AGENDA

1. Call to Order

   **MCDONALD’S – CONDITIONAL USE PERMIT: CUP-19-01**
   The Hearing Examiner will consider an application for a conditional use permit for a drive through facility for a redeveloped McDonald’s restaurant on the site of an existing restaurant. The previous development of the property did not include a conditional use permit – this application is intended to rectify that inconsistency.

2. Adjourn
APPLICATION:
This application is for a conditional use permit for a drive through facility for a redeveloped McDonald’s restaurant on the site of the existing restaurant. The previous development of the property did not include a conditional use permit – this application is intended to rectify that inconsistency.

PRELIMINARY INFORMATION:
Applicant: Jason Green, Navix Engineering, 11235 SE 6th St, Suite 150, Bellevue, WA 98004

Property Owner: McDonald’s Restaurant #3731, 841 NE Midway Blvd., Oak Harbor, WA 98277

Address of proposal: 841 NE Midway Blvd., Oak Harbor, WA 98277

Parcel Numbers: S7020-00-00007-0 and R13335-303-3380

Comprehensive Plan Designation: High Intensity Commercial

Zoning Designation: C-3, Community Commercial

Application Presented for Action:
Conditional Use Application (CUP-19-01) - Review Process III

Attachments:
Attachment 1 Conditional Use Application and Applicant Narrative
Attachment 2 Zoning and Vicinity Map
Attachment 3 Public Noticing Documents

SITE GEOGRAPHY
The subject building is located between SR 20 and NE Midway Blvd, north of NE 7th Avenue. An existing McDonald’s restaurant is located on the property, including parking, landscaping and other site improvements which cover the entire lot. Both street frontages along SR 20 and NE Midway Boulevard include all improvements such as sidewalks, curb and gutters. The parcel generally slopes downward from northeast to southwest. Land uses abutting the site include the following:

<table>
<thead>
<tr>
<th>Existing Land Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North: Financial/Office building</td>
<td>C-3, Community Commercial</td>
</tr>
<tr>
<td>South: Office buildings</td>
<td>C-3, Community Commercial</td>
</tr>
<tr>
<td>East: Bank</td>
<td>C-3, Community Commercial</td>
</tr>
<tr>
<td>West: Fast food restaurant and bank building</td>
<td>C-3, Community Commercial</td>
</tr>
</tbody>
</table>
BACKGROUND and PROJECT DESCRIPTION:
The applicant proposes to demolish the existing restaurant and redevelop the site including a new building, drive-through lanes, parking areas and landscape improvements. While the existing restaurant includes a drive-through lane and windows, those were not approved previously, therefore this application will formalize the use on site and allow the property to be compliant with OHMC Section 19.20.350, under which a drive-through is considered an ‘outdoor use’ for purposes of zoning review.

Conditional Use Permit Application
The subject parcel is currently zoned Community Commercial (C-3). The site’s proposed use as a restaurant is listed under OHMC Section 19.20.340 as a Principal Permitted Use, with the ‘outdoor use’ of a drive-through window listed as a Conditional Use in OHMC Section 19.20.350.

OHMC Section 19.20.350 further details standards for outdoor uses, including the provision of appropriate screening as approved by the director, a prohibition from locating such use adjacent to residentially-zoned properties, and a prohibition from the use being located in a front yard setback. Staff has determined that the application for the drive-through use meets these standards.

Following OHMC Section 18.20.250(2)(b), the review of applications for conditional uses are Review Process III actions. Such actions are subject to an open record public hearing before the Oak Harbor Hearing Examiner, followed by a final decision by the Examiner.

Conditional Use Review
OHMC Section 19.20.350 further details standards for outdoor uses, including the provision of appropriate screening as approved by the director; a prohibition from locating such use adjacent to residentially-zoned properties; and a prohibition from the use being located in a front yard setback. Staff has determined that the application for the drive-through use meets these standards.

According to OHMC Section 19.67.030, “No conditional use shall be granted unless it meets the following criteria:”

(1) All special conditions for the particular use are met;

(2) It does not have a significant, adverse environmental impact resulting in excessive noise, light and glare or soil erosion on adjacent property;

(3) It is provided with adequate parking;

(4) It is served with adequate public streets, public utilities and facilities;

(5) It otherwise meets the purpose of the district in which it is to be placed;

(6) It meets the goals and policies of the Oak Harbor comprehensive plan. (Ord. 1555 § 27, 2009).

As noted previously, the application meets the special conditions related to adjacency to residential properties, screening and location outside the front setback.
The application should not be expected to create an adverse environmental impact including the specific items listed. As the design proposes, noise from idling vehicles will be located well away from residential uses, light will be directed generally away from neighboring buildings and soil erosion will be handled through the development standards reviewed in the Site Plan application and required by the Western Washington Stormwater Management Manual.

Parking proposed for the site meets the standards set forth in OHMC Chapter 19.44. Consistency with that requirement will be ensured through the Site Plan review process.

The location of the proposed restaurant has been the home of a similar facility without apparent issues regarding the provision of the public services listed. The new facility is not expected to place undue burden on those existing services.

As noted in the OHMC, “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.” Staff concurs with the applicant that the proposed use meets this purpose.

The proposed use will fit into the existing neighborhood as noted above and is consistent with the Oak Harbor Comprehensive Plan Goals and Policies below.

**Land Use Element:**

Goal 1.a – Encourage land use densities/intensities where services exist or are readily available.

Goal 8 – To ensure that the location, situation, configuration, and relationship of the varied land uses within the UGA are consistent and compatible.

Goal 15 – To establish and maintain sufficient land within the City of Oak Harbor zoned to ensure a wide range of public and quasi-public services to meet community needs.

Goal 19 – To create and maintain a balanced community that mixes residential use and non-residential uses in a way that promotes environmental quality and community aesthetics.

**Transportation Element:**

Goal 4.c – Encourage land use development patterns that reduce the demand for increased capacity on roadways.

**Future Site Plan and other review processes**

If the Conditional Use Permit is approved, the applicant plans to submit a Site Plan review application. As a part of the application for Site Plan approval, the applicant will be required to meet the standards of the OHMC including, but not limited to, the Site Plan section (OHMC Chapter 19.48), Landscaping requirements (19.46), Parking standards (19.44) and elements of the Design Regulations and Guidelines (DRG) document.

These items are not up for consideration for the Hearing Examiner but will be reviewed as part of
an overall submittal by staff administratively. Staff will ensure that the standards listed in the OHMC are met by the applicant. The Conditional Use Permit in this case should be viewed as a first step in the process – without Conditional Use approval, the applicant would not proceed with the time and expense of preparing a full Site Plan application package.

**Conclusion**
Staff has reviewed the application against the Conditional Use Permit standards and has determined that the application meets the specific criteria of OHMC Chapter 19.67 and that the overall site layout and design generally meet the intent of the OHMC and the Design Regulations and Guidelines document. Staff will work with the applicant to ensure compliance with all requirements for the project at the time of Site Plan application.

**SEPA**
A SEPA checklist will be required for this project. That review will occur concurrently with the Site Plan review.

**LEGAL NOTICE**
A Notice of Application and notice to neighboring property owners were mailed and posted on October 1, 2019. The Notice of Public Hearing for the Conditional Use Permit was advertised November 9, 2019.

**PUBLIC COMMENTS**
The City has received no comment on this application.

**RECOMMENDED ACTION**
Staff recommends that the Hearing Examiner conduct the public hearing and approve CUP-19-01 subject to the following conditions of approval:

1. The proposed Conditional Use consisting of a drive-through lane, service windows and appurtenances shall be in general conformance with the narrative and application materials submitted by the applicant dated September 11, 2019, as attached in Exhibit 1 and abide by conditions and requirements set forth within this report.

2. That the future application for Site Plan review of the proposed project meet the applicable standards of the Oak Harbor Municipal Code for the C-3 zone district.

3. Landscape screening of the drive-through area will be approved as a part of the site plan.

4. The conditional use shall not be transferable to a subsequent user unless specifically authorized by the hearing examiner who finds it appropriate and a permit authorizing the transferability is on record with the Island County auditor.

5. The conditional use permit must be acted on within one year of the date of granting. Otherwise the conditional use permit shall expire and be null and void.

6. The conditional use permit applies only to the property for which the application is made.
CUP-19-01

Staff Report

Attachment 1:
Conditional Use Application and Applicant Narrative

November 25, 2019
City of Oak Harbor
Development Services Department
865 SE Barrington Drive, Oak Harbor, WA 98277
http://www.oakharbor.org

Summary Application

Project Information

Project Name: McDonald's Redevelopment
Project Address: 841 NE Midway Blvd, Oak Harbor, WA 98277

Description of Work: The project will include the demolition of an existing 3,572 SF McDonald's Restaurant, single-lane drive thru, 45 stall asphalt paved parking lot, and associated underground utilities. The proposed redevelopment will include a new 5,241 SF McDonald's Restaurant, dual-lane drive-thru, 41 stall asphalt paved parking lot, and associated underground utilities.

Assessor Parcel Number(s): S7020-00-00007-0 and R13335-303-3380
Land Area (sq. ft. or acres): 44,568 SF (1.02 AC) Zoning District: C-3 (Community Commercial)

What is the Project Valuation (best guess, if necessary) $ Approx. $1,500,000

Applicant Information

Applicant Name: McDonald's USA LLC (Curt Hobbs)
Address: 9805 NE 116th Street, Suite A302
City/State: Kirkland, WA Zip: 98034 Phone/Fax: 425.305.0266
Email: curt.hobbs@us.mcd.com

Applicant's Interest to Property* (check one):

☒ Owner  □ Owner's Agent  □ Lessee  □ Contractor  □ Licensed Architect  □ Licensed Engineer

☐ Other (specify) ________

Primary Contact (if other than applicant)
Name: Navix Engineering (Jason Green)
Address: 11235 SE 6th Street, Suite 150
City/State: Bellevue, WA Zip: 98004 Phone/Fax: 425.458.7934
Email: jgreen@navixeng.com

Property Owner(s) (if other than applicant)
Name: McDonald's Restaurant #3731
Address: 841 NE Midway Blvd
City/State: Oak Harbor, WA Zip: 98277 Phone/Fax: 425.305.0266
Email: c/o: curt.hobbs@us.mcd.com

*Documentation demonstrating authorization to sign applications on behalf of the Owner(s) is required.
All Persons/Firms having an ownership interest in the property:

Name: McDonald's USA LLC Phone: 425 505 0206

Name: ___________________________ Phone: ___________________________

Name: ___________________________ Phone: ___________________________

Architect / Engineer:

Name: Navix Engineering (Jason Green) Address: 11235 SE 6th Street, Suite 150
City/State: Bellevue, WA Zip: 98004 Phone/Fax: 425 453 7934
Email: jgreen@navixeng.com

Architect / Engineer:

Name: Core States (Kelly Taska) Address: 700 Commerce Drive, Suite 500
City/State: Oak Brook, IL Zip: 60523 Phone/Fax: 224 531 1065
Email: kteska@core-eng.com

Contractor:

Name of Business: TBD

Contact Person: ___________________________

Address: ___________________________

City/State: ___________________________ Zip: __________ Phone/Fax: ________

Email: ___________________________

WA State Contractors License: ___________________________

City of Oak Harbor Business License: ___________________________

Authorization

I declare under penalty of the perjury laws that the information I have provided on this form/application is true, correct, and complete.

[Signature]

Date 9 Sep 19

*Documentation demonstrating authorization to sign applications on behalf of the Owner(s) is required.
**Permit Type** (check all that apply)

- Building
- X Land Use
- X Engineering
- ☐ Grading Only
- ☐ Land Clearing Only
- ☐ Demolition Only
- ☐ Residential Construction
- X Commercial Construction

**Permits Requested** (check all that apply)

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</tbody>
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*Are you requesting to process the applications individually per OHMC 18.20.360(1)?
☐ Yes ☑ No

**Project Details** (fill in all applicable sections)

**Ground Disturbance:** ☑ Yes ☐ No  If yes, completes the following questions:

Is disturbance greater than 100 cubic yards? ☑ Yes ☐ No

Type of equipment to be used: **TBD**

Total cubic yards of excavation **TBD**  Total cubic yards of fill **TBD**

**Critical Areas:**

Does the site contain a critical area as defined in OHMC 20.12.030(2)? ☐ Yes ☑ No ☐ Unknown

If yes, please state critical area type(s): **N/A**

**Shoreline:**

Is construction planned within 200 feet of ordinary high water? ☐ Yes ☑ No ☐ Unknown

**Floodplain:**

Is the project site/property/or portions of the property within a floodplain? ☐ Yes ☑ No ☐ Unknown

**Documentation demonstrating authorization to sign applications on behalf of the Owner(s) is required.**
Stormwater:
Will the completed project result in 2,000 or more square feet of impervious surface? ☑ Yes ☐ No ☐ Unknown

Total replaced new and impervious surface (in sq. ft) __________ TDD - To be provided at a later date.

What is the stormwater facility type(s) proposed to be used for the project? __________ TBD - To be provided at a later date.

Project Details (fill in all applicable sections)

Land Clearing: ☑ Yes ☐ No If yes, complete the following questions: All existing vegetation within the
Percentage of land to be cleared __________ Types of vegetation to be removed __________ limits of disturbance will be removed

Garry Oaks on the property? ☑ Yes ☐ No Estimated date of clearing __________

Type of equipment to be used __________ TBD

Transportation Concurrency:
Licensed Traffic Engineer __________ Phone __________ Email __________

Total length of public streets Approx. 340 (Adjacent ROW) Total length of private streets N/A

Existing property use Fast-Food Restaurant with Drive-Thru

Land Use Data:
Sq ft of new construction Approx. 5,241 SF Building __________ Existing property use Fast-Food Restaurant with Drive-Thru

Proposed Property Use Fast-Food Restaurant with Drive-Thru __________ Housing Type Proposed N/A

Proposed Number of Buildings 1 Building __________ Number of Existing Dwelling Units N/A

Number of Proposed Dwelling Units N/A __________ Number of Existing Parking Spaces 45

Number of New Parking Spaces 41 __________ Number of Existing Lots 2 Ex. Parcels

Number of New Lots Proposed 2 Ex. Parcels to remain Proposed Density N/A

*Documentation demonstrating authorization to sign applications on behalf of the Owner(s) is required.
September 6, 2019

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

Subject: McDonald’s Redevelopment; Oak Harbor, Washington
Conditional Use Application – Project Cover, Narrative, and Criteria

To whom it may concern:

The purpose of this letter is to discuss the proposed McDonald’s Redevelopment at 841 NE Midway Blvd associated with this Conditional Use Permit (CUP) Application Submittal. As discussed in the City of Oak Harbor Pre-Application Review Comments (PRE-17-11, dated 9/25/2018), the restaurant use is a permitted use in the C-3 zoning district. However, there are no records of an Approved CUP for the drive-thru use. Therefore, the City of Oak Harbor is requiring the applicant to submit this CUP Application for review and approval.

Below you’ll find the cover letter noting the items included in this CUP submittal package, a project narrative discussing the proposed project, and how the project meets and/or exceeds the CUP criteria.

**Cover Letter**

We are pleased to submit the following information to the City of Oak Harbor for review of this CUP Application:

- Ten (10) copies of this Cover Letter, Project Narrative, and Project Criteria
- Ten (10) copies of the Conditional Use Plans (Site Improvement Plan, Landscape Plan, and ALTA/Topographic Survey)
- One (1) Application Form
- One (1) Critical Area Identification Form
- One (1) set of Mailing List and associated Map showing properties within 300 feet of the project site

**Project Narrative**

The project site is located at 841 NE Midway Blvd, Oak Harbor, Washington, consists of two tax parcels (S7020-00-00007-0 and R13335-303-3380), and is located within Oak Harbor’s Community Commercial (C-3) zone. The total site area is approximately 1.02 acres and is currently occupied by

MCD Oak Harbor_Project Cover, Narrative, and Criteria_190906.doc
an existing 3,572 SF McDonalds Restaurant, 45-stall paved parking lot, and single-lane drive-thru. The existing building, parking lot, drive-thru, and associated underground utilities will be demolished as part of this redevelopment. The proposed redevelopment consists of a new approx. 5,241 SF McDonalds Restaurant, 41-stall asphalt paved parking lot, dual-lane drive-thru, and associated underground utilities.

**Conditional Use Criteria**

1. Are all special conditions for the particular use being met by the proposal? (Certain uses have specific conditions listed when considered as a Conditional use. For example, the Residential Office district permits restaurants as a conditional use but it cannot have a drive-up window. If no specific conditions exists then state that none exists.)  
   *Response: As discussed during a phone conversation with the City of Oak Harbor on 9/6/2019, the drive-thru use will be considered for approved as an outdoor use. Per OHMC 19.20.350 (10), an outdoor use is a permitted conditional use only if in conjunction with a fully permitted use. The drive-thru will not be located within the front yard setback. Due to the functionally of the drive-thru (outdoor use) and the ability for a vehicle within the drive-thru to exit prior to the pay/pickup windows, a sight-obscuring fence or other appropriate screening measures cannot be placed around the outside edge of the outdoor use. Additionally, surrounding the outside edge of the outdoor use may prohibit maneuvering of delivering and trash vehicles. However, a sight-obscuring fence or plantings will be provided along the northern and eastern boundaries to ensure the intent of this special condition is met.*

2. Does the proposed use have a significant, adverse environmental impact resulting in excessive noise, light and glare or soil erosion on adjacent property?  
   *Response: The drive-thru use will not have any significant, adverse environmental impacts resulting in excessive noise, light, glare, or soil erosion. The proposed redevelopment of the project site, including its drive-thru use, will function in a similar manner as is in the existing conditions. Additionally, the proposal will provide greater capacity for drive-thru vehicles, which is intended to improvement upon the on-site traffic patterns.*

3. Is the proposed use provided with adequate parking? (list the parking requirement for the proposed as per the OHMC Sec 19.44.100 and also the number of parking spaces provided on the site. Refer to OHMC Sec 19.20.320 (10) for uses in the CBD District).  
   *Response: Per OHMC Sec 19.44.100, “the project will require one parking stall per three seats, plus one space for every two employees on the largest shift.” The proposed project includes 41 total parking stalls which meets the code requirements based on the proposed 93 seats and 20 employees on the largest shift. The following calculation was used to confirm the minimum parking requirement:  
   
   \[(93/3) + (20/2) = 31 + 10 = 41.\]

   *Therefore, the proposed use provides adequate parking per City of Oak Harbor code.*

4. Is the proposed use served with adequate public streets, public utilities and facilities?  
   *Response: The project site is accessible from State Route 20 to the west and NE Midway Blvd to the east. Additionally, the site is located adjacent to a bus stop on NE Midway Blvd. The site is...*
also currently serviced by public utilities (water, sewer, power, gas, telecom) and will continue to be served by public utilities in the redeveloped conditions.

5. Does the proposed use meet the purpose and intent of the district in which it is to be located? 
Response: As defined in OHMC 19.20.335, the purpose and intent of the C-3 Zone is 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.” The proposed McDonald’s Redevelopment will continue to serve the needs of the community as is in the existing condition.

6. Does the proposed use meet goals and policies listed in the Oak Harbor Comprehensive Plan? 
Response: As discussed in the Oak Harbor Comprehensive Plan, “commercial uses in Oak Harbor are primarily located along the major transportation corridors such as SR 20. SR 20 is intended to be flanked by big-box storages, national chain restaurants, and medium-sized national change drug stores.” Therefore, the proposed project meets the intent and goals of the Comprehensive Plan by providing a national chain restaurant along State Route 20.

We look forward to your review of this CUP Application and request to allow the drive-thru use to be included in the proposed redevelopment of the project site. Once you’ve received and reviewed these submittal materials, please contact me via email (jgreen@navixeng.com) or my direct line (425-458-7934) to confirm a date and time for the hearing examiner.

Thank you.

Sincerely,

Jason Green, Project Manager
CUP-19-01

Staff Report

Attachment 2:

Zoning and Vicinity Map

November 25, 2019
CUP-19-01

Staff Report

Attachment 3:

Public Noticing Documents

November 25, 2019
AFFIDAVIT OF POSTING

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

I, Gary Fairfax, hereby certify that I did, on the 30th day of Sept., 2019 post 2 notice(s), a copy of which is hereunto attached, marked "Exhibit", and by the reference made a part thereof, at the following location(s):

1. 841 NE Midway Blvd, driveway entrance
2. SR 20 driveway entrance

advertising a Notice of Application for Conditional Use Application (CUP-19-01), for the proposed McDonalds Restaurant dual drive thru lanes.

(Signature of person posting)

SIGNED AND ATTESTED to before me this 30 day of September, 2019 by Gary Fairfax.

Notary Public
State of Washington
Lisa K Bebee
My Appointment Expires Jan. 19, 2020

Notary Public in and for the State of Washington, Oak Harbor City/County
Commission expires Jan 19, 2020
CERTIFICATION OF MAILING
NOTICE TO ADJACENT PROPERTY OWNERS

I, Lisa Bebee, certify under penalty of perjury under the laws of the State of Washington, that the following is true and correct:

That on the 1st day of October 2019, I deposited in the U.S. mail, postage prepaid, a copy of the Notice to Adjacent Property Owners for Conditional Use CUP-19-01 and a copy of which is attached hereto and by reference made a part hereof) to the following property owners:

(see attached)

Executed this 1st day of October 2019 in Oak Harbor, Washington.

(Signature of person mailing)
October 2, 2019

NOTICE TO ADJACENT PROPERTY OWNERS
NOTICE OF APPLICATION

McDonald's Restaurant Redevelopment
APPLICATION: Conditional Use CUP-19-01

McDonald's USA LLC has submitted a conditional use (CUP-19-01) application for the proposed dual drive-thru lanes. This application will be part of the redevelopment plan to include demolition of the existing 3,572 square foot restaurant, construction of new 5,241 square foot restaurant and associated improvements. The applicant intends to submit for site plan review after the conditional use process is completed.

The plans have been circulated to City staff for review and comments. Plans for the proposal are available for review at the City of Oak Harbor's Development Services Department, located in City Hall. For more information, please call (360) 279-4510.

PROJECT LOCATION: The property location is at 841 NE Midway Blvd, S7020-00-00007-0, R13335-303-3380.

PUBLIC COMMENT PERIOD: To make written comments on this proposal, please mail or hand deliver specific comments to: City of Oak Harbor, Development Services Department, 865 SE Barrington Drive, Oak Harbor, WA 98277, no later than 5:00 p.m. on October 16, 2019. If you have questions regarding this proposal, please contact the Development Services Department at (360) 279-4510, between 8:00 a.m. and 5:00 p.m.

PUBLIC HEARING REQUIRED: The conditional use application (CUP-19-01) will be scheduled for a public hearing before the Hearing Examiner. The notice of public hearing will be mailed when the date and time has been established for the hearing.

ENVIRONMENTAL DOCUMENTS AND/OR STUDIES APPLICABLE TO THIS PROJECT: n/a

To receive notification of the decision on this proposal, please send a self-addressed, stamped envelope and request the Finding of Facts for application CUP-19-01 from the City of Oak Harbor, Development Services Department, 865 SE Barrington Drive, Oak Harbor, WA 98277.
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<td>726 NE MIDWAY BLVD</td>
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<tr>
<td>HOLMAN, D S &amp; REBECCA D BROWN</td>
<td>775 NE MIDWAY BLVD, LLC</td>
<td>OAK HARBOR</td>
<td>WA</td>
<td>98277</td>
</tr>
<tr>
<td>HETTICH, GERALD D R</td>
<td>22890 NE 127TH WAY</td>
<td>REDMOND</td>
<td>WA</td>
<td>98053</td>
</tr>
<tr>
<td>HOLMAN, D S &amp; REBECCA D BROWN</td>
<td>1280 NE 8TH AVE</td>
<td>OAK HARBOR</td>
<td>WA</td>
<td>98277</td>
</tr>
<tr>
<td>WHIDBEY SIGN COMPANY, LLC</td>
<td>1184 VIEW POINT DR</td>
<td>OAK HARBOR</td>
<td>WA</td>
<td>98277</td>
</tr>
<tr>
<td>PULU, FRANK F &amp; WANDA J PULU</td>
<td>32945 SR 20</td>
<td>OAK HARBOR</td>
<td>WA</td>
<td>98277</td>
</tr>
<tr>
<td>MCDONALD'S RESTAURANT #3731</td>
<td>841 NE MIDWAY BLVD</td>
<td>OAK HARBOR</td>
<td>WA</td>
<td>98277</td>
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<tr>
<td>KIM, MYONG CHA</td>
<td>910 NE MIDWAY BLVD</td>
<td>OAK HARBOR</td>
<td>WA</td>
<td>98277</td>
</tr>
<tr>
<td>NEilon, James A</td>
<td>1065 AMERICAN LN</td>
<td>COUPEVILLE</td>
<td>WA</td>
<td>98239</td>
</tr>
<tr>
<td>US BANK OF WASHINGTON &amp; %US</td>
<td>2800 E LAKE ST</td>
<td>MINNEAPOLIS</td>
<td>MN</td>
<td>55406</td>
</tr>
<tr>
<td>DOUGLAS, JOEL</td>
<td>405 FIELDSTON RD</td>
<td>BELLINGHAM</td>
<td>WA</td>
<td>98225</td>
</tr>
<tr>
<td>CURTIS, GARY R &amp; CAROL M TESSON</td>
<td>1811 CAY WAY</td>
<td>ANACORTES</td>
<td>WA</td>
<td>98221</td>
</tr>
<tr>
<td>RYAN INTL, LLC</td>
<td>721 NE MIDWAY BLVD</td>
<td>OAK HARBOR</td>
<td>WA</td>
<td>98277</td>
</tr>
<tr>
<td>MANGIAMELI TRUSTEE, JOHN</td>
<td>1020 NE 7TH AVE #4</td>
<td>OAK HARBOR</td>
<td>WA</td>
<td>98277</td>
</tr>
</tbody>
</table>
CERTIFICATION OF POSTING
NOTICE OF APPLICATION

Office of the City Administrator
865 SE Barrington Drive
Oak Harbor, WA 98277

I, Lisa Bebee, hereby certify under penalty of perjury under the laws of the State of Washington, that the following is true and correct:

That on the 1st day of October 2019, I did post 2 notices (a copy of which is attached hereto and by reference made a part hereof) at the following locations:

1&2) Oak Harbor City Hall
865 SE Barrington Drive
Oak Harbor, WA 98277

advertising a Notice of Application CUP-19-01

Executed this 1st day of October 2019 in Oak Harbor, Washington.

(Signature of person posting)
McDonald’s USA LLC has submitted a conditional use (CUP-19-01) application for the proposed dual drive-thru lanes. This application will be part of the redevelopment plan to include demolition of the existing 3,572 square foot restaurant, construction of new 5,241 square foot restaurant and associated improvements. The applicant intends to submit for site plan review after the conditional use process is completed.

The plans have been circulated to City staff for review and comments. Plans for the proposal are available for review at the City of Oak Harbor’s Development Services Department, located in City Hall. For more information, please call (360) 279-4510.

PROJECT LOCATION: The property location is at 841 NE Midway Blvd, S7020-00-00007-0, R13335-303-3380.

PUBLIC COMMENT PERIOD: To make written comments on this proposal, please mail or hand deliver specific comments to: City of Oak Harbor, Development Services Department, 865 SE Barrington Drive, Oak Harbor, WA 98277, no later than 5:00 p.m. on October 16, 2019. If you have questions regarding this proposal, please contact the Development Services Department at (360) 279-4510, between 8:00 a.m. and 5:00 p.m.

PUBLIC HEARING REQUIRED: The conditional use application (CUP-19-01) will be scheduled for a public hearing before the Hearing Examiner. The notice of public hearing will be mailed when the date and time has been established for the hearing.

ENVIRONMENTAL DOCUMENTS AND/OR STUDIES APPLICABLE TO THIS PROJECT: n/a

To receive notification of the decision on this proposal, please send a self-addressed, stamped envelope and request a Finding of Facts for application CUP-19-01 from the City of Oak Harbor, Development Services Department, 865 SE Barrington Drive, Oak Harbor, WA 98277.

Lisa Bebee                                     Published:  Whidbey News Times
Permit Coordinator                            Date: October 2, 2019
CERTIFICATION OF NOTIFICATION
OF PUBLIC HEARINGS

Oak Harbor Hearing Examiner
865 SE Barrington Drive
Oak Harbor, Washington 98277

I, Sarah Heller, acting as the Development Services Department Administrative Assistant for the City of Oak Harbor, certify under penalty of perjury under the laws of the State of Washington that:

1. On the 6th day of November, 2019, I provided written notice to the Whidbey News Times Legals (legals@soundpublishing.com), to be published in the paper on the 9th day of November, 2019, of the Public Hearing before the Hearing Examiner, which is scheduled for the 25th day of November, 2019; and

2. On the 7th day of November, 2019, I posted the notice on the City of Oak Harbor website.

Signed this 18th day of November, 2019, at Oak Harbor, Washington.

Sarah Heller
Administrative Assistant
Notice is hereby given that the following public hearing will be held before the City of Oak Harbor Hearing Examiner in the Council Chambers at City Hall on Monday, November 25, 2019 at 1:30 PM, or as soon thereafter as possible following any preceding items, to consider the following item:

MCDONALD’S – CONDITIONAL USE PERMIT: CUP-19-01

The Hearing Examiner will consider an application for a conditional use permit for a drive through facility for a redeveloped McDonald’s restaurant on the site of an existing restaurant. The previous development of the property did not include a Conditional Use permit – this application is intended to rectify that inconsistency.

Anyone wishing to comment on the above item or provide other relevant information may appear in person before the Hearing Examiner at the time and place of said public hearing. After obtaining public input and considering the matter, the Hearing Examiner may approve or deny the proposed application. As part of any approval, conditions or limitations may be imposed.

For additional information, you may contact the Department of Development Services in City Hall at (360) 279-4510. All meetings of the Hearing Examiner are open to the public.

PUBLISHED Whidbey News Times Saturday, November 9, 2019
CERTIFICATION OF POSTING
PUBLIC HEARING NOTICES

Oak Harbor Hearing Examiner
865 SE Barrington Drive
Oak Harbor, Washington  98277

I, Sarah Heller, acting as the Development Services Department Administrative Assistant for the City of Oak Harbor, certify under penalty of perjury under the laws of the State of Washington that:

On the 7th day of November, 2019, I did post two (2) notices (a copy of which is attached hereto and by reference made a part hereof) at the following locations:

1. Oak Harbor City Hall – Upstairs bulletin board
   865 SE Barrington Drive
   Oak Harbor, WA  98277

2. Oak Harbor City Hall – Downstairs bulletin board
   865 SE Barrington Drive
   Oak Harbor, WA  98277

Advertising a public hearing for McDonald’s Conditional Use Permit CUP-19-01 before the Hearing Examiner on the 25th day of November, 2019.

Executed this 18th day of November, 2019, at Oak Harbor, Washington.

Sarah Heller
Administrative Assistant
NOTICE OF PUBLIC HEARING BEFORE
HEARING EXAMINER

HE 11-25-2019

Notice is hereby given that the following public hearing will be held before the City of Oak Harbor Hearing Examiner in the Council Chambers at City Hall on Monday, November 25, 2019 at 1:30 PM, or as soon thereafter as possible following any preceding items, to consider the following item:

**MCDONALD’S – CONDITIONAL USE PERMIT: CUP-19-01**
The Hearing Examiner will consider an application for a conditional use permit for a drive through facility for a redeveloped McDonald’s restaurant on the site of an existing restaurant. The previous development of the property did not include a Conditional Use permit – this application is intended to rectify that inconsistency.

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For additional information, you may contact the Department of Development Services in City Hall at (360) 279-4510.

All meetings of the Hearing Examiner are open to the public.

Sarah Heller, sheller@oakharbor.org
Administrative Assistant

**POSTED ON THURSDAY, NOVEMBER 7, 2019:**
  POSTED: City Hall Bulletin Boards
  POSTED: www.oakharbor.org

**EMAILED ON WEDNESDAY, NOVEMBER 6, 2019:** legals@soundpublishing.com

**PUBLISHED ON SATURDAY, NOVEMBER 09, 2019:** Whidbey News Times

**REMOVE TUESDAY, NOVEMBER 26, 2019**
CERTIFICATION OF MAILING
NOTICE TO ADJACENT PROPERTY OWNERS

I, Sarah Heller, certify under penalty of perjury under the laws of the State of Washington, that the following is true and correct:

That on the 18th day of November, 2019, I deposited in the U.S. mail, postage prepaid, a copy of the Notice of Public Hearing before the Hearing Examiner for McDonald’s – Conditional Use CUP-19 to take place on November 25, 2019 (a copy of which is attached hereto and by reference made a part hereof) to the attached list of recipients.

Executed this 18th day of November, 2019, in Oak Harbor, Washington.

Sarah Heller
Administrative Assistant
November 18, 2019

NOTICE TO ADJACENT PROPERTY OWNERS OF PUBLIC HEARING

OAK HARBOR HEARING EXAMINER

You are receiving this notice because you own property within 300 feet of 841 NE Midway Blvd.

Notice is hereby given that the following public hearing will be held before the City of Oak Harbor Hearing Examiner in the Council Chambers at City Hall on Monday, November 25, 2019 at 1:00 P.M., or as soon thereafter as possible following any preceding items, to consider the following item:

MCDONALD’S – CONDITIONAL USE PERMIT: CUP-19-01

The Hearing Examiner will consider an application for a conditional use permit for a drive through facility for a redeveloped McDonald’s restaurant on the site of an existing restaurant. The previous development of the property did not include a Conditional Use permit – this application is intended to rectify that inconsistency.

Anyone wishing to comment on the above item or provide other relevant information may appear in person before the Hearing Examiner at the time and place of said public hearing. After obtaining public input and considering the matter, the Hearing Examiner may approve or deny the proposed application. As part of any approval, conditions or limitations may be imposed.

The conditional use application is available for review at the City of Oak Harbor Development Services Department at City Hall, 865 SE Barrington Drive. For more information, please contact the Permit Coordinator in the Development Services Department at 360-279-4510.

All meetings of the Hearing Examiner are open to the public.

Sarah Heller
Administrative Assistant
sheller@oakharbor.org
DEMOS DEVELOPMENT CORP
TACO BELL #20012
16000 CHRISTENSEN RD SUITE 101
SEATTLE  WA  98188

BURBank, David e
726 NE MIDWAY BLVD
OAK HARBOR  WA  98277

NORTH WHIDBEY FIRE AND RESCUE
770 NE MIDWAY BLVD
OAK HARBOR  WA  98277

MCDONALD'S RESTAURANT #3731 &
C/O MCDONALD'S BUSINESS OFF
841 NE MIDWAY BLVD
OAK HARBOR  WA  98277

WASINGER, Greg
3186 SW SCENIC HEIGHTS ST
OAK HARBOR  WA  98277

NORTH WHIDBEY FIRE AND RESCUE
770 NE MIDWAY BLVD
OAK HARBOR  WA  98277

PARHANIEMI, Colleen D
PO BOX 1051
COUPEVILLE  WA  98239

COREY FAMILY MIDWAY LLC
BOX 989
OAK HARBOR  WA  98277

NORTH WHIDBEY FIRE AND RESCUE
770 NE MIDWAY BLVD
OAK HARBOR  WA  98277

HOLMAN, D S & REBECCA D BROWN
1280 NE 8TH AVE
OAK HARBOR  WA  98277

775 NE MIDWAY BLVD, LLC
621 DUGUALLA RD
OAK HARBOR  WA  98277

OLIVE, DuANE D & WALLIS J &
TRUSTEES
1004 COMMERCIAL AVE #422
ANACORTES  WA  98221

HETTICH, Gerald D R
22890 NE 127TH WAY
REDMOND  WA  98053

WHIDBEY SIGN COMPANY, LLC
1184 VIEW POINT DR
OAK HARBOR  WA  98277

PULU, Frank F & Wanda J Pulu
32945 SR 20
OAK HARBOR  WA  98277

MOUNT VERNON ABSTRACT & TITLE
CO
PO BOX 445
111 E GEORGE HOPPER RD
BURLINGTON  WA  98233

MCDONALD'S RESTAURANT #3731 &
C/O MCDONALD'S BUSINESS OFF
841 NE MIDWAY BLVD
OAK HARBOR  WA  98277

LUTFI, Anton M & ANNA M LUTFI
2368 MARITIME DR SUITE 100
ELK GROVE  CA  98758

MT VERNON ABSTRACT & TITLE & C/O
LAND TITLE CO ATTN GAIL
PO BOX 445
BURLINGTON  WA  98233

KIM, MYONG CHA
910 NE MIDWAY BLVD
OAK HARBOR  WA  98277

WYMAN CENTER LLC
1309 MORNING MIST LN
OAK HARBOR  WA  98277

NEilon, James a
1065 AMERICAN LN
COUPEVILLE  WA  98239

US BANK OF WASHINGTON & %US
BANK CORP REAL ESTATE
2800 E LAKE ST
MINNEAPOLIS  MN  55406

DOUGLAS, JOEL
405 FIELDSTON RD
BELLINGHAM  WA  98225

CURTIS, Gary r & CAROL M TESSON
1811 CAY WAY
ANACORTES  WA  98221

RYAN INTL, LLC
721 NE MIDWAY BLVD
OAK HARBOR  WA  98277

NAVY FEDERAl CREDIT UNION
PO BOX 24626
MERRIFIELD  VA  22119

MANGIAMELl TRUSTEE, JOHN
1020 NE 7TH AVE #4
OAK HARBOR  WA  98277