stop Sign Control	Convert Pioneer/Dock Street intersection to two-way stop control with Pioneer Way as the major street.	Facilitate traffic movement on Pioneer Way under a one-way system.	$1,000
	Turning Restrictions	Install signage at key entry/exit intersection along Pioneer Way to restrict movements westbound on Pioneer Way	Facilitate traffic movement and provide safe operation of Pioneer Way under a one-way system.	$1,500
Vehicular Flow	One-Way Streets	Converts Pioneer Way from a two-way street to a one-way eastbound street between City Beach Street and Midway Blvd.	Convert street to a one-way system to increase on-street parking availability and pedestrian environment on Pioneer Way.	$15,000
	Two-Way Streets	Convert Ely Street from a one-way northbound (between Pioneer and Barrington) to a two-way street.	Facilitate traffic movement to one-way street system on Pioneer and improve local circulation alternatives.	$4,250
		Convert Dock Street from a one-way southbound (between Pioneer and Barrington) to a two-way street.	Facilitate traffic movement to one-way street system on Pioneer and improve local circulation alternatives.	$4,250
	Intersection Approaches	Install island and rechannelize intersection to improve turning movement radius and safety at City Beach Street and Bayshore	Improve safety and operation.	$85,000
Parking Configuration	On-street Parking Availability	Convert existing on-street parallel parking to angle parking along specific streets segments on Pioneer Way	Increase parking availability to downtown business and enhance vehicular access. Increases on-street spaces by 88 stalls.	$2,200
	Signage/ Visibility	Install signage to direct drivers to available off-street public parking.	Improve parking access.	$1,500
Goods Movement	Truck Route	Restrict large tractor trailer movements to Bayshore Drive through signage.	Roadway configuration would be too narrow for larger vehicles.	$750
	Local Deliveries/Load-Unload Zones	Provide for load/unload zones between each block on opposing street face of angle parking	Maintain local deliveries for business and reduce conflicts with parking vehicles and moving traffic.	$7,500
Pedestrian Environment	Increase Pedestrian Space	Narrow roadway at key intersections to improve pedestrian visibility and decrease pedestrian exposure.	Expand curb face extensions into roadway where space is available to improve pedestrian environment.	$188,800
	Pedestrian Safety	Calm traffic on Pioneer through roadway narrowing and horizontal obstacles (parked vehicles).	Increase pedestrian safety through installation of curb bulbs at key crossing locations.	$180,000
Total Capital Costs				$512,550

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

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

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

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

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

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

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

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

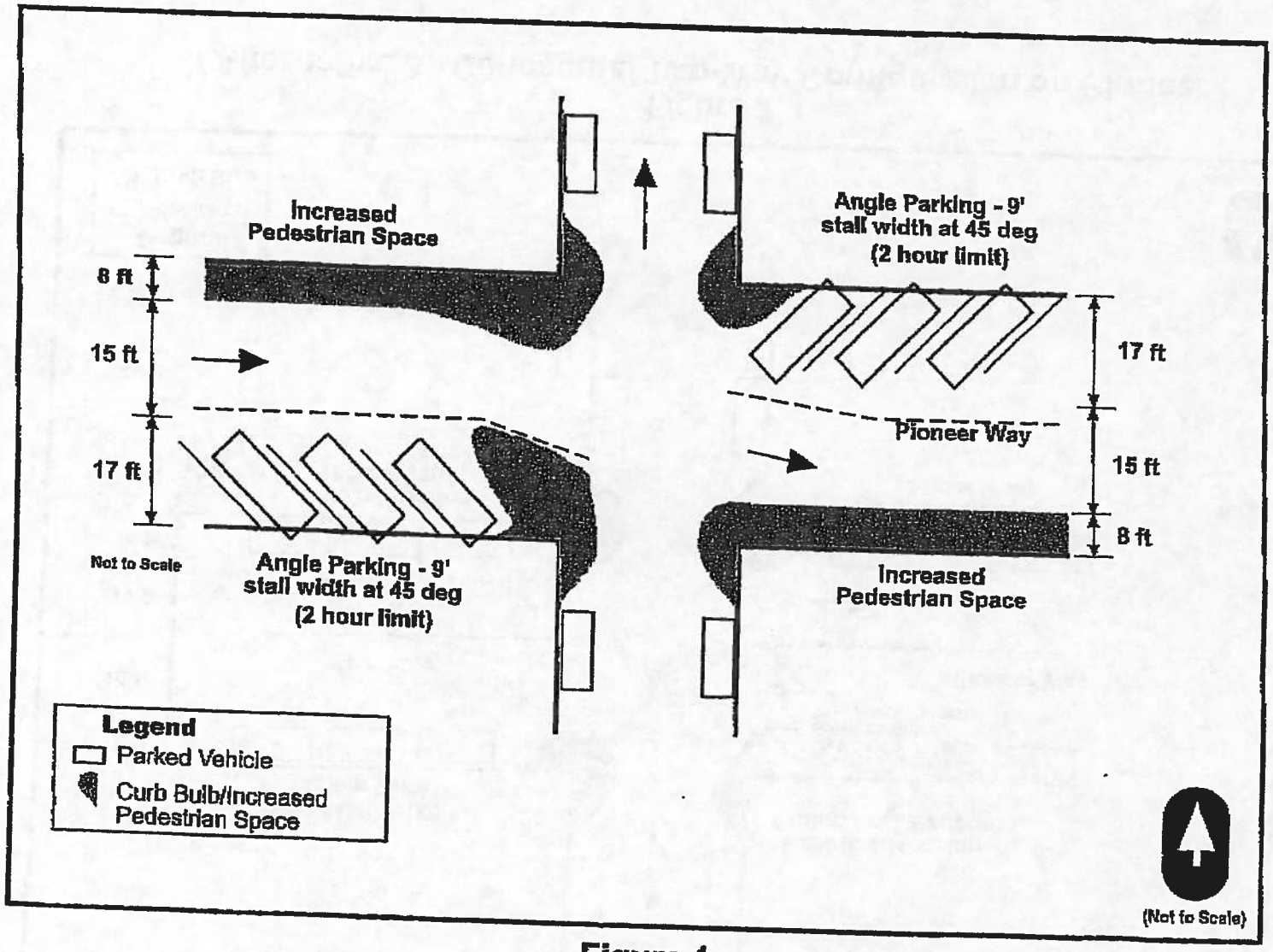


Figure 1
Alternatives 1 and 2 - Conceptual One-Way Configuration on Pioneer Way

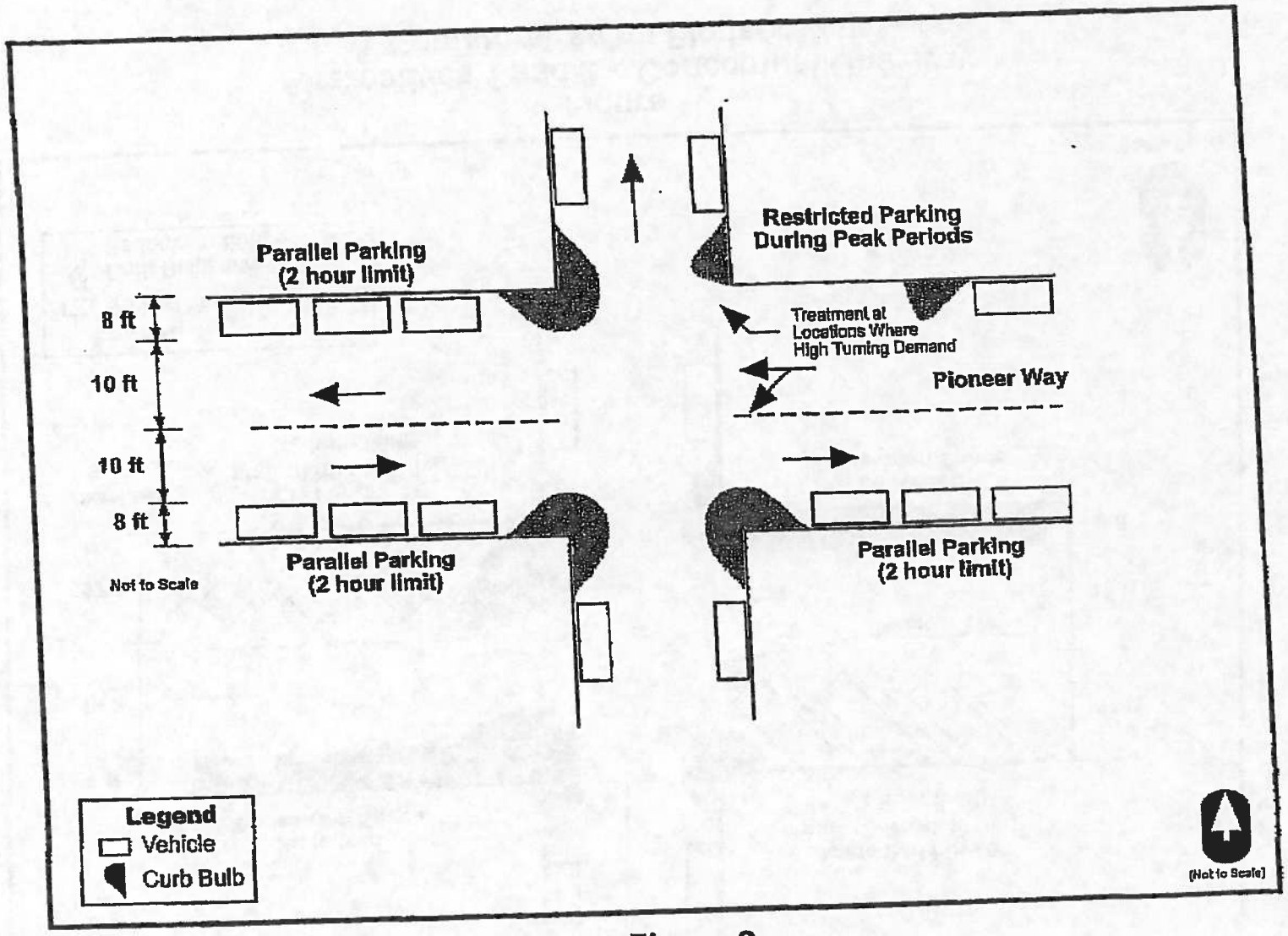


Figure 2
Alternative 3 - Conceptual Two-Way Configuration on Pioneer

272

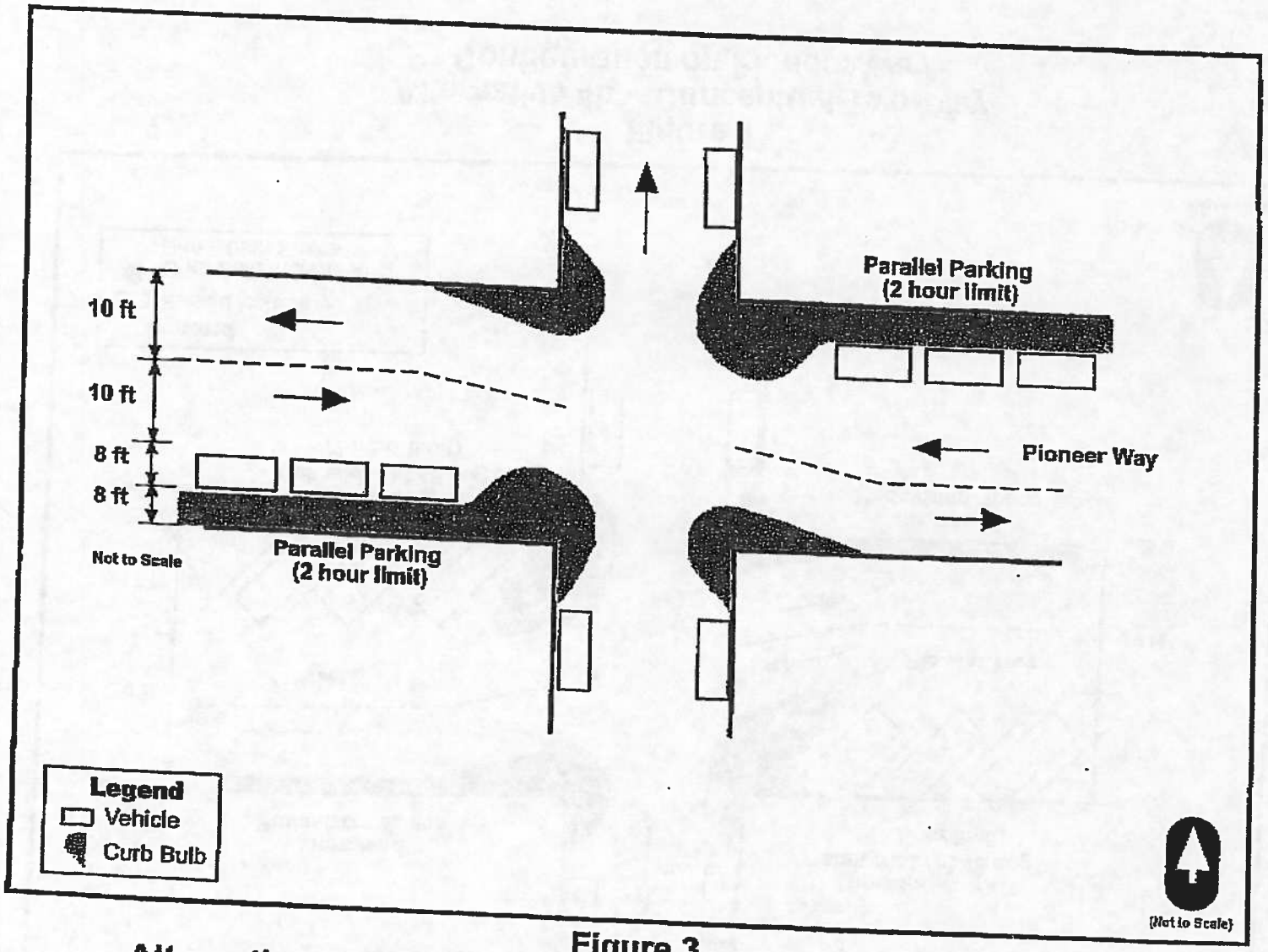


Figure 3
Alternative 4a - Conceptual Two-Way Configuration on Pioneer

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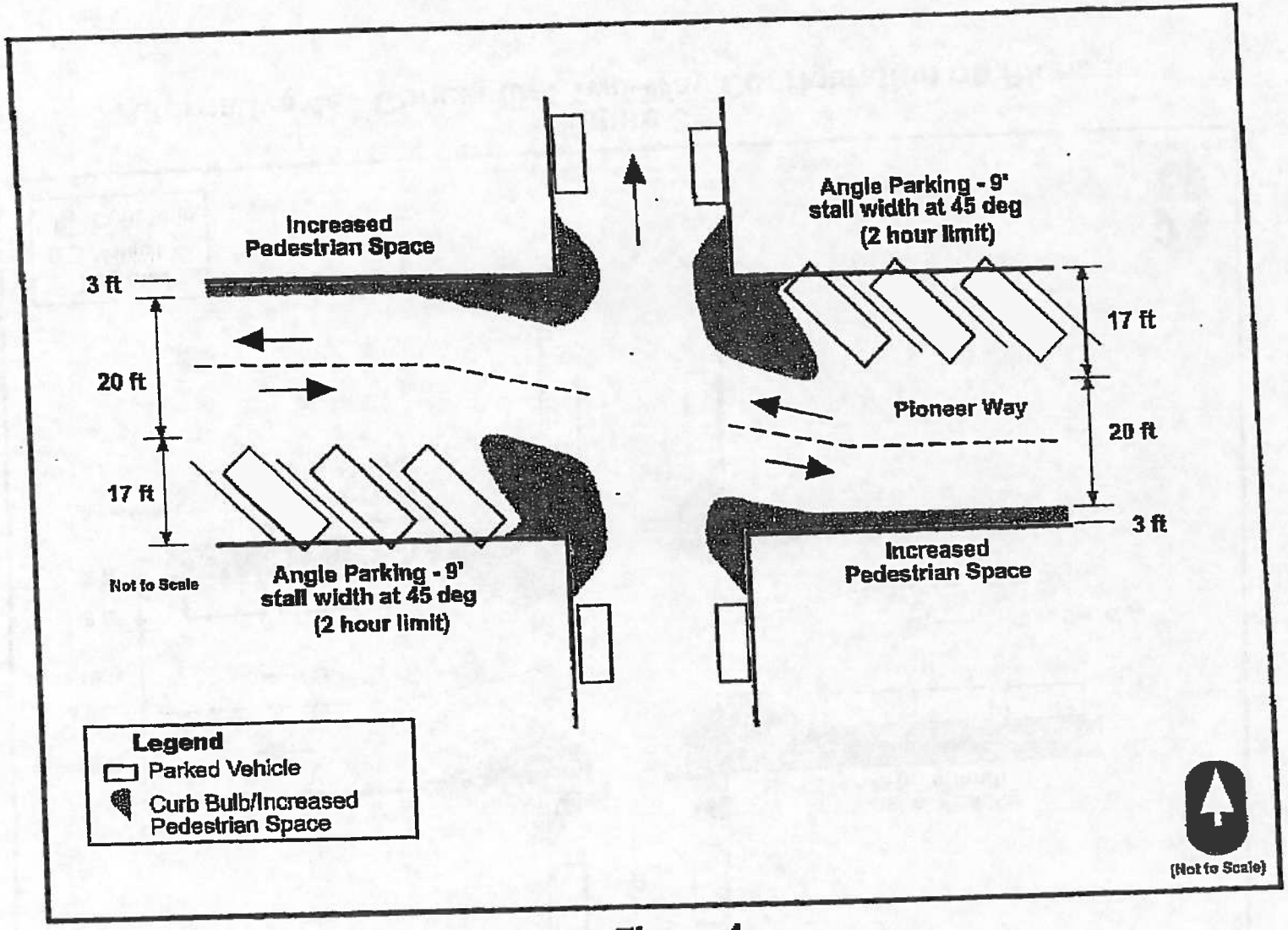
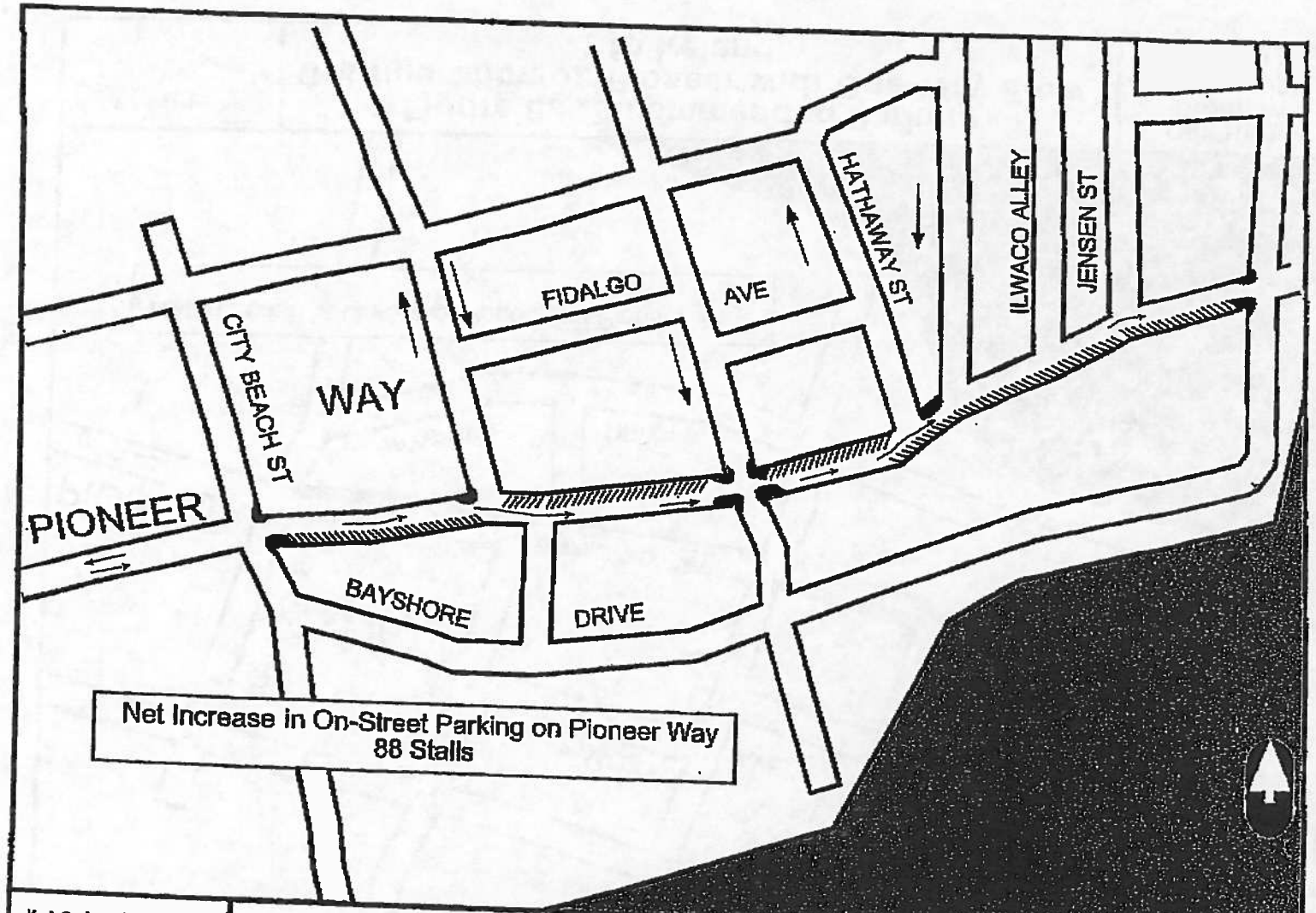


Figure 4
Alternative 4b - Conceptual Two-Way Configuration on Pioneer Way

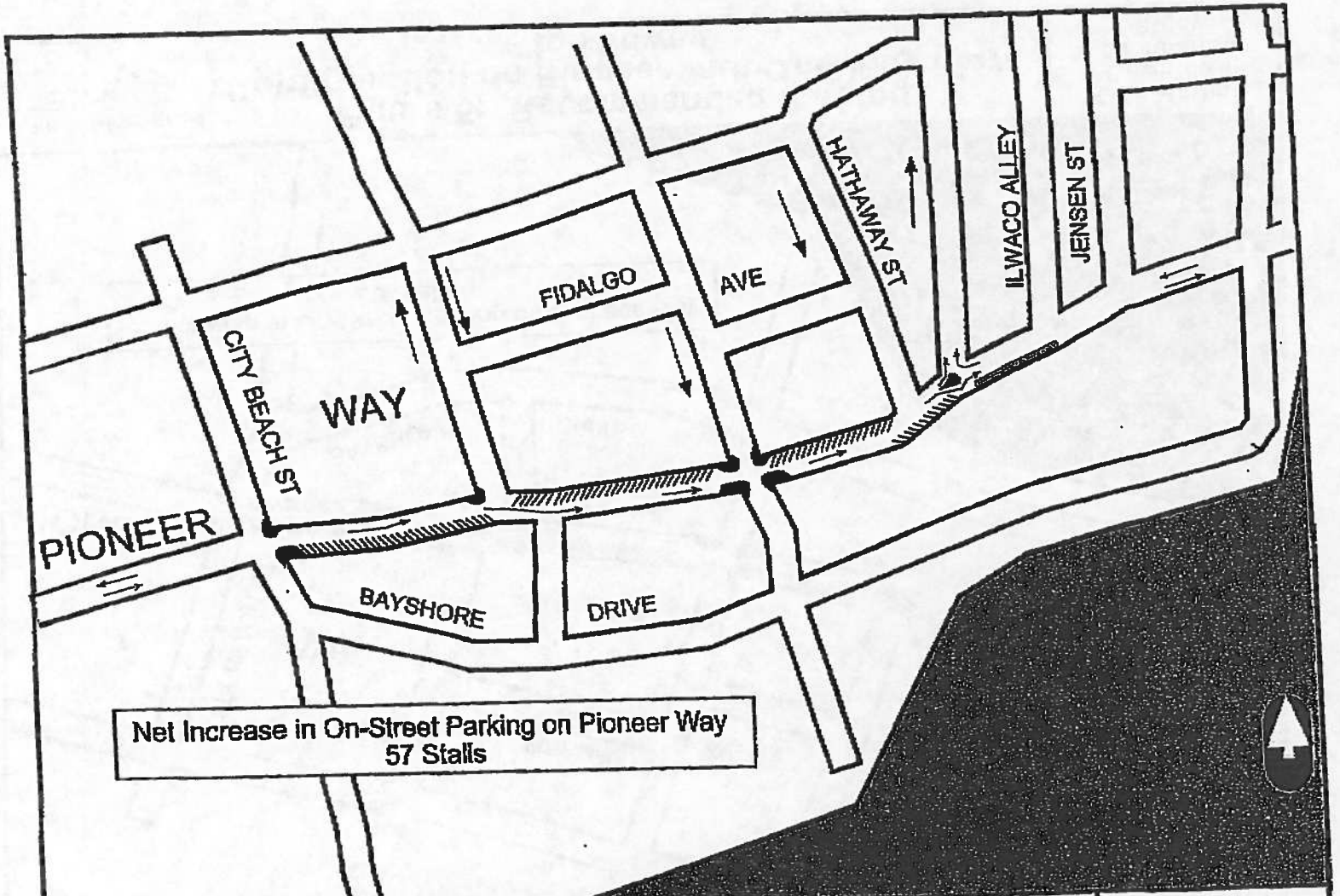
274



K J S Associates, Inc.

Figure 5: Recommended Parking Configuration on Pioneer with One-Way Flow to Midway

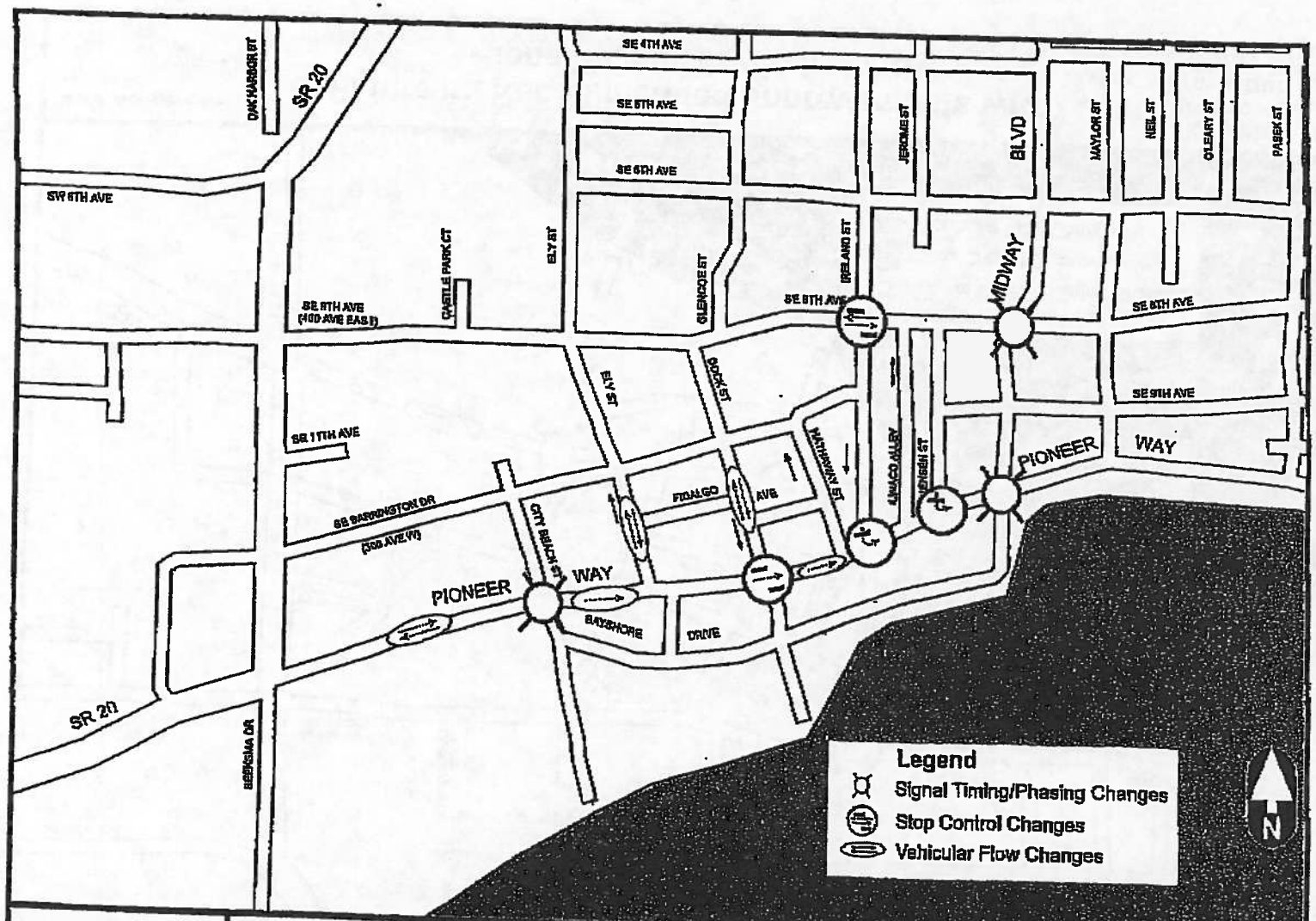
Oak Harbor Downtown Circulation Study



K J S Associates, Inc.

Figure 6: Recommended Parking Configuration on Pioneer with One-Way Flow to Ireland

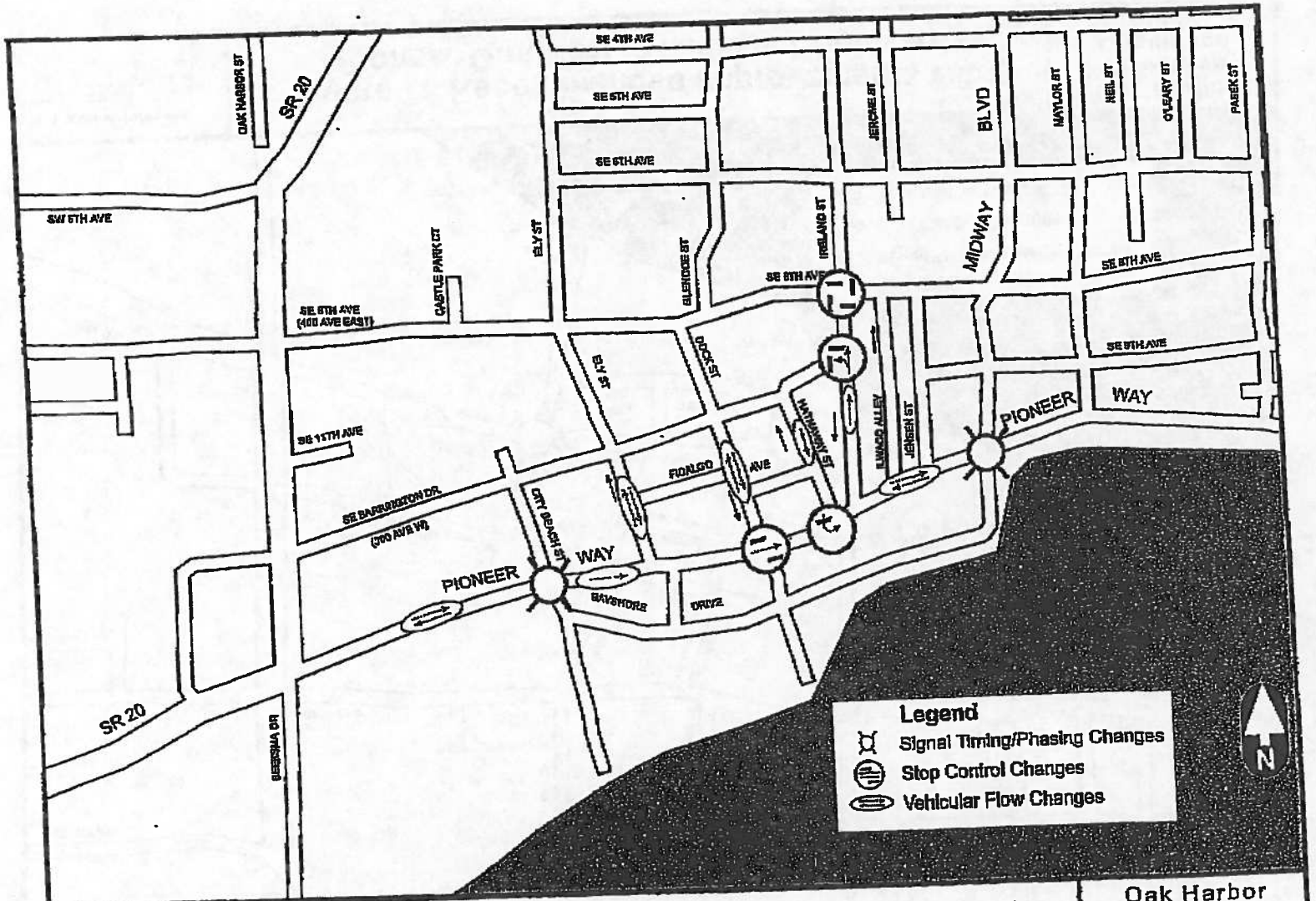
Oak Harbor Downtown Circulation Study



K J S Associates, Inc.

Figure 7: Recommended Improvements with Pioneer One-Way to Midway Boulevard

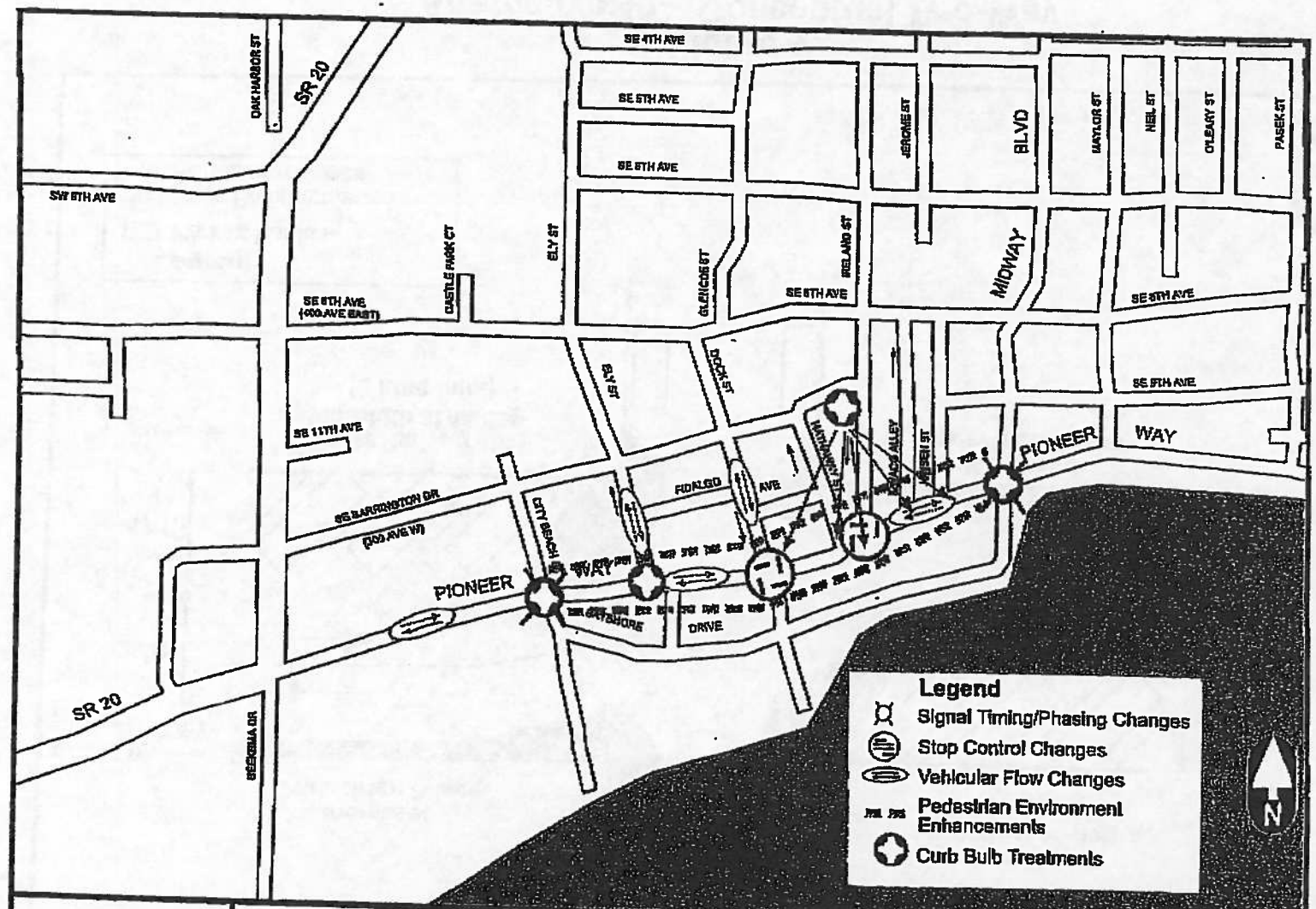
Oak Harbor Downtown Circulation Study



K J S Associates, Inc.

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

Oak Harbor Downtown Circulation Study



K J S Associates, Inc.

Figure 9: Recommended Improvements with Pioneer Two-Way

Oak Harbor Downtown Circulation Study

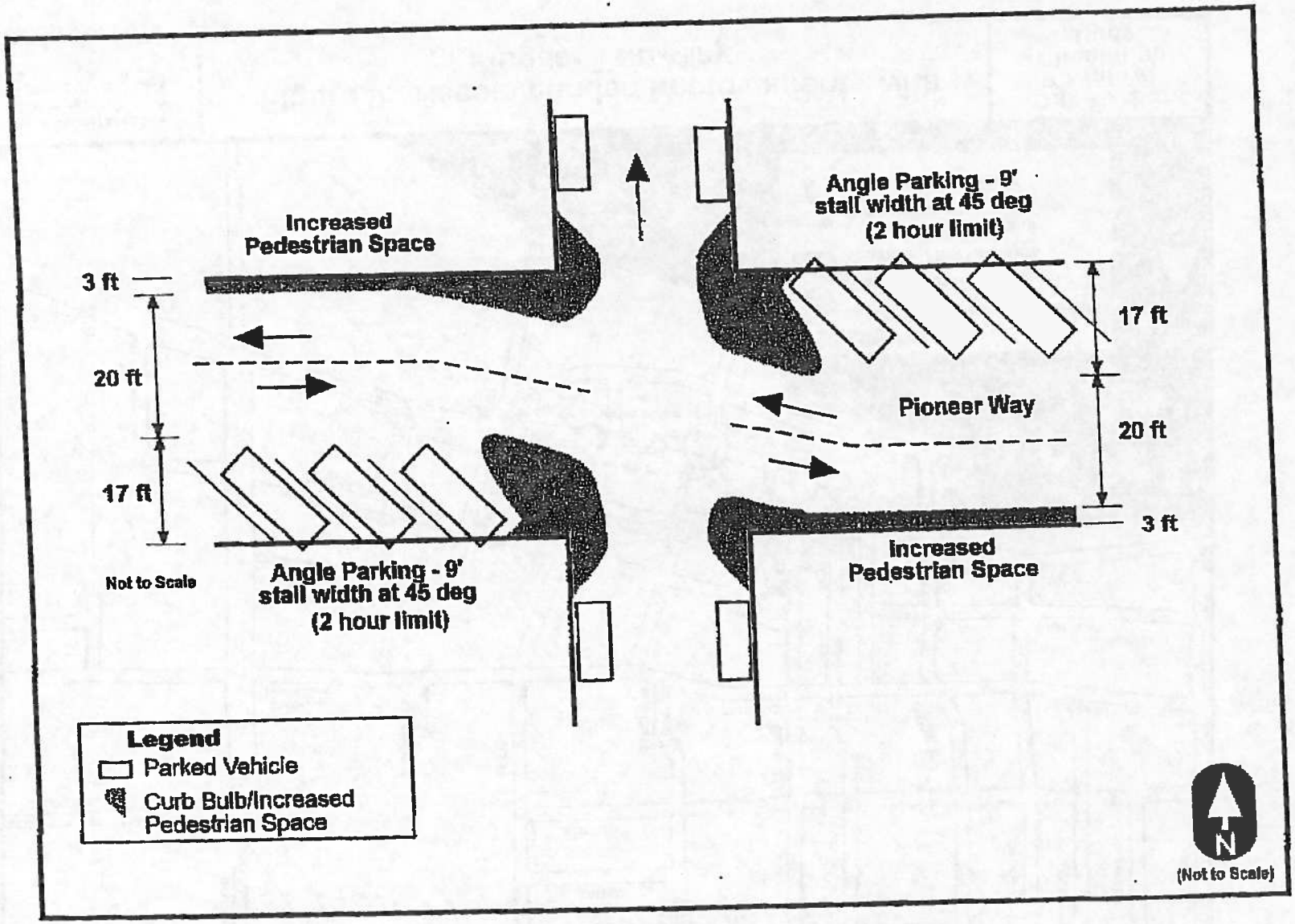


Figure 4
Alternative 4b - Conceptual Two-Way Configuration on Pioneer Way

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PORT ANGELES, WA SDAT:

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

A SUSTAINABLE DESIGN ASSESSMENT TEAM FINAL REPORT

PORT ANGELES, WA
MARCH 16-18, 2009

The American Institute of Architects Center for Communities by Design

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

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

TWO TWO WAY STREETS

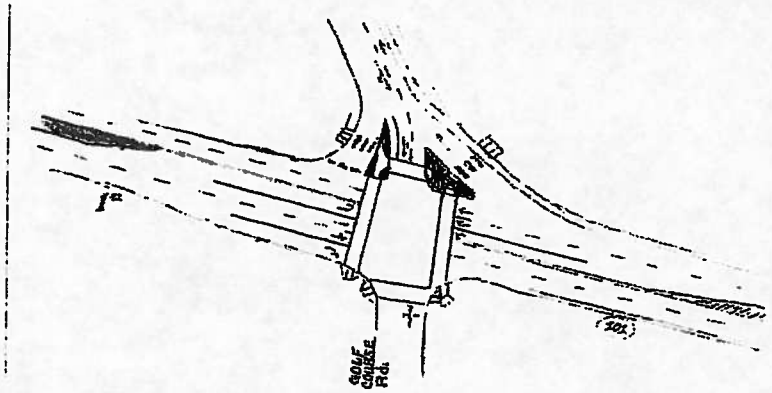
In this alternative First and Front Streets both become two-way streets. This change would help reduce the amount of circulating traffic, motorist that can't get to their destination in the most direct (shortest) path and must drive farther to go around the block. This circling activity is likely increasing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

RECOMMENDATION

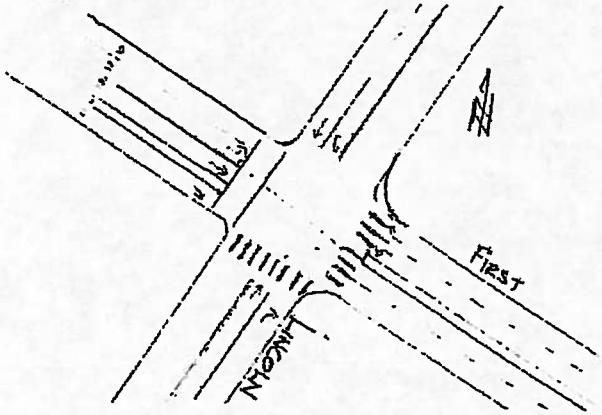
We recommend that Port Angeles explore with the Washington Department of Transportation ways to decouple Front and First Streets so that each street is returned to two-way operation. It is further recommended that First Street becomes the Highway 101 Route so that Front Street can be returned to Port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

ONE FOUR LANE STATE ROUTE

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



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



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

President Anderson invited public comment.

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

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

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

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

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

Roll was called with all council members voting yes.

Motion carried.

AADT Traffic counts

City of Oak Harbor

STREET	FROM	TO	1999	2000	2001	2002	2003	2004	2005	2006	2007
SW Heller Street	SW Barrington Dr.	SW 8th Ave.		.	8190	7489	7624	7049	8955	7329	8124
SW Heller Street	SW Putnam Drive	W. Whidbey Ave.	13001	6111	7448	8478	8754	8763	8462	8735	8327
NW Heller Street	W. Whidbey Ave.	NW 2nd Ave.			6870	7186	9589	9265	8736	8572	8315
NW Heller Street	NW 2nd Ave.	NW 8th Ave.	7719	8150	7696	8969	8538	8085	7988	7938	7710
NW Heller Street	NW 8th Ave.	NW Crosby Ave.			8133	6795	8580	7908	8115	7545	7326
SW Swantown Ave.	NW Crosby Ave.	N. Corp. City Limits	7314	6392	7812	8293	8550	8394	7936	7804	7572
SW Swantown Ave.	SR 20	Ft. Nugent Ave.	12047	20951	17780	11845	12884	12160	11490	11781	11010
SW Swantown Ave.	Ft. Nugent Ave.	SW Heller Street	13300	6210	8785	8173	9226	8782	8180	8238	7655
SW Scenic Heights Street	SW Heller Street	Thornberry Dr.			2822	2558	1941	2544	2693	2526	2260
Ft. Nugent Ave.	SR 20	Freund St.	2200	3579	1868	917	2785	1878	2128	1934	1899
SE Midway Blvd.	SW Swantown Ave.	SW Neihuis St.	5012	9484	5334	5545	6122	5975	5861	5967	5764
NE Midway Blvd.	SE 6th	SE 4th Ave.	8778	8189	9133	6728	7574	7432	6333	6560	6209
NE Goldie Street	NE 5th Ave.	NE 6th Ave.	11284	12467	10697	11603	10414	9489	8992	9073	7864
NE 16th Ave.	NE 18th Ave.	N. Corp. City Limits	9343	9188	7879	8812	8199	7155	8451	8632	8719
NE 16th Ave.	SR 20	NE Goldie Street	4551	1138	708	679	972	971	935	945	994
NW Crosby Ave.	SR 20	Regatta Drive	1491	1138	3413	1380	1443	1418	1141	1278	1234
SE Pioneer Way	N. Oak Harbor Street	NW Anchor Dr.	3369	5365	9178	3726	4340	4226	5244	5900	4565
SE Pioneer Way	SR 20	SE City Beach Street	13476	18600	10241	17462	13923	8400	11322	11736	11188
SE Pioneer Way	SE City Beach Street	Midway Blvd.	8681	10367	11128	10452	9304	8227	8732	8268	7837
SE Bayshore Drive	Midway Blvd.	SE Regatta Drive	8594	8699	10686	7828	8120	7547	7473	7215	
SW Erie Street	Midway Blvd.	SE City Beach Street	2737	2388	2313	5141	2418	2466	2150	1930	2082
SW Fairhaven Drive	SW Barrington Drive	SR 20			4719	5015	4284	5073	3425	5027	3449
SW Fairhaven Drive	SW Barrington Drive	SW 6th Ave.	867	926	989	1046	913	1083	1064	1085	1038
NW Fairhaven Drive	SW 6th Ave.	SW 4th Ave.	5640	2780	4891	3038	2883	3303	3509	2920	3142
SE Barrington Drive	W. Whidbey Ave.	NW 3rd Ave.	1117	2627	2213	2836	2532	2496	2590	2471	2505
SE Barrington Drive	SR 20	SE Ely Street	7335	6088	6902	7176	6454	6885	6877	7185	6881
SE Ireland & SE 8th Ave.	SE Ely Street	SE Ireland Street	5724	5316	5620	5271	5225	4858	4469	4680	5007
SE 6th Ave.	SE Barrington Drive	Midway Blvd.	7783	4403	7282	5251	5628	4800	5120	4846	5496
SW 6th Ave.	Midway Blvd.	SE Ely Street		1239	1208	573	1144	1082	1462	1056	1003
SW 6th Ave.	SR 20	SW Fairhaven Drive	3269	3860	3850	3903	4071	4097	3961	3874	3685
SE 6th Ave.	SW Fairhaven Drive	SW Heller Street	1300	1373	2176	1784	1418	1524	1545	1573	1481
SE Ely Street	Midway Blvd.	SE Regatta Drive	5919	1891	1564	932	1499	965	1332	1211	1036
SE 3rd Ave.	SE 6th Ave.	SE 4th Ave.	3092	3219	4892	2888	2882	3050	2894	2828	2513
SE 4th Ave	SR 20	S. Oak Harbor Street	8648	6046	5542	4650	4712	4395	5035	4826	4868
E. Whidbey Ave.	SE Cabot Drive & SE Ely Street	Midway Blvd.			1196	2109	1723	2096	2066	2230	2414
E. Whidbey Ave.	Midway Blvd.	SE Regatta Drive	6630	3186	4794	4650	6124	5517	5698	5502	5472
E. Whidbey Ave.	Midway Blvd.	SR 20	7685	4715	8965	9894	9280	8770	7924	7792	7378
W. Whidbey Ave.	SR 20	Oak Harbor Street	12981	11152	10453	10553	10930	11026	11228	10950	10724
W. Whidbey Ave.	Oak Harbor Street	NW JIB STREET	6256	5018	5867	8488	7343	7767	8330	8144	7588
W. Loerland Drive	NW Jib Street	NW Heller Street			4637	5571	5418	5954	5879	5892	5656
SE Regatta Drive	Heller Street	W. Corp. City Limits	2438	2360	4053	2609	2516	2678	2755	2718	2782
NE Regatta Drive	SE 4th Ave.	SE 6th Ave	5405	6246	6242	7084	7175	6546	5964	7178	6447
S. Beekama Drive	E. Whidbey Ave.	N. Corp. City Limits	8092	6132	6293	9510	7640	7122	7163	7080	6186
S. Oak Harbor Street	SR 20	City Beach Park	1473	3252	2160	1197	942	1299	1233	1340	1190
N. Oak Harbor Street	SE 3rd Ave.	Whidbey Ave.	4411	4541	4135	4760	4583	4474	4667	4990	4897
N. Oak Harbor Street	Whidbey Ave.	NE 7th Ave.	8039	15720	7480	3840	8006	8102	7691	8860	8517
N. Oak Harbor Street	NE 7th Ave.	NW Crosby Ave.	9358	10527	9238	5802	9342	9937	8987	10804	9474
N. Oak Harbor Street	NW Crosby Ave.	N. Corp. City Limits	10659	7891	8886	6060	7700	6481	7211	7229	6956

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AADT Traffic counts
City of Oak Harbor

STREET	FROM	TO	1999	2000	2001	2002	2003	2004	2005	2006	2007
NE 5th Ave.	Midway Blvd.	NE Regatta Drive	1249	893	3316	858	872	967	797	809	814
NE 7th Ave.	Midway Blvd.	SR 20	4075	4188	4241	2349	4201	3416	4500	4289	4323
NE 7th Ave.	SR 20	N. Oak Harbor Street	5288	5203	5401	4261	6323	5599	5327	5934	5506
SE Cabot Dr	SR 20	SE Ely Street			6368	4674	3987	4576	4451	4162	4085
NW Crosby Ave	NW Heller Street	NW Prow Street			4653	1643	1921	1979	3265	1938	1941
SW 8th Ave	SR 20	SW Bowmer	868		3335	3303	901	1473	1100	1886	2505
SW Balda St	SW Scenic Hts	SW Waterloo Ave							1354	1250	1285

287

ENVIRONMENTAL CHECKLIST

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

RECEIVED
AUG 0 6 2010
CITY OF OAK HARBOR
Development Services Department

Purpose of Checklist:

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

Instructions for Applicants:

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

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

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

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

Use of checklist for nonproject proposals:

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

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

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

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

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

14. TRANSPORTATION

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

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

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

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

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

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

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

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

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

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

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

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

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

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

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

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

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

15. PUBLIC SERVICES

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

No increase is anticipated.

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

None needed.

16. UTILITIES

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

Attachment B

CITY OF
Oak Harbor
WHIDBEY ISLAND, WASHINGTON

RECEIVED
AUG 06 2007
ISLAND COUNTY
COMMISSIONER'S OFFICE

August 6, 2007

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

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

Dear Commissioners:

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

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

Sincerely,

Steve Powers, AICP
Director, Development Services Department

cc: Enclosures
File

ISLAND COUNTY – APPLICATION FOR 2007
RURAL COUNTY ECONOMIC DEVELOPMENT FUNDS

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

Project Title: Pioneer Way Street Reconfiguration

Application Date: August 6, 2007

Total Project Cost: $8,420,000

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

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

Funding strategy for street improvements:

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

Funding for off-street plazas not yet identified.

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

Are you requesting a funding gap? YES.

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

Briefly describe your project:

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

Figure 1: Project Area in Oak Harbor

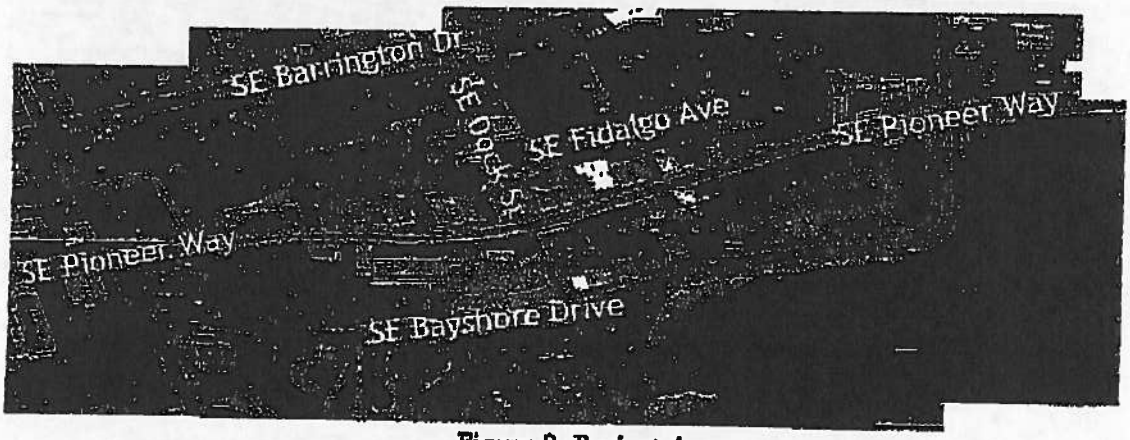


Figure 2: Project Area

Major project features include:

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

The specific pedestrian-oriented improvements in the project include:

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

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

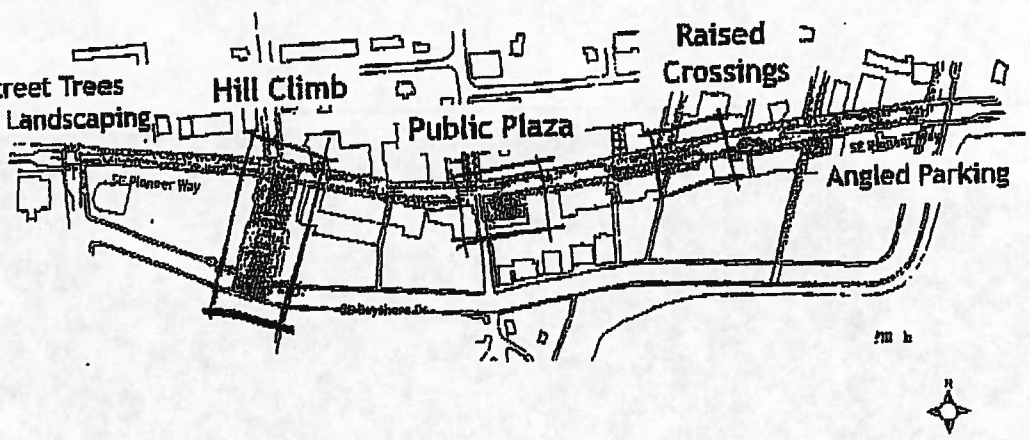


Figure 3: Overall Plan for Project with Main Features Highlighted

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

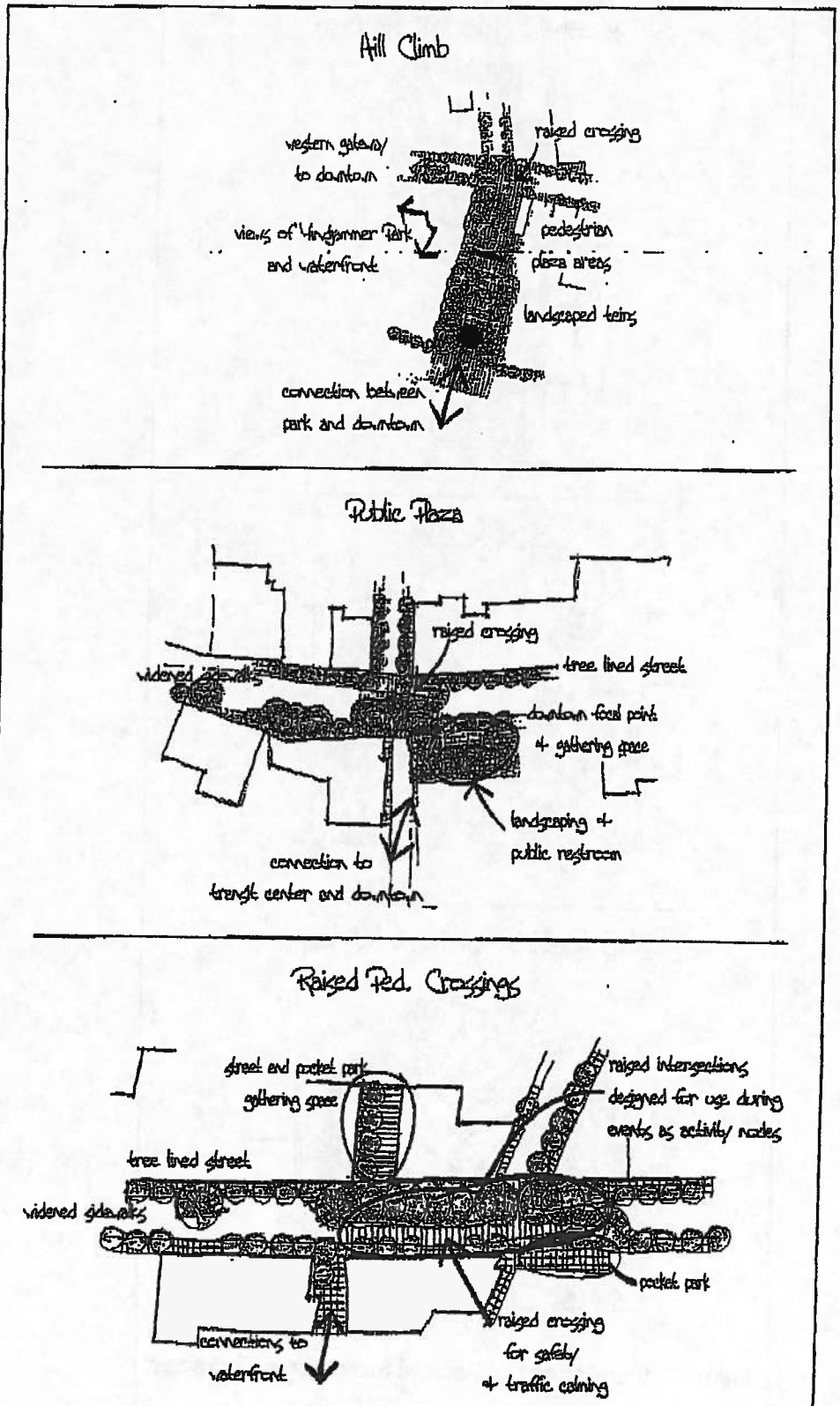
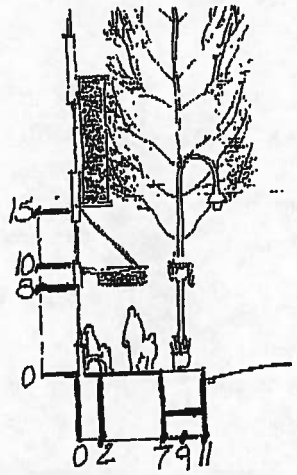
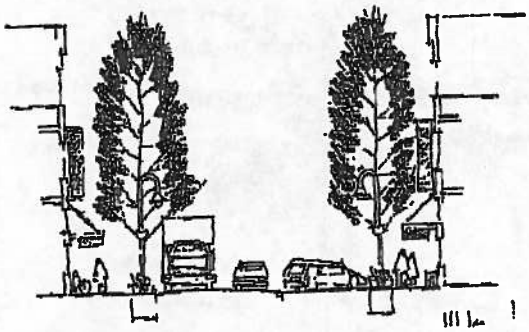


Figure 4: Sketches of Main Features

Widened Sidewalk Section



Typical Section



Blvd Section without Parking

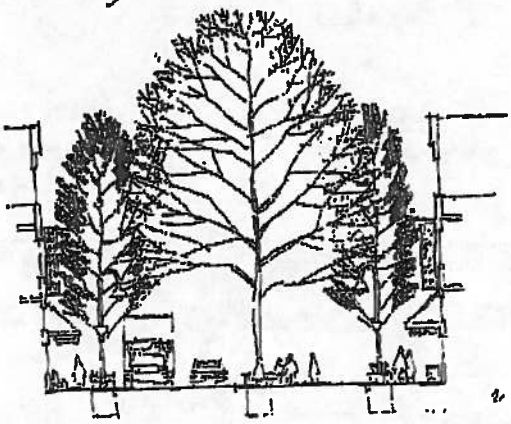


Figure 5: Simulations of General Streetscape Character

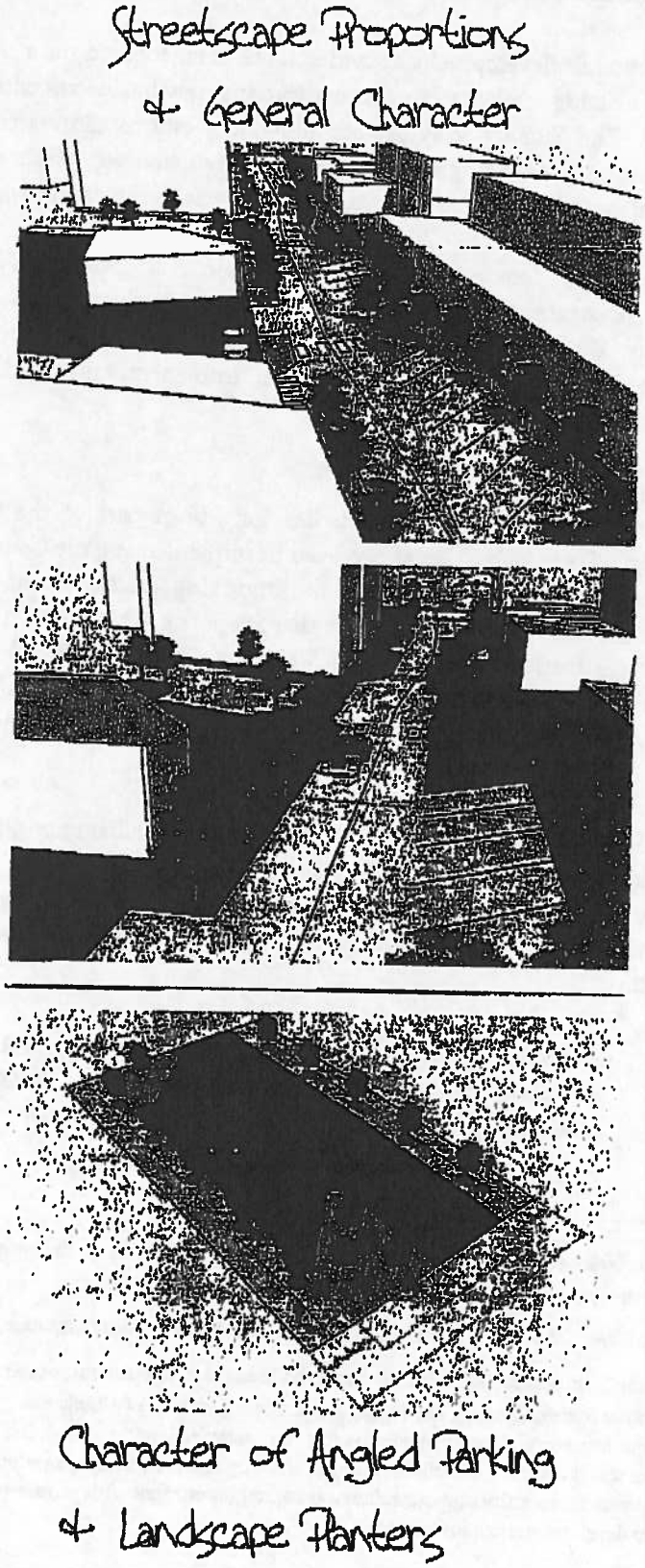


Figure 6: Simulations of General Streetscape Character

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

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

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

Comprehensive Plan Policies

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

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

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

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

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

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

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

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

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

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

Policy 1.f *Support revitalization efforts of downtown Oak Harbor...through the implementation of adopted plans and programs.*

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

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

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

LAND USE ELEMENT Goal 14 *To strengthen and enlarge the commercial economic base of the community by promoting the development of facilities that provide a competitive and stimulating business environment.*

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

Policy 14.g, *Promote commercial infill development.*

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

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

North Whidbey Community Diversity Action Plan

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

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

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

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

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

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

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

[6] Ibid., p.10

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

[8] Ibid., p.14

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

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

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

Contemporary Conditions and Trends

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

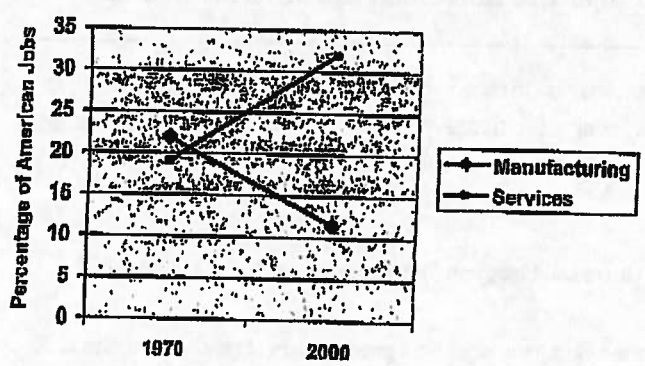

Figure 7: Shift in Job Market 1970 to 2000

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

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

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

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

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

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

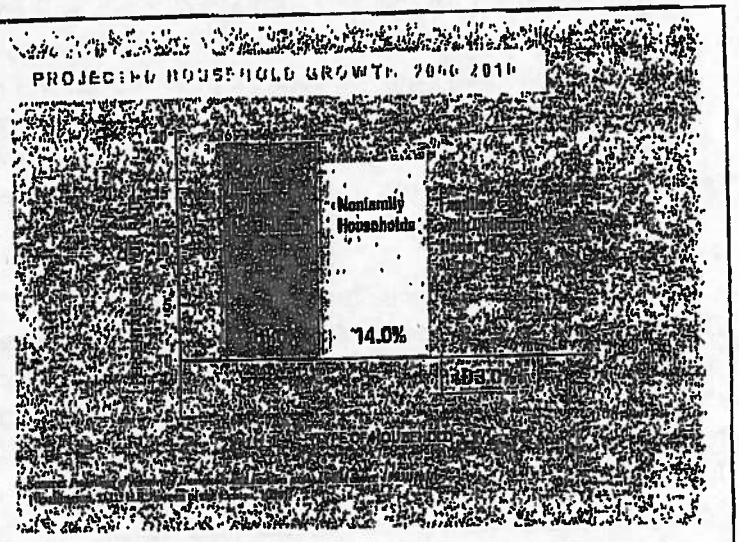

Figure 8: Household Growth 2000 to 2010

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

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

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

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

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

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

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

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

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

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

---

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

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

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

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

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

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

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

Is this project included in:

Capital Facilities Plan __X__ Yes _____ No

Comprehensive Plan __X__ Yes _____ No

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

How will this project improve infrastructure capacity?

The project will improve infrastructure capacity in the following ways:

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

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

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

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

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

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

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

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

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

How many months will this project take to complete?

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

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

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

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

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

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

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

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

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

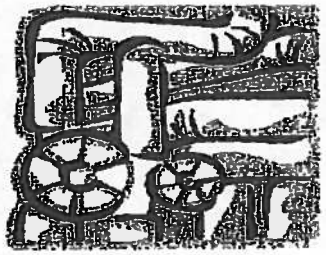
EXHIBIT A: Capital Facilities Plan and Comprehensive Plan References

City of Oak Harbor
WHIDBEY ISLAND, WASHINGTON

City of Oak Harbor

Capital Improvement Plan 2007–2012

February 20, 2007



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Non-Enterprise Funded Activities—Capital Facilities

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

New Non-Enterprise Funded Capital Facilities, 2007–2012

Streets

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

General Administration

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

Parks and Recreation

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

Marina

- Oak Harbor Marina Redevelopment

Windjammer

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

Fire

- New West Side Fire Station

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CITY OF
Oak Harbor
WHIDBEY ISLAND, WASHINGTON

Comprehensive Plan

October 2005

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

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

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

Discussion

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

Policy:

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

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

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

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

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

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

Policy:

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

Policies:

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

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

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

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

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

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

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

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

Policies:

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

2.b Consider view corridors when planning for development.

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

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

Policies:

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

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

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

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

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

Goal 4 - To preserve community character through quality design.

Policies:

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

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

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

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

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

Policies:

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

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

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

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

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

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

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

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

Policies:

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

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

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

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

Policies:

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

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

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

Commercial Development

Goal 14 - To strengthen and enlarge the commercial economic base of the community by promoting the development of facilities that provide a competitive and stimulating business environment.

Policies:

14.a Locate different types of commercial uses in a manner that is consistent with existing traffic patterns and public facilities, and is compatible with nearby and adjacent land uses.

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

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

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

14.e Support and maintain the central business district of Oak Harbor and the established commercial nodes located at SR20 and West Pioneer Way, along North Midway Boulevard, and Goldie Road and SR20, to serve the greater Oak Harbor area.

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

14.g Promote commercial infill development.

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

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

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

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

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

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

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

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

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

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

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

Attachment C

Downtown Streets

Are We Strangling Ourselves on One-Way Networks?

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BRIAN T. MCHUGH
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Orlando, FL 32801

ABSTRACT

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

INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONFLICTING OPINIONS

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

A Traffic Engineer's Perspective

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

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

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

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

The User's Perspective

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

Motorists

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

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

Transit Patrons

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

Pedestrians

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

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

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

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

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

Downtown Community Perspective

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

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

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

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

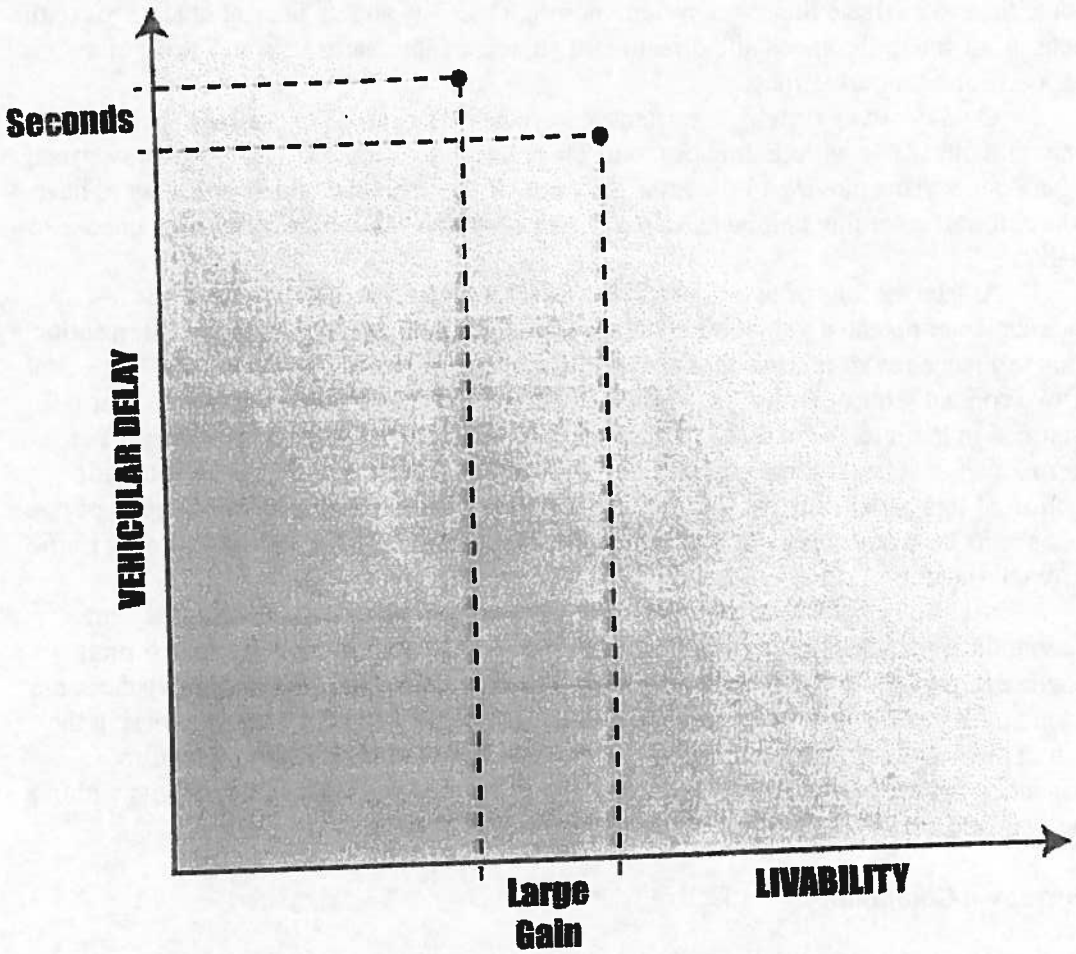

FIGURE 1 Livability index.

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

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

ONE-WAY VERSUS TWO-WAY: EVALUATION MEASURES

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

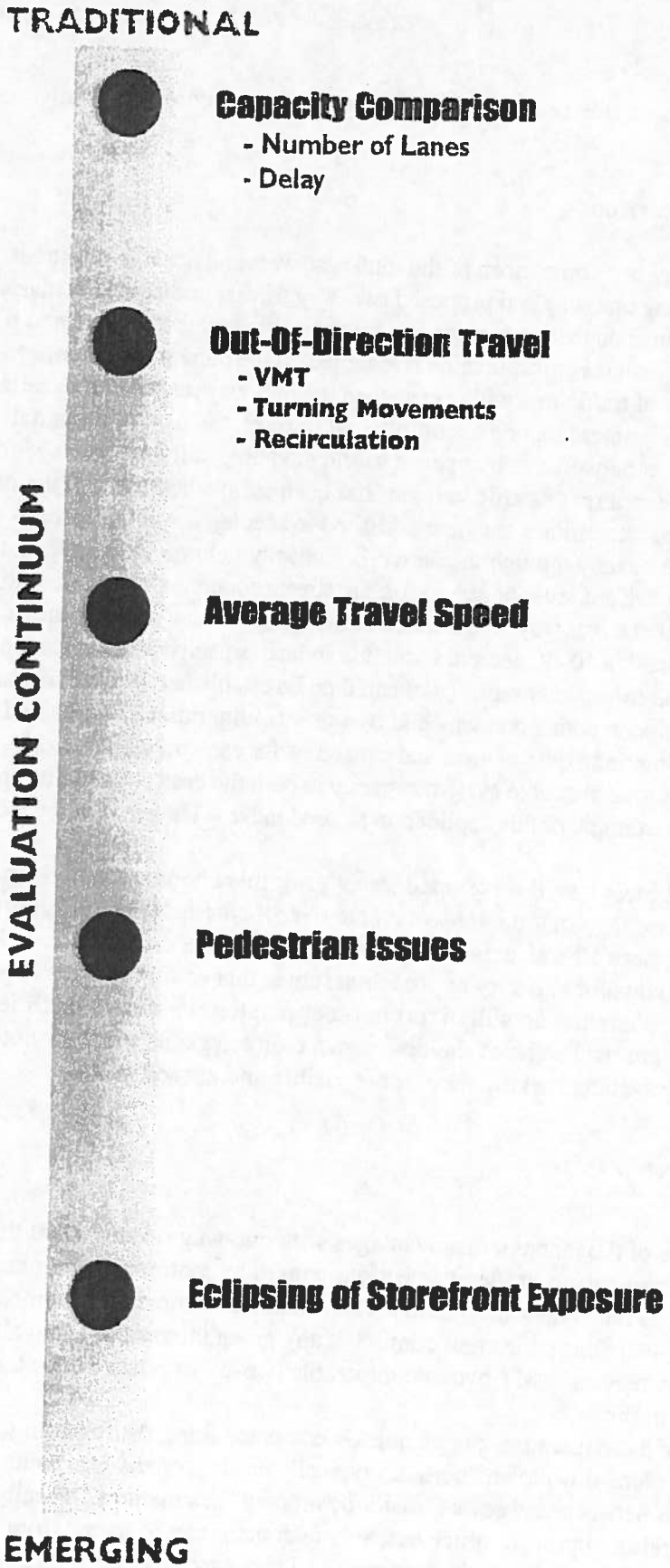

FIGURE 2 One-way vs. two-way measures of effectiveness.

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

Network Capacity Comparison

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

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

Out-of-Direction Travel

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

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

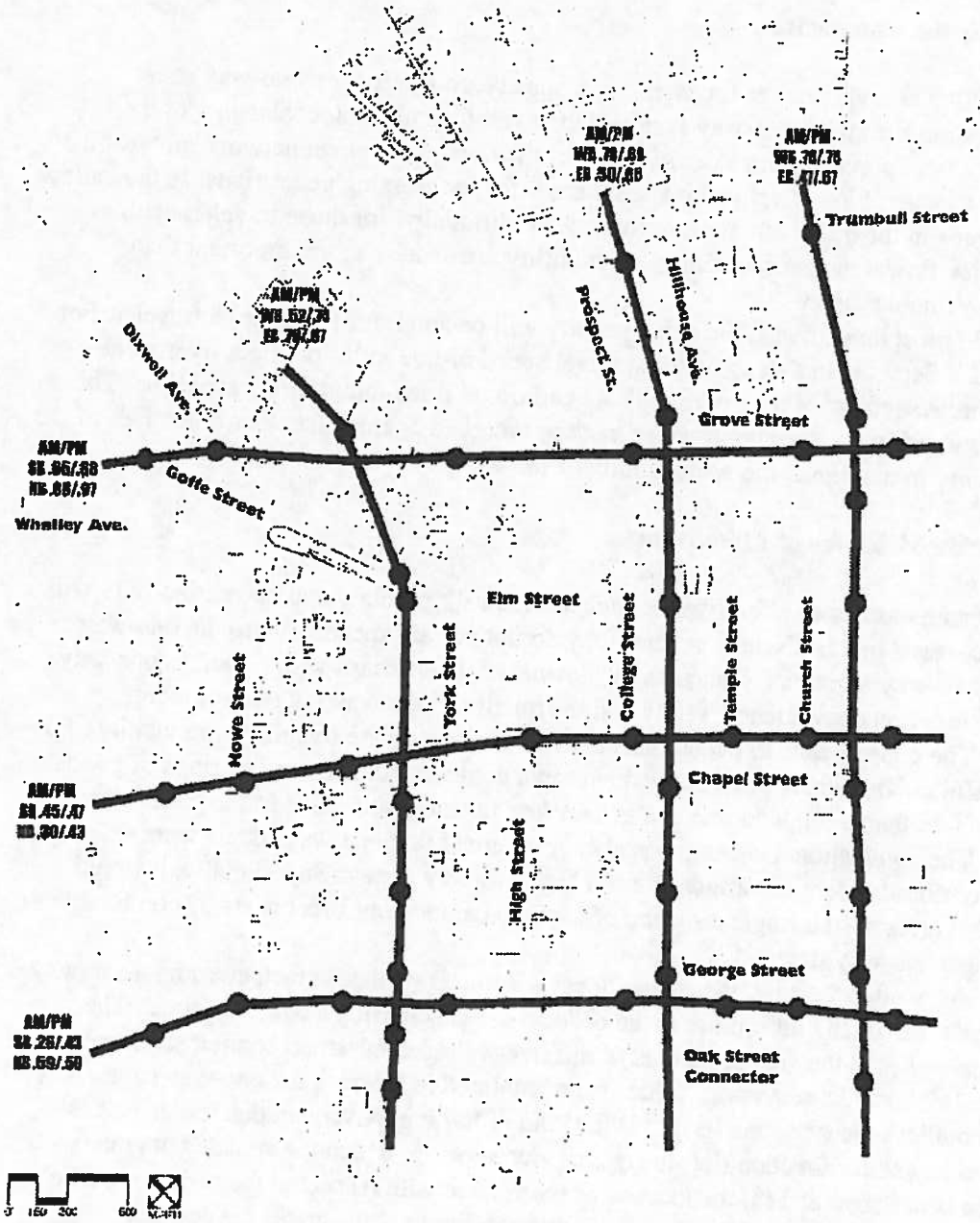

FIGURE 3 Screen lines and traffic volumes New Haven, Conn. (proposed).

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

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

Travel Speed Comparison

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

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

Pedestrian Measures of Effectiveness

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

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

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

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

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

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

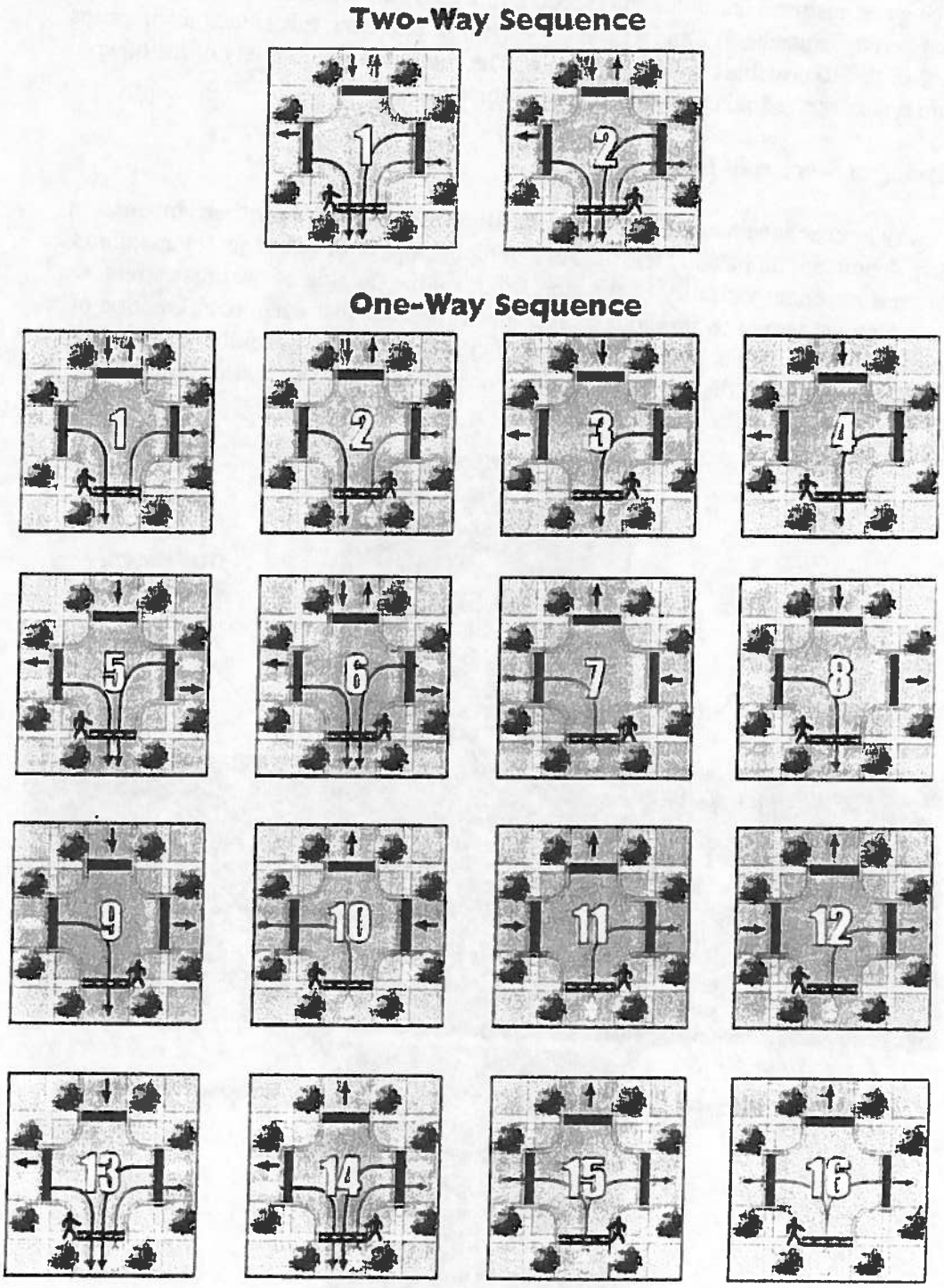

FIGURE 4 Sequence of conflicts created by one-way streets.

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

Eclipsing of Storefront Exposure

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

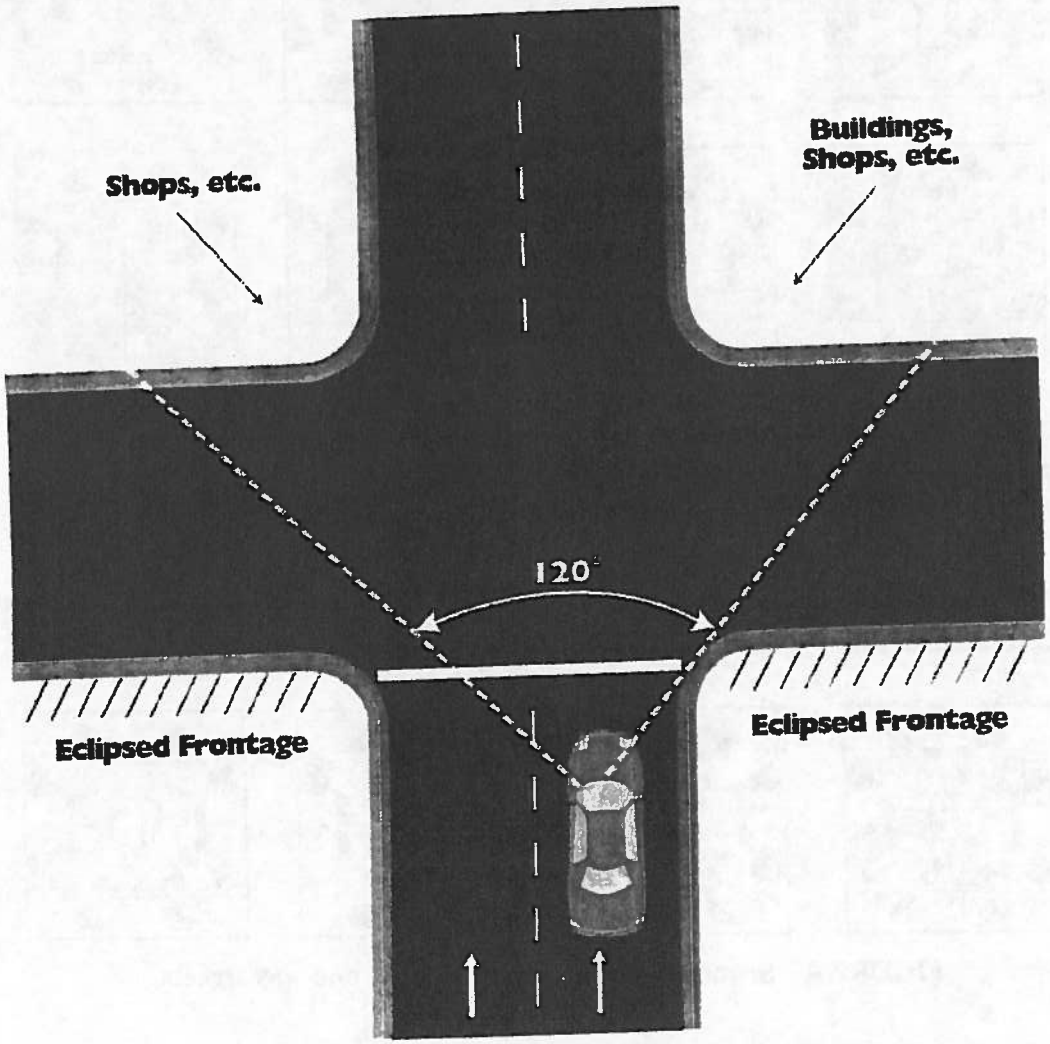

FIGURE 5 Retail eclipsing a diagrammatic summary.

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

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

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

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

GETTING IT DONE: NEXT STEPS

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

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

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

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

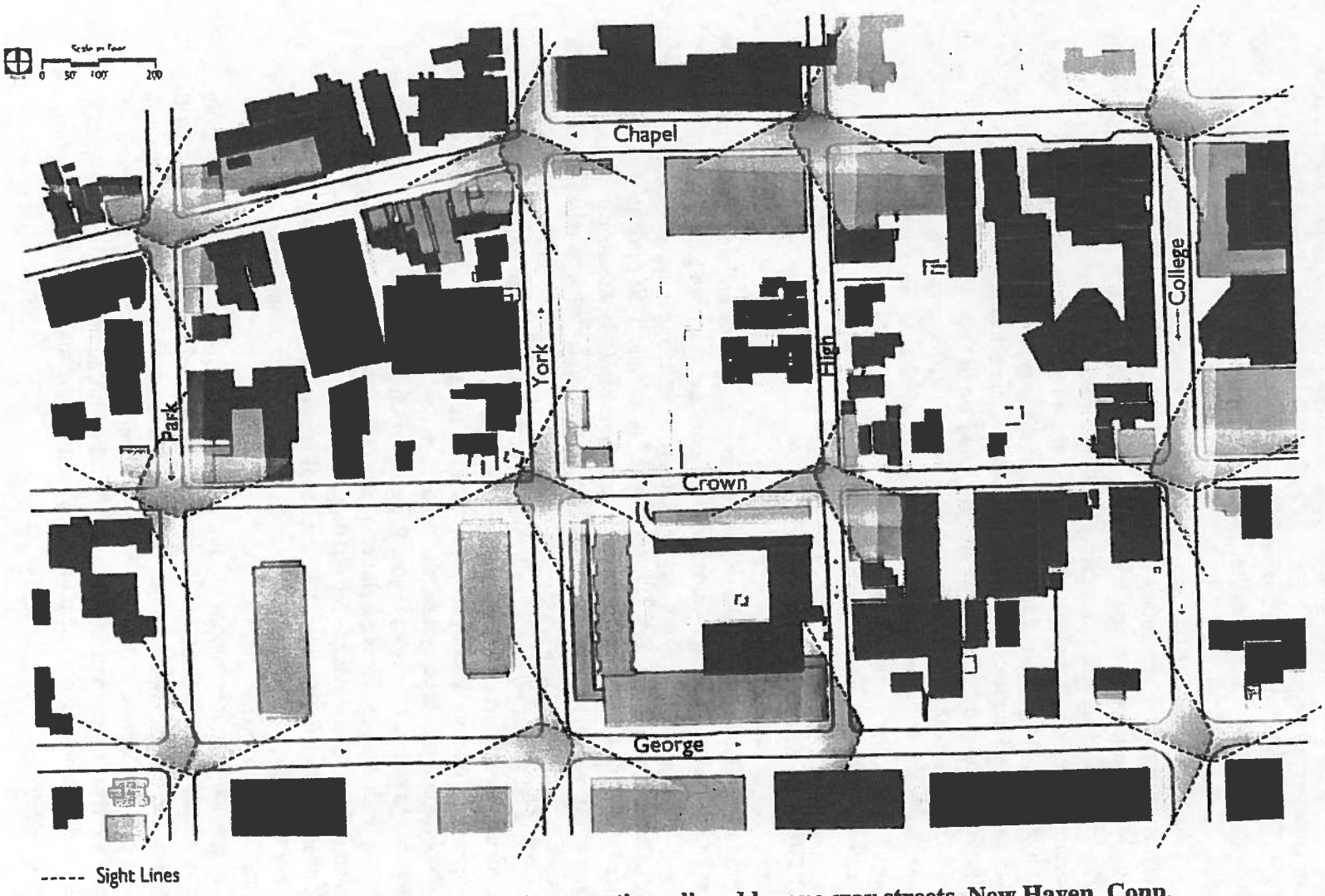

FIGURE 6 Retail/commercial properties eclipsed by one-way streets, New Haven, Conn.

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

FIGURE 7 Sample evaluation matrix.

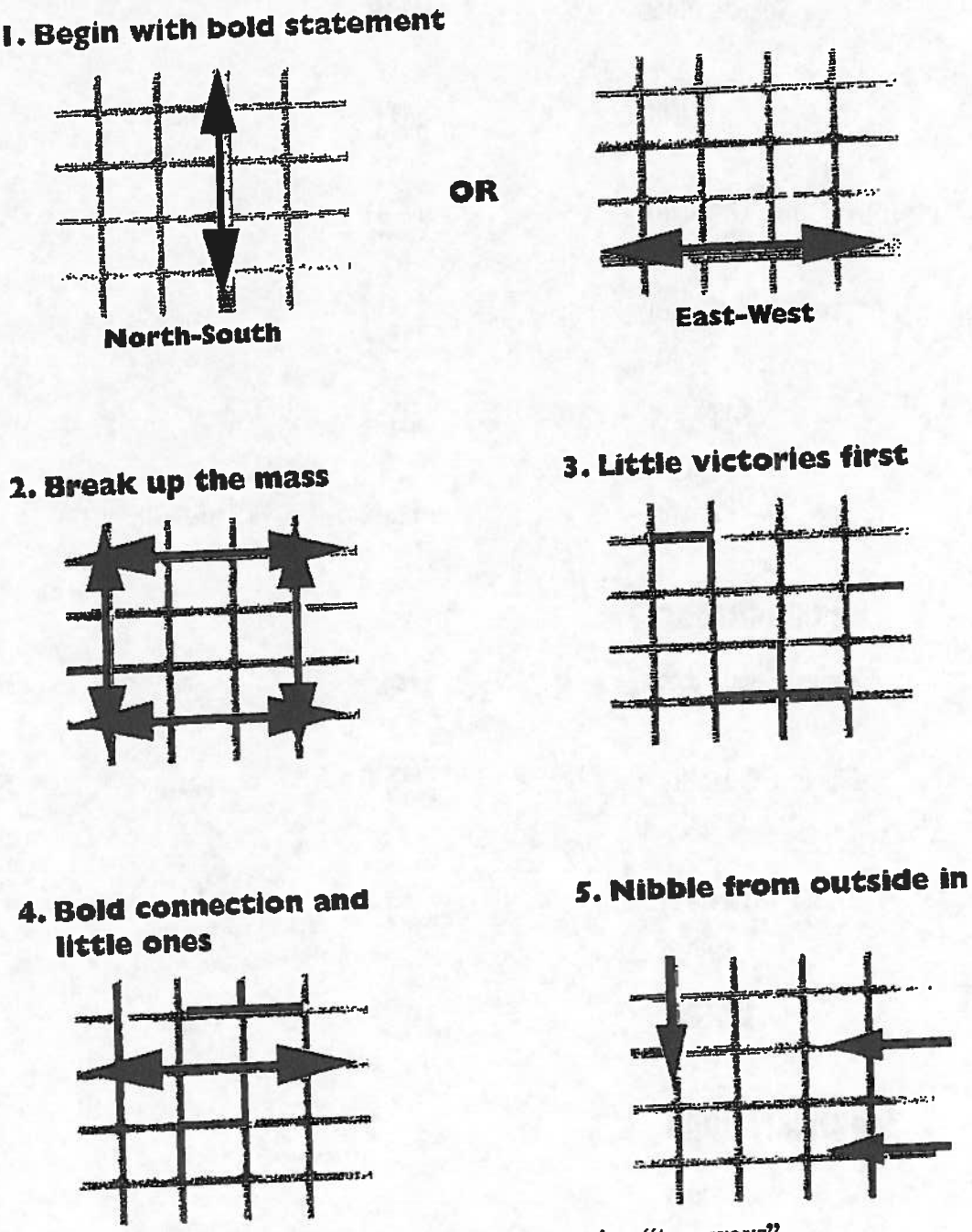

FIGURE 8 Strategies for restoring "two-ways".

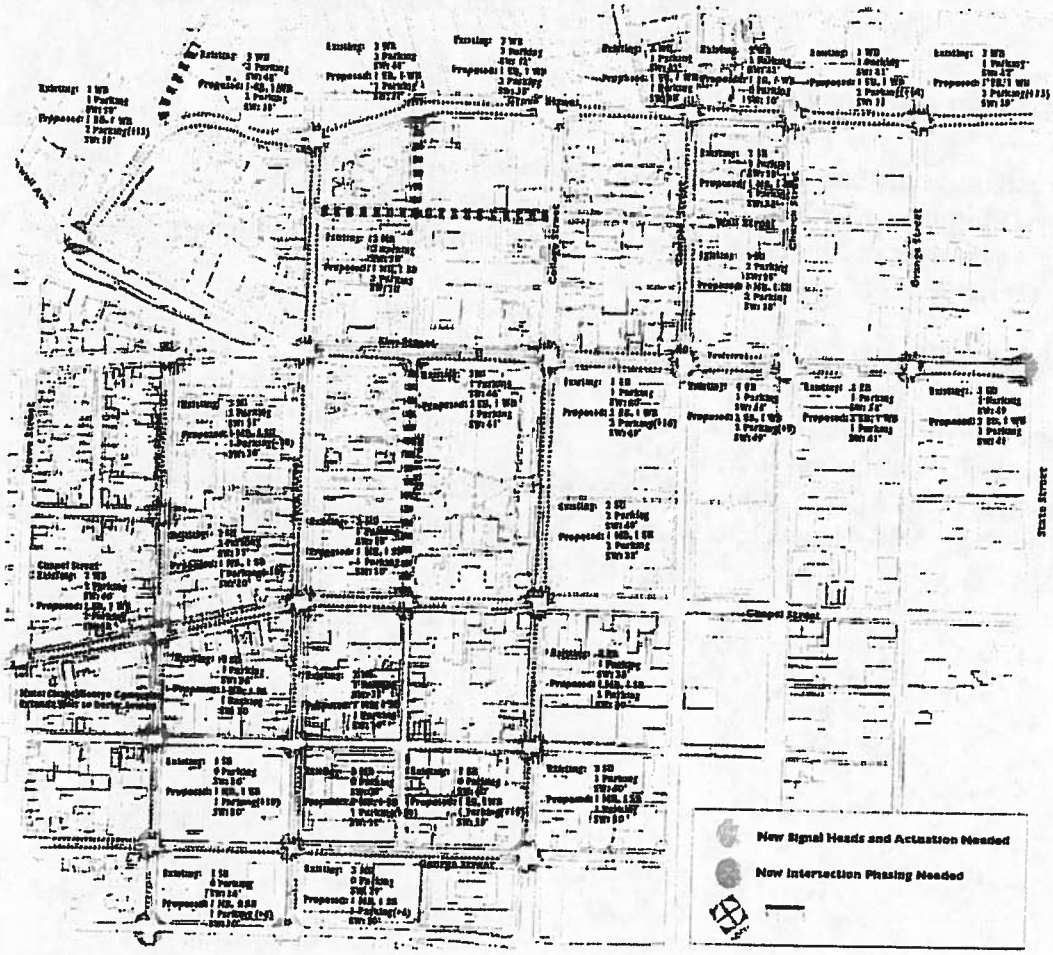

FIGURE 9 Sample conversion plan - New Haven, Conn.

TABLE 1 Communities Undertaking One-Way Conversions

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

ACKNOWLEDGMENTS

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

RESOURCES

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

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

Attachment D

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

by Stan Stanley

References supporting two way streets in Downtown retail corroders

The Worst Main Street Revitalization Ideas

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

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

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

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

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

The Return of the Two-Way Street. Vancouver WA

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

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

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

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

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

Downtown East West Corridor Study. Redmond WA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Effects of Two-Way Traffic Flow on High and Maple Street in the City of Holyoke MA

http://www.pvpc.org/resources/transport/hlyke_traf.pdf

"Based on the results of the Pioneer Valley Regional Transportation Model, both High Street and Maple Street are capable of accommodating two-way traffic flow between Appleton and Lyman Streets. Two-way traffic flow could assist in reducing vehicle travel speeds through downtown Holyoke, encouraging pedestrian traffic, and in conjunction with ongoing redevelopment efforts make downtown more economically successful."

Additional References supporting two way streets in Downtown retail corroders

Main Street Program

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

American Planning Association

American Planning Association
Street Design Guidelines for Healthy Neighborhoods

Other Studies/Articles

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

References supporting one way streets

One-Way Streets Are Better Than Two-Way

http://www.i2l.org/articles/2-2005.pdf

"Planners also sometimes argue that two-way streets are better for businesses on those streets because it is easier for patrons to reach those businesses. But traffic flows on one-way streets can be significantly higher than on two-way streets...

Converting one-way streets to two-way traffic is one of the latest fads of urban planning. Such conversions will increase congestion, pollution, and traffic accidents, but planners ignore these problems and talk about how they will lead to more "vibrant" streets, whatever that means."

Attachment E

August 17, 2010

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

Dear Kristi:

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

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

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

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

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

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

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

- Narrow two-way streets actually slow traffic.

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

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

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

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

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

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

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

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

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

I hope this is helpful.

Best regards,

Roger A. Brooks

Roger A. Brooks MJB
Destination Development International

mjb

Attachment F

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

September 23, 2010

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

GIBSON TRAFFIC CONSULTANTS, INC.

Matthew J. Palmer, P.E.

Traffic Engineer

Attachments

XC: Richard Aramburu, Aramburu & Eustis Attorneys at Law

GIBSON TRAFFIC CONSULTANTS

To Whom It May Concern,

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

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

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

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

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

Rcvd 9/28/10
@ PC. VC

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

Sincerely

Adam Hand

Owner/Operators of Bay City Bistro

Dave N Hand II

ATTACHMENT D

Planning Commission Findings of Fact

BEFORE THE CITY OF OAK HARBOR PLANNING COMMISSION
STATE OF WASHINGTON

In Re Application No. PLN 10-00007	)	FINDINGS OF FACT
	)	CONCLUSIONS OF LAW
	)	AND RECOMMENDATION OF
	)	PLANNING COMMISSION

City of Oak Harbor Pioneer Way Street Improvements Project Shoreline Substantial Development Conditional Use Permit.

THIS MATTER came before the Planning Commission upon the application of City of Oak Harbor for a Shoreline Substantial Development Conditional Use Permit. Having considered the evidence in the record, heard the arguments of the parties and any public comment, and being fully advised in the premises, the Planning Commission hereby enters the following findings of fact, conclusions of law, and recommendation:

Findings of Fact

1. An application for a Shoreline Substantial Development Conditional Use Permit was filed with the Department of Development Services and deemed complete by the Director on July 6, 2010.

2. The permit sought by applicant is for improvements to SE Pioneer Way within the City's regulated shoreline area which is located within 200 feet of the ordinary high water mark of the waters of Oak Harbor Bay.

3. A Notice of Application was published in the Whidbey News Times, the newspaper of local circulation on July 10, 2010.

4. The applicant submitted an environmental checklist pursuant to the State Environmental Policy Act on June 11, 2010.

5. Based upon the information submitted by the applicant, the SEPA official for the City issued a mitigated determination of non-significance on August 6, 2010.

6. The mitigated determination of non-significance was published in the Whidbey News Times on August 7, 2010.

Conclusions of Law

A. The Planning Commission has jurisdiction to make a recommendation on this project permit pursuant to the City's Shoreline Master Program.
B. Proper notice of all hearings, comment periods and appeal periods was given.
C. A single open record hearing on the permit application was held before the Planning Commission.
D. No appeal of the mitigated determination of non-significance was timely filed.
E. The Planning Commission recommendation regarding the permit application was reached after a single open record public hearing.
F. The permit application meets the goals, policies, and regulations of the City's Shoreline Master Program.

Recommendation

Based upon the foregoing findings of fact and conclusions of law, the Planning Commission hereby recommends approval of the Shoreline Substantial Development Conditional Use Permit based upon the following conditions:

1. The design and development of the proposed street improvements must conform to all conditions and mitigation measures defined in the SEPA Checklist and MDNS dated August 6, 2010.

2. The applicant is required to install signage at two locations designating Pioneer Way as a bicycle route in compliance with the Class III Bicycle/Multiuse Trails design specified in the adopted Parks, Recreation and Open Space Plan.

3. The design and development of the proposed street improvements must conform to all applicable regulations within the Shoreline Master Program.

This order is advisory to the City Council and may be accepted by the City Council, remanded to the Planning Commission for reconsideration, or rejected by the City Council after public hearing.

RECOMMENDED TO THE CITY COUNCIL THE 28th DAY OF SEPTEMBER, 2010.

PLANNING COMMISSION
CITY OF OAK HARBOR, WASHINGTON

Chair

Attest:

Kathy Gifford
Clerk to the Planning Commission

ATTACHMENT E

City Council Findings of Fact

BEFORE THE CITY OF OAK HARBOR CITY COUNCIL
STATE OF WASHINGTON

In Re Application No. PLN 10-00007	)	FINDINGS OF FACT
	)	CONCLUSIONS OF LAW
	)	AND DECISION OF
	)	CITY COUNCIL

City of Oak Harbor Pioneer Way Street Improvements Project Shoreline Substantial Development Conditional Use Permit.

THIS MATTER came before the City Council upon the application of the City of Oak Harbor for a Shoreline Substantial Development Conditional Use Permit. Having considered the evidence in the record, heard the arguments of the parties and any public comment, and being fully advised in the premises, the City Council hereby enters the following findings of fact, conclusions of law, and decision:

Findings of Fact

1. An application for a Shoreline Substantial Development Conditional Use Permit was filed with the Department of Development Services and deemed complete by the Director on July 6, 2010.

2. The permit sought by applicant is for improvements to SE Pioneer Way (generally the intersection of SE Pioneer Way and SE Midway Boulevard) within the City's regulated shoreline area which is located within 200 feet of the ordinary high water mark of the waters of Oak Harbor Bay, within the City boundaries.

3. A Notice of Application was published in the Whidbey News Times, the newspaper of local circulation on July 10, 2010 and July 17, 2010. Posting of the project site occurred on July 7, 2010. Property owners within 300 feet of the project were notified by mail on July 7, 2010.

4. The applicant submitted an environmental checklist pursuant to the State Environmental Policy Act on June 11, 2010.

5. Based upon the information submitted by the applicant, the SEPA official for the City issued a mitigated determination of non-significance on August 6, 2010.

6. The mitigated determination of non-significance was published in the Whidbey News Times on August 7, 2010. The comment period ended on August 23, 2010 and the appeal period ended on September 6, 2010. No comments were received nor were any appeals filed.

7. Notice of the hearing before the Planning Commission was advertised in the Whidbey News Times on September 11, 2010. Posting of the project site for the public hearing occurred on September 10, 2010. Property owners within 300 feet of the project were notified by mail on September 10, 2010.

8. The Planning Commission conducted a public hearing on September 28, 2010. Public testimony was received in an open record public hearing and Planning Commission recommended approval to the City Council.

9. Notice of the hearing before the City Council was published in the Whidbey News Times on October 2, 2010. Posting of the project site for the City Council public hearing occurred on October 1, 2010. Property owners within 300 feet of the project were notified by mail on October 1, 2010.

10. The City Council may approve conditional use applications for uses classified as conditional uses in the provisions of the SMP (7.02)(1). This is a conditional use under the SMP because the project is in the Urban environment designation and is for a non-water oriented transportation facility.

11. The City Council finds that the proposed project is consistent with the criteria found in Section 7.03 of the City's Shoreline Master Program as follows:

- The proposed improvements occur within the existing street section and therefore will not impair the shoreline, or access to the shoreline, in any way.
- The street is not located over the water, Pioneer Way will remain a public street, views of the water will not be impaired and the street improvements meet the goal of providing access to the Waterfront Trail system.
- The use will not interfere with the normal public use of public shorelines or water in that the proposed improvements will enhance public access to the shoreline and will not interfere in any manner with access or use of the shoreline.
- The proposed use of the site and design of the project is compatible with other permitted uses within the area in that the use (the street known as Pioneer Way) is a long-established right-of-way which provides access to the adjacent land uses. The design of the street improvements is intended to facilitate access (both vehicular and pedestrian) to these properties and to help support the Comprehensive Plan vision for the downtown.
- The proposed use will cause no unreasonably adverse effects to the shoreline environment in which it is located since the project is located within the Urban shoreline environment (which is characterized by intensive and diverse land uses), the improvements are physically separated from the water's edge and the proposed stormwater improvements should reduce the level of any existing stormwater impacts.
- The public interest suffers no substantial, detrimental effect in that the public interest as defined in WAC 173-27-030 is met because the project will have no negative impact on public property. Additionally the proposed improvements will correct existing deficiencies in the street and sidewalk infrastructure thereby improving the health, safety and general welfare of the community.
- The approval of this SSDCUP will not contribute to the cumulative effect of other permits in the area because the project does not create any adverse impacts and because there are no other pending or approved permits for projects with which this project would interact. Consequently, the approval of this permit should not create any substantial adverse effects to the shoreline environment.

Conclusions of Law

1. The City Council has jurisdiction to determine whether to issue this permit pursuant to RCW 98.58.050, to OHMC 19.56 and to the City's Shoreline Master Program.

2. Proper notice of all hearings, comment periods and appeal periods was given.

3. A single open record hearing on the permit application was held before the Planning Commission.

4. No appeal of the mitigated determination of non-significance was timely filed.

5. The City Council decision regarding the permit application was reached after a single closed record review of the Planning Commission recommendation. Said review was conducted in a public hearing held by the City Council on October 19, 2010.

6. The permit application meets the goals, policies, and regulations of the City's Shoreline Master Program.

Decision

Based upon the foregoing findings of fact and conclusions of law, the City Council hereby grants approval of the Shoreline Substantial Development Conditional Use Permit based upon the following conditions:

1. The design and development of the proposed street improvements must conform to all conditions and mitigation measures defined in the SEPA Checklist and MDNS dated August 6, 2010.

2. The applicant is required to install signage at two locations designating Pioneer Way as a bicycle route in compliance with the Class III Bicycle /Multiuse Trails design specified in the adopted Parks, Recreation and Open Space Plan.

3. The design and development of the proposed street improvements must conform to all applicable regulations within the Shoreline Master Program.

APPROVED ON THE 16TH DAY OF NOVEMBER, 2010

CITY COUNCIL
CITY OF OAK HARBOR, WASHINGTON

_____
Mayor

Attest:

_____
Connie Wheeler
City Clerk

City of Oak Harbor
City Council Agenda Bill

Bill No. 5
Date: November 16, 2010
Subject: Authorization for Call to Artists for the SE Pioneer Way Improvement Project

FROM: Paul Schmidt, City Administrator

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

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

PURPOSE

This agenda bill seeks authorization to advertise the Call for Public Art Proposal for the SE Pioneer Way Improvement Project.

AUTHORITY

The City has authority under RCW 35A.11.020 to regulate its internal affairs, to provide for the improvement and beautification of public ways, and to render local social and cultural services.

SUMMARY STATEMENT

The SE Pioneer Way Improvement Project is a streetscape and revitalization project that will make significant updates to Oak Harbor's historic downtown district. The street project is a key component for the City's Windjammer Plan to connect the public, merchants and tourists to the Oak Harbor Waterfront and enhance the community through sustainable projects. The project includes replacement of aging infrastructure, street and sidewalk improvements and corridor beautification and aesthetic enhancements.

As you might recall, the SE Pioneer Way Improvement Project was selected by the University of Washington as a **Greenroads™** Pilot Project, which will enable the City to receive direct assistance to construct a qualifying project (see Exhibit A). A **Greenroads™** certified project represents a sustainability performance metric for construction of a road project (see Exhibit B). If at least a minimum of 1% of the total cost of the SE Pioneer Way Improvement Project is dedicated to a public art component, the Project will receive 2 points towards a **Greenroads™** certification (see Exhibit C).

Included in the project design are four separate locations for the placement of art: 1) Pioneer Way & Midway Boulevard; 2) Pioneer Way & City Beach; 3) Pioneer Way & S.E. Dock; and 4) Pioneer Way and S. E. Ireland. The Oak Harbor Arts Commission discussed this project on five

different occasions and has chosen *Water – Above, Below, On & Of* as their recommendation to the City Council for the project's theme. With regard to style, the Arts Commissioners discussed the natural water-front beauty of the project area and what "water" means to the City of Oak Harbor. The Commissioners would like to see a variety of pieces, possibly interactive, and long-lasting art made out of materials such as natural stone, bronze and concrete. The Arts Commission recommends that the art shall be easy to maintain and vandal resistant. The Arts Commission also recommends that kinetic art and noise-producing art not be used for this project due to the location.

As a means to seek commissioned art, the Arts Commission has prepared a draft "Call for Public Art Proposals" to publish with the Mayor's and City Council consent (see Exhibit D).

STANDING COMMITTEE REPORT

This item was discussed at the November 9, 2010 Governmental Services Standing Committee meeting.

RECOMMENDED ACTION

A motion authorizing the Mayor to proceed with the advertisement of the Call for Public Art Proposals for the SE Pioneer Way Improvement Project.

ATTACHMENTS

Exhibit A
Exhibit B
Exhibit C
Exhibit D

MAYOR'S COMMENTS

Exhibit A

Greenroads

Steve Muench
Assistant Professor
Greenroads Principal Investigator
Mailbox 352700
University of Washington
Seattle, WA 98195

14 July 2010

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

Mr. Johnston:

This letter is to confirm that the City of Oak Harbor Project titled "SE Pioneer Way Improvements" is being undertaken as a Greenroads Pilot Project. The Greenroads point of contact for your Pilot Project is Steve Muench (stmuench@uw.edu, 206.616.1259). As a Greenroads Pilot project, we intend to work with you and include your project in our overall research effort. Specifically, we would like to:

1. **Provide design review, consultation and other communication with the project team**. This is designed to assist all in understanding the Greenroads performance metric and how it works.
2. **Score the project using Greenroads Version 1.0.1**. When you deem the project ready for scoring, we will score the project and provide a Pilot Project scoring summary to include a short written report and a completed score sheet.
3. **Allow you to advertise the designated project as a "Greenroads Pilot Project."** You may use the Greenroads logo in association with the project, with each specific use subject to our approval.
4. **Get information from the project team**. We would like to know why certain decisions were made and how much certain items cost. This will help us understand how Greenroads is being used.

Please note that we are not presently "certifying" projects. Rather, we are partnering with designated Pilot Projects to test the Greenroads performance metric. This partnership helps us make Greenroads better and, hopefully provides value to your project. We look forward to the opportunity to work with the project team.

Sincerely,

Stephen T. Muench
Assistant Professor

INTRODUCTION

Greenroads is a sustainability performance metric for roadways that awards points for more sustainable practices. A concise listing of Greenroads credits can be found at the end of this Introduction. Fundamentally, Greenroads is a metric that helps quantify the sustainable attributes of a roadway project. This quantification can be used to:

- Define what project attributes contribute to roadway sustainability.
- Provide a sustainability accounting tool for roadway projects.
- Communicate sustainable project attributes to stakeholders.
- Manage and improve roadway sustainability.
- Grant "certification" based on achieving a minimum number of points.

Greenroads is a publicly available system that can be used by anyone. However, the Greenroads logo and name remain the property of Greenroads and may only be used with permission. Any use of the Greenroads system requires proper citation of Greenroads as the origin of these ideas.

WHAT IS A GREENROAD?

A Greenroad is defined as roadway project that has been designed and constructed to a level of sustainability that is substantially higher than current common practice.

OVERVIEW

Greenroads is a collection of sustainability best practices that apply to roadway design and construction. These best practices are divided into two types: mandatory and voluntary.

Mandatory best practices are those that must be done as a minimum in order for a roadway to be considered a Greenroad. These are called "Project Requirements," of which there are 11. The Project Requirements are intended to capture the most critical ideals of sustainability. Many, but not all, projects will meet several of these outright with little or no additional effort.

Voluntary best practices are those that may optionally be included in a roadway project. These are called "Voluntary Credits". Each Voluntary Credit is assigned a point value (1-5 points) depending upon its impact on sustainability. Currently, there are 37 Voluntary Credits totaling 108 points. Greenroads also allows a project or organization to create and use its own Voluntary Credits (called "Custom Credits"), subject to approval of Greenroads, for a total of 10 more points, which brings the total available points to 118.

Project teams apply for points by submitting specific documentation in support of the Project Requirement or Voluntary Credit they are pursuing. These documents, which can range from project specifications to field documentation, are verified by an independent review team. Once a project is complete the Greenroads team verifies the application and assigns a Greenroads score based on achieving all 11 of the Project Requirements and the number of points earned from the Voluntary Credits. This score may then be used at the owner's discretion and may also be translated to a standard achievement level or "certification" if so desired: the more points earned, the higher the recognition. If a project reaches a certification level it will be able to display the Greenroads logo and appropriate certification graphic once permission from the Greenroads team is given. The Greenroads certification levels are detailed in a subsequent section of this document.

Owner agencies, developers, design consultants and contractors may wish to pursue official certification or use Greenroads in other ways that are either voluntary or prescriptive. For instance, developers and designers may wish to use Greenroads as a list of potential ideas for improving the sustainability of a roadway project. Or, owners may wish to use Greenroads point values or certification levels as goals or benchmarks for new roadway projects or metrics by which they can measure and manage their roadway sustainability efforts.

© 2010

Project Requirements (PR)

			Y	N	?
	PR Subtotal:	**11 Req'd**			
PR-1	Environmental Review Process	*Req*			
PR-2	Lifecycle Cost Analysis	*Req*			
PR-3	Lifecycle Inventory	*Req*			
PR-4	Quality Control Plan	*Req*			
PR-5	Noise Mitigation Plan	*Req*			
PR-6	Waste Management Plan	*Req*			
PR-7	Pollution Prevention Plan	*Req*			
PR-8	Low-Impact Development	*Req*			
PR-9	Pavement Management System	*Req*			
PR-10	Site Maintenance Plan	*Req*			
PR-11	Educational Outreach	*Req*			

Environment & Water (EW)

			Y	N	?
	EW Subtotal:	**21**			
EW-1	Environmental Management System	*2*			
EW-2	Runoff Flow Control	*1 - 3*			
EW-3	Runoff Quality	*1 - 3*			
EW-4	Stormwater Cost Analysis	*1*			
EW-5	Site Vegetation	*1 - 3*			
EW-6	Habitat Restoration	*3*			
EW-7	Ecological Connectivity	*1 - 3*			
EW-8	Light Pollution	*3*			

Access & Equity (AE)

			Y	N	?
	AE Subtotal:	**30**			
AE-1	Safety Audit	*1 - 2*			
AE-2	Intelligent Transportation Systems	*2 - 5*			
AE-3	Context Sensitive Solutions	*5*			
AE-4	Traffic Emissions Reduction	*5*			
AE-5	Pedestrian Access	*1 - 2*			
AE-6	Bicycle Access	*1 - 2*			
AE-7	Transit & HOV Access	*1 - 5*			
AE-8	Scenic Views	*2*			
AE-9	Cultural Outreach	*1 - 2*			

Construction Activities (CA)

			Y	N	?
	CA Subtotal:	**14**			
CA-1	Quality Management System	*2*			
CA-2	Environmental Training	*1*			
CA-3	Site Recycling Plan	*1*			
CA-4	Fossil Fuel Reduction	*1 - 2*			
CA-5	Equipment Emission Reduction	*1 - 2*			
CA-6	Paving Emission Reduction	*1*			
CA-7	Water Use Tracking	*2*			
CA-8	Contractor Warranty	*3*			

Materials & Resources (MR)

			Y	N	?
	MR Subtotal:	**23**			
MR-1	Lifecycle Assessment	*2*			
MR-2	Pavement Reuse	*4 - 5*			
MR-3	Earthwork Balance	*1*			
MR-4	Recycled Materials	*1 - 5*			
MR-5	Regional Materials	*1 - 5*			
MR-6	Energy Efficiency	*5*			

Pavement Technologies (PT)

			Y	N	?
	PT Subtotal:	**20**			
PT-1	Long-Life Pavement	*5*			
PT-2	Permeable Pavement	*3*			
PT-3	Warm Mix Asphalt	*3*			
PT-4	Cool Pavement	*5*			
PT-5	Quiet Pavement	*2 - 3*			
PT-6	Pavement Performance Tracking	*1*			

Custom Credit (CC)

			Y	N	?
	CC Subtotal:	**10**			
CC-X	*Custom Credit Title*	*1 - 5*			
CC-X	*Custom Credit Title*	*1 - 5*			

All 11 PR Met?				
Greenroads Total	118			

Greenroads

Credit Checklist

Award Level	Minimum Score	Criteria
Certified	32	All Project Requirements Met + 30-39% of the Voluntary Credits
Silver	43	All Project Requirements Met + 40-49% of the Voluntary Credits
Gold	54	All Project Requirements Met + 50-59% of the Voluntary Credits
Evergreen	64	All Project Requirements Met + 60% or more of the Voluntary Credits

Exhibit C

CULTURAL OUTREACH

AE-9

1-2 POINTS

GOAL

Promote cultural awareness, community connectivity and aesthetics.

CREDIT REQUIREMENTS

1 point

Any part of the project or item within the project boundaries or within 10 miles of the project boundary is listed in the United States National Register of Historic Places or is the subject of a Determination of Eligibility (DOE) made by a State Historic Preservation Officer.

AND

Install informational infrastructure (e.g., viewpoint, kiosk, sign, or other small-scale installation for visitors detailing historical significance) to explain the site or direct roadway users to the site. An existing installation meets this informational infrastructure portion of the requirement.

2 points

Dedicate a minimum of 1% of the total project budget (not to exceed $200,000) to art or community culture installations along the roadway right-of-way (ROW).

Details

Many National Park System (NPS) units are automatically listed in the National Register of Historic Place. As of December 2009 those include: international historic sites, national battlefields, national battlefield parks, national battlefield sites, national historic sites, national historical parks, national memorial, national military parks and national monuments.

For the purposes of Greenroads, "art" is broadly defined as the behavior of making things special.

DOCUMENTATION

1 point

- A copy of the registration of the item or location in the United States National Register of Historic Places. A screenshot of the item listed in the National Register of Historic Places on the official website (www.nps.gov/nr) is acceptable. Or, if a DOE is used, a copy of the official DOE.
- A map showing that the item or location is in the project area or within 10 miles of the project boundary.
- A photograph of the item or location and the informational infrastructure.

2 points

- Copy of the project budget showing a minimum of 1% of the total budget or $200,000 (whichever is less) has been dedicated toward art.
- At least one photograph of the installed artwork.

RELATED CREDITS

- ✓ PR-11 Educational Outreach
- ✓ AE-3 Context Sensitive Solutions
- ✓ AE-8 Scenic Views

SUSTAINABILITY COMPONENTS

- ✓ Equity
- ✓ Experience
- ✓ Exposure

BENEFITS

- ✓ Increases Awareness
- ✓ Increases Aesthetics

APPROACHES & STRATEGIES

- Integrate context-sensitive aesthetic treatments, as determined by participating stakeholders, into the design of transportation facilities. Examples may include treatments to sound walls, structures, street furniture, screening, fences, signage, piers or lighting.
- Set aside 0.5% of the total project budget toward art or cultural installations. Allow for community contributions and suggestions during the public involvement process during project scoping.
- Encourage public engagement through mural painting or other participatory activities.
- Investigate places on the National Register of Historical Places to see if any may help the project qualify for this Voluntary Credit.
- Investigate registering an item or place on the National Register of Historical Places.

Example: National Register of Historic Places

The National Register of Historic Places (www.nps.gov/nr) is the official list of U.S. historic places worthy of preservation. It is authorized by the National Historical Preservation Act of 1966 and is maintained by the National Park Service. The National Register of Historic Places program maintains a nomination process (states, tribes and other federal agencies may nominate properties for inclusion in the list); offers guidance and helps qualified properties receive preservation benefits. Roads can be and are included in the register. For example, record number 336109 concerns the Columbia River Highway District, which addressed an historical roadway that travels along the Oregon side of the Columbia River.

Example: Historic Roads Website

This resource (www.historicroads.org) provides ideas for what constitutes an historic road and resources to assist with documentation and designation/recognition.

Example: Wisconsin's Rustic Roads Program

Established in 1973, the Wisconsin Rustic Roads program (http://www.dot.wisconsin.gov/travel/scenic/rusticroads.htm) helps citizens and local government to preserve scenic, lightly traveled country roads. There are now 108 such roads, designated with an "R" in front of the route number (e.g., R62 or R108). According to the Wisconsin Department of Transportation a road must have the following characteristics to qualify for the Rustic Road program:

- Outstanding natural features along its borders such as rugged terrain, native vegetation, native wildlife, or include open areas with agricultural vistas which singly or in combination uniquely set this road apart from other roads.
- Lightly traveled local access road, one which serves the adjacent property owners and those wishing to travel by auto, bicycle, or hiking for purposes of recreational enjoyment of its rustic features.
- Not scheduled nor anticipated for major improvements which would change its rustic characteristics.
- Have, preferably, a minimum length of 2 miles and, where feasible, should provide a completed closure or loop, or connect to major highways at both ends of the route.

Example: Percentage for Art Programs

Incorporating a percentage of the project budget for art or cultural endeavors is common in many major municipalities. Examples are:

- The City of Seattle has a Public Art Ordinance (passed in 1973) that dedicates 1% of construction costs to art. Importantly, the City defines "construction project" as "...any capital project paid for wholly or in part

by the City to construct or remodel any building, structure, park, utility, street, sidewalk, or parking facility, or any portion thereof, within the limits of The City of Seattle." (City of Seattle 2009a).

- Sound Transit (in the Puget Sound region of Washington State) administers the Start Public Art Program, which allocates 1% of project construction costs to art (Sound Transit 2009).
- Washington State's Art in Public Places Program adds 0.5% for the acquisition of artwork to new construction budgets for state-owned buildings (Washington State Arts Commission 2009).
- New York's City Art Program uses one percent of a total public project budgets to fund artistic installations at public buildings (Heartney & New York Department of Cultural Affairs, 2005).
- Oregon's Percent for Art legislation (passed in 1975) guides the acquisition of Oregon's State Art Collection. It sets aside "...1% of the direct construction funds of new or remodeled state buildings with construction budgets of $100,000 or greater for the acquisition of art work which may be an integral part of the building, attached thereto, or capable of display in other State Buildings" (Oregon Arts Commission 2009).
- Hawaii's Art in Public Places Program (established in 1967) was created to "...enhance the environmental quality of state public buildings and spaces throughout the state for the enjoyment and enrichment of the public; cultivate the public's awareness, understanding and appreciation of visual arts in all media, styles and techniques; contribute toward the development and recognition of a professional artistic community; and acquire, interpret, preserve and display works of art expressive of the character of the Hawaiian Islands, the multicultural heritage of its people, and the various creative interests of its artists." (Hawaii State Foundation on Culture and the Arts 2009).

Figures AE-9.1 through AE-9.3 are examples of streetscape art in the greater Seattle area.

Figure AE-9.1: Richard Beyer's *People Waiting for the Interurban* (1979) at the corner of Fremont Avenue North and North 34th Street. Paid for by community donations, the Seattle Arts Commission (Now the Office of Arts & Cultural Affairs) and the Washington State Arts Commission (City of Seattle 1979).

Figure AE-9.2: Jack Mackie's *Dancers' Series: Steps* (1982) found in 8 locations along Broadway Avenue in the Capitol Hill area of Seattle. Paid for by the Engineering Department (now part of Seattle Public Utilities) 1% for Art and private businesses in the Broadway Local Improvement District (City of Seattle 2009b).

Figure AE-9.2: Tom Askman and Lea Anne Lake's *Ballard Gateway* (2003) on the 15th Avenue N.W. approach to the Ballard Bridge. Paid for by the Seattle Department of Transportation 1% for Art, Seattle City Light 1% for Art and Millennium Lighting Funds, Department of Neighborhoods Matching Funds (City of Seattle 2009b).

POTENTIAL ISSUES

1. It may not always be appropriate or possible to include cultural outreach or art on a project.
2. Art can be controversial.
3. Sometimes it is difficult to specify exactly what art is. Beyond the general definition used in this Voluntary Credit, something more precise is generally needed to include in contract documents in order to define what qualifies as "art."

RESEARCH

Construction of transportation infrastructure represents a large public investment in many communities. Roadway projects not only connect places and economies, they also connect people to place. Roadway designers and contractors are in position to offer more to society than simply meeting basic needs, project deadlines, and bottom lines. Designing aesthetic treatments that reflect community identity or integrating public art into transportation projects is an opportunity to enhance communities, particularly those without resources to pursue independent public art or landscape programs. Most civil engineering works, by definition, meet needs and serve to better the greater good of the public. In roadway projects, opportunities for promoting this sense of community can be accomplished through incorporating historical and cultural information facilities, connection to national landmarks and community-centered artwork. This research section attempts to define what art is and why it might be viewed as important.

Ethnologic View of Art

The following discussion of Art is largely taken from the work of Ellen Dissanayake, an Affiliate Professor in the School of Music at the University of Washington. She generally takes an ethological view of art; that is she approaches art as something living creatures (humans) do in their everyday life that somehow has an adaptive or selective value in human evolution.

What is Art?

Dissanayake (1980) broadly defines art as "...the ability to recognize or confer 'specialness,' a level or order different from the everyday." In short, art is the act of making special. This encompasses a broad range of items including song, dance, ritual, play and even organized sports. Importantly, the idea of art does not include a quality judgment or involve an understanding of how art manages to achieve specialness.

Why is art important?

Human ethologists believe that certain human behaviors have persisted over time because they contribute positively to the evolution and success of the species (Dissanayake 1980). In terms of art, this means that as a behavior art exists because it is somehow important to the success of the human species. Art would not exist universally if it did not have selective value. Art is not, as the modern view goes "for its own sake" (i.e., no practical value). Art is also not just for artists; it is a common behavior to all humans.

> "It is the degree to which art embodies and communicates experience that makes it unique and irreplaceable." (gives it value). Although there are likely many who appear to do just fine without art (as we know it today) it is only recently (last 100 or so years) that art has become detached from the rest of life and regarded for its own sake. For most of history, the activity of giving meaning and embellishing life was not an impractical leisure-time activity but rather the way the human mind worked – a way of comprehending the world." (Dissanayake 1980).

Art contributes essential social benefits such as documentation, expression, storytelling, entertainment, display of wealth and power and representation of custom and tradition. In other words, art gives shape to and embellishes life; what makes art unique and irreplaceable is the degree to which art embodies and communicates experience (Dissanayake 1980). Only in the last 100 years or so has art become detached from ritual and play and been viewed as an independent activity. For most of human existence, the primary task of

artists was to give shape to and embellish life; to help find meaning in life. Artists recorded events, decorated homes and embellished ceremonial observances (Dissanayake 1980).

In summary, there four key points to take away from the ethological viewpoint:

1. **Art is the ability to "make special."** Art recognizes or confers 'specialness,' a level or order different from everyday. Equally important is the behavior of appreciating that some things are special. These ideas are fundamental and universal.

2. **Art has selective value, i.e., in some way it enhances the survival of the species.** Art would not exist universally if it did not have selective value. It's not, as the modern view goes "for its own sake" (i.e., no practical value).

3. **The behavior of art is a common behavior to all human beings, not just artists.** It's important to note that "art" does not mean "good art."

4. **Art is valuable because it gives meaning and embellishes life.** As humans, we simply cannot bear senselessness or lack of meaning.

How Art is Publically Funded

Magie (1997) reviewed major sources of public funding for the arts. Among the art funding sources she discussed, the following could apply to roadway construction art funding:

General fund appropriations. The most common public funding mechanism. Art is often included as a line item in a state, city, county, etc. budget. Usually, general fund allocations require strong advocacy and political support. In general, support at the state and federal level has been declining, however support and the city, county and local level has been increasing.

Taxes and fees. Many public organizations have set up taxes or fees whose revenue support or partially supports the arts. Special tax districts, sales taxes, property taxes, hotel-motel (transient occupancy) taxes, entertainment taxes (e.g., theaters, concerts, sports), franchise fees (e.g., from cable companies), real estate taxes and even a portion of lottery/gambling proceeds have been used to generate arts funds.

Endowments. This approach collects money by similar pubic mechanism as the "taxes and fees" section, however the money is held onto and only the interest payments are used to support the arts.

Bonds. Funding for infrastructure can be large and many public organizations have issued bonds for the express purposes of supporting art and culture infrastructure. For instance, the Rock and Roll Hall of Fame and Museum was built largely with bond funding.

Percent for art programs. These programs specify that a percentage (often 1%) of capital construction costs for a new or renovated building be set aside for artwork. These programs began in the 1960s but now there are more than 135 state and locally funded programs in the U.S.

Transportation mitigation or enhancement funds. While public art in roadway construction is still developing, public organizations often support art through mitigation or enhancement funds that are dedicated to add value to property and areas that have been negatively impacted by roadway construction.

Corporate support. Corporate sponsors have often been instrumental in art programs and infrastructure to support such programs. However, corporate sponsorship has not been heavily used in roadway-related art.

Examples of Art in Roadway Projects

The following figures show some examples of how art has been incorporated into roadway projects.

Figure AE-9.3: Art incorporated into the fascia for an I-5 freeway wall associated with an expansion project on I-5 near its intersection with SR 16 in Tacoma, WA.

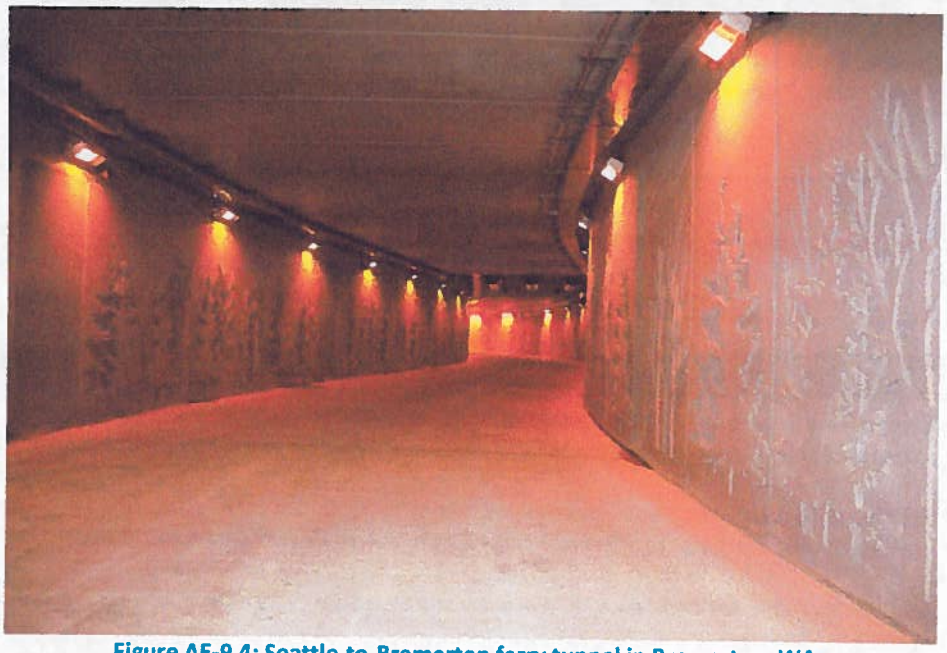

Figure AE-9.4: Seattle-to-Bremerton ferry tunnel in Bremerton, WA. Photo from the Washington State Department of Transportation.

Figure AE-9.5: James Angus, *Ellipsoidal Freeway Sculpture* (2008)
Eastlink freeway: Nunawading to Frankston, Melbourne. Photo from the Roslyn Oxley9 Gallery (http://www.roslynoxley9.com.au/artists/5/James_Angus/1116/41258).

GLOSSARY

Art	The act of making special.
United States National Register of Historic Places	Official list of U.S. historic places worthy of preservation. Authorized by the National Historical Preservation Act of 1966 and maintained by the National Park Service.

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Exhibit D

CITY OF Oak Harbor
WHIDBEY ISLAND, WASHINGTON

SE Pioneer Way Improvement Project

2010

Call for Public Art proposals

INTRODUCTION

The City of Oak Harbor Arts Commission is seeking an artist or artists to develop site-specific public artwork for the SE Pioneer Way Improvement Project. The successful applicant will contract with the City of Oak Harbor to furnish public art for placement along SE Pioneer Way in conjunction with a major street reconstruction project scheduled for construction in 2011. The selected artist may be required to be available for consultation with City staff and/or project consultants to coordinate specific requirements for the art such as water and/or electricity.

PROJECT DESCRIPTION

The SE Pioneer Way Improvement Project is a streetscape and revitalization project that will make significant updates to Oak Harbor's historic downtown district. The street project is a key component for the City's Windjammer Plan to connect the public, merchants and tourists to the Oak Harbor Waterfront and enhance the community through sustainable projects. The project includes replacement of aging infrastructure, street and sidewalk improvements and corridor beautification and aesthetic enhancements. The inclusion of public art is a key component of the project. More information about the project can be found at http://pioneerway.blogspot.com

Included in the project design are four separate locations for the placement of art. The theme of the proposed art is *Water – Above, Below, On & Of.* All work should represent the theme of *Water – Above, Below, On & Of.* An artist may make a proposal for one or more locations – they may be interconnected or a separate piece style for each location carrying forth the common theme.

All media suitable for durable outdoor art will be accepted. Media shall be easily maintained, durable, vandal resistant and shall pose no safety threats. Kinetic and noise-producing art is not suitable for this project due to its location.

Additional project information and call materials including existing condition photographs, renderings of the planned improvements, project design concepts, background information on the City of Oak Harbor is available at www.oakharbor.org - click on Pioneer Way project link located on the right hand side of the home page

PROJECTED BUDGET

The total estimate for this four-location art project is $80,000, which includes delivery and installation. Since the project includes four locations, an estimated allocation of funds for each location is listed below:

1) Pioneer Way & Midway Boulevard — maximum of $30,000
2) Pioneer Way & City Beach — maximum of $30,000

3) Pioneer Way & S.E. Dock — maximum of $10,000
4) Pioneer Way and S.E. Ireland — maximum of $10,000

The allocations vary to provide a more prominent attraction at the entryways into downtown. The Arts Commission reserves the right to allocate art pieces at its discretion irrespective of the funding allocations listed above.

PROJECT SCHEDULE

November 20, 2010	Publication of Request for Proposal
January 14, 2011	Submissions deadline
January 28, 2011	Formal interview and presentation by finalists to the Arts Commission
February 15, 2011	Arts Commission submits recommendation to City Council for action on award.
Within 90 to 120 days of a contract award	Delivery Date

SUBMITTAL REQUIREMENTS:

- Current resume (not more than two (2) single-sided letter size pages)
- One page letter of interest
- A written proposal which addresses the artist's preliminary concept for the project. The written preliminary concept shall include design, description, size, media, materials, and title. The written proposal shall not exceed two (2) 8 ½ x 11 single side pages for each piece of art proposed for a maximum of eight (8) pages.
- The proposal shall include the cost for each piece of art proposed (maximum of eight (8) pages). Please indicate if the proposed art work is for individual pieces, all four locations, three of four locations or two locations.
- A minimum of one but not more than six (6) digital images, drawings, sketches, computer renderings photographs etc. of each proposed work presented on a PC compatible CD or DVD are required. No slides will be accepted.
- A minimum of 3 references from public agencies, municipalities, utility districts or other public entities for whom the artist has completed work similar in scope.
- Maintenance schedule

*NOTE: all materials submitted shall become the property of the City of Oak Harbor and will not be returned. In addition, all materials submitted will be considered public records and subject to release after final selection by the City Council.

SELECTION PROCESS

The Oak Harbor Arts Commission and Oak Harbor City staff will review the applicants' digital images and other materials, select the top three finalists and make a recommendation to the Oak Harbor City Council. The City Council will review the Arts Commission recommendation and upon acceptance, commission the artist(s).

Selection criteria include price, consistency with intended theme, relevant experience and positive references.

ADDITIONAL INFORMATION

The Oak Harbor Arts Commission reserves the right to make no selection in this process if the appropriate piece is not presented or in the event of Council decision not to proceed.

There is no entry fee

The City of Oak Harbor in accordance with the Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, Part 21, nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on grounds of race, color, or national origin in consideration for an award.

Send to:

City of Oak Harbor
Art Proposal Submittal
865 SE Barrington Drive
Oak Harbor, WA 98277
Attn: City Clerk

Questions about submission, please email Karen Crouch kcrouch@oakharbor.org.

City of Oak Harbor
City Council Agenda Bill

Bill No. 7
Date: November 16, 2010
Subject: Marin Property – Intent to Annex

FROM: Steve Powers PLP
Development Services Director

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

JS Jim Slowik, Mayor
PS Paul Schmidt, City Administrator
DM Doug Merriman, Finance Director

• Budgeted Item:	Yes	No	N/A
• Budget Adjustment Required:	Yes	No	N/A
• Funds Available for Appropriation:	Yes	No	N/A
• Budget Strategy Approved:	Yes	No	N/A

MH Margery Hite, City Attorney

PURPOSE

This agenda bill presents the notice of intent to commence annexation proceedings for the Marin property presented by property owners seeking annexation into the City of Oak Harbor. In considering this notice, the City Council needs to decide: (1) whether it will accept, reject, or geographically modify the proposed annexation, (2) whether it will require adoption of zoning simultaneously with annexation, and (3) whether it will require annexed properties to share City indebtedness.

AUTHORITY

RCW 35A.14.010 gives cities the authority to annex properties which are contiguous to their boundary.

BACKGROUND

On September 21, 2010 Mr. Richard Marin submitted a notice on behalf of the Marin family of their intent to commence annexation proceedings (Attachment 1). The property is located at 1292 SW Swantown Road, approximately 0.85 miles west from the SW Swantown Avenue and Fort Nugent Avenue intersection. The property is directly across the road from Fairway Lane (Attachment 2). Mr. Marin is one of six family members who jointly own the parcel, which totals approximately 10 acres in size. The proposed annexation area is located within the Oak Harbor Urban Growth Area (UGA) and is designated Low Density Residential on the City's Future Land Use Designation Map (see Attachment 3). If the property is annexed, it would be assigned R-1-Single Family Residential zoning per the City's Comprehensive Plan.

The proponents have submitted a letter of intent to annex, identifying each owner of the parcel. As the owners, they represent 100% of the acreage of the annexation area and also represent the entire portion of the assessed valuation of the area (far in excess of the minimum 10% valuation required to initiate an annexation). Attached to their letter of intent is a conceptual plan for development of the property. City staff and the applicant discussed the conceptual plan with the intention of identifying major development issues before proceeding with the annexation process. The City Council must conduct a meeting with the initiating party within 60 days after the filing of their notice. The meeting scheduled for November 16th meets this requirement. At the meeting the Council must determine three things:

1. Whether to accept the annexation as proposed; reject the annexation; or geographically modify the proposed annexation;
2. Whether it will require the simultaneous adoption of proposed zoning, and
3. Whether it will require the assumption of all or any portion of existing city indebtedness by property owners within the area to be annexed.

The decision of the Council whether to move forward with the proposed annexation is entirely within its discretion. By accepting a proposed annexation petition, the Council is not committing itself to ultimately annexing the territory proposed. The decision to accept at this stage merely allows the annexation petition to go forward procedurally. If the Council rejects the proposed annexation at this stage, the initiating parties have no right of appeal.

If the Council accepts the annexation, then the proponent will be authorized to circulate the 60% petition. After submittal of a valid 60% petition, all appropriate fees and a metes and bounds legal description, the Council will conduct a public hearing to decide whether to approve the annexation.

DISCUSSION

1. WHETHER TO ACCEPT THE ANNEXATION AS PROPOSED; REJECT THE ANNEXATION; OR GEOGRAPHICALLY MODIFY THE PROPOSED ANNEXATION.

Staff has identified several policies and serviceability issues pertaining to the Council's decision to accept, reject, or geographically modify the annexation. These are discussed below.

Annexation Geography

Parcel R13204-459-4200 is approximately 10 acres in size. The proposed annexation area is located west along Swantown Road, in the unincorporated portion of the UGA but contiguous to City limits. If the annexation is approved as proposed, an area of existing single-family homes within unincorporated Island County will be completed surrounded by properties within the Oak Harbor city limits. This area of unincorporated property completely surrounded by incorporate property is referred to as an "enclave."

The Comprehensive Plan Urban Growth Area Element, Policy 4.b, states: "*The City should avoid annexations that would result in unincorporated enclaves within the UGA.*" The policy continues with the following discussion:

> "*An unincorporated enclave is an area completely surrounded by incorporated parts of the city. <u>However, the City may make exceptions to this policy in cases where the potential enclave is already characterized by urban density. In such cases, the City should first encourage petitioners to work with property owners inside the potential enclave to include them in the annexation area.</u> Failing this preferred option, only then should the City consider whether the annexation would further other Comprehensive Plan goals, such as economic development and otherwise be consistent with annexation policies." (emphasis added)*

The clear policy direction is for the City not to create enclaves and to have property owners actively take steps to try to incorporate adjacent properties as necessary to satisfy this policy.

For requests where the boundaries of a proposed annexation are expanded, property owner concurrence and assessed valuation are often factors in determining whether the petition requirements (at least 60% of assessed valuation) can be met. In this case there are 32 homes within the enclave and the assessed valuation of all of the properties within the enclave is $8,399,492. In comparison, the total valuation for the Marin property and the enclave is $9,374,259. The enclave comprises approximately 90% of the total assessed valuation of both areas. Assessed valuation of applicant proposed annexation area versus the assessed valuation of the possible enclave area will be factor in determining what properties may be included in an annexation petition.

A review for consistency with all of the applicable Comprehensive Plan goals and policies will occur in preparation for the necessary public hearing, should the City Council authorize the annexation to proceed. In the meantime, the applicable Comprehensive Plan policies are attached to this agenda bill as Attachment 4 as information for the City Council.

City Services

The following service and utility information is being provided to guide Council's decision as to whether to accept, reject, or geographically modify the proposed annexation.

- <u>Public Works</u>. Public Works has concerns regarding the enclave area containing infrastructure that is not up to city standards and the long-term maintenance costs for this infrastructure. However Public Works recommends allowing the 60% petition to go forward at this time. The following is a summary of the concerns regarding infrastructure on the subject properties.

  Water

  Water is available in SW Swantown Avenue. For the Marin property, water mains should be extended the full frontage of the property at the time of connection and adequate water pressure shall be provided. The water main in Swantown will be subject to over-sizing

reimbursement. Any capital facilities will be new and installed by proponents per city requirements.

In the enclave, water is currently supplied by a well system with the exception of one home. Public Works expressed concern over the existing private well system in the enclave, its eventual conversion to a public system, and financial impacts this will create for property owners and the City.

Sewer

For the Marin property, city sewer is available in Putnam Drive and Swantown Road. Putnam Drive sewer is a gravity sewer. The Swantown Road sewer drains to the Swantown Lift Station (aka the Whidbey Golf and Country Club Lift Station) and any connection shall be subject verification of capacity. This lift station is included in Sewer Extension Agreement No 01-02 (latecomer's agreement). This agreement expires in October 2011; connection to the station prior to that time may require payment of the appropriate latecomer's fee.

In the enclave, the existing homes are on septic systems. This area is also within the design service area of the Whidbey Golf and Country Club lift station. In the enclave, water is currently supplied by a well system with the exception of one home. Public Works expressed concern over the existing private septic system in the enclave, its eventual conversion to a public system and financial impacts this will create for property owners and the City.

Streets

The Marin property has frontage on Swantown Road. SW Putnam and SW Robertson Drives dead end at the eastern property boundary. The City boundary currently includes the SW Swantown Avenue right-of-way up to Fairway Lane. The entire length of the property's frontage should consist of city right-of-way and be included in the city boundary. A road connection to Swantown Road aligning with Fairway Lane would be required to serve any future development on the property. Street improvements will be required within and adjacent to the property to serve any future development. All necessary capital improvements will be provided by the applicant at the time of development. Requirements such as half street improvements along with any intersection improvements will be a condition of any development of the proposed annexation area. Street improvements along Swantown will need to be provided consistent with the City's new minor arterial street section in the 2007 Transportation Plan.

Within the enclave, there are two private drives (Aviator Lane and Bernard Way) and one public street (SW Thornberry Drive) with two cul-de-sacs (W. Cashmere Place and Fairvue Place), none of which meet city street width and improvement standards.

Stormwater

There are no stormwater facilities serving the Marin property. Future development of the parcel will require stormwater facilities to be built in accordance with all stormwater policies and regulations in effect at the time of development. The developer will be

responsible for all improvements. A thorough investigation of existing and proposed stormwater facilities is warranted for the Marin property prior to development. The extent and timing of the investigation of stormwater facilities shall be determined in an annexation agreement, if the Council ultimately decides to annex the proposed property.

The enclave has swales and culverts adjacent to the road for storm drainage; what isn't treated by those facilities flows to the existing drainage system downstream of the golf course, crossing private property and terminating in Swantown Lake. Once annexed, all properties are subject to City stormwater fees even if they are not connected to City water or sewer.

City Development Standards

The properties within the enclave developed in Island County under county standards and consequently do not meet City standards for utilities and streets. There are no municipal code regulations requiring existing development to connect to city water and upgrade streets and stormwater subsequent to annexation. City regulations do require a connection to city sewer if a property's (annexed after January 1, 2001) septic system fails and cannot be repaired.

- Fire. The Fire Department said that the inclusion of this annexation area may place the department outside of its target response times, however many recent annexations have done the same. In addition, the City's fire insurance rating, currently rated a 4 by the Washington Surveying and Rating Bureau may be negatively impacted by adding too much growth without adding adequate services. The rating affects all citizens of Oak Harbor as everyone pays when insurance rates go up. This wouldn't occur until the next time the City is rated by the Bureau; the date of which is undetermined at this time. The addition of more hydrants and more people also results in additional workload in hydrant inspections and fire/medical rescues for the Fire Department.

- Development Services. Development Services notes that while the annexation may mean a minor increase in services for the department, the impacts or concerns may be negligible and they do not have any issues which would prevent this application from moving forward as submitted or geographically modified. Development Services recommends modifying the geography of the annexation area to include the enclave consistent with Urban Growth Area Element Policy 4.b.

- Police. Police reported that while the annexation may mean an increased area to cover, the impacts or concerns may be negligible. Police also mentioned that the annexation may provide for quicker jurisdictional determination when calls come in.

- Finance. Finance reported that they do not have any issues which would prevent this application from moving forward as submitted or geographically modified.

- Animal Control. Animal Control reported that while the annexation may mean an increased area to cover, they do not have any issues which would prevent this application from moving forward as submitted or geographically modified.

- Code Enforcement. Code Enforcement stated that while the annexation may mean a minor increase in services, the impacts or concerns may be negligible and they do not have any issues which would prevent this application from moving forward as submitted or geographically modified.

- Parks. Parks reported that they do not have any issues which would prevent this application from moving forward as submitted or geographically modified.

- Senior Services. Senior Services reported that they do not have any issues which would prevent this application from moving forward as submitted or geographically modified.

Recommendation
Council may accept the annexation as proposed; reject the annexation; or geographically modify the proposed annexation. In accordance with the Comprehensive Plan policies staff recommends that Council geographically modify the proposed annexation to include the unincorporated enclave. In keeping with the policy discussion statement the applicant should attempt to include other properties in their proposed annexation. If the effort to include other properties proves unsuccessful, the City Council can determine whether or not to approve an annexation petition for a smaller geographic area.

2. **WHETHER IT WILL REQUIRE THE SIMULTANEOUS ADOPTION OF PROPOSED ZONING.**
The adoption of the Interlocal Agreement between Island County and the City of Oak Harbor on January 14, 2002 provides for the implementation of City zoning for areas of land contained within the UGA. The City of Oak Harbor's Comprehensive Plan defines the range and location of future land uses that will occur within the City and its UGA. The Comprehensive Plan indicates that both the proposed annexation area and the enclave are designated as Low Density Residential land use equating to R-1 zoning for the subject properties.

Recommendation
Staff recommends that Council require the simultaneous adoption of R-1 zoning if the property is approved for annexation at a later date.

3. **WHETHER IT WILL REQUIRE THE ASSUMPTION OF ALL OR ANY PORTION OF EXISTING CITY INDEBTEDNESS BY PROPERTY OWNERS WITHIN THE AREA TO BE ANNEXED.**
The City only has one outstanding general obligation bond, the *Oak Go 96* for fire and public safety; this obligation will be satisfied in December of 2010. Although only one outstanding bond remains, it is possible that new bonds may be undertaken by the City in the future and as such, it is logical to have new citizens of the city assume a portion of the indebtedness.

Recommendation
Staff recommends that the property owners within the area to be annexed assume a portion of city indebtedness.

CONCLUSION

Consistent with the Comprehensive Plan, staff recommends that Council accept the proposed annexation, but geographically modify the boundary to include the enclave area. Staff also recommends that Council require the simultaneous adoption of proposed zoning regulations and that the property owners within the annexation area assume a portion of the City's indebtedness upon annexation. Infrastructure issues such as how the applicant's property will be served with stormwater facilities and how public utilities may be provided to existing developed properties warrant the drafting of an annexation agreement. Given the uncertainty as to which properties might ultimately be included in the annexation petition staff believes it best to begin drafting that agreement after receipt of the petition.

STAFF RECOMMENDATION

In light of findings in this report, staff recommends that the City Council do the following:

1. Accept but geographically modify the annexation to include the enclave area as shown on Attachment 2.
2. Require the simultaneous adoption of proposed zoning regulations with annexation.
3. Require the property owners within the annexation area to assume a portion of the City's indebtedness.
4. Authorize staff to begin preparing an annexation agreement in consultation with the applicant and subsequent to applicant's submittal of a complete 60% petition.

ATTACHMENTS:

1. Letter to commence Annexation
2. Annexation Aerial Map with Staff Recommendations
3. Zoning Map & Land Use Map for Proposed Annexation Area
4. Annexation Policies

MAYOR'S COMMENTS:

THE MARIN GROUP

18918 80th Avenue West, Edmonds Washington 98026 LST1084@frontier.com (425) 778-3762

NOTICE OF INTENTION TO COMMENCE ANNEXATION PROCEEDINGS

September 21, 2010

The Honorable Mayor and City Council
City of Oak Harbor
865 SE Barrington Drive
Oak Harbor WA 98277-3280

Dear Mayor and City Council:

The undersigned six persons, who are the owners of one hundred (100%) of the acreage for which annexation is sought, hereby advise the City Council of the City of Oak Harbor that it is the desire of the undersigned owners of the following area to commence annexation proceedings:

The property herein referred to is legally described on Exhibit "A" attached hereto and is geographically depicted on an Island County Assessor's parcel map on Exhibit "B" further attached hereto.

It is requested that the City Council of the City of Oak Harbor set a date, not later than sixty (60) days after the filing of this request, for a meeting with the agent for the undersigned to determine:

1. Whether the City Council will accept, reject, or geographically modify the proposed annexation;

2. Whether the City Council will require the simultaneous adoption of the zoning for the proposed area in substantial compliance with the proposed Comprehensive Plan as adopted by City of Oak Harbor; and

3. Whether the City Council will require the assumption of all or any portion of indebtedness by the area to be annexed.

RECEIVED

SEP 21 2010

CITY OF OAK HARBOR
Development Services Department

ATTACHMENT 1

The Marin family has owned the property across from the Whidbey Golf & Country Club for over 50 years and from the very beginning, in January of 1960, we always considered ourselves citizens of Oak Harbor. All six of us are proud graduates of OHHS. Now, we petition you to allow our property to be formally included within the City limits of Oak Harbor.

Our father, George F. Marin, preserved the property in a natural treed condition, knowing that, eventually, it would be developed as residential. Since his passing, we, his six children, wish to see the property developed in a way that is respectful of his concern for the environment. It is our intention to have the property developed to the full extent of Low Impact Development standards and to retain as much of the natural areas as possible.

We have gone to great lengths to understand the long-range planning desires of the City and submitted our initial design concept for a preliminary review through a formal Pre-application Conference. We have incorporated the recommendations and the 18"x24" development concept submitted as Exhibit "C" reflects the very best in LID design *and* guidance from City Staff. Our design team has created a "grid" street layout that works well with the topography constraints and provides the roadway, trail and rights-of-way links that are essential to good development.

We certainly recognize the economy is struggling to recover, and we all have confidence it will eventually recover. We also recognize that both the annexation and development processes take time. It is our belief that if we start the first process now – annexation – we will arrive at a time when the economy is ready to rebound and again ready to build. During this time, we will select a development partner and further refined our plans to insure that a future Marin Woods development will be a most welcome neighborhood addition to the fine City of Oak Harbor.

Your favorable consideration to accept the proposed annexation is requested.

Respectfully yours,

Richard L. Marin

Richard L. Marin

Resident/Owner Signature	Printed Name	Address & Tax Parcel Number	Date Signed
Richard L. Marin	Richard L. Marin Owner 1 of 6	1292 Swantown Rd., Oak Harbor R 13204-459-4200	23 DEC 2009
John R. Marin	John R. Marin Owner 2 of 6	1292 Swantown Rd., Oak Harbor R 13204-459-4200	JAN 12, 2010
Sheila A. Duran	Sheila A. Duran Owner 3 of 6	1292 Swantown Rd., Oak Harbor R 13204-459-4200	5 JAN 2010
Christine R. Marin	Christine R. Marin Owner 4 of 6	1292 Swantown Rd., Oak Harbor R 13204-459-4200	feb 1 2010
George A. Marin	George A. Marin Owner 5 of 6	1292 Swantown Rd., Oak Harbor R 13204-459-4200	23 DEC 09
Michael J. Marin	Michael J. Marin Owner 6 of 6	1292 Swantown Rd., Oak Harbor R 13204-459-4200	20 January 2010

WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

RECEIVED

SEP 21 2010

CITY OF OAK HARBOR
Development Services Department

ATTACHMENT 1

EXHIBIT A

The West 440 feet of the Northeast quarter (NE¼) of the Northeast quarter (NE¼), Section Four (4), Township Thirty-two (32) North of Range One (1), East of the Willamette Meridian, EXCEPT roads, and EXCEPT the following described tract: Beginning at the point 700.5 feet South of the Northwest corner of the Northeast quarter (NE¼) of the Northeast quarter (NE¼) of said Section Four (4), and running thence South 340.6 feet to the North side of the county road; thence South 50°38' East 105.8 feet; thence North 39°22' East 262.4 feet; thence 50°26' West 322.2 feet to the point of Beginning.

Also, that portion of the following described tract lying Northeasterly of the county road in the Southeast quarter (SE¼) of the Northeast quarter (NE¼), Section Four (4), Township Thirty-two (32) North, Range One (1); Beginning at the Northwest corner of said Southeast quarter (SE¼) of the Northeast quarter (NE¼); thence South along the West line of said Section a distance of 600 feet; thence Northeasterly in a straight line to a point of the North line of said Southeast quarter (SE¼) of the Northeast quarter (NE¼) that is is 336 feet East of the point of beginning; thence West along the North line to the point of beginning.

RECEIVED

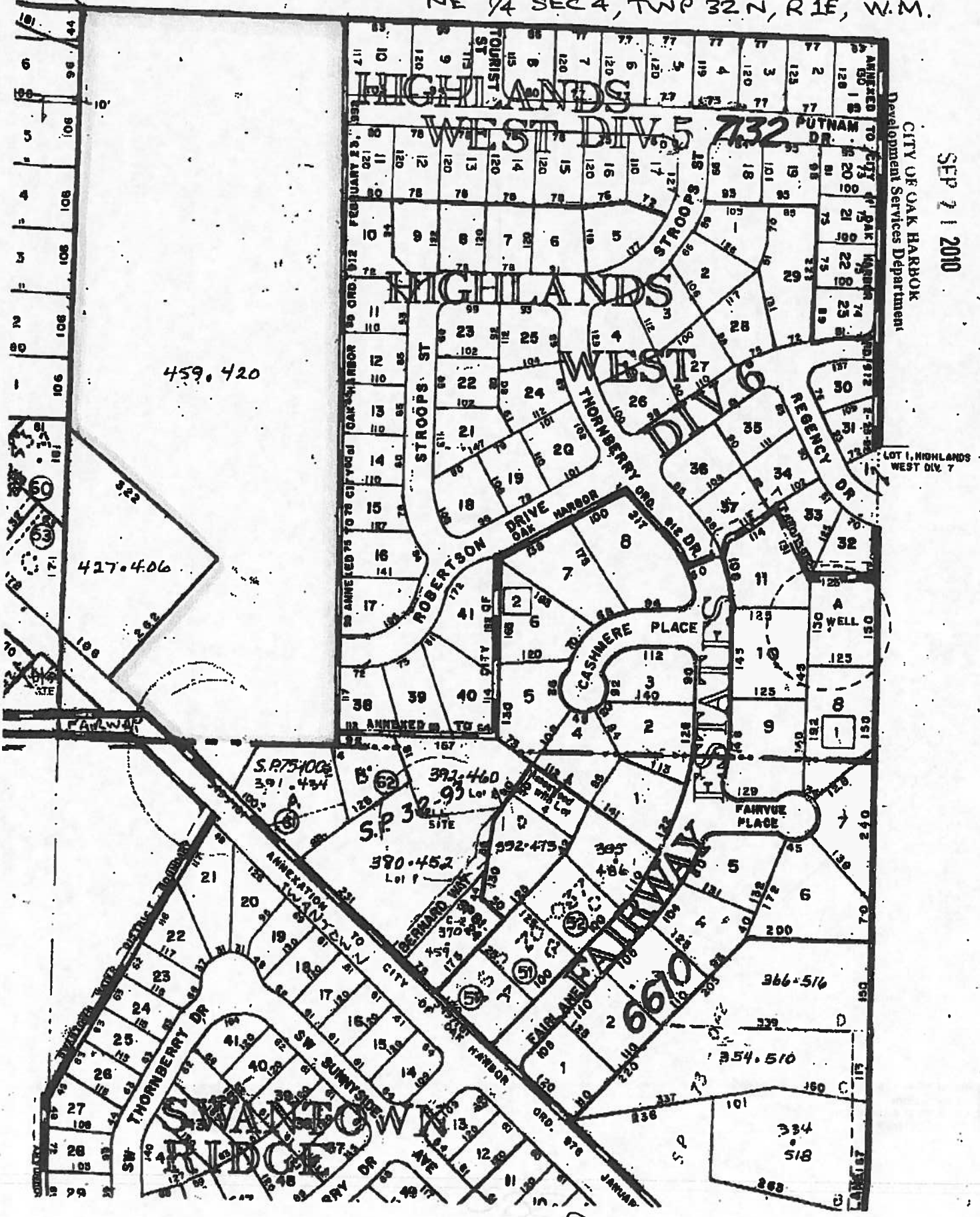
SEP 21 2010

CITY OF OAK HARBOR
Development Services Department

DO NOT USE AS A LEGAL DOCUMENT
ACCURACY NOT GUARANTEED

NE 4-32-1E

NE 1/4 SEC 4, TWP 32 N, R 1E, W.M.



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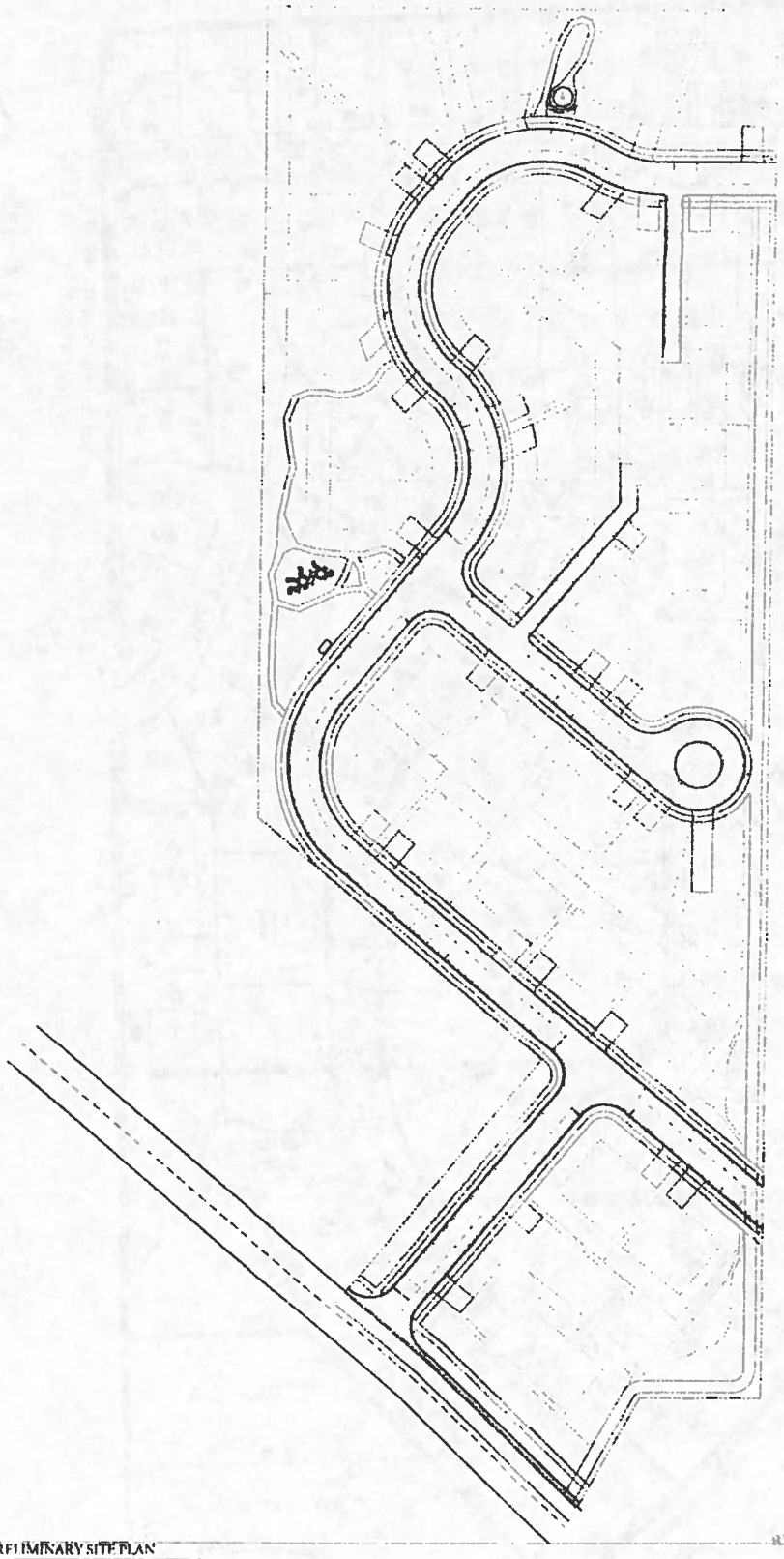
ATTACHMENT 1



PRELIMINARY SITE PLAN
MARIN WOODS
OAK HARBOR, WASHINGTON
THE MARIN GROUP

RECEIVED

SHEET :	1 of 1
SCALE :	1"=60'-0"
DATE :	9-20-10

380

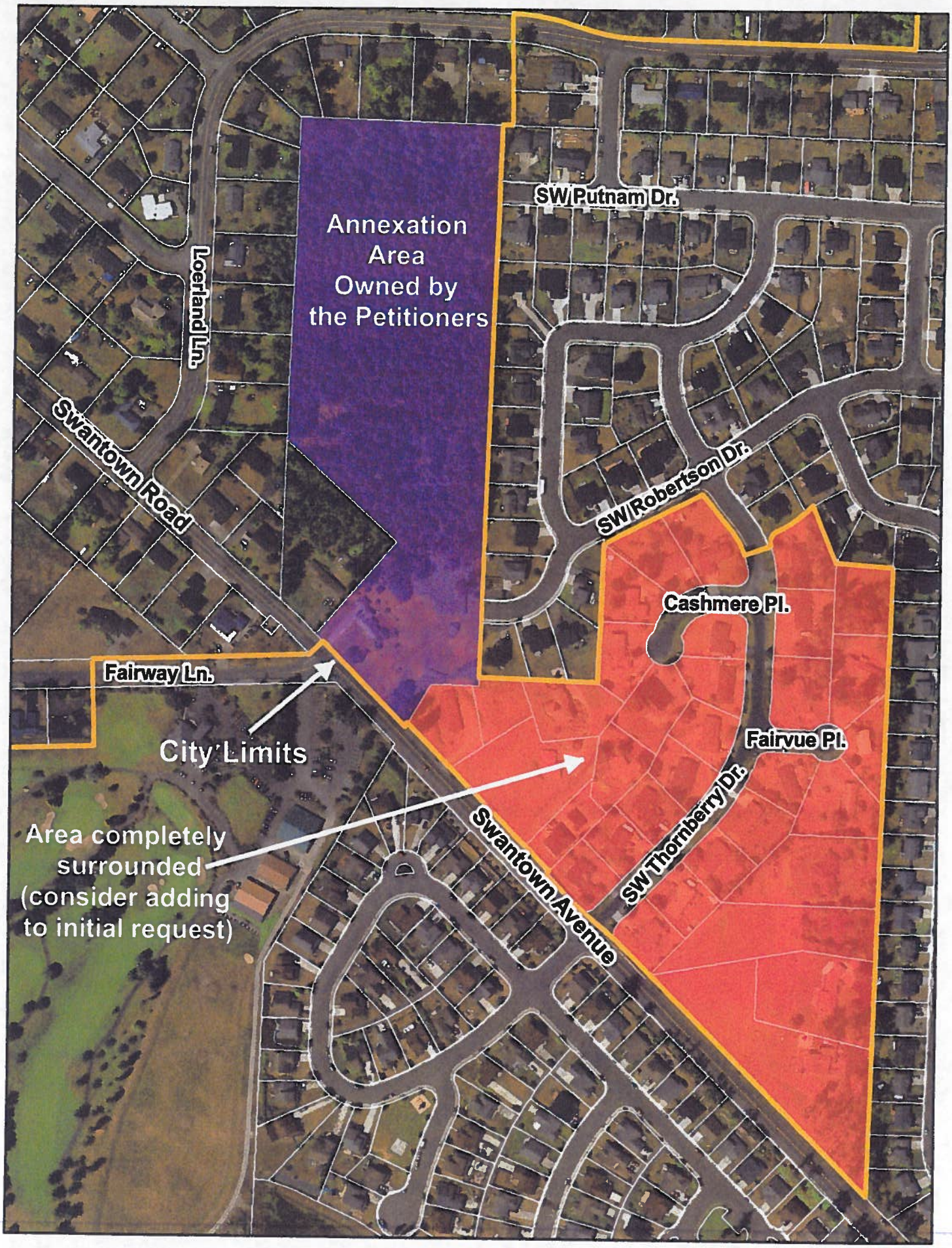
ATTACHMENT 1

PRELIMINARY SITE PLAN
MARIN WOODS
OAK HARBOR, WASHINGTION
THE MARIN GROUP

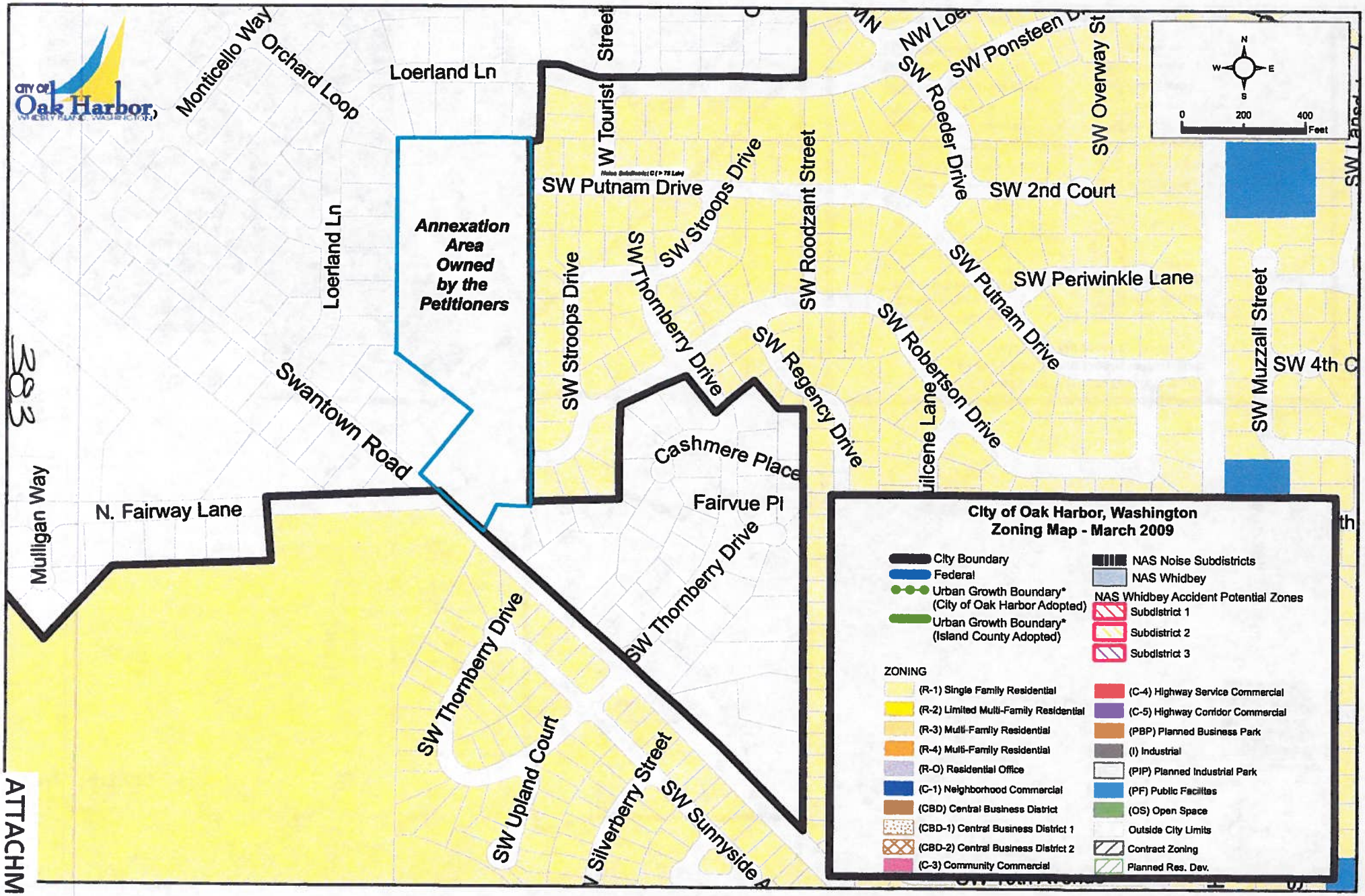
381

SHEET :	1 of 1
SCALE :	1"=60'-0"
DATE :	9-20-10

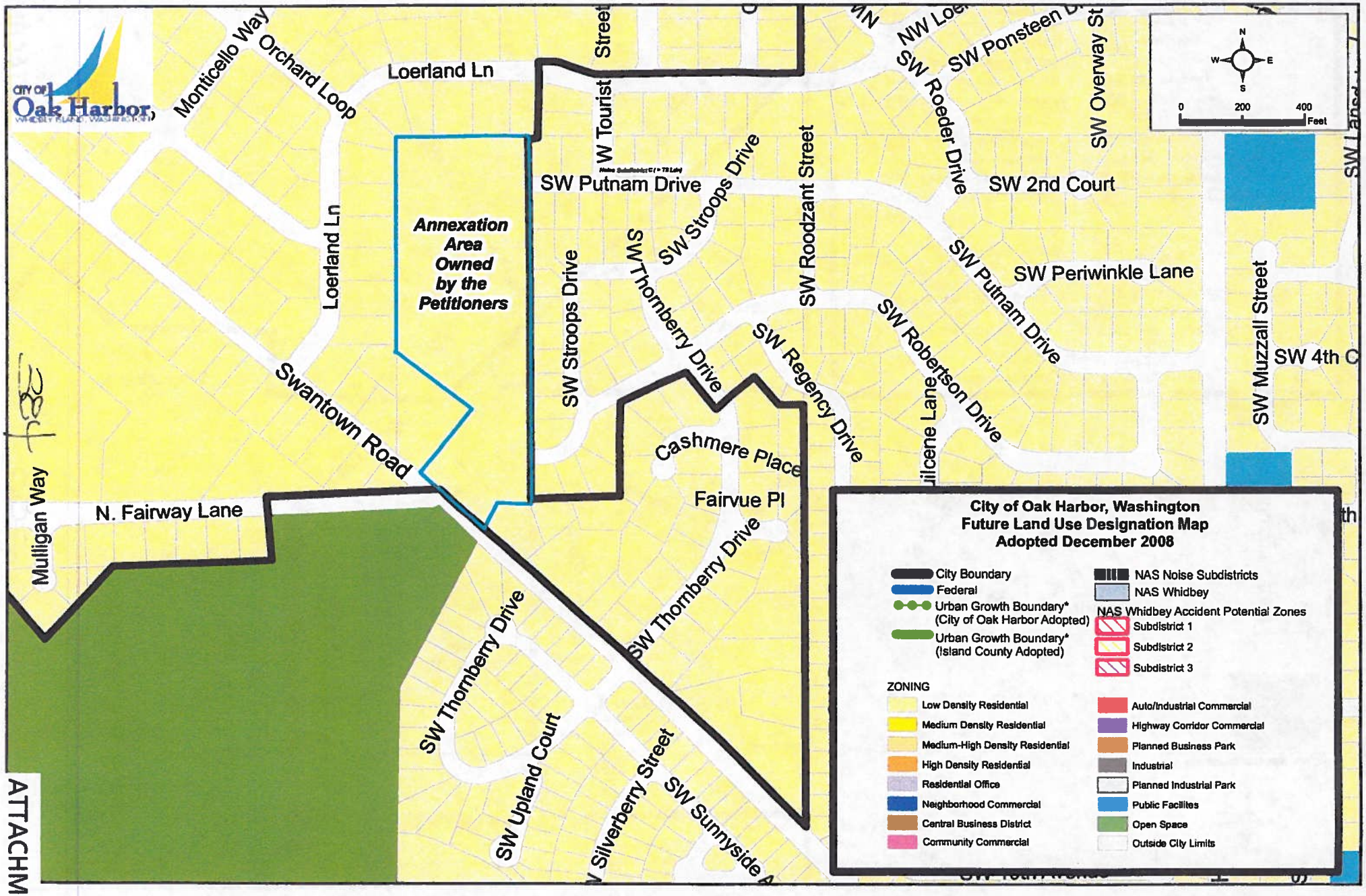
STEELGAGE DESIGNS



ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 3

Attachment 3: Comprehensive Plan Policies
Urban Growth Area Element

Goal 4 - Annexations to the City will occur in compliance with the Washington State Growth Management Act and the following policies.

Policy:

4.a Land to be annexed should include only areas seen as logical extensions of the City, located adjacent to existing urban development.

Discussion:
This policy is to be used solely as a guide to prevent leap-frogging and not as a means of preventing growth.

4.b The City should avoid annexations that would result in unincorporated enclaves within the UGA.

Discussion:
An unincorporated enclave is an area completely surrounded by incorporated parts of the city. However, the City may make exceptions to this policy in cases where the potential enclave is already characterized by urban density. In such cases, the City should first encourage petitioners to work with property owners inside the potential enclave to include them in the annexation area. Failing this preferred option, only then should the City consider whether the annexation would further other Comprehensive Plan goals, such as economic development, and otherwise be consistent with annexation policies.

4.b Annexations to the City should be based on evidence that public facilities and service capacities already exist or are planned for and can be efficiently, economically, and practically provided by either public or private sources.

4.c Annexations should not diminish the present LOS or create an excessive financial burden to existing and prospective property owners in the City.

4.d Ensure property owners within an annexing area are aware of foreseeable obligations or requirements that may be imposed upon them by the City at the time of annexation.

Discussion:
Provide foreseeable cost estimates where possible.

4.e Require existing buildings, within annexed areas, to meet the City's fire and safety requirements.

Discussion:

Public safety shall be ensured by the following:

* An inspection will be conducted of all properties within the proposed annexation area. The Fire Department will identify deficiencies of fire and life safety codes to property owners and City Council. Actions for addressing the deficiencies within specified time frames as recommended by the Fire Department and subject to approval by City Council, will be in the annexation agreement.

* Upon annexation, existing buildings will be required to have minimum fire-flow within three years for mobile home parks, and two years for all other buildings, or by annexation agreement. Smaller, individually developed properties should not be burdened by excessive costs of utility improvements beyond their normal proportional share of costs. Costs should be proportionate to benefit.

* Existing buildings not conforming to the City's requirement for fire sprinkler systems, will not be subject to retrofitting until the building is remodeled, modified or has an occupancy reclassification. Occupancies or portions thereof classified as hazardous and/or required to have fire suppression systems in accordance with the Uniform Building Code will be required to install an approved system within one year.

4.f Assure that the City's fire rating is not reduced because of annexation.

Discussion

The intent is to preserve the City's current fire rating and LOS and protect public welfare by providing a water supply of sufficient quantity and pressure for fire protection. In all instances, areas to be annexed should be analyzed for their potential effect on the City's fire rating. Programs should be established to assure improvements are made in the annexed area or to correct identified deficiencies made elsewhere in the City to balance rating deficiencies in the annexed area. Property owners in the annexing area may be required to pay all or a portion of the cost to correct the deficiencies in their area.

4.g Maintain the existing level of police service when annexing new areas.

Discussion

The intent is to protect the residents of the City from a reduced level of police services due to annexation. In all instances the areas to be annexed should be analyzed for their potential effect on the City's current level of police protection. Increases in police personnel may be necessary in order to remain at it's present LOS. The City should have a method for analyzing the fiscal impacts of annexation on police services.

4.h Annexation proposals should describe the method and level of funding for capital facilities needed to serve the annexed area.

4.i Proponents of annexation in developed or partially developed areas should pay their fair share of the costs of urban services and public improvements required to meet the City's LOS standards.

Discussion

This commitment to meet the City's LOS standards should be identified by all annexation agreements, including pre-annexation agreements.

4.j The City may require the preparation of a fiscal impact study which addresses long and short-term economic impacts to the City.

4.k Annex, when possible, areas of sufficient size that square off City boundaries and enhance circulation.

Discussion

This policy makes subarea planning for local roads and utilities more efficient.

4.l Proposed annexations shall not result in the long-term reduction of the City's established LOS standards.

Goal 5 - **New neighborhoods annexed into the City should contribute in a positive manner to sustain and enhance the quality of life for all Whidbey Island citizens while promoting a strong sense of place for Oak Harbor.**

Policy:

5.a Annexation agreements should include a preliminary plan for a transportation network that emphasizes connections to existing neighborhoods, streets and pedestrian facilities.

5.b Where topography allows, new annexation areas should develop in the traditional lot and block grid pattern that typified early Oak Harbor development and enhances the provision of public facilities and services.

5.c The City should consider the desirability of acquiring potential new public facilities, such as trails, parks or open space lands, during the annexation review process with the cooperation of the petitioners.

5.d In annexation requests where the surrounding land uses could be significantly affected by the potential land uses in the annexing area, the City should require a greenbelt designation of an appropriate width to ameliorate the negative impacts.

Discussion: This policy would apply to the annexation of new industrial lands that abut properties that have historically been used for residential purposes.

5.e The City should adopt standards that support the Comprehensive Plan annexation policies.