



## CITY COUNCIL AGENDA

Council Chambers, 865 SE Barrington Drive

May 17, 2016

6:00 PM

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### CALL TO ORDER

Invocation - Led by Pastor Michael Hurley of Life Church

Pledge of Allegiance - Led by Mayor Severns

Excuse Absent Councilmembers

### 1. APPROVAL OF AGENDA

### 2. PRESENTATIONS

- a. Proclamations
  - i. Proclamation in Honor of National Military Appreciation Month - May 2016
  - ii. Proclamation in Recognition of National Public Works Week - May 15 - 21, 2016
- b. Honors & Recognitions
- c. Community Presentations

### 3. CITIZEN COMMENT PERIOD

Citizens may comment on subjects of interest not listed on the agenda or items listed on the Consent Agenda. To ensure comments are recorded properly, state your name clearly into the microphone. Please limit comments to three (3) minutes to ensure all citizens have sufficient time to speak.

### 4. CONSENT AGENDA

Items on the Consent Agenda are considered to be routine by the Council and will be enacted with one motion unless separate discussion is requested. Approval of the Consent Agenda authorizes the Mayor to implement each item in accordance with staff recommendations.

#### Consent Items

- a. Minutes of the Regular Meeting on May 3, 2016, and Special Workshop Meeting held May 5, 2016
- b. Approval of Payroll and Accounts Payable Vouchers
- c. Approve the Surplus List of General Fund Items for the 2016 City Auction
- d. Appointment to the Arts Commission - Sharon Hall

**5. STAFF, MAYOR & COUNCIL COMMENTS**

- a. City Administrator
  - i. Clean Water Facility Project Update by City Staff
- b. Mayor
- c. Councilmembers

**6. PUBLIC HEARINGS & MEETINGS**

To speak during a scheduled public hearing or meeting, please sign-in on the sheet provided in the Council Chambers. To ensure comments are recorded properly, state your name clearly into the microphone. Please limit comments to three (3) minutes to ensure all citizens have sufficient time to speak.

- a. Resolution 16-16: 2016 Surplus List - Enterprise Funds

**7. ORDINANCES & RESOLUTIONS**

- a. Ordinance No. 1767: Goldie Road Annexation Agreement Amendment

**8. CONTRACTS & AGREEMENTS**

- a. None

**9. OTHER ITEMS FOR CONSIDERATION**

- a. None

**10. REPORTS & DISCUSSION ITEMS**

- a. None

**ADJOURN**

It is the policy of the City to assure disabled persons the opportunity to participate in or benefit from City services. Where possible the City will provide reasonable accommodation in compliance with WLAD, ADA, and any other applicable laws. Requests for accommodation should be made two (2) days in advance of the scheduled meeting by contacting the City Clerk at (360) 279-4539.

# City of Oak Harbor

OFFICE OF THE MAYOR  
BOB SEVERNS  
MAYOR



## Proclamation

- Whereas:** The freedom and security that citizens of the United States enjoy today are direct results of the bloodshed and continued vigilance given by the United States Armed Forces over the history of our great nation; and
- Whereas:** The sacrifices that such members of the United States Armed Forces and of the family members that support them, have preserved the liberties that have enriched this nation making it unique in the world community; and
- Whereas:** The United States Congress, in two thousand and four, passed a resolution proclaiming May as National Military Appreciation Month, calling all Americans to remember those who gave their lives in defense of freedom and to honor the men and women of all of our Armed Services who have served and are now serving our Country, together with their families; and
- Whereas:** Our community is so closely aligned with the men, women and families Naval Air Station Whidbey Island, the Electronic Attack Wing, Patrol and Reconnaissance Wing TEN and all tenant commands; and
- Whereas:** The month of May is selected for this display of patriotism because during the month, we celebrate Loyalty Day, Public Service Recognition Week, Victory in Europe (VE) Day, Military Spouse Appreciation Day, Armed Forces Day, and Memorial Day,

**Now Therefore,** I, Bob Severns, by virtue of the authority vested in me as Mayor of the City of Oak Harbor, in the State of Washington, do hereby proclaim the month of May 2016 as,

## National Military Appreciation Month

in the City of Oak Harbor and encourage our citizens to acknowledge its observance.

**In Witness Whereof,** *I hereunto set my hand and caused the Official Seal*

*of the City of Oak Harbor, Washington, to be affixed hereunto on this* 17<sup>th</sup> *day*

*of* May, 2016.

\_\_\_\_\_  
Bob Severns, Mayor

# City of Oak Harbor

OFFICE OF THE MAYOR  
BOB SEVERNS  
MAYOR



## **PROCLAMATION IN RECOGNITION OF**

# **NATIONAL PUBLIC WORKS WEEK**

## **MAY 15 - 21, 2016**

**WHEREAS**, Public Works services provided in our community are an integral part of our citizens' everyday lives; and

**WHEREAS**, the support of an understanding and informed citizenry is vital to the efficient operation of Public Works systems and programs such as water, sewers, storm drain, streets, public buildings, and solid waste collection; and

**WHEREAS**, the health, safety and comfort of this community greatly depends on these facilities and services; and

**WHEREAS**, the quality and effectiveness of these facilities, as well as their planning, design and construction, is vitally dependent upon the efforts and skill of Public Works officials; and

**WHEREAS**, the efficiency of the qualified and dedicated personnel who staff our Public Works Department is materially influenced by the people's attitude and understanding of the importance of the work they perform; and

**WHEREAS**, this year's theme "Community Begins Here" speaks to the essential nature of Public Works services in support of everyday quality of life.

**NOW, THEREFORE, WE**, Bob Severns, Mayor, and Councilmembers of the City of Oak Harbor do hereby proclaim, **May 15 - 21, 2016** as **National Public Works Week**.

Signed this 17<sup>th</sup> day of May, 2016

A handwritten signature in blue ink, appearing to read "Bob Severns", is written over a horizontal line.

Bob Severns, Mayor

City of Oak Harbor  
City Council Agenda Bill

Bill No. C/A 4.a  
Date: May 17, 2016  
Subject: Minutes of the Regular Meeting  
on May 3, 2016, and Special  
Workshop Meeting held May 5,  
2016

**FROM: Administration**

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

- Bob Severns, Mayor
- Doug Merriman, City Administrator
- Patricia Soule, Finance Director
- Nikki Esparza, City Attorney, as to form

**RECOMMENDED ACTION**

Approve Minutes as presented.

**BACKGROUND / SUMMARY INFORMATION**

**LEGAL AUTHORITY**

**FISCAL IMPACT**

**PREVIOUS COUNCIL / BOARD / CITIZEN INPUT**

**ATTACHMENTS**

1. [5/03/2016 Regular Meeting Minutes](#)
2. [5/05/2016 Special Workshop Meeting Minutes](#)

Oak Harbor City Council  
Regular Meeting Minutes  
May 3, 2016

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**CALL TO ORDER**

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

**ROLL CALL**

City Council Present:

Mayor Bob Severns  
Mayor Pro Tem Danny Paggao  
Councilmember Beth Munns  
Councilmember Rick Almberg  
Councilmember Erica Wasinger  
Councilmember Joel Servatius  
Councilmember Jim Campbell  
Councilmember Tara Hizon

Staff Present:

Acting City Administrator Steve Powers  
City Attorney Nikki Esparza  
Finance Director Patricia Soule  
Public Works Director Cathy Rosen  
City Engineer Joe Stowell  
Project Engineer Brett Arvidson  
Chief of Fire Ray Merrill  
Chief of Police Ed Green  
Assistant Planner Ray Lindenburg  
City Clerk Anna Thompson

**INVOCATION & PLEDGE OF ALLEGIANCE**

Councilmember Jim Campbell provided the invocation, and then Mayor Severns led the led the pledge of allegiance.

**APPROVAL OF AGENDA**

**Motion:** Councilmember Hizon moved to amend the Agenda to add *Proclamation in Honor of Bike to School Day* to the Agenda, motion seconded by Councilmember Munns, and the motion was unanimously approved.

**Motion:** Councilmember Servatius moved to approve the Agenda as amended, seconded by Councilmember Hizon, unanimously approved.

**PRESENTATIONS**

Proclamation in Honor of National Day of Prayer – May 5, 2016

Councilmember Campbell read the Proclamation for National Day of Prayer.

Proclamation in Recognition of National Nurses Week – May 6-12, 2016

Councilmember Hizon proclaimed National Nurses Week.

Proclamation in Recognition of National Bike to School Day – May 4, 2016

Councilmember Servatius read National Bike to School Day Proclamation and presented the proclamation to Matt Plush and Brad Nelson, members of the Whidbey Island Bicycle Club.

### **CITIZEN COMMENT PERIOD**

Mayor Severns opened the Citizen Comment Period at 6:10 p.m.

#### Citizens Speaking

Matt Plush, President of the Whidbey Island Bicycle Club

The comment period was closed at 6:11 p.m.

### **CONSENT AGENDA**

- a. Minutes of the Special held on April 18, 2016, the Regular Meeting held April 19, 2016, and the Workshop Meeting on April 27, 2016
- b. Approval of Accounts Payable and Check Numbers
- c. Ordinance No. 1766: Nonconforming Use Code Amendment

**Mayor Severns:** If there is no objection to the Consent Agenda, it will be adopted as is.

No objections were made.

### **STAFF, MAYOR & COUNCIL COMMENTS**

#### Clean Water Facility Project Update by City Staff

City Engineer Joe Stowell provided the Council with an update on the Clean Water Facility Project.

Councilmember Almberg asked follow-up questions.

#### City Administrator

Acting City Administrator Steve Powers announced that there is a conflict with the June 21, 2016 Regular City Council Meeting and the Annual AWC Conference. He explained that in lieu of this Regular Meeting, the June 15<sup>th</sup> Workshop meeting can be amended to a Special Meeting in order to accommodate any actionable items.

**Motion:** Councilmember Servatius moved to cancel the June 21, 2016 Regular City Council Meeting. Motion seconded by Councilmember Wasinger, unanimously approved.

Mr. Powers shared that a Special Workshop at 3:00 p.m. and CAG Meeting at 5:30 p.m. will be held on Thursday, May 5, 2016.

#### Mayor

Mayor Severns shared that a Proclamation for National Military Appreciation Month will be read at the May 17, 2016 Regular Council Meeting. The Mayor then announced new art hanging in Council Chambers provided by Artist Helen Bates.

## Councilmembers

Councilmember Campbell commented on the Northwest Clean Air Agency and the Island County Tourism Committee, boards on which he currently serves.

Councilmember Almberg had no comments.

Councilmember Munns thanked the Oak Harbor Starbucks managed by Erin Hedrick for organizing and cleaning the Lagoon on Sunday. She thanked everyone else who supported in the clean-up efforts. Ms. Munns recognized the Whidbey Help House for receiving the Community Health Hero Award from the Island County Health Department. Councilmember Munns then reminded Council about the AWC Annual Conference in June.

Mayor Pro Tem Paggao had no comments.

Councilmember Hizon shared that she and group of citizens helped clean the Lagoon in Windjammer Park last Sunday. She also announced upcoming meetings with the Youth Coalition and shared that the Youth Coalition is now sponsoring an online parenting class.

Councilmember Servatius announced that the Lodging Tax Advisory Committee has a vacancy for business representatives required to collect hotel taxes within the City limits. Mr. Servatius requested to take a photograph of City Council after the end of Councilmember Comments for a military family who formerly resided on Whidbey Island.

Councilmember Wasinger had no comments.

Mayor Severns called a brief recess at 6:29 p.m. for photographs, and reconvened the meeting at 6:30 p.m.

## **PUBLIC HEARINGS & MEETINGS**

Resolution 16-17: Scenic Estates Preliminary Plat Extension  
Associate Planner Ray Lindenburg provided the staff report.

Mayor Severns opened the item for public comment at 6:32 p.m.,

### Citizens Speaking

Brian Gentry, Owner of Landed Gentry Homes and Communities

After public comments were provided, the public comment period was closed at 6:33 p.m.

Questions from Council.

### **Resolution 16-17: Scenic Estates Preliminary Plat Extension**

**Motion:** Councilmember Hizon moved to approve Resolution 16-17 as presented. The motion was seconded by Councilmember Campbell, and the motion passed by unanimous vote.

## CONTRACTS & AGREEMENTS

### Clean Water Facility - Carollo Engineers - Consultant Agreement Amendment No. 14 for Services during Construction

City Engineer Joe Stowell provided the staff report.

Mayor Severns opened the item for public comment at 6:48 p.m., no public comments, closed at 6:48 p.m.

### **Clean Water Facility - Carollo Engineers - Consultant Agreement Amendment No. 14 for Services during Construction**

Councilmembers asked questions regarding Amendment No. 14 with Carollo Engineers. There was significant discussion regarding the timeline of the project.

**Motion:** Councilmember Munns moved that the City Council authorize the release of management reserve in the amount of \$218,427; and authorize the Mayor to sign Contract Amendment No. 14 with Carollo Engineers in the amount of \$5,339,431, increasing the total contract amount from \$11,433,496 to \$16,772,927. The motion was seconded by Councilmember Servatius, and the motion passed my unanimous vote.

### Clean Water Facility – KBA, Inc. – Contract Amendment No. 2 for Construction Management Services

City Engineer Joe Stowell provided the staff report.

K. Wendell Adams of KBA Construction, Inc. was present.

Mayor Severns opened the item for public comment at 7:13 p.m., no public comments, closed at 7:13 p.m.

Comments and questions from Councilmembers.

### **Clean Water Facility – KBA, Inc. – Contract Amendment No. 2 for Construction Management Services**

**Motion:** Councilmember Hizon moved to authorize the Mayor to sign Contract Amendment No. 2 with KBA, Inc. in the amount of \$2,812,000 increasing the total contact amount from \$805,500 to \$3,617,500. Councilmember Wasinger seconded the motion, and the motion passed my unanimous vote.

## ADJOURN

**Motion:** Councilmember Campbell moved to adjourn, seconded by Councilmember AlMBERG, unanimously approved.

Meeting adjourned at 7:17 p.m.

Anna M. Thompson, City Clerk

Oak Harbor City Council  
Special Workshop Meeting Minutes  
May 5, 2016

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**CALL TO ORDER**

Mayor Pro Tem Paggao called the meeting to order at 3:00 p.m.

**ROLL CALL**

City Council Present:

Mayor Pro Tem Paggao  
Councilmember Joel Servatius  
Councilmember Erica Wasinger  
Councilmember Rick Almberg  
Councilmember Jim Campbell  
Councilmember Beth Munns

Staff Present:

Acting City Administrator Steve Powers  
Finance Director Patricia Soule  
Public Works Director Cathy Rosen  
Development Services Director Steve Powers  
Economic Development Director Barbara Spohn  
City Engineer Joe Stowell  
Project Engineer Brett Arvidson  
Senior Planner Dennis Lefevre

Mayor Severns and Councilmember Hizon were absent.

**1. Report to City Council on the current Clean Water Facility Architectural Design**

City Engineer Joe Stowell presented the report to Council regarding the proposed Architectural Designs using power point slides.

Clean Water Facility Contractors present

Jeff McGraw and Chad Sanderson with MWA Architects,  
Erin Taylor with Envirolssues,  
Gill Williams and Jennifer D`avanvo of Greenworks Landscape Architects  
Carl Hadler with Carollo Engineers were present.

Clean Water Facility Contractors assisted with the presentation.

Questions and discussion from Councilmembers regarding architectural renderings.

**ADJOURN**

The meeting adjourned at 4:30 p.m.

Anna M. Thompson, City Clerk

City of Oak Harbor  
City Council Agenda Bill

Bill No. C/A 4.b  
Date: May 17, 2016  
Subject: Approval of Payroll and  
Accounts Payable Vouchers

**FROM: Patricia Soule, Finance Director**

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

- ⊙ Bob Severns, Mayor
- ⊙ Doug Merriman, City Administrator
- ⊙ Patricia Soule, Finance Director
- ⊙ Nikki Esparza, City Attorney, as to form

**RECOMMENDED ACTION**

I move to approve:

Accounts Payable Vouchers and Payroll Checks, see Voucher Numbers listed in the attachments and Check Numbers listed in the May 17, 2016 Regular Agenda.

**BACKGROUND / SUMMARY INFORMATION**

Oak Harbor Municipal Code Chapter 3.72 establishes procedures for claims (vouchers) payment. The documentation that regularly supports the signature coversheets is attached. Claim coversheets will be provided prior to the City Council meeting for appropriate Council signatures.

The following Voucher and Check Numbers are submitted for approval:

*Accounts Payable Voucher Numbers:*

- Voucher Numbers 166419 through 166553 in the amount of \$344,328.54.

*Payroll Check Numbers:*

- Direct Deposit check numbers 37949 - 38079.

- EFT check numbers 805 - 807.

- Payroll check numbers 98863 - 98876.

**LEGAL AUTHORITY**

**FISCAL IMPACT**

**PREVIOUS COUNCIL / BOARD / CITIZEN INPUT**

**ATTACHMENTS**

1. [Voucher Listing \(1\)](#)
2. [Voucher Listing \(2\)](#)

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount	
166419	4/28/2016	0007992 SPOHN, BARBARA	TRAVEL ADVANCE		TRAVEL ADVANCE	178.50	
<b>Total :</b>						<b>178.50</b>	
1 Vouchers for bank code :		bank				<b>Bank total :</b>	<b>178.50</b>
1 Vouchers in this report					<b>Total vouchers :</b>	<b>178.50</b>	

Voucher List  
City of Oak Harbor

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
166420	5/3/2016	0000066 AWC EMPLOYEES BENEFITS TRUST	050316		PREMIUMS	32.30
					<b>Total :</b>	<b>32.30</b>
166421	5/3/2016	0000860 STANDARD INSURANCE COMPANY	043016		LONG TERM DISABILITY	4,690.77
					<b>Total :</b>	<b>4,690.77</b>
166422	5/5/2016	0007449 A-1 PERFORMANCE, INC	25252		APR 2016 JANITORIAL SERVICES	3,066.58
					<b>Total :</b>	<b>3,066.58</b>
166423	5/5/2016	0000005 A-1 TOWING	58330		TOWING SERVICES	193.49
					<b>Total :</b>	<b>193.49</b>
166424	5/5/2016	0007799 ACCUSTAT SPORTS TIMING, INC	042816		TIMING SERVICES	4,819.20
					<b>Total :</b>	<b>4,819.20</b>
166425	5/5/2016	0007646 AGENDEASE, INC	20160107		MAY 2016 MONTHLY LICENSE	199.00
					<b>Total :</b>	<b>199.00</b>
166426	5/5/2016	0000029 ALL PHASE ELECTRIC SUPPLY	0952-796815 0952-796816		LED DRVR LED DRVR	214.29 444.41
					<b>Total :</b>	<b>658.70</b>
166427	5/5/2016	0007077 ANDREWS, SARA	042216		PUBLIC DEFENSE	300.00
					<b>Total :</b>	<b>300.00</b>
166428	5/5/2016	0004019 ASSOCIATED PETROLEUM PRODUCTS	0906133-IN		FUEL	12,620.35
					<b>Total :</b>	<b>12,620.35</b>
166429	5/5/2016	0000055 ASSOCIATION OF WASHINGTON	42976 43059		REGISTRATION/SEVERNS REGISTRATION/HIZON	375.00 15.00
					<b>Total :</b>	<b>390.00</b>
166430	5/5/2016	0000159 AT&T MOBILITY	287249477751X0424201		AIRCARDS	407.35
					<b>Total :</b>	<b>407.35</b>
166431	5/5/2016	0000082 BAYSHORE OFFICE PRODUCTS, INC	0673044-001		CHAIR/CYLINDER BASE/TOP	2,192.05

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
166431	5/5/2016	0000082 0000082 BAYSHORE OFFICE PRODUCTS, INC	(Continued)			<b>Total : 2,192.05</b>
166432	5/5/2016	0008215 BENNISON, PETER	2290		MOORAGE REFUND	1,151.31
						<b>Total : 1,151.31</b>
166433	5/5/2016	0008214 BERG, ALLAN	4716		MOORAGE REFUND	113.39
						<b>Total : 113.39</b>
166434	5/5/2016	0007807 BLIND ENTERPRISES	2713		NAME TAGS	21.00
						<b>Total : 21.00</b>
166435	5/5/2016	0008221 BOLIN, NANCY	1		EVENT REFUND	20.00
						<b>Total : 20.00</b>
166436	5/5/2016	0000137 BRIM TRACTOR COMPANY	IM87672		SWITCH	102.82
						<b>Total : 102.82</b>
166437	5/5/2016	0008213 BUCASAS, SEAN	2677		MOORAGE REFUND	115.92
						<b>Total : 115.92</b>
166438	5/5/2016	0000627 CAPITAL ONE COMMERCIAL	43468559 955546		SUPPLIES SUPPLIES	448.70 743.73
						<b>Total : 1,192.43</b>
166439	5/5/2016	0007143 CASTILLO, KITTY	1		EVENT REFUND	20.00
						<b>Total : 20.00</b>
166440	5/5/2016	0007943 CAUFFMAN, GIDEON	TRAVEL ADVANCE		TRAVEL ADVANCE	178.50
						<b>Total : 178.50</b>
166441	5/5/2016	0000157 CDW GOVERNMENT, INC	CPQ7670		BATTERY BACKUP	424.51
						<b>Total : 424.51</b>
166442	5/5/2016	0003008 COLUMBIA FORD	3-G1787		VEHICLE PURCHASE/P19B	29,639.90
						<b>Total : 29,639.90</b>
166443	5/5/2016	0005773 COMCAST	8498300270032028 8498300271046803		XFINITY INTERNET	19.32 241.38

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
166443	5/5/2016	0005773 0005773 COMCAST			(Continued)	<b>Total : 260.70</b>
166444	5/5/2016	0001711 COMMERCIAL FILTER SALES & SVC	332730		PLEATS	481.47
						<b>Total : 481.47</b>
166445	5/5/2016	0000235 DAVIDO CONSULTING GROUP, INC	15710		PROF SVC/OAK HARBOR SCENIC HEIC	123.00
			15877		PROF SVC/OAK HARBOR SCENIC HEIC	313.75
						<b>Total : 436.75</b>
166446	5/5/2016	0000256 DAY WIRELESS SYSTEMS	411263		CALIBRATIONS	345.67
						<b>Total : 345.67</b>
166447	5/5/2016	0000247 DIAMOND RENTALS	1-3179		EDGER REPAIR	36.96
			1-3280		CONTROL CABLE REPAIR	35.79
			1-509920-36		PORTABLES	60.00
			1-533127-4		PORTABLES	60.00
			1-534324-2		PORTABLES	60.00
			1-534325-2		PORTABLES	60.00
			1-534626		PORTABLES	210.00
			1-534627		PORTABLES	270.00
			1-534628		PORTABLES	60.00
			1-534629		PORTABLES	60.00
			1-534630		PORTABLES	60.00
			1-534631		PORTABLES	60.00
			1-534632		PORTABLES	60.00
			1-534633		PORTABLES	60.00
			1-534634		PORTABLES	60.00
			1-534816		LIGHT TOWER/HAULING	840.04
			1-535701		IDLER PULLY	75.13
			1-536065		SWITCHES/HARNES	216.71
			1-536248		REPAIR KIT	247.84
			1-536405		PORTABLES	120.00
						<b>Total : 2,712.47</b>
166448	5/5/2016	0007458 DIOSSIE, BETTY	1		EVENT REFUND	20.00
						<b>Total : 20.00</b>
166449	5/5/2016	0005401 DUO-SAFETY LADDER CORPORATION	455435-00		HEAT SENSOR LABELS	113.29

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
166449	5/5/2016	0005401 0005401 DUO-SAFETY LADDER CORPORATION	(Continued)			<b>Total : 113.29</b>
166450	5/5/2016	0001100 EASI FILE CORP	82868		EASI FILE HANGER	88.31
						<b>Total : 88.31</b>
166451	5/5/2016	0000273 EDGE ANALYTICAL, INC	16-09248		TESTING	18.00
						<b>Total : 18.00</b>
166452	5/5/2016	0008216 EFFICIENT COMMUNICATIONS, INC	04151639-TE		JAIL/EVIDENCE CAMERA SYSTEM	31,547.05
						<b>Total : 31,547.05</b>
166453	5/5/2016	0007669 EJ USA, INC	110160014655		DI DH1 SLT2 DGNL C/UND BLT	2,951.16
						<b>Total : 2,951.16</b>
166454	5/5/2016	0008217 ENGLE, CHARLES	042816		MARATHON WINNER	300.00
						<b>Total : 300.00</b>
166455	5/5/2016	0008218 ESCOJIDO, LILIA	1		EVENT REFUND	20.00
						<b>Total : 20.00</b>
166456	5/5/2016	0002900 FASTENAL	WAOAK22977 WAOAK22984 WAOAK23011		FASTENERS CABLE TIES HIGH VIS YELLOW	725.19 42.33 3,508.00
						<b>Total : 4,275.52</b>
166457	5/5/2016	0000308 FEDERAL EXPRESS	5-393-30704		SHIPPING	78.04
						<b>Total : 78.04</b>
166458	5/5/2016	0007141 FREEDOM PROPERTIES, LLC	042716		2016 PROPERTY TAX	1,390.28
						<b>Total : 1,390.28</b>
166459	5/5/2016	0006116 FREMD, KARL	5110		MOORAGE REFUND	50.72
						<b>Total : 50.72</b>
166460	5/5/2016	0000355 FRONTIER	240-2350 279-1060 675-1568 675-1669		CURRENT PHONE CHARGES CURRENT PHONE CHARGES CURRENT PHONE CHARGES CURRENT PHONE CHARGES	1,384.21 67.56 248.13 74.96

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
166460	5/5/2016	0000355 FRONTIER	(Continued)			
			675-5190		CURRENT PHONE CHARGES	42.37
			675-6858		CURRENT PHONE CHARGES	65.76
			679-0500		CURRENT PHONE CHARGES	76.91
			679-1640		CURRENT PHONE CHARGES	65.93
			679-1651		CURRENT PHONE CHARGES	65.76
			679-1789		CURRENT PHONE CHARGES	66.16
			679-2530		CURRENT PHONE CHARGES	65.76
			679-2628		CURRENT PHONE CHARGES	407.35
			679-3902		CURRENT PHONE CHARGES	71.10
			679-8477		CURRENT PHONE CHARGES	92.67
					<b>Total :</b>	<b>2,794.63</b>
166461	5/5/2016	0004088 FULLER, MARY	1		EVENT REFUND	20.00
					<b>Total :</b>	<b>20.00</b>
166462	5/5/2016	0000349 GRAINGER	9085396324		GLOVES	14.85
			9085850031		GLOVES/SEWAGE PUMP	1,044.79
			9090116147		GATE	228.92
			9090116154		ADAPTER	8.41
			9092846766		PLIERS SET/CUTTERS	282.84
			9092846774		CORDLESS SAW/GRINDER KIT	400.03
					<b>Total :</b>	<b>1,979.84</b>
166463	5/5/2016	0000345 GREATER OAK HBR CHAMBER OF COM	042516		ADVERTISING	11,000.00
			050416		REIMBURSEMENT	8,333.34
					<b>Total :</b>	<b>19,333.34</b>
166464	5/5/2016	0004974 GREEN LIGHT SOLUTIONS	8371		MAINTENANCE & INSPECTIONS	940.00
					<b>Total :</b>	<b>940.00</b>
166465	5/5/2016	0002747 GUARDIAN SECURITY	650822		FIRE SYSTEM	225.01
					<b>Total :</b>	<b>225.01</b>
166466	5/5/2016	0000694 HD SUPPLY WATERWORKS	F393149		FLANGE REPAIR KIT	519.13
					<b>Total :</b>	<b>519.13</b>
166467	5/5/2016	0005515 HDR ENGINEERING, INC	00482819-H		PROF SVC/UTILITY RATE AND FEE UPL	3,310.85

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
166467	5/5/2016	0005515 0005515 HDR ENGINEERING, INC	(Continued)			<b>Total : 3,310.85</b>
166468	5/5/2016	0000253 ID TECHNOLOGY SERVICES	15040858		MONITORS	1,296.96
						<b>Total : 1,296.96</b>
166469	5/5/2016	0005872 IMPAIRED DRIVING IMPACT PANEL	042216		DUI/UNDERAGE DRINKING PREVENTIC	166.67
						<b>Total : 166.67</b>
166470	5/5/2016	0000417 INDUSTRIAL BOLT & SUPPLY	613241-2 613982-2 614601-1		BATTERY TERM WASHER/BATTERY TERM O-RINGS	20.42 25.10 28.58
						<b>Total : 74.10</b>
166471	5/5/2016	0005520 ISLAND COUNTY PLANNING &	050416		PRE-APPLICATION FEE	309.00
						<b>Total : 309.00</b>
166472	5/5/2016	0005520 ISLAND COUNTY PLANNING &	AI-00022		FIRE INSPECTION	60.00
						<b>Total : 60.00</b>
166473	5/5/2016	0005949 ISLAND COUNTY SHERIFF RESERVES	549		TRAFFIC DETAIL	747.50
						<b>Total : 747.50</b>
166474	5/5/2016	0000410 ISLAND COUNTY SOLID WASTE	043016		APR 2016 TIPPING FEES	76,716.38
						<b>Total : 76,716.38</b>
166475	5/5/2016	0000411 ISLAND COUNTY TREASURER	050316		CRIME VICTIM COMPENSATION	145.84
						<b>Total : 145.84</b>
166476	5/5/2016	0005445 ISLAND DEFENSE, PLLC	017		APR 2016 PUBLIC DEFENSE	10,000.00
						<b>Total : 10,000.00</b>
166477	5/5/2016	0007162 JENNINGS, WILL	EXP REIMB		EXP REIMB	200.00
						<b>Total : 200.00</b>
166478	5/5/2016	0008220 KELLY, MARILYN	1		EVENT REFUND	20.00
						<b>Total : 20.00</b>
166479	5/5/2016	0008219 KELLY, MICHAEL	1		EVENT REFUND	20.00

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
166479	5/5/2016	0008219 0008219 KELLY, MICHAEL			(Continued)	<b>Total : 20.00</b>
166480	5/5/2016	0005996 LEONARDI, CONNIE	1		EVENT REFUND	20.00
						<b>Total : 20.00</b>
166481	5/5/2016	0000979 LES SCHWAB	41400243553		TIRES	102.63
			41400243756		TIRES	491.55
						<b>Total : 594.18</b>
166482	5/5/2016	0004502 LEXISNEXIS RISK SOLUTIONS	1404645-20160430		APR 2016 MINIMUM CONMITMENT	54.35
						<b>Total : 54.35</b>
166483	5/5/2016	0000221 LN CURTIS & SONS	2136924-00		CARDIGANS	80.56
			2137477-00		POLO	57.01
			7501670-00		GLOVES	43.43
						<b>Total : 181.00</b>
166484	5/5/2016	0002449 LUNDGREN, KATHLEEN	1		EVENT REFUND	20.00
						<b>Total : 20.00</b>
166485	5/5/2016	0000530 MAILLIARD'S LANDING NURSERY	113101		YARD WASTE	373.75
			113376		YARD WASTE	229.85
			113451		YARD WASTE	222.50
			113535		YARD WASTE	281.65
			113612		YARD WASTE	379.65
			113671		YARD WASTE	374.05
			113960		YARD WASTE	248.75
			114018		YARD WASTE	233.00
			114067		YARD WASTE	284.45
			114125		YARD WASTE	349.55
			114202		YARD WASTE	410.45
			114472		YARD WASTE	243.50
			114565		YARD WASTE	241.75
			114643		YARD WASTE	322.25
			114736		YARD WASTE	388.75
			114806		YARD WASTE	549.05
			115000		TREE TIES	48.92
			115075		YARD WASTE	195.90

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
166485	5/5/2016	0000530 MAILLIARD'S LANDING NURSERY	(Continued) 115161 115243 115322		YARD WASTE YARD WASTE YARD WASTE	305.10 293.55 421.65 <b>Total : 6,398.07</b>
166486	5/5/2016	0004752 MALLORY SAFETY AND SUPPLY	4072720		CARBON MONOXIDE 35PPM AIR	94.54 <b>Total : 94.54</b>
166487	5/5/2016	0000660 MARKET PLACE FOOD & DRUG	949416 949435		GROCERIES GROCERIES	470.69 295.50 <b>Total : 766.19</b>
166488	5/5/2016	0003508 MARTENSEN, SANDY	1		EVENT REFUND	20.00 <b>Total : 20.00</b>
166489	5/5/2016	0000561 MERRIMAN, DOUGLAS	TRAVEL ADVANCE		TRAVEL ADVANCE	144.50 <b>Total : 144.50</b>
166490	5/5/2016	0004818 MICHAEL BOBBINK LAND USE SRVCS	04242016		APR 2016 HEARING EXAMINER	1,708.33 <b>Total : 1,708.33</b>
166491	5/5/2016	0005127 MICHALSKI, PAT	1		EVENT REFUND	40.00 <b>Total : 40.00</b>
166492	5/5/2016	0000538 MID AMERICAN RESEARCH CHEMICAL	0577945-IN		WIPE-OUT BAGS	604.92 <b>Total : 604.92</b>
166493	5/5/2016	0004423 MUNICIPAL EMERGENCY SERVICES	IN1021288		BOOTS	288.06 <b>Total : 288.06</b>
166494	5/5/2016	0000615 NEWMAN TRAFFIC SIGNS	TI-0297029		A RES P-HD SYM ST-DIS P ETC	75.73 <b>Total : 75.73</b>
166495	5/5/2016	0000672 OAK HARBOR ACE	269577 270189 270233 270252		PEST SPRAY WEDGE GLUE/FASTENERS BOLT/BATTERIES	21.70 2.49 7.49 22.99

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
166495	5/5/2016	0000672 OAK HARBOR ACE	(Continued)			
			270297		OUTLET/BULB	14.75
			270311		FASTENERS	8.02
			270315		BLADES	41.28
			270336		BATTERY WATCH	10.85
			270339		FASTENERS	2.17
			270356		ELBOWS	15.69
			270367		FILTER	10.86
			270370		GRIDDLE	40.21
			270449		PRUNER	30.41
			270483		SEALANT	39.09
			270514		GLASS CLEANER/SCRUBBER	27.70
			270537		EXTENSION CORD	36.95
			270555		ADAPTER	2.49
			270570		KEY/CHAIN	9.69
					<b>Total :</b>	<b>344.83</b>
166496	5/5/2016	0000668 OAK HARBOR AUTO CENTER	001-268263		PARTS	13.15
			001-269833		SPOUT/BEAM	14.38
			001-271606		TAIL LIGHT CIRCUIT	20.39
			001-271632		BARRICADE FUEL L	2.52
			001-271637		FILTER	29.89
			001-271751		SOCKET	30.18
			001-271773		BRAKE LINING/DUM/WHEEL	141.96
					<b>Total :</b>	<b>252.47</b>
166497	5/5/2016	0006743 OAK HARBOR ELKS LODGE	042916		EXPENSE REIMBURSEMENT	2,410.58
					<b>Total :</b>	<b>2,410.58</b>
166498	5/5/2016	0003092 OAK HARBOR SIGNS	16058		MILE MARKER SIGNS	573.39
					<b>Total :</b>	<b>573.39</b>
166499	5/5/2016	0008223 OLSEN, PAMELA	050216		MARATHON WINNER	300.00
					<b>Total :</b>	<b>300.00</b>
166500	5/5/2016	0001377 ORCA INFORMATION	631		C FAKKEMA/ESPOSITO	115.00
					<b>Total :</b>	<b>115.00</b>

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
166501	5/5/2016	0000089 OWEN EQUIPMENT COMPANY	00079649		MUFFLER/HOSE	1,329.72
<b>Total :</b>						<b>1,329.72</b>
166502	5/5/2016	0000182 PACWEST MACHINERY, LLC	00306381		SM DD22/DD24/DD	177.73
<b>Total :</b>						<b>177.73</b>
166503	5/5/2016	0006386 PENSKE TRUCK LEASING CO, LP	C054792088 C054792212		VAN RENTAL VAN RENTAL	309.29 316.37
<b>Total :</b>						<b>625.66</b>
166504	5/5/2016	0000710 PLATT ELECTRIC SUPPLY, INC	J240155		PST PS	229.66
<b>Total :</b>						<b>229.66</b>
166505	5/5/2016	0000724 PONY MAILING & BUSINESS CENTER	258415		SHIPPING	23.25
<b>Total :</b>						<b>23.25</b>
166506	5/5/2016	0006866 PROTHMAN	2016-5342 2016-5348		HUMAN RESOURCES DIRECTOR SEAF HUMAN RESOURCES DIRECTOR SEAF	4,157.60 6,166.67
<b>Total :</b>						<b>10,324.27</b>
166507	5/5/2016	0000746 PUGET SAFETY EQUIPMENT	0032976-IN		WIRE HEADB	162.38
<b>Total :</b>						<b>162.38</b>
166508	5/5/2016	0000743 PUGET SOUND ENERGY	200003131170 200004839284 200010549943 300000007421		ELECTRICITY/WELL #7 ELECTRICITY/1019 SW SWANTOWN AV ELECTRICITY/WELL #6 ELECTRICITY/STREET LIGHTS	13.68 101.12 13.68 13,831.41
<b>Total :</b>						<b>13,959.89</b>
166509	5/5/2016	0002043 RED LION HOTEL	233565		HOTEL ACCOMMODATIONS/SABALAU	335.07
<b>Total :</b>						<b>335.07</b>
166510	5/5/2016	0008208 RED LION HOTEL	70268		HOTEL ACCOMMODATIONS/NYDAM	352.94
<b>Total :</b>						<b>352.94</b>
166511	5/5/2016	0002508 RINEY PRODUCTION SERVICES	10-1664		TAPING SERVICES	2,209.80
<b>Total :</b>						<b>2,209.80</b>

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
166512	5/5/2016	0008212 RODGERS, RICH	TRAVEL ADVANCE		TRAVEL ADVANCE	105.50
<b>Total :</b>						<b>105.50</b>
166513	5/5/2016	0008222 ROMANSKI, JOHN	1		EVENT REFUND	20.00
<b>Total :</b>						<b>20.00</b>
166514	5/5/2016	0004816 ROODZANT, LONA	1		EVENT REFUND	20.00
<b>Total :</b>						<b>20.00</b>
166515	5/5/2016	0000781 SAFEWAY	801370		GROCERIES	40.97
<b>Total :</b>						<b>40.97</b>
166516	5/5/2016	0008224 SCHELER, MARTHA	050316		MARATHON WINNER	500.00
<b>Total :</b>						<b>500.00</b>
166517	5/5/2016	0005967 SEATTLE AUTOMOTIVE DIST	S2-930560 S6-928670		VALVE ASM BRK COMB VALVE ASM BRK COMB	103.03 103.03
<b>Total :</b>						<b>206.06</b>
166518	5/5/2016	0000822 SHRED-IT USA, INC	9410415678 9410415850		SHREDDING SHREDDING	56.68 59.76
<b>Total :</b>						<b>116.44</b>
166519	5/5/2016	0000831 SIX ROBBLEES', INC	14-321950 14-321951		SWITCH KIT	319.58 165.22
<b>Total :</b>						<b>484.80</b>
166520	5/5/2016	0000814 SKAGIT FARMERS SUPPLY	448935 449030		FENCE POST DRIVER ROUNDUP	32.60 58.68
<b>Total :</b>						<b>91.28</b>
166521	5/5/2016	0000853 SKAGIT RIVER STEEL & RECYCLING	63853		ANGLE	194.80
<b>Total :</b>						<b>194.80</b>
166522	5/5/2016	0000876 SKAGIT VALLEY COLLEGE	23545		1ST QTR 2016 BUILDING OPERATIONS	17,662.95
<b>Total :</b>						<b>17,662.95</b>
166523	5/5/2016	0000843 SOLID WASTE SYSTEMS, INC	0085808-IN		PLASTIC DOOR	681.59

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
166523	5/5/2016	0000843 0000843 SOLID WASTE SYSTEMS, INC	(Continued)			<b>Total : 681.59</b>
166524	5/5/2016	0008138 SOULE, PATRICIA	EXP REIMB		EXP REIMB	35.73
						<b>Total : 35.73</b>
166525	5/5/2016	0000846 SOUND PUBLISHING	WCW694359 WCW694423 WCW695115		CITY APPLICATIONS CITY NOTICES CITY NOTICES	137.06 42.36 133.32
						<b>Total : 312.74</b>
166526	5/5/2016	0007904 SPECK, DAVE	1		EVENT REFUND	20.00
						<b>Total : 20.00</b>
166527	5/5/2016	0007992 SPOHN, BARBARA	TRAVEL REIMB		TRAVEL REIMB	234.36
						<b>Total : 234.36</b>
166528	5/5/2016	0006317 STANDARD AND POOR'S	11305743		ANALYTICAL SERVICES	22,000.00
						<b>Total : 22,000.00</b>
166529	5/5/2016	0000860 STANDARD INSURANCE COMPANY	042016		LIFE/POCFF	370.63
						<b>Total : 370.63</b>
166530	5/5/2016	0003883 STAPLES BUSINESS ADVANTAGE	3296733490 3296733492 3296733495 3297378302 3297378305 3298593202 3298593203 3298593206 3298593207 3298593208 3298593209 3299138909 3299138913 3299727478 3299727480 3299727481		ENVELOPES/TAPE NAMEPLATE HOLDER STAMPER POST ITS/HIGHLIGHTERS/WASTE BASI INK STAMP APC BACKUPS FLASH DRIVES TONER TONER INK DESK SIGN TONER HEATER CASH BOX/PENS/FOOTREST TONER	36.37 35.33 50.49 32.68 113.57 50.49 70.64 48.78 92.07 352.18 109.33 22.37 158.51 27.95 70.77 439.29

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
166530	5/5/2016	0003883 STAPLES BUSINESS ADVANTAGE	(Continued) 3300302649 3300302650 3300302651 3300302652 3300302653		LABELS POWER STRIP STAPLE REMOVER/POST ITS/RULER INK/SCISSORS MAINTENANCE CARTRIDGE	92.72 43.44 41.61 151.04 103.25 <b>Total : 2,142.88</b>
166531	5/5/2016	0000863 STERKEL, TIMOTHY	EXP REIMB		EXP REIMB	288.20 <b>Total : 288.20</b>
166532	5/5/2016	0005786 STOWES SHOES & CLOTHING	0011491 0011499		BOOTS/LEE BOOTS/BRANNAN	170.57 165.96 <b>Total : 336.53</b>
166533	5/5/2016	0003749 STUMP, PATRICK L	1 1		DRIVING SERVICES DRIVING SERVICES	72.00 120.00 <b>Total : 192.00</b>
166534	5/5/2016	0001053 TREASURER, WASHINGTON STATE	050316		COURT/BC FEES	7,704.09 <b>Total : 7,704.09</b>
166535	5/5/2016	0004847 TULL, NANCY	1		EVENT REFUND	20.00 <b>Total : 20.00</b>
166536	5/5/2016	0008225 TURF STAR, INC	8001220-00		MUFFLER/GASKET	927.76 <b>Total : 927.76</b>
166537	5/5/2016	0000287 TYLER TECHNOLOGIES, INC	045-158045		CASHIERING CONSULT	300.00 <b>Total : 300.00</b>
166538	5/5/2016	0000923 UNITED PARCEL SERVICE	0000A0182W176		SHIPPING	1.12 <b>Total : 1.12</b>
166539	5/5/2016	0007454 UNITED SITE SERVICES	114-3943392		RESTROOMS	3,288.78 <b>Total : 3,288.78</b>
166540	5/5/2016	0000922 UNUM LIFE INSURANCE COMPANY	041816		LONG TERM CARE	338.12

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
166540	5/5/2016	0000922 0000922 UNUM LIFE INSURANCE COMPANY	(Continued)			<b>Total : 338.12</b>
166541	5/5/2016	0004903 US BANK	4485590100104948		CREDIT CARD PURCHASES	3,013.68
						<b>Total : 3,013.68</b>
166542	5/5/2016	0004903 US BANK	4485591001332901		CREDIT CARD PURCHASES	2,396.24
						<b>Total : 2,396.24</b>
166543	5/5/2016	0004903 US BANK	4485590002431076		CREDIT CARD PURCHASES	1,013.46
						<b>Total : 1,013.46</b>
166544	5/5/2016	0004903 US BANK	4485591000222970		CREDIT CARD PURCHASES	26.00
						<b>Total : 26.00</b>
166545	5/5/2016	0004903 US BANK	4485590002304679		CREDIT CARD PURCHASES	2.00
						<b>Total : 2.00</b>
166546	5/5/2016	0006851 US MOWER	273424		JOYSTICK	470.18
						<b>Total : 470.18</b>
166547	5/5/2016	0006853 WEED, GRAAFSTRA & BENSON, INC, LAW O: 49			PROF SVC/GENERAL	5,335.38
						<b>Total : 5,335.38</b>
166548	5/5/2016	0001000 WHIDBEY AUTO PARTS, INC.	282044 282560		GREASE FITTING SCREW/WASHER	4.34 5.17
						<b>Total : 9.51</b>
166549	5/5/2016	0001007 WHIDBEY CLEANERS	282782		FLAG REPAIR	130.44
						<b>Total : 130.44</b>
166550	5/5/2016	0000675 WHIDBEY COMMUNITY PHYSICIANS	032516 033016		PHYSICAL/SCHEER PHYSICAL/PRICE	150.00 150.00
						<b>Total : 300.00</b>
166551	5/5/2016	0001017 WHIDBEY PRINTERS	48443		VEHICLE IMPOUND REPORTS	656.06
						<b>Total : 656.06</b>
166552	5/5/2016	0006151 WHIDBEY WEEKLY, LLC	4977		ADVERTISING	770.00

Voucher List  
City of Oak Harbor

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
166552	5/5/2016	0006151 WHIDBEY WEEKLY, LLC	(Continued) 5024		ADVERTISING	125.00
<b>Total :</b>						<b>895.00</b>
166553	5/5/2016	0004961 WOODWARD, GREGORY	EXP REIMB		EXP REIMB	10.00
<b>Total :</b>						<b>10.00</b>
134 Vouchers for bank code : bank					<b>Bank total :</b>	<b>344,150.04</b>
134 Vouchers in this report					<b>Total vouchers :</b>	<b>344,150.04</b>

City of Oak Harbor  
City Council Agenda Bill

Bill No. C/A 4.c  
Date: May 17, 2016  
Subject: Approve the Surplus List of  
General Fund Items for the 2016  
City Auction

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

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

- ⊙ Bob Severns, Mayor
- ⊙ Doug Merriman, City Administrator
- ⊙ Patricia Soule, Finance Director
- ⊙ Nikki Esparza, City Attorney, as to form

**RECOMMENDED ACTION**

A motion to approve the surplus list and to authorize the disposal of obsolete equipment.

**BACKGROUND / SUMMARY INFORMATION**

Each year the City Council declares a list of certain obsolete equipment items as surplus and approves the list for disposal, as the equipment has been determined to no longer be of practical use to the City.

A list of the surplus items has been attached for your review.

**LEGAL AUTHORITY**

RCW 35A.11.010

**FISCAL IMPACT**

**PREVIOUS COUNCIL / BOARD / CITIZEN INPUT**

**ATTACHMENTS**

1. [2016 Surplus list](#)

ITEM	DIVISION/DEPARTMENT	COMMENTS
Homelite Gas HT-17 Hedge Trimmer	Parks	Gas May or may not work
Hayward Pro Series Sand Filter w PPG Chlorinador N200 attachment	Parks	
Filter pump for Pool	Parks	
Plaskolite PT1S Model 1479710A sink with faucet attachment	Parks	
50 gal tri hitch Sprayer	Parks	
Mitchel model 5030 50' hose and wheel attachment, spray gun and 5 gal rinse tank	Parks	
30 Hanging 20" basket frames	Parks	
Power Broom with motor	Parks	
Fountain seal	Parks	
Craftsman bush hog	Parks	carb issues
Matis tiller	Parks	carb issues
#7 2000 Chevy Pickup VIN 1GCGC34R4YR142455	Parks	
#14 1999 Dodge Pickup VIN 3B7KC26Z9XM570085	Parks	
10 MSA evolution batteries	Fire	does not charge
MSA Evolution Thermal Imaging Camera	Fire	*Screen fading in and out, unit obsolete, parts no longer available
Serial Number: A1-1281-100		
MSA Evolution Thermal Imaging Camera	Fire	*Screen fading in and out, unit obsolete, parts no longer available
Serial Number: A1-1273-100		
MSA Evolution Thermal Imaging Camera	Fire	*No image with power, unit obsolete, parts no longer available
Serial Number: E0-8751-B04		
MSA Evolution 4000 Thermal Imaging Camera Vehicle Charger	Fire	
Serial Number: A0-0954-E03		
Advance Tec Industries	Fire	

Battery conditioner, vehicle mount Part number: AT9960 Advance Tec Industries Conditioning charger with instant fault detection Part number: AT2000IFD	Fire	
Federal Signal Corporation PA 3000 series Model: 690010 Serial Number: 10331	Fire	*wail tone inop – sticks
Whelen 200 watt siren Model: 295SL100 Part number: 01-0884411-00A Serial number: N180394	Fire	*will not function
Motorola Spectra Control Box Model: T83FWA7HA9AK Serial number: 221AWQ0204	Fire	*unable to narrow band
Auxiliary Relay Panel	Fire	Model ARP-1187
Motorola Max Trac Mobil Radio Model: D43MJA7JA5AK Serial Number: 428TXY3819	Fire	*unable to narrow band
Motorola Mobile Vehicle Phone Handset Type: GVS	Fire	3 each
Federal Signal Siren Control Box (2 each) Model SS2000 #1 - Serial Number: SSMBB100	Fire	*loose circuit boards in each

#2 – Serial Number: 10176

Motorola Radio Mic

Fire

Model HMN1090C

Motorola 9000 Radio Controller w/mic and cable

Serial Number: HCN1071D

\*unable to narrow band

Motorola 9000 Radio Controller w/mic and cable

Serial Number: HCN1073D

Fire

\*unable to narrow band

Trailer brake controller

Tekonsha Voyager

Fire

Motorola Radio Speaker (2 each)

#1 – Serial number: 2596

#2 – Serial number: 5096

Fire

Model HSN6001B

Radio Antenna

Fire

Radio Brackets, misc 4 each

Fire

Motorola Radius M1225 Mobil Radio w/mic

Serial Number: 869FZQ2798

Fire

Model M43DGC90J2AA

\*unable to narrow band

Streamlight 5-light SL-20 charging unit

Serial number: 1X0004205

Fire

Streamlight SL-20 Flashlights (17 ea)

Serial Numbers:

SE147460

289120

492227

Fire

(E813-10)

492233		
SF279203		(E812-08)
SF273219		(E812-09)
453379		
95805		
148216		
SE147537		(E813-11)
112009		
306118		(OHFD 2002)
UF592599		(E81-01)
UF693358		(FM 24)
SF404541		(E81-02)
SG342917		
SE147626		(U1-20)
Streamlight SL-20 charger with cord (5 each)	Fire	
Streamlight SL-20 charger without cord (4 each)	Fire	
Streamlight SL-20 LED Flashlight Batteries, Rechargeable (5 each)	Fire	Red Model 20175
Streamlight SL-20 LED Flashlight Batteries, Rechargeable (3 each)	Fire	Black Model 77175
Streamlight SL-20 misc repair parts (switches, light bulbs, lens covers)	Fire	
Box SL-20-1 (8 each) SL-20 chargers, no cords	Fire	
Box SL-20-2 (18 each)\ SL-20 charger power cords	Fire	
CPU	Fire	Parted out FA #0973

CPU	Fire	Parted out FA #0976
CPU	Fire	Parted out FA #1204
CPU	Fire	Parted out FA #1589
Toughbook	Fire	#1234
Toughbook	Fire	#1232
Legal 4 drawer file cabinet	General Govt.	
Lateral 4 drawer file cabinet	General Govt.	
Water dispenser	General Govt.	
Microwave oven	General Govt.	
13 inch tv monitor	General Govt.	
glass/wood display cabinet	General Govt.	
Reception area chair	General Govt.	
Corner partititon	General Govt.	
Pallet of assorted light bulbs	Shop Facility	
Manual operated sewer snake	Shop Facility	
CPU	Senior Center	#0953
CPU	Senior Center	#1033
CPU	Senior Center	#0956
CPU	Senior Center	#0536
CPU	Senior Center	#0940
Monitor	Finance	#0602
CPU	Legal	#1112
CD Recorder	City Council	#1052
4 rolling office chairs	Development Services	
1 set of chair arms	Development Services	
metal desk organzier and file organizer	Development Services	
OmniPage Pro 10 for windows	Development Services	
2- HP Keyboard and mouse	Development Services	
Microsoft wireless natural keyboard	Development Services	
Wood cabinet	Development Services	

2-Artificial ficus trees	Development Services	
3-Misc Artwork	Development Services	
#10 1997 Chevrolet S-10 Pick up Vin #1GCCS19X4V8188561	Building	
P-15 2004 Nissan Altima(wrecked) VIN 1N4AL11E63C301862	Police	
P-02 2007 Impala VIN 2G1WS58R179408410	Police	
P-17 2008 Crown Vic VIN 2FAFP71V78X177026	Police	
P-18 2008 Crown Vic VIN 2FAFP71V98X177027	Police	
#P-19 2008 Ford Crown Vic VIN 2FAFP71V08X77028	Police	
Premier instant letter folders	Police	
Money box no key	Police	
Windmere air heater model 3196	Police	
Dremel Electric engraver	Police	
Trimph Adler 10 key machine	Police	
Canon palm adding machine	Police	
Retractable Extensoin cord	Police	2 quantity
Bates phone index	Police	
Carpet caster	Police	
Comlink Cables	Police	4 quantity
HP AC Power adapter	Police	
Power cords beign, blue and black (2)	Police	
Sharp AC adapter model EA63A	Police	
Comminication cables blue, black gray	Police	9 quantity
Apollo Extenson cords AP-108	Police	
Acer LCD Monitor Cords, manual and cds	Police	
Fujitsu Fi-4340 Scanner	Police	#01103
Fellowes Keyboard Ergo KB-7903	Police	
HP Officejet Pro K5400	Police	#01122
IBM Wheelwriter with 2 print wheels	Police	#00061
3 ring binders	Police	6 quantity
File Box	Police	
USB Communication cords	Police	
HP Deskjet 3845	Police	#01046

Olympus Didgital voice recorder	Police	#01055
Verizon phone	Police	
HP Photosmart 1215 pritner	Police	#00956
Power cords various	Police	
TV Broksonc CS 20145	Police	#01433
Brother HL 5250DN printer	Police	
HP Officejet Pro 8600	Police	#01286
Traveling software cord	Police	
Cords various	Police	
Phone cords various	Police	quantity 5
Extension cords various	Police	quantity 2
Mouse various	Police	quantity 4
Outlet plugs	Police	quantity 3
Ear phones K2	Police	
Fellowes mouse	Police	#00751
Polaroid I Zone Camera	Police	
Nikon Camera Coolpix s6500	Police	#01340
Fujifilm Finepix A330	Police	#01069
Nikon Camera Coolpix S4100	Police	#01246
Nikon Camera case	Police	
Green cord	Police	
Nikon Coolpix S6500 dead	Police	#01339
Fujifilm Fine Pix A330	Police	#01307
Canon Powershop A510	Police	
Genesis directonal speed gun	Police	#0117
Clip on phone holders	Police	quantity 3
Keyboards	Police	quantity 3
Gulliver Fellows SN 5005884	Police	#00755
Fuji Camera	Police	#00510
Rioch Camera S-30 AF	Police	
Realistic Cassette Recorder CTR-85 with case	Police	#00253
Genesis VP Directional Speed gun	Police	#01121
Olympus FE-210 Camera	Police	#01326

Planar monitor PE170-BK	Police	#00987
Samsung Monitor Syncmaster 920N	Police	#01094
Philips B&W monitor	Police	
Non Functioning integran dvr's	Police	
Integrin new wireless mic and charger base	Police	quantity 3
Philips vidoe multiplexar	Police	
Philips time lapse vhs recorder	Police	
Dell monitor 15"	Police	no tag
Planitar monitor	Police	#OHPD00988
Fuji Camera	Police	#OHPD01070
Transmissoin densitometer	Police	#OHPD00085
Wall Clock	Police	
Cisco Phone 7912 Series	Police	
Microsoft Keyboard SN 7687602184170	Police	
GT touchton desktop phone	Police	
Overhead projector lamp	Police	
Desk Tray	Police	
Cassette tape dictation system	Police	
Computer speakers Harmen Kardor	Police	
Uniform Pins	Police	quantity 14
Logitche mouse	Police	
Audio cable	Police	
Serial Cables	Police	quantity 3
Motorola charger phone	Police	
8" Cat 5 Cable	Police	
Panasonic laptop charger	Police	
Integrin mic	Police	
Monitor elevation hocks	Police	
Transparencies paper by box	Police	quantity 2
5K labels	Police	quantity 2
Pallet of misc street light fixtures and materials	Streets	
Pallet of misc street light fixtures and materials	Streets	
Pallet of misc street look rubber materials	Streets	

Pallet of misc reels of wire

Streets

Pallet of misc street signal light and electrical materials

Streets

City of Oak Harbor  
City Council Agenda Bill

Bill No. C/A 4.d  
Date: May 17, 2016  
Subject: Appointment to the Arts  
Commission - Sharon Hall

**FROM: Mayor Severns**

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

- ⊙ Bob Severns, Mayor
- ⊙ Doug Merriman, City Administrator
- ⊙ Patricia Soule, Finance Director
- ⊙ Nikki Esparza, City Attorney, as to form

**RECOMMENDED ACTION**

Approve the Mayor's appointment of Sharon Hall to the Arts Commission, Position 7, for a four-year term beginning May 17, 2016 and ending May 17, 2020.

**BACKGROUND / SUMMARY INFORMATION**

Position 7 of the Arts Commission has been vacant since May of 2015 after Peggy Darst Townsdin resigned. Ms. Townsdin served in Position 7 for a majority of her 4-year term, and she was originally appointed on July 1, 2011.

The Mayor has appointed Sharon Hall to fulfill this 4 year vacant position beginning May 17, 2016 and ending May 17, 2020. Ms. Hall works at the Skagit Valley College Arts Department and meets the requirements per OHMC 2.29.040.

**LEGAL AUTHORITY**

Oak Harbor Municipal Code (OHMC) 2.29

**FISCAL IMPACT**

N/A

**PREVIOUS COUNCIL / BOARD / CITIZEN INPUT**

**ATTACHMENTS**

1. [Biography - Sharon Hall](#)



## **Boards and Commissions Biography Form**

**Recommended Board Appointment for:** Oak Harbor Arts Commission

**Name:** Sharon Hall **Date:** April 28, 2016

**Address:** 2450 Hillis Dr.

**City, State, Zip:** Langley, WA 98260

**Phone Number:** 360-908-0514 **Email Address:** hallcloset@comcast.net

**Mailing Address:** *(if different from above)* \_\_\_\_\_

**Resident of Oak Harbor City Limits? If yes, how long?** No

**Occupation and Place of Employment:** Skagit Valley College  
*(if retired, reference previous occupation(s))* 1900 SE Pioneer Way  
Oak Harbor, WA 98277  
Humanities Department Chair and Art Instructor – 26 years

**Local Group or Civic Affiliations:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Special Interests:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Education and Other General Comments:**  
BFA Arkansas State University – Metal Design & Printmaking  
Secondary Art Teaching Certification Western Washington University  
MFA University of Washington – Metal Design  
\_\_\_\_\_  
\_\_\_\_\_

City of Oak Harbor  
City Council Agenda Bill

Bill No. 5.a.i  
Date: May 17, 2016  
Subject: Clean Water Facility Project  
Update by City Staff

**FROM: Engineering Department**

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

- ⊙ Bob Severns, Mayor
- ⊙ Doug Merriman, City Administrator
- ⊙ Patricia Soule, Finance Director
- ⊙ Nikki Esparza, City Attorney, as to form

**RECOMMENDED ACTION**

Review Clean Water Facility (CFW) Report attached.

**BACKGROUND / SUMMARY INFORMATION**

Clean Water Facility Project Regular Council Meeting Report.

**LEGAL AUTHORITY**

Requested by City Council.

**FISCAL IMPACT**

**PREVIOUS COUNCIL / BOARD / CITIZEN INPUT**

**ATTACHMENTS**

1. [Clean Water Facility \(CWF\) Update 5.17.16](#)

City of Oak Harbor  
**Clean Water  
 Facility Project**



**CITY COUNCIL PROJECT UPDATE – May 17, 2016**

*The following is a snapshot of project activities and milestones, as well as anticipated upcoming activities and risks being monitored for the Oak Harbor Clean Water Facility Project. These updates are provided to City Council on a bi-weekly basis.*

**RECENT ACTIVITIES AND MILESTONES (PREVIOUS TWO WEEKS)**

- Site Preparation Package B (Deep Excavation)
  - Completed installation of tiebacks
  - Continued excavation to foundation elevations
- Site Preparation Package C (Micropiles)
  - Completed micropile testing
  - Submitted revised plans to building department for permit
- Windjammer Park Integration Plan
  - Conducted final CAG meeting on May 3
- Design
  - Review of the Process Building 90% documents has been completed.
  - The City Council conducted a workshop on May 5<sup>th</sup> to review the facility architecture.

**ANTICIPATED/UPCOMING ACTIVITIES AND MILESTONES (NEXT SIX WEEKS)**

- Continue design process
- Site Preparation Package B and C
  - Install Tower Crane
  - Begin Micropile installation
- Windjammer Park Integration Plan
  - Present preferred plan to City Council and various city advisory groups

**CLEAN WATER FACILITY DESIGN STATUS**

Item	Description	Progress %
Facility Design – Process Structures	Carollo Engineers completed the 90% design drawings for the process structures associated with the treatment plant.	90%
Facility Design – Biosolids Building	Design of the Biosolids building is at approximately 60%.	60%
Facility Design – Admin/Maintenance	Design of the Admin, Maintenance and Community room are at approximately 30%.	60%

**CONSTRUCTION PACKAGE STATUS**

Item	Description	Progress %
Site Preparation Package B	The design for the deep excavation package is complete. Construction has begun.	Completed
Site Preparation Package C	Preliminary work has begun on Site Preparation Package C. Work will include micro-piles in the bottom of the deep excavation and installation of a tower crane	Completed
Concrete Package	Design of the concrete structures for the Membrane Bioreactors and Aeration Basins has been completed. GMP #7 has been approved by Council.	Completed

**PERMIT ACQUISITIONS STATUS**

Pending Permits	Description
<ul style="list-style-type: none"> <li>Foundation permit</li> <li>Site Plan Amendment</li> </ul>	<ul style="list-style-type: none"> <li>Site Prep C – Micropiles – Building Department is currently reviewing the foundation permit.</li> <li>The design team submitted the revised the site plan submittal to reflect Concept B.</li> </ul>

**CONSTRUCTION STATUS**

Item	Description	Estimated Completion
GMP #2 (Outfall Construction)	The subcontractor has completed their work. We are currently finalizing the paperwork for this phase of work.	Final Closeout
GMP #3 (Site Preparation A)	The subcontractor has completed their work and the contract is being closed out.	Completed
GMP #4 (Site Preparation B)	Construction activities have begun – Driving sheet piles completed. Excavation and tie backs are completed.	May 2016
GMP #6 (Site Preparation C)	Installing test piles and preparing for micropile installation	July 2016
GMP #7 (Deep Foundation Concrete)	Reviewing shop drawings and preparing concrete construction	May 2017

**COST AND FUNDING STATUS**

Major Cost Item	Cost Estimate	Description
GMP #1 (MBR/UV)	\$2,775,455.58 (includes sales tax)	Awarded by City Council on 12/2/2014 - Includes Membrane Bioreactor and Ultra Violet Disinfection equipment procurement and design support. Does not include installation costs.
GMP #2 (Outfall)	\$2,164,488 (includes sales tax)	Awarded by City Council on 4/21/15 - Construction of a new outfall from approximately the waterfront trail out into Oak Harbor Bay.
GMP #3 (Site Prep A)	\$908,872 (includes sales tax)	Approved by City Council 6/16/15 - Preliminary site excavation and archaeological investigation. Preliminary results indicate this work will come in under budget or be delayed until Site Preparation Package B.

GMP #4 (Site Prep B)	\$5,109,549 (includes sales tax)	Approved by City Council on 10/20/15 - Site Preparation Package B will include utility relocates, minor demolition at the existing RBC Plant, stone column installation, sheet pile installation and deep excavation.
GMP #5 (Biosolids Dryer)	\$2,028,222 (includes sales tax)	Approved by City Council on 10/20/15 - Resolution and GMP #5 regarding a biosolids dryer were approved
GMP #6 (Site Prep C)	\$4,311,589 (includes sales tax)	Site Preparation Package C will includes installation of micro-piles, preparation for a tower crane and extension of the outfall to the site.
GMP #7 (Deep Foundation)	\$10,169,937 (includes sales tax)	The Deep Foundation package includes the concrete construction to bring the Membrane building to grade and other construction activities.
Overall Project	TBD	90% design documents have been received by the City. Hoffman initiated cost estimates. 90% design for the non-process buildings is expected in August.

Funding: Pending	Description
2017 CWSRF - WWTP Construction	On January 21, 2016 we received news that the CWF is on the 2017 proposed funding list for an additional \$42,632,742 in SRF Loans at an interest rate of 1.6%. The final approved list comes from the state legislature and typically occurs around July.
Rates	Ordinance 1760 was passed by City Council on March 15, 2016. Staff will continue to evaluate rates as the project progresses.
Funding: In hand	Description
2016 CWSRF – WWTP Construction	The City has been allocated \$15,631,311 at a reduced interest rate of 1.9% for 20 years and an additional \$463,154 forgivable principal for hardship and green project reserve. An additional \$4,586,846 in Centennial Grant has also been obtained.
2015 CWSRF – Outfall Design and Construction	The City has received \$3,200,000 in low interest loans from DOE for design and construction of the new outfall for the wastewater treatment plant. The loan is for 20 years at 2.7% interest.
2015 CWSRF – WWTP Design	The City has received \$8,260,000 in low interest loans for design of the new wastewater treatment plant. The loan is for 20 years at 2.7% interest.
2016 CWSRF – WWTP Construction	The City has been allocated \$15,631,311 at a reduced interest rate of 1.9% for 20 years and an additional \$463,154 forgivable principal for hardship and green project reserve. An additional \$4,586,846 in Centennial Grant was also offered.
Department of Commerce Grant	The City has received a \$2,500,000 grant from the Governors Capital Improvement Program. The city received the grant reimbursement.
Bond Anticipation Note	This note has been repaid with proceeds from the bond sale.
Bonds	The City released bonds and secured a rate of 3.43%. The city closed on the bond sale
Reserves	The sewer fund has been accumulating reserves that have been earmarked for this project.

## COMMUNICATIONS AND OUTREACH STATUS

Upcoming activities or In-Progress activities	Description
Project communications plan	The project team continues to implement the project communications plan through weekly e-mail updates, drop-in times at the construction site, project signage and regular mailers at major milestones.
Windjammer Park Integration Plan	The CAG finished the public review of the plan and the preferred plan will be present to City Council in June.
Public Works Week Family Fun Event	The Public Works Department and the project team will have a family fun event on May 21.

## PROJECT CONTACT INFORMATION

### *Web*

[www.oakharborcleanwater.org](http://www.oakharborcleanwater.org)

### *Email*

[treatmentplant@oakharbor.org](mailto:treatmentplant@oakharbor.org)

### *General phone (24-hour)*

360-914-7000

### *Project team contact information*

Joe Stowell, P.E., City Engineer

[360-720-8796](tel:360-720-8796)

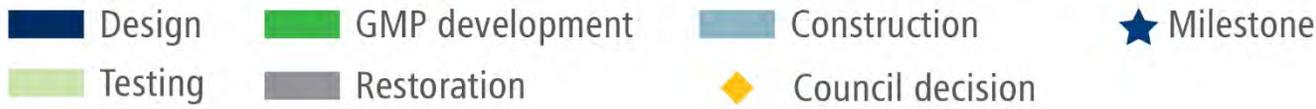
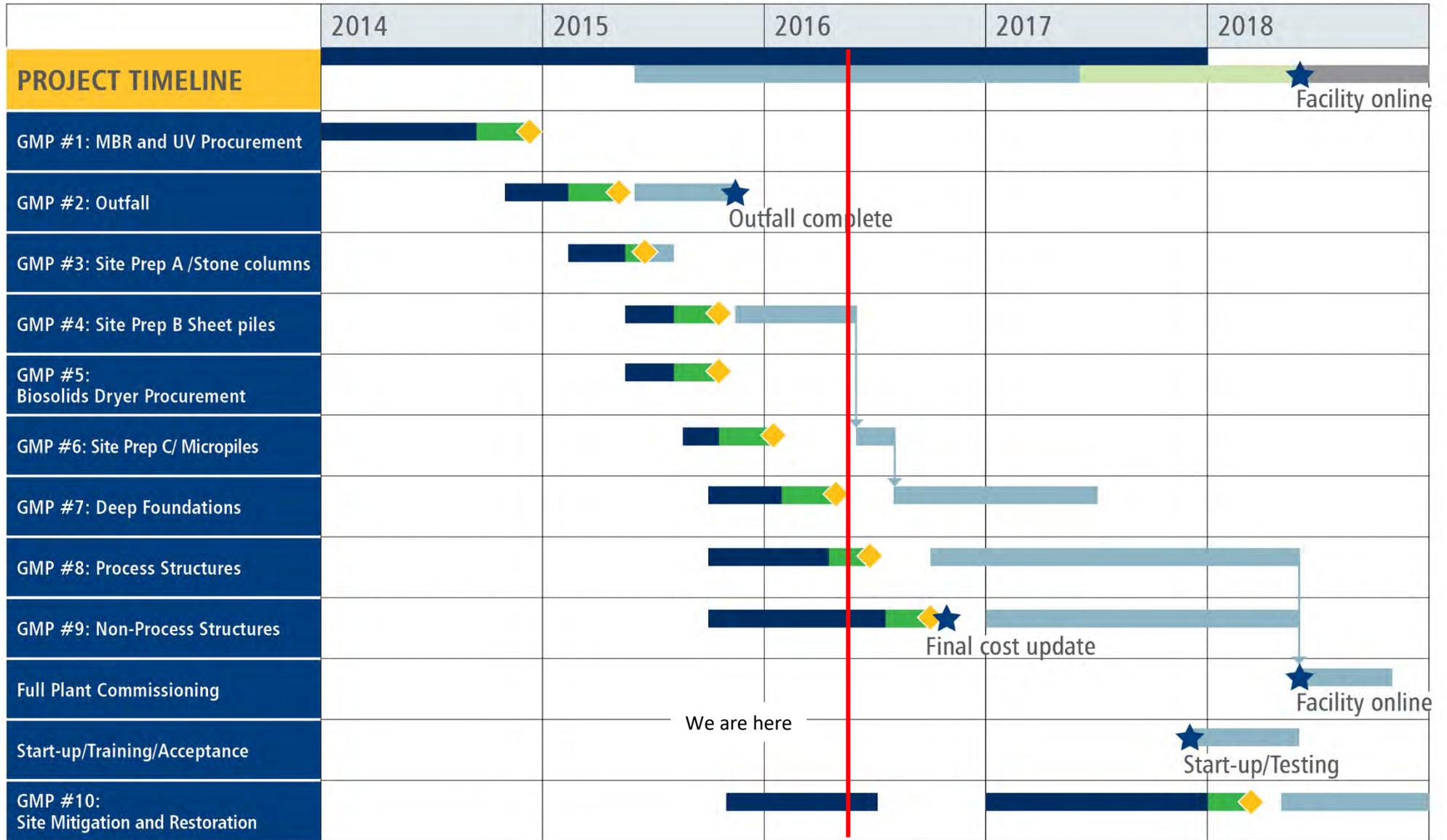
[jstowell@oakharbor.org](mailto:jstowell@oakharbor.org)

Brett Arvidson P.E., Project Engineer

[360-914-7987](tel:360-914-7987)

[barvidson@oakharbor.org](mailto:barvidson@oakharbor.org)

# Schedule



City of Oak Harbor  
City Council Agenda Bill

Bill No. 6.a  
Date: May 17, 2016  
Subject: Resolution 16-16: 2016 Surplus  
List - Enterprise Funds

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

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

- ⊙ Bob Severns, Mayor
- ⊙ Doug Merriman, City Administrator
- ⊙ Patricia Soule, Finance Director
- ⊙ Nikki Esparza, City Attorney, as to form

**RECOMMENDED ACTION**

A motion to adopt Resolution 16-16.

**BACKGROUND / SUMMARY INFORMATION**

Per RCW 35.94.040, a public hearing is required to adopt Resolution 16-16 in order to surplus city property acquired by the utility funds.

A list of the surplus items has been attached for your review.

**LEGAL AUTHORITY**

**FISCAL IMPACT**

**PREVIOUS COUNCIL / BOARD / CITIZEN INPUT**

**ATTACHMENTS**

1. [Resolution 16-16](#)
2. [2016 Surplus List-Enterprise Only](#)

RESOLUTION NO. 16-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAK HARBOR, WASHINGTON DECLARING CERTAIN CITY PROPERTY OF THE WATER, SOLID WASTE, STORM DRAIN AND/OR SEWER UTILITY TO BE SURPLUS PROPERTY

WHEREAS, it has been determined that the City has no further use of certain items of personal property; and

WHEREAS, the City Council has determined that these items are surplus property is no longer needed for public use; and

WHEREAS, the fair market value, if any, is determined for the surplus property and its disposal will be for the common benefit; and

WHEREAS, at time of sale of surplus items, moneys, if any, will be allocated back to the appropriate utility fund; and

WHEREAS, RCW 35.94.040 requires that action taken to surplus utility property may only occur by resolution and after a public hearing, which was held May 19, 2016; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oak Harbor that:

- 1) Based upon the findings and the recommendations of the City, the items of property belonging to said City, as shown in Exhibit A attached hereto, are declared to be surplus to the foreseeable needs of the City.
- 2) That it is deemed to be for the common benefit of the residents of said City to dispose of said property.
- 3) That the Mayor or his designee is authorized to dispose of items listed in Exhibit A, attached hereto, in a manner that will be to the best advantage and in a manner which will net the greatest amount to the City of Oak Harbor.

PASSED and approved by the City Council this 17<sup>th</sup> day of May, 2016.

THE CITY OF OAK HARBOR

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to Form:

---

City Attorney

## EXHIBIT "A"

ITEM	DIVISION/DEPARTMENT
#18 1999 Dodge Pick up VIN 3B7KC26Z9XM570636	Storm Drain
#19 1999 Ford F-350 Pick up VIN 1FTSX31S3XEE37560	Water
#87 2001 Dodge Pickup VIN 3B7KC23Z21G793840	Water
Carter Pump sludge thickener pump SN #0204	Wastewater
Vaughan Grit Pump SN 59093	Wastewater
Carter Plumbing parts, expansion tanks and stage strainers	Wastewater
Craftsman Push Mower SN 031405m022308	Wastewater
Craftsman Riding Mower SN 110303d001453	Wastewater
30' Aluminum light pole	Wastewater
Manning Fiberglass Storage lockers	Wastewater

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

Bill No. 7.a  
Date: May 17, 2016  
Subject: Ordinance No. 1767: Goldie  
Road Annexation Agreement  
Amendment

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

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

- ⊙ Bob Severns, Mayor
- ⊙ Doug Merriman, City Administrator
- ⊙ Patricia Soule, Finance Director
- ⊙ Nikki Esparza, City Attorney, as to form

**RECOMMENDED ACTION**

1. Adopt Ordinance No. 1767 amending Ordinance No. 1574.
2. Authorize the Mayor to sign the 2nd Amendment to the Annexation Agreement.

**BACKGROUND / SUMMARY INFORMATION**

Three individual property owners are requesting (see Attachment 1) the City of Oak Harbor amend an Annexation Agreement which restricted residential development on C-3 (Community Commercial) zoned properties annexed as part of Ordinance No. 1574. The amendment would allow residential uses as part of mixed use development and in conformance with Oak Harbor Municipal Code (OHMC) Section 19.20.340(1)(a).

Annexation Ordinance No. 1574 was passed by the City of Oak Harbor City Council April 20, 2010. That Ordinance (see Attachment 2) annexed seven parcels totaling 16.6 acres located in the northern portion of the City. Section 2 of this Ordinance identifies an annexation agreement between the City and Goldie Road LLC (then owners of parcels R13335-454-3220, R13335-487-3100, and R13335-519-3090). Section 5 of this Annexation Agreement (see Attachment 3) prohibited the development of residential dwelling units on these three C-3-zoned parcels.

The residential restriction on these parcels is directly related to the proximity to NASWI Ault Field. The City has long recognized the importance of limiting residential uses and other incompatible uses from encroaching northward towards Ault Field, however, the northern residential limits were not clearly defined. Based on Comprehensive Plan policy guidance and the recommendations included in the Aircraft Installation Compatible Use Zones (AICUZ) study, the City of Oak Harbor adopted Ordinance No. 1573 (see Attachment 4). This Ordinance amended OHMC Section 19.20.335 and the purpose, intent, and uses of the C-3 (Community Commercial) zoning district and specifically established residential limits.

The Ordinance prohibits development of dwelling units on C-3-zoned parcels located north of the adopted alignment of NE 16<sup>th</sup> Avenue (existing or future) between Regatta Drive and Heller Road. The Ordinance, however, allows dwelling units on C-3 parcels located south of the same alignment of NE 16<sup>th</sup> Avenue provided they are above and secondary to essential or primary floor uses and accessed at the ground level independent of the business uses from an inside lobby, elevators, and/or corridors, and an enclosed interior court, or other separate access provisions.

It is important to note that the Commanding Officer of NASWI expressed support of this Ordinance in a letter dated March 15, 2010 (see Attachment 5).

## **DISCUSSION**

The focus of this Ordinance are three parcels, all zoned C-3, subject to the Annexation Agreement. The Development Services Department received a letter from each property owner requesting an amendment to this Agreement to remove the restriction on the development of dwelling units on C-3-zoned properties. As shown on Attachment 6, all three parcels are located south of the adopted alignment of NE 16<sup>th</sup> Avenue.

Staff supports the proposed Annexation Agreement amendment. Allowing the development of dwelling units as part of a mixed-use, community commercial development is in conformance with the purpose and intent of the C-3 zoning district as established in OHMC 19.20.335 and principal permitted uses identified in OHMC 19.20.340(1).

## **LEGAL AUTHORITY**

## **FISCAL IMPACT**

## **PREVIOUS COUNCIL / BOARD / CITIZEN INPUT**

## **ATTACHMENTS**

1. [Property-owner requests](#)
2. [City of Oak Harbor Ordinance No. 1574](#)
3. [Ordinance No. 1574 Annexation Agreement](#)
4. [City of Oak Harbor Ordinance No. 1573](#)
5. [Letter from the NASWI/CO dated March 15, 2010](#)
6. [Map - Specific parcels proposed for amendment](#)
7. [Ordinance No. 1767](#)
8. [2nd Amendment to Annexation Agreement](#)

Goldie, LLC  
Jared Varnes  
1132 10<sup>th</sup> Ave. E Unit F  
Seattle, WA. 98102  
206-973-6003  
varnes@gmail.com  
Parcel # R13335-454-3220

4/25/16

Re: Annexation agreement dated 4/13/2010 between Goldie Road LLC and the City of Oak Harbor Recorded 4/21/2010 under auditor's file # 4272613.

To whom it may concern,

It has been brought to my attention that, as part of the annexation Ordinance No. 1574, the City of Oak Harbor entered into an annexation agreement (parcels R13335-454-3220, R13335-487-3100, and R13335-519-3090) with Goldie Road LLC (previous owner of my property). As part of the annexation, these properties were rezoned to C-3. As a part of City Ordinance No. 1573 (approved 4/10/2010) it states that under 19.20.335 (Purposes and intent) "This district also supports mixed use developments except in the proximity to NAS Whidbey Ault Field where residential uses should be restricted." The ordinance goes on to say in 19.20.340 (Principal permitted uses) item (1b) "Dwelling units are not permitted on properties located North of the adopted alignment of NE 16<sup>th</sup> Avenue (existing or future) between Regatta and Heller Road;". The ordinance further states ((OHMC 19.20.340(1)(a)) that dwelling units are permitted for properties south of the adopted alignment of NE 16<sup>th</sup> Avenue (existing or future) between Regatta Drive and Heller Road provided they are:

(i) Above and secondary to essential or primary floor uses;  
(ii) Accessed at the ground level independent of the business uses from an inside lobby, elevators, and/or corridors, and an enclosed interior court, or other separate access provision;...

In reference to the "Annexation Agreement and covenants to run with the land" it specifically states "Whereas, the imposition of the C-3 designation on the Property was conditioned upon no further development of residential dwelling units since the Property is located within Noise Subdistrict B;" This language appears to be contradictory of the language in Ordinance No. 1573. At the time of the annexation agreement, it is my belief that Goldie Road LLC was not concerned about the contradiction in language between the Ordinance and the annexation agreement.

I believe that Goldie Road LLC's planned use of the property did not include any development of residential dwelling units. However, since the time of the annexation agreement to the present, there has been considerable change in regards to the need for residential dwelling units in the community. Therefore, I am requesting that the Mayor and the City Council reconsider the restriction in regards to residential dwelling units in the annexation agreement and allow for potential mixed use residential units to be allowed as stated in Ordinance No. 1573 and the Oak Harbor Municipal Code.

As the owner of the above parcel number, Goldie, LLC supports mixed use residential being a part of annexation agreement dated 4/13/2010. My support in this matter is a courtesy to the two neighboring parcels that were a part of the annexation agreement. As the owner of parcel #R13335-454-3220, I have no current or future plans to redevelop my property.

Sincerely,



Errol Hanson Funding Inc.  
Box 508  
Sedro Wooley, WA. 98284  
360-708-5767  
360-202-6271  
holt\_dean@msn.com  
Parcel # R13335-519-3090

4/22/16

Re: Annexation agreement dated 4/13/2010 between Goldie Road LLC and the City of Oak Harbor Recorded 4/21/2010 under auditor's file # 4272613.

To whom it may concern,

It has been brought to my attention that, as part of the annexation Ordinance No. 1574, the City of Oak Harbor entered into an annexation agreement (parcels R13335-454-3220, R13335-487-3100, and R13335-519-3090) with Goldie Road LLC (previous owner of my property). As part of the annexation, these properties were rezoned to C-3. As a part of City Ordinance No. 1573 (approved 4/10/2010) it states that under 19.20.335 (Purposes and intent) "This district also supports mixed use developments except in the proximity to NAS Whidbey Ault Field where residential uses should be restricted." The ordinance goes on to say in 19.20.340 (Principal permitted uses) item (1b) "Dwelling units are not permitted on properties located North of the adopted alignment of NE 16<sup>th</sup> Avenue (existing or future) between Regatta and Heller Road;". The ordinance further states ((OHMC 19.20.340(1)(a)) that dwelling units are permitted for properties south of the adopted alignment of NE 16<sup>th</sup> Avenue (existing or future) between Regatta Drive and Heller Road provided they are:

- (i) Above and secondary to essential or primary floor uses;
- (ii) Accessed at the ground level independent of the business uses from an inside lobby, elevators, and/or corridors, and an enclosed interior court, or other separate access provision;...

In reference to the "Annexation Agreement and covenants to run with the land" it specifically states "Whereas, the imposition of the C-3 designation on the Property was conditioned upon no further development of residential dwelling units since the Property is located within Noise Subdistrict B;" This language appears to be contradictory of the language in Ordinance No. 1573. At the time of the annexation agreement, it is my belief that Goldie Road LLC was not concerned about the contradiction in language between the Ordinance and the annexation agreement.

I believe that Goldie Road LLC's planned use of the property did not include any development of residential dwelling units. However, since the time of the annexation agreement to the present, there has been considerable change in regards to the need for residential dwelling units in the community. Therefore, I am requesting that the Mayor and the City Council reconsider the restriction in regards to residential dwelling units in the annexation agreement and allow for potential mixed use residential units to be allowed as stated in Ordinance No. 1573 and the Oak Harbor Municipal Code.

I feel quite strongly that this request will be a benefit to the Navy and the community as well as myself. After all, it appears what the City and the Navy need most of all to benefit everyone is affordable housing. Please feel free to contact me if you have any questions or concerns. I appreciate your help and consideration in regards to my request.

Sincerely,

Laura Hanson

John Leemon  
297 Kline Road  
Bellingham, WA. 98226  
360-398-1399  
[jpleemon@hotmail.com](mailto:jpleemon@hotmail.com)  
Parcel # R13335-487-3100

4/22/16

Re: Annexation agreement dated 4/13/2010 between Goldie Road LLC and the City of Oak Harbor Recorded 4/21/2010 under auditor's file # 4272613.

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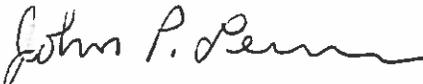
- (i) Above and secondary to essential or primary floor uses;
- (ii) Accessed at the ground level independent of the business uses from an inside lobby, elevators, and/or corridors, and an enclosed interior court, or other separate access provision;...

In reference to the "Annexation Agreement and covenants to run with the land" it specifically states "Whereas, the imposition of the C-3 designation on the Property was conditioned upon no further development of residential dwelling units since the Property is located within Noise Subdistrict B;" This language appears to be contradictory of the language in Ordinance No. 1573. At the time of the annexation agreement, it is my belief that Goldie Road LLC was not concerned about the contradiction in language between the Ordinance and the annexation agreement.

I believe that Goldie Road LLC's planned use of the property did not include any development of residential dwelling units. However, since the time of the annexation agreement to the present, there has been considerable change in regards to the need for residential dwelling units in the community. Therefore, I am requesting that the Mayor and the City Council reconsider the restriction in regards to residential dwelling units in the annexation agreement and allow for potential mixed use residential units to be allowed as stated in Ordinance No. 1573 and the Oak Harbor Municipal Code.

I feel quite strongly that this request will be a benefit to the Navy and the community as well as myself. After all, it appears what the City and the Navy need most of all to benefit everyone is affordable housing. Please feel free to contact me if you have any questions or concerns. I appreciate your help and consideration in regards to my request.

Sincerely,

  
by his attorney in fact  
Lillian A. Leemon



**Return to:**  
City of Oak Harbor  
865 SE Barrington Drive  
Oak Harbor, WA 98277

**ORDINANCE NO. 1574**

**AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF OAK HARBOR AND ASSIGNING ZONING FOR THE ANNEXED PROPERTY CONSISTENT WITH THE OAK HARBOR COMPREHENSIVE PLAN**

WHEREAS, a property owner filed a petition on January 25, 2010 with the City of Oak Harbor requesting the annexation of real property within the Oak Harbor Urban Growth Area and contiguous to the municipal boundary of the City of Oak Harbor, Island County, Washington, pursuant to RCW 35A.14.120 now in effect; and

WHEREAS, the Island County Assessor determined on January 29, 2010 that the petition is sufficient as required by RCW 35A.01.040; and

WHEREAS, the City Council did set April 20, 2010 as the date for public hearing and that notice of the hearing was published twice in the City's official newspaper and notices were also posted in three public places within the territory proposed for annexation, that specify the time and place of hearing and invited interested persons to appear and voice approval or disapproval of the annexation; and

WHEREAS, said public hearing was published on April 10 and 17, 2010 in the Whidbey News Times; and

WHEREAS, notice was also posted in three public places within the territory proposed for annexation on April 5, 2010; and

WHEREAS, a public hearing was held before the City Council of Oak Harbor on April 20, 2010; and

WHEREAS, the annexation is consistent with adopted goals and policies of the Urban Growth Area Element of the Comprehensive Plan; and

WHEREAS, the City Council of the City of Oak Harbor, following due deliberation and careful consideration of the issues germane to the annexation petition, finds that the proposal is consistent with state and local laws pertaining to the annexation of property to the



City of Oak Harbor and with the Urban Growth Area goals and policies in the Oak Harbor Comprehensive Plan;

NOW THEREFORE, the City Council of the City of Oak Harbor do ORDAIN as follows:

**Section 1.** That the following described property, situated in the County of Island, State of Washington and contiguous to the City of Oak Harbor, is hereby annexed to and incorporated into the City of Oak Harbor, Washington:

That portion of the Northeast Quarter of Section 35, Township 33 North, Range 1 East, WM, described as follows:

Beginning at the Northeast corner of the Plat of Goldie Road Acres, as per plat recorded in Volume 4 of Plats at Page 31 under Auditors File No. 3997832, records of Island County Washington; Thence Westerly along the North line of Goldie Road Acres and the North line of Easy Street in the City of Oak harbor, 684.77 feet to the Southeast corner of that certain parcel as described in document recorded under Auditors File No. 95003094; Thence North along the West line thereof and the West line of that certain parcel as described in document recorded under Auditors File No. 4159678 a distance of 574.2 feet, more or less to the Northwest corner thereof; Thence West 233 feet, more or less, to the Southerly extension of the West line of Government Lot 8, in said Section 35; Thence North, along said line, 525 feet to the Northwest corner of said Government Lot 8; Thence East, along the North line of said Government Lot 8, a distance of 762 feet, more or less, to the West margin of Goldie Road; Thence Southerly, along said West margin, 541 feet, more or less, to the existing city limit of the City of Oak Harbor; Thence the following courses along the city limits of the City of Oak Harbor, West 198 feet more or less; Thence South 366 feet, more or less; Thence East 115 feet, more or less; Thence South 103 feet, more or less; Thence East 126 feet, more or less, to the West margin of Goldie Road; Thence Southerly along the West margin of Goldie Road 105 feet, more or less, to the point of Beginning.

Containing 16.6 Ares, more or less

Situate in the County of Island, State of Washington

**Section 2.** An annexation agreement has been entered into by the City and Goldie Road LLC., Sean Byrne, Managing Member and Theresa Byrne, Managing Member (owners of parcel R13335-454-3220, R13335-487-3100, R13335-519-3090). This agreement shall be recorded with the Island County Auditor and shall run with the land.

**Section 3.** All said real property in the annexed area described in Section 1 shall be assessed and taxed at the same rate and on the same basis as other property in the City of Oak Harbor is assessed and taxed, assume existing City indebtedness and be subject to the comprehensive plan as presently adopted or as hereafter amended.



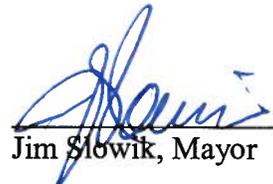
**Section 4.** The annexed area described in Section 1 is hereby assigned zoning of PIP, Planned Industrial Park for parcels R13335-429-3050, R13335-427-3300, R13335-427-2400 and R13335-422-3530 and C-3, Community Commercial for parcels R13335-454-3220, R13335-487-3100, R13335-519-3090 in accordance with the Oak Harbor Comprehensive Plan Land Use Map. The zoning provisions of the Oak Harbor Municipal Code shall be in full force and effect in the annexed area in accordance with this assignment, including the restriction that residential dwelling units shall not be allowed on those properties zoned C-3, Community Commercial.

**Section 5.** This ordinance and the annexation provided herein shall be in full force and effect five days after publication..

PASSED by the City Council this 20<sup>th</sup> day of April 2010.

CITY OF OAK HARBOR

Approved  
Vetoed

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

APRIL 21, 2010  
Date

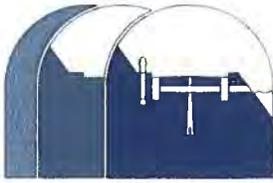
ATTEST:

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

Approved as to Form:

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

Published: APRIL 24, 2010



# SOUND DEVELOPMENT GROUP, LLC.

Engineering, Surveying, GPS Construction Modeling and Land Development Services

04/28/2010 03:45:36 PM  
Recording Fee \$66.00 Page 4 of 4  
Ordinance  
Island County Washington

4273046



## 4-1-10 Annexation Boundary

That portion of the Northeast Quarter of Section 35, Township 33 North, Range 1 East, WM, described as follows:

Beginning at the Northeast corner of the Plat of Goldie Road Acres, as per plat recorded in Volume 4 of Plats at Page 31 under Auditors File No. 3997832, records of Island County Washington; Thence Westerly along the North line of Goldie Road Acres and the North line of Easy Street in the City of Oak harbor, 684.77 feet to the Southeast corner of that certain parcel as described in document recorded under Auditors File No. 95003094; Thence North along the West line thereof and the West line of that certain parcel as described in document recorded under Auditors File No. 4159678 a distance of 574.2 feet, more or less to the Northwest corner thereof; Thence West 233 feet, more or less, to the Southerly extension of the West line of Government Lot 8, in said Section 35; Thence North, along said line, 525 feet to the Northwest corner of said Government Lot 8; Thence East, along the North line of said Government Lot 8, a distance of 762 feet, more or less, to the West margin of Goldie Road; Thence Southerly, along said West margin, 541 feet, more or less, to the existing city limit of the City of Oak Harbor; Thence the following courses along the city limits of the City of Oak Harbor, West 198 feet more or less; Thence South 366 feet, more or less; Thence East 115 feet, more or less; Thence South 103 feet, more or less; Thence East 126 feet, more or less, to the West margin of Goldie Road; Thence Southerly along the West margin of Goldie Road 105 feet, more or less, to the point of Beginning.

Containing 16.6 Ares, more or less

Situate in the County of Island, State of Washington



4-19-10

PORTION OF THE N 1/2 SEC. 35, T. 33 N, R. 1 E, WM  
 PORTION OF THE S 1/2 SEC. 26, T. 33 N, R. 1 E, WM

# GOLDIE ROAD / BYRNE ANNEXATION MAP

AREA IS WITHIN THE URBAN GROWTH AREA (UGA)

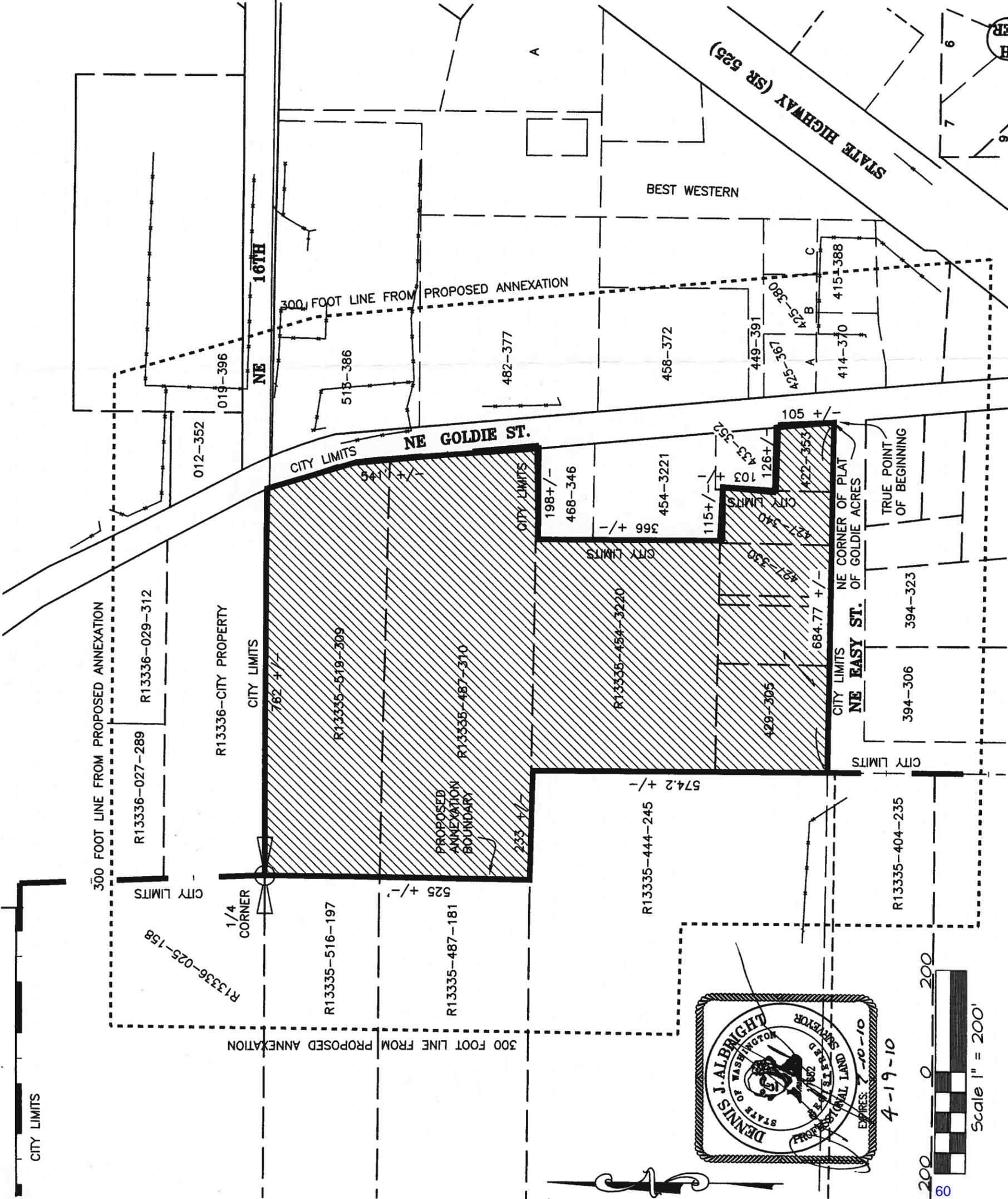
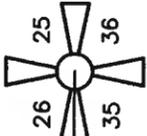
--- CITY LIMITS

--- 300' LINE FROM PROPOSED ANNEXATION

## PARCEL INFORMATION

TOTAL PARCEL 16.6 ACRES +/-

T. 33 N, R. 1 E, WM



## ANNEXATION BOUNDARY

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 33 NORTH, RANGE 1 EAST, WM, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE PLAT OF GOLDIE ROAD ACRES, AS PER PLAT RECORDED IN VOLUME 4 OF PLATS AT PAGE 31 UNDER AUDITORS FILE NO. 3997832, RECORDS OF ISLAND COUNTY WASHINGTON; THENCE WESTERLY ALONG THE NORTH LINE OF GOLDIE ROAD ACRES AND THE NORTH LINE OF EASY STREET IN THE CITY OF OAK HARBOR, 684.77 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL AS DESCRIBED IN DOCUMENT RECORDED UNDER AUDITORS FILE NO. 95003094; THENCE NORTH ALONG THE WEST LINE THEREOF AND THE WEST LINE OF THAT CERTAIN PARCEL AS DESCRIBED IN DOCUMENT RECORDED UNDER AUDITORS FILE NO. 4159678 A DISTANCE OF 574.2 FEET, MORE OR LESS TO THE NORTHWEST CORNER THEREOF; THENCE WEST 233 FEET, MORE OR LESS, TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID GOVERNMENT LOT 8, IN SAID SECTION 35; THENCE NORTH, ALONG SAID LINE, 525 FEET TO THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 8; THENCE EAST, ALONG THE NORTH LINE OF SAID THE WEST MARGIN OF GOLDIE ROAD; THENCE SOUTHERLY, ALONG SAID WEST MARGIN, 541 FEET, MORE OR LESS, TO THE EXISTING CITY LIMIT OF THE CITY OF OAK HARBOR; THENCE THE FOLLOWING COURSES ALONG THE CITY LIMITS OF THE CITY OF OAK HARBOR, WEST 198 FEET MORE OR LESS; THENCE SOUTH 366 FEET, MORE OR LESS; THENCE EAST 115 FEET, MORE OR LESS; THENCE SOUTH 103 FEET, MORE OR LESS; THENCE EAST 126 FEET, MORE OR LESS, TO THE WEST MARGIN OF GOLDIE ROAD; THENCE SOUTHERLY ALONG THE WEST MARGIN OF GOLDIE ROAD 105 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING 16.6 ACRES, MORE OR LESS

SITUATE IN THE COUNTY OF ISLAND, STATE OF WASHINGTON

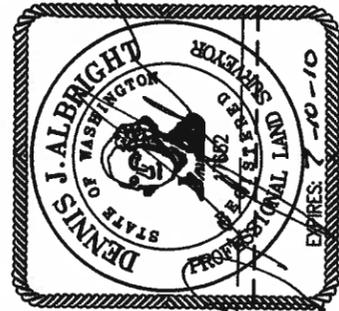
# Sound Development Group

**ENGINEERING & LAND DEVELOPMENT SERVICES**

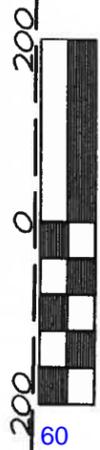
160 Cascade Place, Suite 206  
 Burlington, WA 98233

Tel: 360-404-2010 Fax: 360-404-2008

10023 4-1-10 (029S-07 CITY MAP.DWG)



4-19-10



Scale 1" = 200'

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

**ANNEXATION AGREEMENT  
COVENANTS TO RUN WITH THE LAND**

**Grantors:** Goldie Road LLC.

**Grantee:** City of Oak Harbor

**Property Legal Description:** See Exhibit A

**Property Auditor's Parcel Number(s):** R13335-454-3220; R13335-487-3100 and R13335-519-3090

THIS AGREEMENT, made and entered into this 13 day of April, 2010, by and between the CITY OF OAK HARBOR, a non-charter code city, organized and existing under the laws of the State of Washington (the "City"), and Goldie Road LLC., a corporation in the state of Washington (the "Owners"),

**WITNESSETH:**

**WHEREAS,** the Owners have petitioned the City of Oak Harbor to annex their Property described in Exhibit "A" attached hereto into the City of Oak Harbor; and

**WHEREAS,** the Property which is the subject of the Owners' Petition for Annexation is contiguous to the City of Oak Harbor and within the City's Urban Growth Area; and

**WHEREAS,** annexation of the Property into the city requires the availability of urban services to serve property developed at urban densities and levels of intensity since those densities and levels of intensity are inherent in the City's land use plans; and

**WHEREAS,** the Property is designated as C-3 on the City's Future Land Use Map, a commercial land use designation; and

Annexation Agreement  
Byrne - Goldie Road- 1  
P:\CC\10\April 20\Goldie Rd Byrne Annex\Byrne Annexation Agree 040810.doc

WHEREAS, the imposition of the C-3 designation on the Property was conditioned upon no further development of residential dwelling units since the Property is located within Noise Subdistrict B; and

WHEREAS, Comprehensive Plan Policy 4.b finds that "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;" and

WHEREAS, stormwater management is a key urban service that must be provided when new areas are annexed into the City and the Property requires stormwater flow control and quality measures in order to comport with the City's Stormwater Management Plan; and

WHEREAS, City water and sewer services are available to the subject property along NE Goldie Street; and

WHEREAS, development of the subject property may require additional water and sewer improvements, both onsite and offsite, as a condition of approval of a development permit; and

WHEREAS, once included in the City limits, NE Goldie Street is to be developed as a minor arterial street in accordance with the Comprehensive Plan Transportation Element; and

WHEREAS, NE Goldie Street adjacent to the Owners' property is not presently developed in accordance with City standards for a minor arterial street provided in the Comprehensive Plan Transportation Element and Municipal Code; and

WHEREAS, the Transportation Element of the Comprehensive Plan designates NE 16<sup>th</sup> Avenue as a minor arterial and plans for the extension of NE 16<sup>th</sup> Avenue across the northern boundary of the Owners' property; and

WHEREAS, in order to provide the minimum level of access necessary to serve the Property as described in the Comprehensive Plan Transportation Element, NE 16<sup>th</sup> Avenue west of Goldie Street should be constructed concurrently with any development of said property; and

WHEREAS, portions of the right-of-way necessary for NE 16<sup>th</sup> Avenue are owned by the City and lie on the property to the north of the Property subject to the annexation petition and the Owners desire to coordinate with the City property to facilitate their development and also to further the construction of the necessary access on NE 16<sup>th</sup> Avenue; and

WHEREAS, the City Council, functioning in its legislative capacity, will annex the Property if the Owners agree to make certain infrastructure improvements as set forth herein, regardless of future development of the property being annexed; and

Annexation Agreement

Byrne - Goldie Road- 2

P:\CC\10\April 20\Goldie Rd Byrne Annex\Byrne Annexation Agree 040810.doc

WHEREAS, the Owners have agreed to make such dedications and improvements as a condition of annexation, to induce the City Council to approve the annexation of the Property; and

WHEREAS, the Owners voluntarily agree to enter into this agreement to provide the dedications and improvements specified herein, conditioned upon the City Council approval of the annexation of the Property,

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. The "Property" shall mean the property proposed for annexation as described more fully in Exhibit "A", attached hereto.
2. The sole obligation assumed by the City under this agreement is the obligation to annex the Property into the City if the City Council approves the annexation. No other duties or obligations of the City shall be deemed to have been created by virtue of this agreement.
3. This agreement is expressly contingent upon City Council approval of the annexation petition for the Annexation Property. This agreement shall be void and of no effect if the City Council shall fail or refuse to annex the Property. Nothing in this agreement shall bind the City Council to annex said Property, nor obligate the City to approve the development of the Property, nor to impose or not impose any particular conditions and requirements for the development of the Property.
4. The Owners will file all documents necessary to complete the annexation process for the Property, as deemed necessary by the City, upon City Council approval of the annexation.
5. The Owners agree to apply for development permits for the Property, consistent with applicable City ordinances, within five (5) years of the date of annexation. The Owners agree that the Property will be developed at urban intensities. The Owners further agree that residential dwelling units shall not be developed on the site and acknowledge that this condition accords with the City's existing recorded restrictions on the C-3 land use designation of the Property.
6. In addition to any other improvements, including but not limited to all public utilities both onsite and offsite, subsequently determined to be necessary as a condition of development of any portion of the Property, and not in lieu thereof, the Owners agree to completely perform the obligations set forth in this Section within five (5) years of the date of annexation of the Property, or upon development of the Property, whichever is sooner:

Annexation Agreement  
Byrne - Goldie Road- 3  
P:\CC\10\April 20\Goldie Rd Byrne Annex\Byrne Annexation Agree 040810.doc

- a. The Owners shall pay for or provide the extension of the stormwater collection and conveyance system to serve the site in conformity with the City's Comprehensive Stormwater Drainage Plan and Municipal Code.**
- b. Owner shall follow Low Impact Development principles and techniques, provided in the "Low Impact Development – Technical Guidance Manual for Puget Sound." Emphasis shall be placed on the preservation, conservation and use of on-site natural features, topography and vegetation integrated with engineered, small scale hydrologic controls to more closely mimic predevelopment hydrologic functions. The use of best management practices (BMPs) such as rain gardens, subsurface infiltration galleries, pervious pavements, biofiltration swales or similar shall be utilized to the maximum extent practical. Nothing herein shall preclude application of the City's regular development code where, in the opinion of the City Engineer, the above designated standards can not be practically applied.**
- c. The Owners shall pay for or provide for the improvement of NE Goldie Street for the full frontage of the property (which includes the dedication of the necessary right-of-way and construction of all necessary half-street improvements, including sidewalks, curbs, gutters, street lighting, channelization, relocation of existing utilities, etc., to meet the adopted standard for an urban minor arterial street), plus any necessary transitions past the boundaries of the site, in conformity with the Comprehensive Plan Transportation Element and Municipal Code.**
- d. The Owners acknowledge that construction of NE 16<sup>th</sup> Avenue is essential for the development of the Property. The Owners acknowledge responsibility for the design and construction of improvements, including sidewalks, curbs gutters, enclosed storm drainage, street lighting, channelization, relocation of existing utilities, etc., of NE 16<sup>th</sup> Avenue for the full frontage of the property (which includes the dedication of the necessary right-of-way and construction of full width improvements together with all necessary improvements at the intersection of NE 16<sup>th</sup> Avenue and NE Goldie Street to meet the adopted standards for an urban minor arterial street), in conformity with the Comprehensive Plan Transportation Element and Municipal Code. The Owners acknowledge that the above standards are above and beyond the Enterprise Area Street standards that would otherwise apply to development of the property. The Owner also agrees to construct a suitable turnaround area, cul-de-sac, or other means of terminating NE 16<sup>th</sup> Avenue in accordance with the standards of the City of Oak Harbor.**
- 7. If the Owners wish to seek reimbursement for a pro rata share of the cost of construction of any of the agreed improvements from subsequent owners of the Property, or from other**

Annexation Agreement

Byrne – Goldie Road- 4

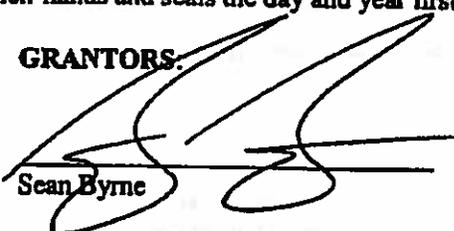
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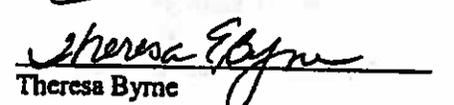
property owners benefiting from the improvements, the Owners are advised that this requires execution of a Latecomers' Agreement with the City and the recording of it with the County Auditor prior to construction of any improvements, in conformity with Ch. 35.91 RCW (utilities); Ch. 35.72 RCW (streets), and City ordinances. The City makes no representations with respect to the legal requirements for such a latecomers agreement, the satisfaction of which legal requirements is the sole responsibility of the Owners. Further nothing in this agreement shall bind the City Council to grant such a latecomers' agreement.

8. This agreement shall be a covenant running with the Property and shall bind the heirs, executors, assigns and successors of the Owners to the real property described herein, and shall constitute an obligation which may be specifically enforced against the parties and their successors in interest, in addition to any other remedy provided by law.
9. The obligations of this agreement are in addition to the requirements of the City of Oak Harbor Municipal Code, environmental regulations, and other statutes and regulations, and not in lieu thereof. Nothing in this agreement shall be construed as relieving or excusing Owners from any requirements of federal, state or local law. In addition, nothing in this agreement shall relieve or excuse the Owners from performing any obligation or condition of subdivision and development of the annexed property in effect at the time of application for development activity or land use action. In the development of the Property, the Owners shall comply with all statutes, ordinances, regulations and discretionary requirements applicable to the development at the time the application is deemed complete by the City.
10. Should any court action be brought to enforce any terms of this agreement, the prevailing party shall be entitled, in addition to any other relief, to a reasonable sum as attorneys' fees. In the event neither party wholly prevails, the party that substantially prevails shall be awarded a reasonable sum as attorneys' fees. Venue of an action to enforce the terms and conditions of this agreement shall be in Island County, Washington.

IN WITNESS WHEREOF, the parties have set their hands and seals the day and year first written above.

GRANTORS:

  
Sean Byrne

  
Theresa Byrne



STATE OF WASHINGTON )  
 ) ss:  
COUNTY OF ISLAND )

This is to certify that on this 13<sup>th</sup> day of April, 2010, before me, the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, personally appeared SEAN BYRNE, managing member of Goldie Road LLC., to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged to me that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

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

Notary Public  
State of Washington  
LISA K. BEBEE  
My Appointment Expires Jan. 19, 2012

Lisa K. Bebee  
Print: Lisa K. Bebee  
NOTARY PUBLIC in and for the  
State of Washington, residing in  
Oak Harbor  
Commission expires: Jan 19, 2012

STATE OF WASHINGTON )  
 ) ss:  
COUNTY OF ISLAND )

This is to certify that on this 13<sup>th</sup> day of April, 2010, before me, the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, personally appeared THERESA BYRNE, managing member of Goldie Road LLC., to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged to me that she signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

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

Notary Public  
State of Washington  
LISA K. BEBEE  
My Appointment Expires Jan. 19, 2012

Lisa K. Bebee  
Print: Lisa K. Bebee  
NOTARY PUBLIC in and for the  
State of Washington, residing in  
Oak Harbor  
Commission expires: Jan 19, 2012





EXHIBIT "A"

ANNEXATION AGREEMENT BOUNDARY

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 33 NORTH, RANGE 1 EAST DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHEAST CORNER OF THE PLAT OF GOLDIE ROAD ACRES, AS PER PLAT RECORDED IN VOLUME 4 OF PLATS AT PAGE 31, RECORDS OF ISLAND COUNTY WASHINGTON; THENCE WESTERLY, ALONG THE NORTH LINE OF GOLDIE ROAD ACRES, 476.77 FEET; THENCE NORTH 208 FEET TO THE TRUE POINT OF BEGINNING; THENCE WEST 208 FEET TO THE EAST BOUNDARY OF A TRACT CONVEYED TO BENJAMIN RONHAAR BY DEED RECORDED JUNE 12, 1953, UNDER AUDITORS FILE NUMBER 90305, RECORDS OF ISLAND COUNTY WASHINGTON; THENCE NORTH 366.2 FEET, MORE OR LESS, TO THE NORTH BOUNDARY OF A TRACT CONVEYED TO ANDREW VANDERSTOEP BY DEED RECORDED JULY 7, 1945, UNDER AUDITORS FILE NUMBER 62885, RECORDS OF ISLAND COUNTY WASHINGTON; THENCE WEST 215 FEET, MORE OR LESS TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF GOVERNMENT LOT 8 IN SAID SECTION 35; THENCE NORTH, ALONG SAID LINE, 522 FEET TO THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 8; THENCE EAST ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 8, A DISTANCE OF 762 FEET, MORE OR LESS TO THE WEST LINE OF GOLDIE ROAD; THENCE SOUTHERLY ALONG THE WEST MARGIN OF GOLDIE ROAD, 541 FEET TO THE EXISTING LIMIT OF THE CITY OF OAK HARBOR, AS THE SAME EXISTS IN APRIL OF 2008; THENCE WEST ALONG SAID CITY LIMIT, 178 FEET, MORE OR LESS, TO AN ANGLE POINT IN SAID CITY LIMIT; THENCE SOUTH, ALONG SAID CITY LIMIT, 357 FEET, MORE OR LESS TO A POINT WHICH LIES EAST OF THE TRUE POINT OF BEGINNING; THENCE WEST 88 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF THAT CERTAIN PARCEL AS DESCRIBED IN DOCUMENT RECORDED UNDER AUDITORS FILE NO. 4043215, RECORDS OF ISLAND COUNTY WASHINGTON; THENCE SOUTH 205 FEET, MORE OR LESS TO THE SOUTHWEST CORNER THEREOF; THENCE WEST 12 FEET, MORE OR LESS TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL AS RECORDED UNDER AUDITORS FILE NO. 95003094, RECORDS OF ISLAND COUNTY WASHINGTON; THENCE NORTH 208 FEET MORE OR LESS TO THE NORTHEAST CORNER THEREOF; THENCE CONTINUE WEST 125 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 13.8 ACRES, MORE OR LESS.  
SITUATE IN THE COUNTY OS ISLAND, STATE OF WASHINGTON.

Annexation Agreement  
Byrne - Goldie Road- 8  
P:\CC\10\April 20\Goldie Rd Byrne Annex\Byrne Annexation Agree 040810.doc





ORDINANCE NO. 1573

AN ORDINANCE AMENDING OAK HARBOR MUNICIPAL CODE SECTION 19.20.335, PURPOSE AND INTENT OF C-3 COMMUNITY COMMERCIAL DISTRICT TO SUPPORT MIXED USE DEVELOPMENT AND 19.20.340, PRINCIPAL PERMITTED USES IN THE C-3 COMMUNITY COMMERCIAL DISTRICT, TO RESTRICT DWELLING UNITS NORTH OF NE 16<sup>TH</sup> AVENUE.

WHEREAS, the City of Oak Harbor has established zoning districts to establish standards for the type of uses permitted and conditioned along with density provisions and conditions governing permitted uses in order to protect the public health, safety and welfare; and

WHEREAS, it is the purpose of the regulations, standards and criteria of this code to permit and encourage compatible uses to locate adjacent to each other and discourage incompatible uses; and

WHEREAS, the City of Oak Harbor has established the C-3, Community Commercial District to provide for those type of retail, wholesale, transportation and service uses which, because of their traffic and other requirements, depend on particular locations to serve the needs of the community and its trading area; and

WHEREAS, the C-3, Community Commercial District permits dwelling units above and secondary to essential or primary uses to provide on-site residency and mixed use developments; and

WHEREAS, dwelling units are not compatible in areas that are in close proximity to NAS Whidbey Ault Field; and

WHEREAS, the City of Oak Harbor is desirous of restricting dwelling units on properties designated for C-3, Community Commercial for properties located north of NE 16<sup>th</sup> Avenue due to their proximity to NAS Whidbey; and

WHEREAS, restricting dwelling units north of NE 16<sup>th</sup> Avenue is consistent with policies in the Comprehensive Plan as required by RCW 36.70A.040(4); and

WHEREAS, the proposed amendment to restrict dwelling units north of 16<sup>th</sup> Avenue is consistent with the text amendment criteria identified in OHMC 19.80, namely consistency with the Oak Harbor Comprehensive Plan and substantial promotion of the public health, safety and welfare; and

WHEREAS, a Determination of Non-significance was issued on March 17, 2010 after an environmental assessment was made of the proposed text amendment in accordance with the checklist requirements of the State Environmental Policy act and determined that an Environmental Impact Statement is not required; and

WHEREAS, the Department of Commerce authorized an expedited review of the proposed text amendments and determined it to meet the notification requirements of RCW 36.70A.106 on March 1, 2010; and

WHEREAS, the Planning Commission of the City of Oak Harbor, after due notice of hearing did consider the proposed text amendment at its regular meetings on February 23, 2010 and March 23, 2010, recommending approval of the amendment; and

WHEREAS, the proposed text amendments is in accordance with the review criteria established in OHMC 19.80.020; and

WHEREAS, being satisfied that the proposed amendment is consistent with the above requirements;

NOW, THEREFORE

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

**Section One.** Chapter 19.20, last amended by Ordinance 1555, § 8, is hereby amended to read as follows:

**Chapter 19.20  
ZONING DISTRICTS**

**Sections:**

**Article I. PRE – Planned Residential Estate**

- 19.20.005 Purpose and intent.**
- 19.20.010 Principal permitted uses.**
- 19.20.015 Accessory permitted uses.**
- 19.20.020 Conditional uses permitted.**
- 19.20.025 Density provisions.**
- 19.20.030 Relation to aviation environs overlay zone.**
- 19.20.035 Combined applications.**
- 19.20.040 Preapplication meeting.**
- 19.20.045 Application requirements.**
- 19.20.050 Master plan – Filing requirements.**
- 19.20.055 Master plan – Staff recommendation.**
- 19.20.060 Master plan – Public hearing.**
- 19.20.065 Master plan – Planning commission review.**
- 19.20.070 Master plan – Council review.**
- 19.20.075 Modifications to the plan.**
- 19.20.080 Adherence to approved plan.**
- 19.20.085 Subdivision requirements.**
- 19.20.090 Lots subject to final master plan.**
- 19.20.095 Judicial review.**

**Article II. R-1 – Single-Family Residential**

- 19.20.100 Purpose and intent.**

## Article IX. C-3 – Community Commercial

### 19.20.335 Purpose and intent.

The C-3 community commercial district is intended to provide for those types of retail, wholesale, transportation, and service uses which, because of traffic and other requirements, depend upon particular locations to serve the needs of the community and its trading area. Generally, the permitted uses require large sites and access from either major or minor arterials. This district also supports mixed use developments except in proximity to NAS Whidbey Ault Field where residential uses should be restricted.

### 19.20.340 Principal permitted uses.

In a C-3 district, the following are principal uses permitted outright:

- (1) Any principal use permitted in a C-1 and CBD district, provided that dwelling units are:
  - (a) For properties located south of the adopted alignment of NE 16<sup>th</sup> Avenue (existing or future) between Regatta Drive and Heller Road are:
    - (i) Above and secondary to essential or primary floor uses;
    - (ii) Accessed at the ground level ~~access is~~ independent of the business uses from an inside lobby, elevators, and/or corridors, and an enclosed interior court, or other separate access provisions;
  - (b) Are not permitted on properties located north of the adopted alignment of NE 16<sup>th</sup> Avenue (existing or future) between Regatta Drive and Heller Road;
- (2) Amusement enterprise including bowling alley, roller or ice rink, dancehall, shooting gallery, and trampoline;
- (3) Animal hospital when located not closer than 200 feet from a residential zoning district, provided all animals are housed in a completely enclosed building;
- (4) Assembly hall;
- (5) Automobile or truck service station;
- (6) Automobile repair of all kinds, including body and fender work, provided there shall be no wrecking, junking, dismantling, or salvaging operations;
- (7) Automobile sales and service;
- (8) Bakery;
- (9) Book publishing and binding;
- (10) Car wash;
- (11) Contractor's plants and storage yards;
- (12) Currency exchange;
- (13) Extended stay motel;
- (14) Feed and seed store, retail or wholesale;
- (15) Film processing plant;
- (16) Grocery store;
- (17) Laboratory for experimental or research work or testing;
- (18) Laundry and dry cleaning, dyeing, or rug cleaning plant;
- (19) Nursery and landscape material including greenhouses;
- (20) Offices;
- (21) Plumbing shop;
- (22) Places of entertainment;
- (23) Recycling of glass and metal cans when conducted within a wholly enclosed building, including scrap paper or rag storage;
- (24) Shopping centers;
- (25) Sign shop, but not manufacture or assembly of electrically illuminated signs;
- (26) Supermarket;
- (27) Taxidermist;

- (28) Upholstery shop;
- (29) Veterinary clinic (hospital) (see animal hospital);
- (30) Other uses of similar character, but not including a specific listed industrial use permitted in an I industrial district, subject to approval by the city council;
- (31) Other uses as defined by the planning director to be similar to those identified above and having equal or less impact on the purposes of this section.

**19.20.345 Accessory permitted uses.**

In a C-3 district, the following are accessory uses permitted outright:

- (1) A use customarily incidental and subordinate to a principal use permitted outright;
- (2) On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone; provided, that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210;
- (3) Television satellite dish reflectors, roof-mounted and within building setback lines not to exceed 35-foot height limitations.

**19.20.350 Conditional uses permitted.**

The following principal uses and their accessory uses may be permitted in a C-3 district when authorized by the hearing examiner:

- (1) Conditional uses permitted in a C-1 and CBD district;
- (2) Drive-in theater;
- (3) Fuel oil distribution, retail and wholesale, provided incidental storage is maintained underground;
- (4) Fuel yard;
- (5) Go-kart tracks;
- (6) Gymnasium;
- (7) Lumber yard, retail or wholesale, including building supplies, hardware, and related items;
- (8) Mobile home and trailer sales lot;
- (9) Mortuary;
- (10) Outdoor use, activity or storage only in conjunction with a permitted use. A solid sight-obscuring fence or other appropriate screening approved by the planning director is required around the outside edges of the area devoted to the outdoor use, activity or storage. The height of outdoor storage abutting public streets or residential zones shall not be higher than the height of the screen device approved by the planning director. Outdoor use, activity or storage areas located adjacent to C-3 property may be located in the required interior side and rear setback yards. All outdoor use, activity or storage areas located adjacent to residential zones must meet required setbacks for the primary use. No outdoor use, activity or storage shall be permitted in the front yard setback;
- (11) Produce stand;
- (12) Schools for drop-out and at-risk students;
- (13) Stadium;
- (14) Truck terminal;
- (15) Wholesale warehouse or storage establishments, but only occupying a completely enclosed building.

**19.20.355 Density provisions.**

In a C-3 district, the following provisions apply:

- (1) Minimum lot area, no limitation;
- (2) Minimum lot width, no limitation;
- (3) Minimum lot depth, no limitation;

- (4) Minimum front yard, 35 feet. The building setback may be reduced to 15 feet if the entire setback area from property line to building is landscaped where reduction occurs;
- (5) Minimum side yard, no limitation, except when abutting a residentially zoned property, then 30 feet each. For corner lots, the side yard abutting a public street shall be the same as the front setback;
- (6) Minimum rear yard, no limitation, except when abutting a public street, then it shall be the same as the front setback;
- (7) Maximum building height, 35 feet;
- (8) Maximum lot coverage, no limitation.

**19.20.360 Conditions governing permitted uses.**

All principal uses permitted outright in a C-3 district shall meet the following requirements:

- (1) With the exception of sales lots, outside storage or equipment yard, or yards containing outside industrial operation in connection with a use permitted outright or a conditional use in a C-3 district abutting, adjoining, or located across a street from a residential zoning district, or located along a street designated by the comprehensive plan as a state highway, or a major or secondary arterial, shall be enclosed by a fence. The fence shall be sight-obscuring, obstructing the storage from view on the sides of the property abutting, adjoining, or facing a residential district. The fence shall be of such material and design as will not detract from adjacent residences and shall be built according to plans submitted by the owner or his authorized agent and approved by the planning director. In no case shall the fence be required to have a height in excess of 10 feet;
- (2) Automobile, mobile home or trailer sales lots shall be drained and surfaced with crushed rock except in those portions of the lot maintained as landscape areas;
- (3) The use of property shall not be objectionable because of odor, dust, smoke, cinders, exhaust fumes, noise, or vibration, or because of unsightly structures, facilities or open storage;
- (4) Design shall be in accordance with the provisions of the Oak Harbor design guidelines;
- (5) Landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter 19.46 OHMC.

**19.20.365 Site plan and design review required.**

Site plan and design review shall be required as defined in Chapter 19.48 OHMC.

**19.20.368 Relation to aviation environs overlay zone.**

Property located in an aviation environs overlay zone, as governed in Chapter 19.50 OHMC, shall meet the requirements for noise attenuation in Chapter 17.30 OHMC and the comprehensive plan land use element.

**Article X. C-4 – Highway Service Commercial**

**19.20.370 Purpose and intent.**

The C-4 highway service commercial district is intended to permit the establishment of facilities oriented toward uses dependent upon highway location. The district is primarily intended to allow for the concentration of automobile and other motor vehicle sales centers. Other commercial and limited industrial activities are also permitted. The uses permitted by this district are compatible with the NAS Whidbey AICUZ Study. Access to the highway is controlled so as to minimize conflicts and maximize traffic efficiencies.

**19.20.375 Principal permitted uses.**

The following uses are permitted outright in the C-4 district:

- (1) Automobile and truck service stations;

- (1) Private club or lodge on tracts or lots of more than four acres. More than 60 percent of the area must not be hard surfaced (paved) in building or both building and hard surfaced area. Areas not hard surfaced must be in natural vegetation;
- (2) Campground on tracts or lots of more than two acres. More than 80 percent of the area must not be hard surfaced (paved) or in buildings or both such buildings and hard surfaced areas. Areas not hard surfaced in a building must be in natural vegetation;
- (3) Radio or television tower where 80 percent of the area must not be hard surfaced (paved) or in buildings or both such buildings and hard surfaced areas. Areas not hard surfaced in a building must be in natural vegetation.

**19.20.830 Density provisions.**

In an OS district, the following density provisions apply:

- (1) Setbacks for any structure shall be 25 feet from any property line;
- (2) One dwelling unit per five acres, where residential use is permitted.

**19.20.835 Conditions governing permitted uses.**

- (1) As a condition to continued designation as "open space," for any use other than agricultural and residential, the owner shall enter into an agreement with the city allowing public or semi-public access under mutually agreed terms and conditions.
- (2) Any hard surface parking or roads must be accessory to a permitted use.

**19.20.840 Site plan and design review required.**

Site plan and design review shall be required as defined in Chapter 19.48 OHMC.

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

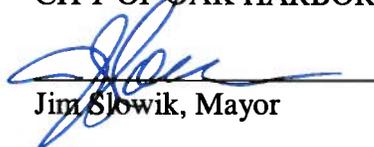
**Section Thirteen. Effective Date.** This Ordinance shall be in full force and effect (5) five days after its publication as required by law.

PASSED by the City Council this 6<sup>th</sup> day of APRIL 2010.

CITY OF OAK HARBOR

Approved   
Vetoed

()  
()

  
Jim Slowik, Mayor

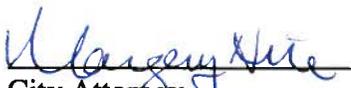
APRIL 7, 2010

Date

ATTEST:

Approved as to Form:

  
City Clerk

  
City Attorney

Published: APRIL 10, 2010



DEPARTMENT OF THE NAVY  
NAVAL AIR STATION WHIDBEY ISLAND  
OAK HARBOR, WASHINGTON 98278-5000

3-11-10 RR

cc: Paul Schmidt  
Steve Powers

5216  
Ser N00/0338  
March 15, 2010

The Honorable Jim Slowik  
Mayor, City of Oak Harbor  
865 S.E. Barrington Drive  
Oak Harbor, WA 98277

Dear Mayor Slowik:

SUBJECT: OAK HARBOR MUNICIPAL CODE AMENDMENT (ZONING CODE)

Naval Air Station Whidbey Island is in complete support of the proposed amendment to the Municipal Code to restrict dwelling units on properties designated as C-3, Community Commercial, located northeast of 16<sup>th</sup> Avenue. This amendment will eliminate any confusion regarding residential uses being incorporated into commercial development in high noise areas without limiting opportunities for mixed use in more appropriate commercial developments.

Thank you for the opportunity to be active partners in planning for the safety of our citizens and aircrew.

Sincerely,

G. K. DAVID  
Captain, U. S. Navy  
Commanding Officer

# GOLDIE ROAD / BYRNE ANNEXATION MAP

AREA IS WITHIN THE URBAN GROWTH AREA (UGA)

--- CITY LIMITS

--- 300' LINE FROM PROPOSED ANNEXATION

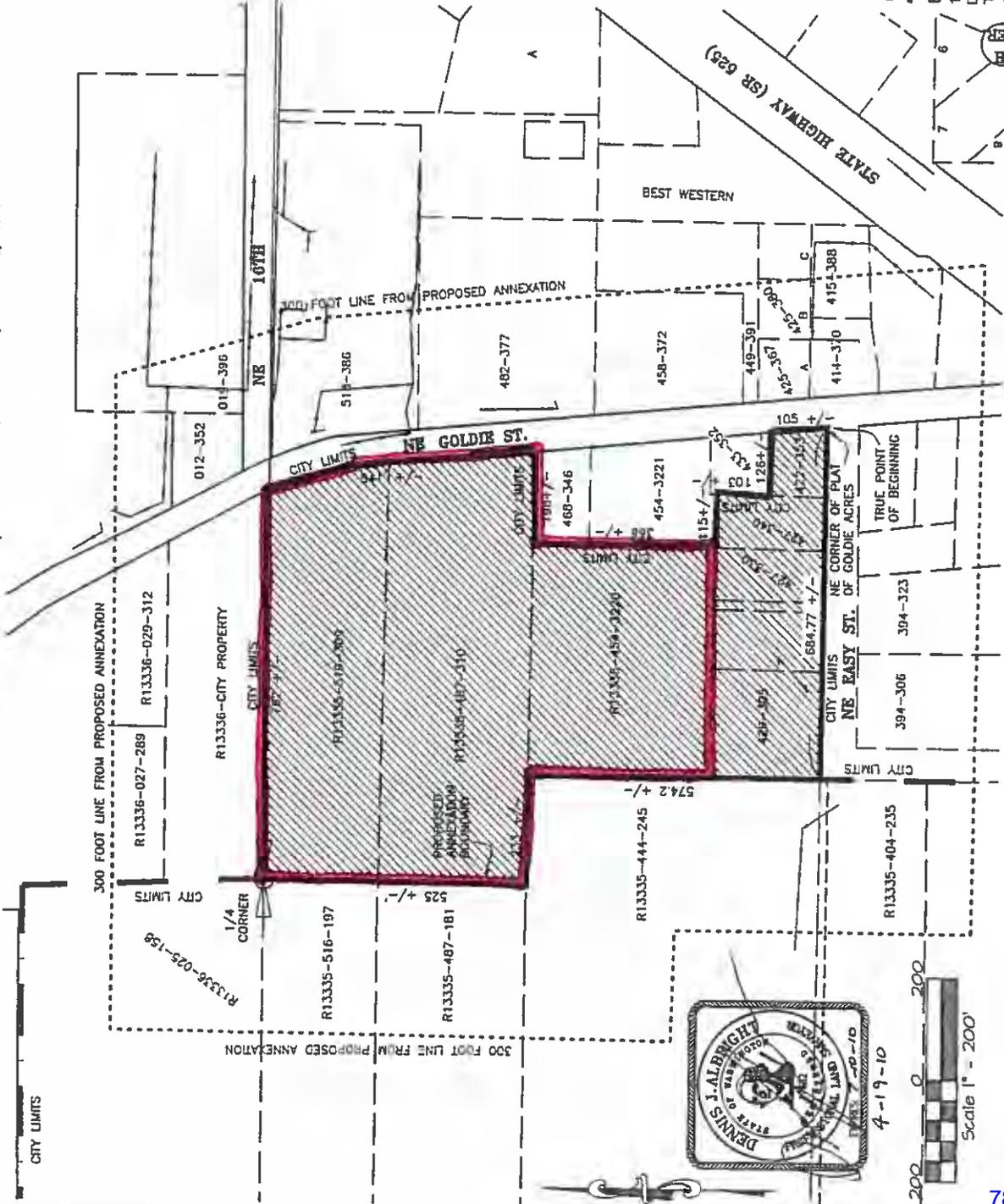
## PARCEL INFORMATION

TOTAL PARCEL 16.6 ACRES +/-

T. 33 N, R. 1 E, WM



PORTION OF THE N 1/2 SEC. 35, T. 33 N, R. 1 E, WM  
 PORTION OF THE S 1/2 SEC. 26, T. 33 N, R. 1 E, WM



## ANNEXATION BOUNDARY

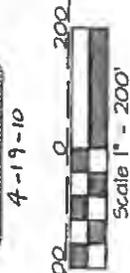
THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 33 NORTH, RANGE 1 EAST, WM, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE PLAT OF GOLDIE ROAD ACRES, AS PER PLAT RECORDED IN VOLUME 4 OF PLATS AT PAGE 31 UNDER AUDITORS FILE NO. 3987832, RECORDS OF ISLAND COUNTY, WASHINGTON; THENCE WESTERLY ALONG THE NORTH LINE OF GOLDIE ROAD ACRES AND THE NORTH LINE OF EASY STREET IN THE CITY OF OAK HARBOR, 684.77 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL AS DESCRIBED IN DOCUMENT RECORDED UNDER AUDITORS FILE NO. 95003094, THENCE NORTH ALONG THE WEST LINE THEREOF AND THE WEST LINE OF THAT CERTAIN PARCEL AS DESCRIBED IN DOCUMENT RECORDED UNDER AUDITORS FILE NO. 4159678, A DISTANCE OF 574.2 FEET, MORE OR LESS TO THE NORTHWEST CORNER THEREOF, THENCE WEST 233 FEET, MORE OR LESS, TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF GOVERNMENT LOT 8, IN SAID SECTION 35; THENCE NORTH, ALONG SAID LINE, 525 FEET TO THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 8; THENCE EAST, ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 8, A DISTANCE OF 762 FEET, MORE OR LESS, TO THE WEST MARGIN OF GOLDIE ROAD; THENCE SOUTHERLY, ALONG SAID MARGIN OF GOLDIE ROAD, 541 FEET, MORE OR LESS, TO THE EXISTING CITY LIMIT OF THE CITY OF OAK HARBOR; THENCE THE FOLLOWING COURSES ALONG THE CITY LIMITS OF THE CITY OF OAK HARBOR, WEST 108 FEET MORE OR LESS; THENCE SOUTH 366 FEET, MORE OR LESS; THENCE EAST 115 FEET, MORE OR LESS; THENCE SOUTH 103 FEET, MORE OR LESS; THENCE EAST 126 FEET, MORE OR LESS, TO THE WEST MARGIN OF GOLDIE ROAD; THENCE SOUTHERLY ALONG THE WEST MARGIN OF GOLDIE ROAD 105 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING 16.6 ACRES, MORE OR LESS

SITUATE IN THE COUNTY OF ISLAND, STATE OF WASHINGTON

### Sound Development Group

ENGINEERING & LAND DEVELOPMENT SERVICES  
 160 Cascade Place, Suite 206  
 Burlington, WA 98233  
 Tel: 360-404-2010 Fax: 360-404-2008  
 10023 4-1-10 (029S-07 CITY MAP.DWG)



4-19-10

**ORDINANCE NO. 1767**

**AN ORDINANCE OF THE CITY OF OAK HARBOR, WASHINGTON, AMENDING SECTION 4 OF ORDINANCE NO. 1574 TO ALLOW DWELLING UNITS ON COMMUNITY COMMERCIAL PARCELS SOUTH OF NE 16<sup>TH</sup> AVENUE.**

**WHEREAS**, Ordinance No. 1574 was adopted by the City Council of the City of Oak Harbor on April 21, 2010 annexing 16.6 acres located south of NE 16<sup>th</sup> Avenue and west of Goldie Road; and,

**WHEREAS**, Section 2 of Ordinance No. 1574 references an Annexation Agreement which had been entered into by the City of Oak Harbor and Goldie Road LLC for the subject properties and was recorded with the Island County Auditor on April 28, 2010; and,

**WHEREAS**, Section 5 of said Annexation Agreement states “The owners further agree that residential dwelling units shall not be developed on the site and acknowledge that this condition accords with the City’s existing recorded restrictions on the C-3 (Community Commercial) land use designation of the Property”; and,

**WHEREAS**, the City of Oak Harbor adopted Ordinance No. 1573 which amended the purpose and intent of the C-3 (Community Commercial) land use designation and specifically identified that the C-3 (Community Commercial) district also supports mixed use developments except in proximity to NAS Whidbey Ault Field where residential uses should be restricted (Oak Harbor Municipal Code (OHMC) 19.20.335); and,

**WHEREAS**, Ordinance No. 1573 further refined residential uses in the C-3 (Community Commercial) district to be allowed on properties located south of the adopted alignment of NE 16<sup>th</sup> Avenue (existing or future) between Regatta Drive and Heller Road (OHMC 19.20.340(1)(a)) provided they are above and secondary to essential or primary floor uses and accessed at the ground level independent of the business uses from an inside lobby, elevators, and/or corridors, and an enclosed interior court, or other separate access provisions; and,

**WHEREAS**, Ordinance No. 1573 continued restrictions on residential uses on C-3 (Community Commercial) properties located north of the adopted alignment of NE 16<sup>th</sup> Avenue (existing or future) between Regatta Drive and Heller Road; and,

**WHEREAS**, the City of Oak Harbor Development Services Department received requests from current owners of properties zoned C-3 (Community Commercial) located within, and affected by, said Annexation Agreement; and,

**WHEREAS**, the three property owners representing Assessor Parcel Numbers R13335-519-3090; R13335-487-3100; and, R13335-454-3220 are requesting the reconsideration and removal of the restriction on residential mixed-use development on properties located south of the

adopted alignment of NE 16<sup>th</sup> Avenue (existing or future) between Regatta Drive and Heller Road; and,

**WHEREAS**, this reconsideration provides consistency with the allowable land uses on these properties and OHMC 19.20.340(1)(a); and,

**WHEREAS**, the subject parcels (Auditor's Parcel Number(s) R13335-454-3220; R13335-487-3100 and R13335-519-3090) were legally annexed to the City of Oak Harbor via Ordinance No. 1574; and,

**WHEREAS**, the subject parcels are located between Regatta Drive and Heller Road and south of the adopted alignment of NE 16<sup>th</sup> Avenue (existing or future); and,

**WHEREAS**, the adoption of Ordinance No. 1767 is consistent and would serve to implement the intent and purpose of the C-3 (Community Commercial) zoning district by providing dwelling units as part of mixed retail development in this location; and,

**WHEREAS**, any future development of these parcels shall be in compliance with all applicable City of Oak Harbor development codes and regulations;

**NOW THEREFORE**, the City Council of the City of Oak Harbor, do ordain as follows:

**Section 1.** Section 4 of Ordinance No. 1574 is hereby amended as follows:

The annexed area described in Section 1 is hereby assigned zoning of PIP, Planned Industrial Park for parcels R13335-429-3050, R13335-427-3300, R13335-427-2400 and R13335-422-3530 and C-3, Community Commercial for parcels R13335-454-3220, R13335-487-3100, R13335-519-3090 in accordance with the Oak Harbor Comprehensive Plan Land Use Map. The zoning provisions of the Oak Harbor Municipal Code shall be in full force and effect in the annexed area in accordance with this assignment, ~~including the restriction that residential dwelling units shall not be allowed on those properties zoned C-3, Community Commercial.~~

**Section 2. Severability.** If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

**Section 3. Effective Date.**

This Ordinance shall become affective five (5) days following passage and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor this 17th day of May, 2016.

\_\_\_\_\_  
Robert Severns, Mayor

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Anna Thompson, City Clerk

Approved as to form:

\_\_\_\_\_  
Nikki Esparza, City Attorney

Date of Publication: \_\_\_\_\_

Effective Date : \_\_\_\_\_

**Return to:**

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

**2<sup>nd</sup> AMENDMENT TO ANNEXATION AGREEMENT  
COVENANTS TO RUN WITH THE LAND**

**Grantors:** Goldie, LLC, Errol Hanson Funding Inc., John Leemon

**Grantee:** City of Oak Harbor

**Property Legal Description:** That portion of the northeast quarter of Section 35, Township 33 North, Range 1 East (See Exhibit "A" for full legal description)

**Property Auditor's Parcel Numbers:** R13335-454-3220; R13335-487-3100 and R13335-519-3090

THIS 2<sup>nd</sup> AMENDMENT TO THE ANNEXATION AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between the CITY OF OAK HARBOR, a non-charter code city, organized and existing under the law of the State of Washington (the "City"), and Errol Hanson Funding, Inc. (Parcel No. R13335-519-3090), John Leemon (R13335-487-3100) and Goldie, LLC (R13335-454-3220) (the "Owners"),

WITNESSETH:

WHEREAS, prior Owners petitioned the City to annex their property described in Exhibit "A" attached hereto into the City of Oak Harbor in 2010; and

WHEREAS, the property described in Exhibit "A" was annexed into the City by Ordinance No. 1574 on April 21, 2010; and

WHEREAS, the Owners and the City executed an Annexation Agreement, attached as Exhibit "B", containing covenants to run with the land described under Exhibit "A", which was subsequently recorded under Island County recording number 4272613; and

WHEREAS, the Annexation Agreement was amended at the request of the Owners in 2015 to relieve the Owners of the obligation to install certain infrastructure prior to development of the subject properties; and

WHEREAS, the three parcels are now owned by three separate individuals or entities; and

WHEREAS, the Annexation Agreement entered into in 2010 prohibited residential development due to the proximity to NASWI Ault Field; and

WHEREAS, the Oak Harbor Municipal Code now allows for residential units as part of mixed used development on the subject properties; and

WHEREAS, the Owners submitted letters to the City requesting additional amendments to the Agreement and Ordinance to allow for residential units as part of mixed use development; and

WHEREAS, amending the Annexation Agreement will create consistency with the Municipal Code and promote development.

NOW, THEREFORE, THE PARTIES AGREE TO AMEND THE ANNEXATION AGREEMENT AS FOLLOWS:

1. The following changes will be made to provision 5 in the Annexation Agreement: "The Owners further agree that residential dwelling units shall not be developed on the site and acknowledge that this condition accords with the City's existing recorded restrictions on the C-3 land use designation of the property." THIS SENTENCE SHALL BE STRICKEN IN ITS ENTIRETY.
2. No other changes shall be made to the Annexation Agreement. All other provisions remain in full force and effect.

IN WITNESS WHEREOF, the parties have set their hands and seals the day and year first written above.



STATE OF WASHINGTON )  
 ) ss:  
COUNTY OF ISLAND )

THIS IS TO CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, personally appeared Laura Hanson, who on oath stated that she was authorized to execute the instrument and acknowledged it as President of Errol Hanson Funding, Inc. to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

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

\_\_\_\_\_  
Print: \_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington, residing in \_\_\_\_\_  
Commission expires: \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss:  
COUNTY OF ISLAND )

THIS IS TO CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, personally appeared Lillian Leemon, who on oath stated that she was authorized to execute the instrument and acknowledged it as John Leemon's Attorney in Fact to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

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

\_\_\_\_\_  
Print: \_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington, residing in \_\_\_\_\_  
Commission expires: \_\_\_\_\_

